

JACKSON COUNTY PUBLIC SCHOOLS  
Regular Business Meeting  
December 17, 2024 – 6:00 p.m.  
Smoky Mountain High School

**AGENDA**

**I. JACKSON COUNTY BOARD OF EDUCATION**

- A. Call to Order (Wes Jamison, Chairman)
- B. Pledge of Allegiance – Jesse Kennedy, SMHS 11<sup>th</sup> Grade
- C. National Anthem – SMHS Choral Department
- D. Approve Agenda

**II. SPECIAL PRESENTATION – (Joey Robinson, SMHS Principal)**

- 1. SMHS Advance Choral Students will perform White Christmas under the direction of Katy Morden - Abby Fisher, Aidan Steins, Drew Callaghan, Thomas Tant, Maya Campbell, Abbi Stevenson, Tatum Griffin, Sades Carroll, Parker Hughes, Aniya Metcalf, Devlin Bright, Elle Williamson, Katie Carpenter, Maddy Thomas, Lillyanna Hall
- 2. SMHS Graduate Skyler Tamarro will discuss the benefits of the JROTC Pro
- 3. PGC Presentation - introduced by Mrs. Cecilia Ruth Marcus, Mrs. Kim Bryson, and Mrs. Stacy Macke. Students: Parker Hughes, Ava Krauss, Anna Buenting

**III. SPECIAL RECOGNITION – (Dr. Dana L. Ayers, Superintendent)**

- 1. Exceeded Growth Teachers: BREC - Nickalus Pressler; SMHS - Katie Ray, Mark Stiffler, Daphne Hughes, Kaila Day - CTE teacher, Melissa Haigler - CTE teacher, Craig McElroy - CTE teacher, Martha Smith - CTE teacher
- 2. State Board of Education School Recognitions – JCEC, SMHS, SMES, BRS, JCS, SCES

**IV. CONSENT ACTION AGENDA**

- A. [Open Session Minutes of Regular Meeting on November 19, 2024.](#)

**V. INFORMATION**

- A. Superintendent's Report (Dr. Dana L. Ayers, Superintendent)
- B. Jackson Community School Discussion (Dr. Dana L. Ayers, Superintendent)
- C. Capital Project Updates (Jake Buchanan, Deputy Superintendent)
- D. [Unaudited Financial Summary](#) (Kristie Walker, Chief Financial Officer)

**VI. OPEN SESSION FOR PUBLIC COMMENTS**

Sign up to speak before meeting. • Designed for school board to listen.

Time to speak limited to 3 minutes • Complaints about individual employees or students prohibited

**VII. ACTION AGENDA**

- A. [Budget Amendments](#) (Kristie Walker, Chief Financial Officer)
- B. [Final Change Order for SMHS Construction Project](#) (Jake Buchanan, Deputy Superintendent)
- C. Policy Updates (Jake Buchanan, Deputy Superintendent)  
First Reading:

1. [Reporting to External Agencies](#) (5150)

Updates:

1. [Parental Involvement](#) (1310/4002)
  2. [Remote Participation in Board Meetings](#) (2302)
  3. [Technology Responsible Use](#) (3225/4312/7320)
  4. [Web Page Development](#) (3227/7322)
  5. [Testing and Assessment Program](#) (3410)
  6. [Student Promotion and Accountability](#) (3420)
  7. [Graduation Requirements](#) (3460)
  8. [Tobacco Products – Students](#) (4320)
  9. [Bullying and Harassing Behavior Prohibited](#) (4329/7311)
  10. [Use of Unmanned Aircraft \(Drones\)](#) (4334/5035/7345)
  11. [Registered Sex Offenders](#) (5022)
  12. [Smoking and Tobacco Products](#) (5026/7250)
  13. [Student Health Services](#) (6120)
  14. [Federal Grant Administration](#) (8305)
  15. [Participation by Minority Businesses](#) (9125)
- I. Field Trips (Dr. Dana L. Ayers, Superintendent)
1. [Blue Ridge Early College, Grade 12 – Williamsburg, VA, May 6-9, 2025, TT9742.](#)
  2. [Jackson Community School, Grades 9-12 – Alcatraz East Crime Museum, Pigeon Forge, TN, March 12, 2025, TT10007.](#)
  3. [Smoky Mountain High School, Grades 9-12 – Catawba Valley Community College, Hickory, NC, March 7-8, 2025, TT10009.](#)

**VIII. CLOSED SESSION – Pursuant to G.S. 143.318.11 for the following purposes: under subsection; (a) (1) to prevent the disclosure of privileged or confidential personnel information pursuant to G.S. 115C-319-321 and (a) (3) to discuss matters protected by the attorney-client privilege.**

**IX. PERSONNEL ACTION AGENDA**

**The next regularly scheduled business meeting of the Board of Education is January 28, 2025, at 6:00 p.m., at Smokey Mountain Elementary School, 884 US Highway 441 North, Whittier, NC.**

**X. Adjournment**

**Jackson County Board of Education  
Minutes of Regular Meeting  
Cullowhee Valley Elementary School  
Cullowhee, North Carolina**

240 Wisdom Drive, Cullowhee, NC

November 19, 2024

6:00 p.m.

The Jackson County Board of Education held their regular session on Tuesday, November 19, 2024, at 6:00 p.m., in the Media Center of Cullowhee Valley Elementary School, 240 Wisdom Drive, Cullowhee, North Carolina. The following members were present:

Wes Jamison, Chairman  
Abigail Clayton, Vice-Chair  
Kim Moore  
Dr. Lynn Dillard  
Gayle Woody

Also present were Dr. Dana L. Ayers, Superintendent; Jacob Buchanan, Deputy Superintendent; Mike Vetter, Director of Human Resources; Greg Stewart, Chief Technology Officer; Ashley Leonard, School Board Attorney; and Cora Fields, Board Assistant.

**CALL TO ORDER**

Chairman Wes Jamison called the business meeting to order.

Melanie Jacobs, Principal of Cullowhee Valley Elementary School, introduced students from CVES Chorus, under the direction of Jamie Davis, who led the Pledge of Allegiance and sang the National Anthem.

**APPROVAL OF AGENDA**

*Upon a motion by Mrs. Abigail Clayton and seconded by Mrs. Kim Moore, the board voted unanimously to approve the Agenda.*

**SPECIAL PRESENTATION**

Melanie Jacobs introduced the CVES Middle School Clubs who performed a *Snow White* skit and discussed the various Middle School clubs and their activities.

**SPECIAL RECOGNITION**

Dr. Ayers presented a Certificate of Recognition to Ms. Emma Maney, for her selection as JCPS Beginning Teacher of the Year and to Ms. Laura Spaulding, for her selection as EC Educator of Excellence of the Year, for the 2024-2025 school year.

**CONSENT ACTION AGENDA**

**Action:** *Upon a motion by Mrs. Abigail Clayton and seconded by Mrs. Gayle Woody, the board unanimously approved the consent action agenda:*

- A. Draft Open Session Minutes of Regular Meeting of October 22, 2024.

### **INFORMATION AGENDA**

- A. **Agenda Item:** Superintendent's Report  
**Presenter:** Dr. Dana Ayers, Superintendent

Dr. Ayers reported on the following:

1. Once again it is good to be hosting Board meetings on a school campus. Thank you, Mrs. Jacobs and the Cullowhee Valley School team, for the hospitality shown to all of us.
2. Thanksgiving is just around the corner and our students and staff are eager to enjoy some down time with family and friends. However, we have a week of instruction remaining. Stay focused and finish the final five days strong. Instruction is always a primary focus, especially as we approach the end of the quarter and semester.
3. On Monday, our infant/toddler class opened at Scotts Creek School. We currently have seven enrolled in the class with space for one more. Thank you, again, to Cassie Rogers for making this happen. We are so pleased with this initiative that supports our JCPS staff and community.
4. This coming weekend is the fall theater performance at Smoky Mountain High School. Students will present Disney's Newsies; shows are Friday through Sunday in the SMHS Auditorium with two shows occurring on Saturday. The production features 84 students and is directed by Katy Morden. I know you won't want to miss this. I haven't missed one yet!!
5. Earlier this month, the Jackson County Board of Commissioners voted to retain the architect firm, Pinnacle Architecture, to work on school capital projects. These projects include the Fairview cafeteria, Blue Ridge gym and other projects, the new middle school and athletic needs at SMHS. I am extremely appreciative of the partnership we have with our commissioners and their support of public education capital needs.
6. Our district has been selected for a Civil Rights review from the NC Department of Public Instruction. This review, in conjunction with a review of the Career and Technical Education program, began today. Mrs. Angie Dills and her CTE team of Melanie Bryson and Corina Gribble have taken on a tremendous amount of work to prepare for this review. We have an opportunity to showcase CTE at SMHS and Blue Ridge Early College.
7. Blue Ridge School and Early College had their new sign installed last week. We are excited that installation finally occurred after months of waiting.
8. In athletics, schools have kicked off the winter sports season with basketball, wrestling, swimming, and indoor track. This is taking place while SMHS football continues their playoff run. The second-round game will be on Friday, November 22nd at 7:00 pm at Erwin High School in Asheville. Please help cheer on our Mustangs to another victory!
9. Finally, I want to share my delight around the EVAAS growth scores that were released two weeks ago. Here's a little context, teachers receive a growth score number and a designation. Designations are Did Not Meet, Met or Exceeded growth. Without getting too technical, a number is assigned that can be a positive or negative number. Anything below a -2.0 does not meet, between -2.0 and positive 2.0 meets and anything above a positive 2.0

exceeds. We had 17 teachers across our district that exceeded growth. While I plan to recognize them each when the board meeting is hosted by their school, I want you to hear their names tonight. I am so proud of their hard work and that of all of our teachers!

Cheryl Saavedra-SMES (Highest growth index in the district---7.09), Tonya Pruett-SMES, Taylor Medford-SCS, Sarah Jenkins-SCS, Michelle Long-SCS (Second highest growth index in the district--5.06, Inga Sutton-JCEC, Amanda Fonseca-JCEC, Alicia Brown-FES, April Mayes-FES, Katie Ray-SMHS, Mark Stiffler-SMHS, Daphne Hughes-SMHS, Kaila Day-SMHS-CTE teacher, Melissa Haigler-SMHS-CTE teacher, Craig McElroy-SMHS-CTE teacher, Martha Smith-SMHS-CTE teacher, and Nick Pressler-BREC-CTE teacher.

10. As I reflect on the approaching Thanksgiving holiday, I remind myself how fortunate I am to live and work in a community that respects and values education. We are blessed to have dedicated staff who love students, desire to be in JCPS and are committed to constant growth.

**B. Agenda Item:** JCPS Strategic Plan

**Presenter:** Mr. Jake Buchanan, Deputy Superintendent and Angie Dills, Assistant Superintendent for Curriculum and Instruction

Mr. Buchanan and Mrs. Dills presented the updated JCPS Strategic Plan.

**C. Agenda Item:** Capital Projects Update

**Presenter:** Mr. Jake Buchanan, Deputy Superintendent

Mr. Buchanan updated the board on construction and capital projects throughout the district.

**D. Agenda Item:** Unaudited Financial Summary

**Presenter:** Mrs. Kristie Walker, Chief Financial Officer

Mrs. Walker presented the Unaudited Financial Summary as of November 19, 2024.

**OPEN SESSION FOR PUBLIC COMMENTS**

None.

**ACTION AGENDA**

**A. Agenda Item:** Budget Amendments

**Presenter:** Kristie Walker, Chief Financial Officer

Mrs. Walker presented the budget amendments for November 19, 2024, and asked for board approval.

**Action:** *Upon a motion by Mrs. Abigail Clayton and seconded by Mrs. Gayle Woody, the board voted unanimously to approve the 11-19-2024 Budget Amendments.*

**B. Agenda Item:** 2023-2024 External Audit and Financial Statements

**Presenter:** Mr. Andy Deal of Anderson, Smith and Wike, CCP

Mr. Deal presented the 2023-2024 External Audit and Financial Statements as an unmodified report with no findings and asked for board approval.

**Action:** *Upon a motion by Mrs. Abigail Clayton and seconded by Dr. Kim Moore, the board voted unanimously to accept the 2023-2024 Audit Findings.*

**C. Agenda Item:** ESSA Memorandum of Understanding between JCPS and DSS

**Presenter:** Mr. Brent Speckhardt, Director of Professional Development and Teacher Growth

Mr. Speckhardt presented the ESSA MOU between JCPS and DSS and asked for board approval.

**Action:** *Upon a motion by Mrs. Abigail Clayton and seconded by Mrs. Kim Moore, the board voted unanimously to approve the ESSA MOU for 2024-2025.*

**D. Agenda Item:** Indian Education Policies and Procedures Annual Approval

**Presenter:** Mr. Brent Speckhardt, Director of Professional Development and Teacher Growth

Mr. Speckhardt presented the Indian Education Policies and Procedures update with no changes and asked for board approval.

**Action:** *Upon a motion by Mrs. Abigail Clayton and seconded by Mrs. Kim Moore, the board voted unanimously to approve the Indian Education Policies and Procedures.*

**E. Agenda Item:** Security Camera Installation

**Presenter:** Mr. Greg Stewart, Chief Technology Officer

Mr. Stewart presented the proposal from MSS for the installation of recently grant-purchased Avigilon security cameras and asked for board approval.

**Action:** *Upon a motion by Mrs. Abigail Clayton and seconded by Mrs. Kim Moore, the board voted unanimously to approve the MSS proposal to install the Avigilon security cameras.*

**F. Agenda Item:** School Improvement Plans Approval

**Presenter:** Mr. Adam Holt, Director of Testing and Accountability

Mr. Holt presented the 2024-2025 School Improvement Plans and asked for board approval.

**Action:** *Upon a motion by Mrs. Abigail Clayton and seconded by Mrs. Kim Moore, the board voted unanimously to approve the 2024-2025 School Improvement Plans.*

**G. Agenda Item:** Policy Updates

**Presenter:** Mr. Jake Buchanan, Deputy Superintendent

1. Parental Involvement (1310/4002)
2. Testing and Assessment Program (3410)
3. Student Promotion and Accountability (3420)

4. Graduation Requirements (3460)
5. Use of Unmanned Aircraft (4334/5035/7345)
6. Student Health Services (6120)
7. Federal Grant Administration (8305)
8. Participation by Minority Businesses (9125)

Mr. Buchanan presented the above-listed policy updates and asked for board approval.

**Action:** *Upon a motion by Mrs. Abigail Clayton and seconded by Mrs. Kim Moore, the board voted unanimously to approve the above-listed policy updates.*

### **CLOSED SESSION**

*The board unanimously approved a motion by Mrs. Abigail Clayton and seconded by Mrs. Kim Moore, to enter into closed session pursuant to G.S. 143.318.11 for the following purposes: under subsection; (a) (1) to prevent the disclosure of privileged or confidential personnel information pursuant to G.S. 115C-319-32 and (a) (3) to discuss matters protected by attorney-client privilege.*

*Upon a motion by Mrs. Abigail Clayton and seconded by Mrs. Kim Moore, the board voted unanimously to return to open session.*

### **OPEN SESSION**

**Action:** *Upon a motion by Mrs. Abigail Clayton and seconded by Mrs. Kim Moore, the board unanimously approved the consent action agenda:*

- A. Closed Session Minutes of Regular Meeting of October 22, 2024.

### **PERSONNEL ACTION AGENDA**

**Action:** *Upon a motion made by Mrs. Abigail Clayton and seconded by Mrs. Kim Moore, the board voted unanimously to approve the personnel agenda as recommended by Dr. Ayers. The board unanimously approved the following recommendations:*

#### **Employee Recommendations:**

1. Ashe, Brianna – Teacher Assistant, CVES
2. Ashe, Stephanie – Bus Driver, CVES
3. Baily, Deanna – School Nutrition Assistant, FES
4. Beam, Michael Gage – Bus Monitor, SMES
5. Davis, Megan – Athletic Director, SCES
6. Ellenburg, Jeremy - Athletic Director, FES
7. Fisher, Rita – Teacher Assistant, SMES
8. Gregory, Melvin – Substitute School Nutrition Assistant, SMHS
9. Heintzelman, Ginny – Field Trip Bus Driver, SCES
10. Kirkland, Kenya – School Nutrition Assistant, CVES
11. McGrew, Tucker – Bus Monitor, SMES
12. McGuire, Carolyn – Substitute School Nutrition Assistant, SCES
13. Morin, Emily - School Nutrition Assistant, FES

14. Mulligan, Tyler – Substitute Bus Driver, CVES
15. Nicholson, Amanda – Infant-Toddler Lead, SCES
16. Potthoff, Allison – Substitute School Nutrition Assistant, FES
17. Richards, Amy - Substitute School Nutrition Assistant, FES
18. Shuler, Brittany – Field Trip Bus Driver, SCES
19. Stephens, Michelle – Teacher, FES

**Employee Resignations:**

1. Larch, Catherine – EC Teacher Assistant, SMHS
2. McAbee, Dustin Michael – Teacher, SMHS
3. Morin, Emily - School Nutrition Assistant, FES

**Employee Retirements:**

1. Burnette, Kimberly – Early Literacy Specialist – DPI Region 8 in Macon County

**Special Requests - Leave of Absence:**

1. Martin, Kirstyn – Teacher, FES
2. Reed, Erin – EC Teacher, FES
3. Sink, Eric – Teacher, CVES

**Staff, Non-Staff and Returning Coach Recommendations:**

1. Ashe, Brandon – Head Coach Men’s Basketball, FES – Returning Staff
2. Bell, Tasha – Head Coach Cheer, SMES – Returning Staff
3. Brennan, Thomas – Head Coach District MS Men’s Basketball, District-SMHS – Returning Non-Staff
4. Carman, Courtney – Assistant Coach Women’s Basketball, FES – New Non-Staff
5. Cope, Clarissa – Head Coach Cheer, FES - Returning Non-Staff
6. Efird, Victoria Nichole – Assistant Coach District MS Women’s Basketball, District-SMHS – New Non-Staff
7. Extine, Megan - Assistant Coach Cheer, FES – New Non-Staff
8. Herren, Steven – Head Coach MS Men’s Basketball, BREC – New Staff
9. Long, Michelle - Head Coach Cheer, SCES – Returning Staff
10. Mayse, Tim – Assistant Coach Varsity Men’s Basketball, BREC – Returning Staff
11. McCall, Kristina - Assistant Coach MS Women’s Basketball, BREC – Returning Staff
12. McCue, Gretchen - Assistant Coach Cheer, SCES – New Staff
13. Miller, Scott – Assistant Coach Men’s Basketball, SMES – Returning Staff
14. Montgomery, Dalton – Assistant Coach District MS Men’s Basketball, District-SMHS – Returning Staff
15. Moody-Bumgarner, Mary – Assistant Coach Cheer, SMES – Returning Staff
16. Mull, Ryan – Assistant Coach MS Men’s Basketball, BREC – Returning Non-Staff
17. Nicholson, Amanda – Head Coach District MS Cheer, District-SMHS – Returning Staff
18. Pierce, Joshua – Head Coach Men’s Basketball, CVES – Returning Staff
19. Pressley, Jennifer – Assistant Coach Women’s Basketball, CVES – Returning Non-Staff
20. Ritchie, Shemm - Assistant Coach Men’s Basketball, SCES – New Non-Staff

21. Saunooke-Leonard, Toineeta – Assistant Coach Women’s Basketball, SMES – New Non-Staff
22. Sharpless, Reuben – Head Coach Women’s Basketball, SMES – Returning Non-Staff
23. Splain, Matthew – Assistant Coach Men’s Basketball, CVES – New Non-Staff
24. Steinel, Ashley – Head Coach MS Women’s Basketball, BREC – Returning Staff
25. Sutherland, Diana – Head Coach Men’s Basketball, SCES – New Staff
26. Sutton, Russell - Head Coach Women’s Basketball, CVES – Returning Staff
27. Sutton, Trevor - Head Coach Men’s Basketball, SMES – Returning Non-Staff

**Action:** *Abigail Clayton recused herself from the vote. Upon a motion made by Mrs. Gayle Woody and seconded by Mrs. Kim Moore, the board approved the following recommendation:*

28. Woods, Robert - Head Coach Women’s Basketball, FES – New Non-Staff

### **ANNOUNCEMENTS**

**The next regularly scheduled business meeting of the Board of Education is December 17, 2024, at 6:00 p.m., at Smoky Mountain High School, 100 Smoky Mountain Drive, Sylva, NC.**

### **ADJOURNMENT**

There being no objection, Chairman Wes Jamison adjourned the meeting at 8:00 p.m.

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Mr. Wes Jamison, Chairman

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Dr. Dana L. Ayers, Secretary

# UNAUDITED FINANCIAL SUMMARY DECEMBER 2024

Fund	Fund Description	Beginning		Budget Adjustments	Current		Year-to-Date Exp/Rev	PO's & Encumbrances		Remaining Balance	Percent Spent
		Budget/Beg Balance			Budget/Balance			Outstanding			
1	STATE PUBLIC SCHOOL FUND	\$28,413,024.00		\$141,451.00	\$28,554,475.00		\$11,850,712.64	\$146,518.31		\$16,557,244.08	42.02%
2	LOCAL FUNDS	\$11,542,861.00		\$0.00	\$11,542,861.00		\$4,794,377.13	\$84,771.62		\$6,663,712.25	42.27%
3	FEDERAL GRANT FUND	\$3,268,454.14		\$7,981.00	\$3,276,435.14		\$1,255,647.31	\$41,546.47		\$1,979,241.36	39.59%
4	THE CAPITAL OUTLAY FUND	\$5,626,990.00		\$6,000,000.00	\$11,626,990.00		\$504,567.54	\$657,248.38		\$10,465,174.08	9.99%
5	CHILD NUTRITION FUND	\$3,701,290.00		\$0.00	\$3,701,290.00		\$807,365.35	\$120,064.06		\$2,773,860.59	25.06%
6	TRANSPORTATION FUND	\$0.00		\$0.00	\$0.00		\$0.00	\$156,162.00		(\$156,162.00)	
8	OTHER SPECIFIC REVENUE FUND	\$5,251,486.00		\$0.00	\$5,251,486.00		\$1,444,803.46	\$379,269.09		\$3,427,413.45	34.73%
	<b>Grand Total</b>	<b>\$57,804,105.14</b>		<b>\$6,149,432.00</b>	<b>\$63,953,537.14</b>		<b>\$20,657,473.43</b>	<b>\$1,585,579.93</b>		<b>\$41,710,483.78</b>	<b>34.78%</b>

This reflects that our spending is within our Budget Resolution for 2023-2024.

# UNAUDITED FINANCIAL SUMMARY DECEMBER 2023

Fund	Fund Description	Beginning		Budget Adjustments	Current		Year-to-Date Exp/Rev	PO's & Encumbrances		Remaining Balance	Percent Spent
		Budget/Beg Balance			Budget/Balance			Outstanding			
1	STATE PUBLIC SCHOOL FUND	\$28,914,729.00		\$330,522.00	\$29,245,251.00		\$11,631,880.64	\$119,857.84		\$17,493,512.52	40.18%
2	LOCAL FUNDS	\$10,005,814.00		\$0.00	\$10,005,814.00		\$4,196,247.86	\$206,664.88		\$5,602,901.26	44.00%
3	FEDERAL GRANT FUND	\$6,331,237.05		\$2,426.00	\$6,333,663.05		\$2,153,379.25	\$53,232.55		\$4,127,051.25	34.84%
4	THE CAPITAL OUTLAY FUND	\$1,822,510.00		\$0.00	\$1,822,510.00		\$688,392.68	\$485,344.86		\$648,772.46	64.40%
5	CHILD NUTRITION FUND	\$3,343,992.00		\$0.00	\$3,343,992.00		\$1,150,101.91	\$133,477.58		\$2,060,412.51	38.38%
6	TRANSPORTATION FUND	\$60,000.00		\$0.00	\$60,000.00		\$0.00	\$0.00		\$60,000.00	0.00%
8	OTHER SPECIFIC REVENUE FUND	\$5,826,698.00		\$0.00	\$5,826,698.00		\$1,043,600.74	\$95,949.38		\$4,687,147.88	19.56%
	<b>Grand Total</b>	<b>\$56,304,980.05</b>		<b>\$332,948.00</b>	<b>\$56,637,928.05</b>		<b>\$20,863,603.08</b>	<b>\$1,094,527.09</b>		<b>\$34,679,797.88</b>	<b>38.77%</b>

\*\*\* FOR COMPARISON PURPOSES ONLY \*\*\*

BUDGET AMENDMENT  
Jackson County Schools Administrative Unit  
CAPITAL OUTLAY

The Jackson County Board of Education, at a meeting on the 17th day of December 2024, passed the following resolution: Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2025.

The attached list of increases and decreases in expenditures is hereby incorporated by reference as if fully set forth herein.

Revenue Sources:			
Description	PRC	Budget Code	Amount
Capital Outlay-Co. Construction	641		\$ 6,000,000
Total Appropriation in Current Budget		\$	3,626,990
Amount of Increase (Decrease) of this Amendment			<u>6,000,000</u>
			<u><b>\$ 3,626,990</b></u>

Explanation: Additional allocation for upcoming county funded construction as per the latest financial reporting requested from the County.

Passed by a majority vote of the Jackson County Board of Education on the 17th day of December 2024.

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Chairperson, Board of Education

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Secretary, Board of Education

**JACKSON COUNTY PUBLIC SCHOOLS**  
**Budget Amendment #4 and Transfer #4**

Be it resolved that the following budget amendment and transfer be made to the Budget Resolution for the fiscal year ending June 30, 2025

	Current <u>Budget</u>	Amendments & Transfers		Ending <u>Budget</u>
		<u>#4</u>	<u>#4</u>	
<u>Capital Outlay</u>				
5000 Instructional Services	\$ 25,000	\$ -	\$ -	\$ 25,000
6000 System-Wide Support Services	2,585,990	-	-	\$ 2,585,990
7000 Ancillary Services	-	-	-	\$ -
8000 Non-Program Charges	1,016,000	-	-	\$ 1,016,000
9000 Capital Outlay-County Construction	\$ 2,000,000	\$ 6,000,000		\$ 8,000,000
Totals	<u>\$ 3,626,990</u>	<u>\$ 6,000,000</u>	<u>\$ -</u>	<u>\$ 3,626,990</u>

Source of Revenue:

4.4810.641-County Construction

\$ 6,000,000

\$ -

-

TRANSFERS between subfunctions greater  
than \$10,000

From

To

Jackson County Schools Administrative Unit  
Federal Grants Fund

The Jackson County Board of Education, at a meeting on the 17th day of December 2024, passed the following resolution: Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2025.

The attached list of increases and decreases in expenditures is hereby incorporated by reference as if fully set forth herein.

Revenue Sources:		
Budget code	Desription	Amount
49	IDEA Preschool Grant	\$ 45,601
60	IDEA VI-B Handicapped	\$ 869,749
103	Title II Improving Teacher Quality	\$ 945
108	Title IV - Student Support & Academic Enr	\$ 548
Total Appropriation in Current Budget		\$ 2,359,592
Amount of Increase (Decrease) of this Amendment		<u>916,843</u>
		<u><b>\$ 3,276,435</b></u>

*Explanation: These are the approved budgets for allowed carryover from grant year 2024 and new grant allocations in allotment revisions through #51 for grant year 2025.*

Passed by a majority vote of the Jackson County Board of Education on the 17th day of December 2024.

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Chairperson, Board of Education

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Secretary, Board of Education

# JACKSON COUNTY PUBLIC SCHOOLS

## Budget Amendment #4 and Transfer #4

Be it resolved that the following budget amendment and transfer be made to the Budget Resolution for the fiscal year ending June 30, 2025.

		Current	Amendments & Transfers		Ending
		<u>Budget</u>	<u>#4</u>	<u>#4</u>	<u>Budget</u>
<u>Federal Grants Fund</u>					
5000	Instructional Services	\$ 1,850,367	836,570	\$ -	\$ 2,686,937
6000	System-Wide Support Services	307,558	47,602	-	355,160
7000	Ancillary Services	-	-	-	-
8000	Non-Program Charges	201,667	32,671	-	234,338
Totals		<u>\$ 2,359,592</u>	<u>\$ 916,843</u>	<u>\$ -</u>	<u>\$ 3,276,435</u>

PRC Source of Revenue: Notes:

49 IDEA Preschool Grant		\$ 45,601
60 IDEA VI-B Handicapped		\$ 869,749
103 Title II Improving Teacher Quality	GY 4	\$ 945
Title IV - Student Support & 108 Academic Enrichment		\$ 548

\$ 916,843

0

TRANSFERS between  
subfunctions greater than  
\$10,000:  
None

BUDGET AMENDMENT  
Jackson County Schools Administrative Unit  
Other Specific Revenue Fund

The Jackson County Board of Education, at a meeting on the 17th day of December 2024, passed the following resolution: Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2025.

The attached list of increases and decreases in expenditures is hereby incorporated by reference as if fully set forth herein.

Revenue Sources:			
Description	PRC	Budget Code	Amount
Dogwood CTE Grant Carryover	588	8.4910.588.000	\$ 261,958
Total Appropriation in Current Budget		\$	4,989,528
Amount of Increase (Decrease) of this Amendment			<u>261,958</u>
			<u><b>\$ 5,251,486</b></u>

Restricted Funds: Grants: Carryover.

Passed by a majority vote of the Jackson County Board of Education on the 17th day of December 2024.

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Chairperson, Board of Education

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Secretary, Board of Education

JACKSON COUNTY PUBLIC SCHOOLS

Budget Amendment #4 and Transfer #4

Be it resolved that the following budget amendment and transfer be made to the Budget Resolution for the fiscal year ending June 30, 2025

	Current	Amendments & Transfers		Ending
	<u>Budget</u>	<u>#4</u>	<u>#4</u>	<u>Budget</u>
<u>Other Specific Revenue Fund</u>				
5000 Instructional Services	\$ 3,010,354	\$ 138,280	\$ -	\$ 3,148,634
6000 System-Wide Support Services	690,386	-	-	690,386
7000 Ancillary Services	141,744	-	-	141,744
8000 Non-Program Charges	1,147,044	123,678	-	1,270,722
Totals	<u>\$ 4,989,528</u>	<u>\$ 261,958</u>	<u>\$ -</u>	<u>\$ 5,251,486</u>

Source of Revenue:

Fund 6 Appropriated fund balance Transportation	\$ -	6.4910.xxx
Interest earned Transportation	\$ -	6.4450.484
Misc Revenue	\$ -	6.4490.002
Sale of maintenance vehicle	\$ -	6.4490.484
Fund 8		
Dogwood Grant CTE Career Development Carry over	\$ 261,958	588
	<u>\$ 261,958</u>	

-

From      To

TRANSFERS between subfunctions greater  
than \$10,000

State Public School Fund  
Jackson County Schools Administrative Unit  
State Public School Fund

The Jackson County Board of Education, at a meeting on the 17th day of December 2024, passed the following resolution: Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2025.

The attached list of increases and decreases in expenditures is hereby incorporated by reference as if fully set forth herein.

**Revenue Sources:**

Description	Budget Code		Amount
Allocation from State Treasurer	1.3100.xxx	\$	208,608
Total Appropriation in Current Budget		\$	28,345,867
Amount of Increase (Decrease) of this Amendment			<u>208,608</u>
		\$	<u>28,554,475</u>

*Explanation: The increase in state revenue aligned our state allotment budgets with actual amounts for fiscal year 2025 provided by NC DPI allotment revision #51*

*See notes on amendments and transfer sheet*

Passed by a majority vote of the Jackson County Board of Education on the 17th day of December 2024.

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Chairperson, Board of Education

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Secretary, Board of Education

# JACKSON COUNTY PUBLIC SCHOOLS

## Budget Amendment #4 and Transfer #4

Be it resolved that the following budget amendment and transfer be made to the Budget Resolution for the fiscal year ending June 30, 2025

	Current <u>Budget</u>	Amendments & Transfers <u>#4</u>	Amendments & Transfers <u>#4</u>	Ending <u>Budget</u>
<u>State Public School Fund</u>				
5000 Instructional Services	\$ 24,970,965	\$ 94,580	-	\$ 25,065,545
6000 System-Wide Pupil Support Services	3,329,902	114,028	-	3,443,930
7000 Ancillary Services	45,000	-	-	45,000
8000 Non-Program Charges	-	-	-	-
Totals	<u>\$ 28,345,867</u>	<u>\$ 208,608</u>	<u>\$ -</u>	<u>\$ 28,554,475</u>

Source of Revenue:

Notes:

State Public School Fund:

State Textbook Allotment

Non-instructional support PRC 003	109,423
School Technology PRC 015	4,605
CTE-Credential Program Support PRC 083	27,423
Literacy Intervention PRC 085	62,157
Feminine Hygiene PRC 088	5,000

-

\$ 208,608

-

TRANSFERS between subfunctions  
greater than \$10,000:



**YEARS**

**1969**

**2023**

[WWW.BSI-CONSTRUCTION.COM](http://WWW.BSI-CONSTRUCTION.COM)

December 11, 2024

Jake Buchanan  
Deputy Superintendent  
Jackson County Public Schools  
398 Hospital Road  
Sylva, NC 28779

**RE: Blue Ridge School**

Mr. Buchanan,

BSI Construction is pleased to offer the final change order request for the Smoky Mountain High School (SMHS) Security Improvements Project. The following request is based on negotiations conducted concerning construction change directive 1 through 8, issued on 10/12/2022, 02/17/2023, 02/21/2023, 02/24/2023, 03/08/2023, 05/01/2023, 05/08/2023, 08/21/2023, and 10/24/2024 respectively. The following summary is our interpretation of the terms we mutually agree on concerning the conversion of the construction change directives and remaining claims to a final change order:

- Cost Adjustment – The total additions for this contract were \$14,712.00, but the three owners of BSI, all being alumni of Smoky Mountain High School, have decided to donate the overrun back to the school, creating a final change order increase of \$0 and a final contract price of \$2,591,000 (see attachment for cost detail)
- Time Extension – Add 463 days for revised contract date of 12/15/23
- Established substantial completion date – 12/15/23

If the terms presented and attached accurately represent the terms of our discussion, we request that the architect issue a final change order in accordance with article 7.3.10 of the construction contract.

Sincerely,

*Christopher Buchanan*

Christopher Buchanan  
President  
Buchanan and Sons Inc

**Buchanan and Sons Inc**

77 Wilmont Road  
P.O. Box 123  
Whittier, NC 28789

O: (828) 497-9720  
F: (828) 497-9721

JCPS - Overall - SMHS Final Negotiated Contract													
RFC #	Description	Amount Requested	Amount Approved	Date Submitted	Status	Date Accepted					Change Order #	Date CO Signed	Date CO Executed
Request	Description	Amount	Approved Amount	Date	Status	Date Accepted	CCD #	Amount Requested	Claim Submittal #	Days Requested	Change Order #	Date CO Signed	Date CO Executed
	FES												
01	Material Increase for Hollow Metal - Force Majeure	\$7,200.00		1/7/2022									
02	Temporary Chain Link Fence	\$6,239.00		1/7/2022		2/24/2023							
03.1	Revision #1 - Hardware Changes - Keying Conference	-\$854.00		8/2/2022				\$ (854.00)					
04	Addition of Steps at Science Entrance	\$2,676.00		7/25/2022				\$ 2,676.00					
05.3	Revision #3 - Sidewalk Changes - Courtyard B	\$15,510.00		7/25/2022				\$ 15,510.00					
08	Flowable Fill in Sink Hole	\$2,710.00		8/2/2022		2/24/2023		\$ 2,710.00					
10	Cut and Cap Existing Water Line	\$3,671.00		8/9/2022				\$ 3,671.00					
13	Accessible Ramp Changes (Widened, etc)	\$6,624.00		1/3/2023		2/24/2023		\$ 6,624.00					
15	Bracket for Hollow Metal Framing	\$526.00		12/13/2022		2/24/2023		\$ 526.00					
16	Changes related to RSW Courtyard B & C	\$48,358.00		4/26/2023		2/24/2023		\$ 48,358.00					
17	Egineering & Certification RSW	\$10,202.00		4/26/2023		2/24/2023		\$ 10,202.00					
18	Drainage to Intercept Roof Drains	\$16,749.00		1/19/2023				\$ 16,749.00					
22	Concrete Base at Breezeway Doors	\$7,413.00		3/1/2023				\$ 7,413.00					
23	Roof Credit at Coiling Doors	-\$10,334.00		3/9/2023		2/24/2023		\$ (10,334.00)					
24	Additional Sidewalk near Bus Parking	\$19,815.00		4/12/2023		2/24/2023		\$ 19,815.00					
25	Credit for Stoops at Breezeway	-\$1,168.00		6/2/2023				\$ (1,168.00)					
26	Credit for Stair Wall near RSW	-\$5,341.00		6/30/2023				\$ (5,341.00)					
27	Ramp Changes at Cafateria	\$14,310.00		8/18/2023				\$ 14,310.00					
29	Canopy Flashing Near Building B	\$7,055.00		3/19/2024				\$ 7,055.00					
30	Credit for PLS Waterline As-Built	-\$1,500.00		4/11/2024				\$ (1,500.00)					
31	Credit for PLS Waterline As-Built	-\$1,500.00		4/11/2024				\$ (1,500.00)					
32	Credit for PLS Waterline As-Built	-\$1,500.00		4/11/2024				\$ (1,500.00)					
33	Donation to School System	-\$14,712.00		4/11/2024				\$ (14,712.00)					
20	Final Time Request	\$0.00		10/12/2023									
CL.01	Time & Compensation Claim	\$81,582.74		8/26/2022					\$ 81,582.74	178			
Subtotal: \$206,531.74													
Subtotals:								\$ 118,710.00	\$ 81,582.74	178			
Total:								\$ 200,292.74					
Original Contract:								\$ 2,591,000.00					
Contract Allowances:								\$ 118,710.00					
Negotiated Reductions from CO's & Claims:								\$ (87,821.74)					
Total Additions per CCD's & CO's:								\$ 118,710.00					
Final Negotiated Contract Total:								\$ 2,591,000.00					
Final Change Order Amount:								\$ -					
Notice to Proceed:										9/13/2021			
Original Completion Date (360 Days):										9/8/2022			
Days Requested through claims & CO Request:										529			
Substantial Completion Date:										12/12/2023			
Final Time Request										463			
Revised Completion Date:										12/15/2023			

The policies listed below require the superintendent or other school system employees to report certain information to various external governmental agencies and officials. This list is not exhaustive of all external reporting requirements. In addition to the reporting requirements described in this policy, the superintendent or designee shall make any other reports to external governmental agencies or officials when required by law or regulation or when required as a condition of a federal grant or award (see policy 8305, Federal Grant Administration).

**A. THE STATE BOARD OF EDUCATION/DEPARTMENT OF PUBLIC INSTRUCTION**

The superintendent must ensure that all required data, reports, and other information are submitted to the State Board of Education (SBE)/Department of Public Instruction, including, but not limited to, the following:

1. that a licensed individual has been found through a criminal records check to have a criminal history (see policy 7100, Recruitment and Selection of Personnel);
2. the reason for the resignation of certain licensed employees if the employee's criminal history is relevant to the resignation (see policy 7900, Resignation);
3. that certain licensed employees, who have been recommended for dismissal, have resigned without the superintendent's written consent (see policy 7900, Resignation);
4. parental involvement information as required by SBE Policy PRNT-002 and G.S. 115C-76.70 (see policy 1310/4002, Parental Involvement);
5. certain crimes occurring on school property or on school sponsored field trips as required by 16 N.C.A.C. 6E .0107 (see policy 4335, Criminal Behavior);
6. if at least two violent criminal offenses and at least five or more such offenses per 1000 students were committed during each of the two most recent school years, any conditions in the school that may have contributed to the commission of the violent criminal offenses and any plans to eliminate such conditions; and each student transfer made pursuant to SBE Policy SSCH-006 (see policy 4152, Unsafe School Choice Transfer);
7. a copy of the Chemical Hygiene Plan (see policy 7265, Occupational Exposure to Hazardous Chemicals in Science Laboratories);
8. a plan for the literacy interventions the school system will offer in the following school year, as required by G.S. 115C-83.6A (see policy 3420, Student Promotion and Accountability);

9. the board's determination of how each alternative school will participate in the State Alternative Schools' Accountability Model (see policy 3470/4305, Alternative Learning Programs/Schools);
10. the comparability testing report assessing the equivalent distribution of state and local resources among schools (see policy 3565/8307, Title I Program Comparability of Services);
11. mental health and student wellness information required by SBE Policy SHLT-003 (see policy 6120, Student Health Services);
12. a copy of policy 6140, Student Wellness, if requested (see policy 6140, Student Wellness);
13. a report that provides information pertaining to the school system's efforts to comply with policy 6140, Student Wellness, and SBE Policy SHLT-000 (see policy 6140, Student Wellness);
14. a copy of any threat assessment policies, procedures, or protocols when newly approved or revised (see policy 1510/4200/7270, School Safety);
15. quantitative data on the activities of all threat assessment teams as required by G.S. 115C-105.65(g) and the North Carolina Center for Safer Schools guidance (see policy 1510/4200/7270, School Safety); and
16. student disciplinary data (see policy 4345, Student Discipline Records).

In addition, any administrator who knows, has reason to believe, or has actual notice of a complaint that a licensed employee has engaged in misconduct that (1) would justify automatic revocation of the employee's license pursuant to G.S. 115C-270.35(b), has resulted in a criminal charge or indictment for any of the crimes listed in G.S. 115C-270.35(b), involved the infliction of physical injury against a child or student other than by accident or in self-defense, or involved any sexual contact with a child or student, and (2) resulted in dismissal, disciplinary action, or resignation shall report the misconduct to the SBE (see policy 7130, Licensure). If a licensed employee is dismissed, is demoted, or resigns as the result of conduct that is not covered by the preceding sentence but that may otherwise justify disciplinary sanctions against the employee's license under 16 N.C.A.C. 6C .0604, the superintendent or designee shall report the conduct to the SBE (see policy 7130, Licensure).

## **B. LAW ENFORCEMENT**

School employees, contractors, and volunteers must report to local law enforcement when they know or reasonably should know that a child has been a victim of a sexual offense or an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means or an attempt, solicitation, or conspiracy to commit either of those

offenses, or misdemeanor child abuse (see policy 4240/7312, Child Abuse and Related Threats to Child Safety).

Principals must report to law enforcement certain crimes occurring on school property (see policy 4335, Criminal Behavior, and policy 5027/7275, Weapons and Explosives Prohibited, and policy 7240, Drug-Free and Alcohol-Free Workplace, and administrative regulation 1510/4200/7270-R, Responding to Bomb Threats).

School administrators and other supervisory personnel also must report to law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event (see policy 5022, Registered Sex Offenders).

The superintendent must provide law enforcement with (1) schematic diagrams of all school facilities, (2) updates of the schematic diagrams when the school system makes substantial facility modifications, (3) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings, and (4) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices (see policies 1510/4200/7270, School Safety, 5120, Relationship with Law Enforcement, and 9220, Security of Facilities).

**C. LOCAL EMERGENCY MEDICAL SERVICES**

Appropriate local emergency medical services officials must be notified of the location and most recent placement of AEDs within a reasonable period of time of placement (see policy 5028/6130/7267, Automated External Defibrillator).

**D. COUNTY DEPARTMENT OF SOCIAL SERVICES**

School employees, contractors, and volunteers must report to the county department of social services if they suspect that a child is abused, neglected, dependent, or has died as the result of maltreatment (see policy 4240/7312, Child Abuse and Related Threats to Child Safety).

**E. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

School employees, contractors, and volunteers must report to the Department of Health and Human Services (DHHS) if they have cause to suspect that a child in a child care facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a child care facility (see policy 4240/7312, Child Abuse and Related Threats to Child Safety). The assistant superintendent of human resources also must notify DHHS if a child care provider has incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by DHHS's Division of Child Development and Early Education (see policy 7100, Recruitment and Selection of Personnel).

In addition, the principal shall provide DHHS with an annual immunization report and a

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health assessment status report (see policy 4110, Immunization and Health Requirements for School Admission).

**F. COUNTY HEALTH DEPARTMENT**

The principal must report suspected cases of reportable diseases and conditions to the county health department (see policy 4230, Communicable Diseases – Students, and policy 7262, Communicable Diseases – Employees).

Supervisory personnel must report unsafe conduct to the county health department when they have a reasonable concern that such conduct may cause or may have caused the spread of a communicable disease (see policy 7262 Communicable Diseases – Employees).

**G. DEPARTMENT OF PUBLIC SAFETY’S DIVISION OF EMERGENCY MANAGEMENT**

The superintendent must provide the Department of Public Safety’s Division of Emergency Management with (1) emergency response information it requests for the school risk management plan, (2) updated emergency response information when such updates are made, (3) schematic diagrams of all school facilities, and (4) updates of the schematic diagrams when the school system makes substantial facility modifications (see policies 1510/4200/7270, School Safety, and 9220, Security of Facilities).

**H. NORTH CAROLINA CENTER FOR MISSING PERSONS**

School officials must report to the Center for Missing Persons any information received indicating that a student transferring into the school system is a missing child (see policy 4700, Student Records).

**I. DEPARTMENT OF ADMINISTRATION**

The following information must be provided to the Department of Administration: (1) all legally required reports regarding contract bids and contract purchases of goods and services from historically underutilized businesses, disabled business enterprises, and nonprofit work centers for the blind and the severely disabled (see policy 6402, Participation by Historically Underutilized Businesses); and (2) all legally required reports regarding the use of minority businesses in construction work (see policy 9125, Participation by Minority Businesses).

**J. BOARD OF COUNTY COMMISSIONERS**

The finance officer must provide notice to the board of county commissioners of any report received from the Teachers’ and State Employees’ Retirement System containing a list of employees whose retirement in the upcoming year would likely result in an assessment to the board for additional employer contribution (see policy 8510, School Finance Officer).

**K. SECRETARY OF THE LOCAL GOVERNMENT COMMISSION**

The finance officer must submit reports to the Secretary of the Local Government Commission as required by law (see policy 8510, School Finance Officer).

#### **L. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

Designated employees shall report required information regarding school system commercial motor vehicle operators through the federal Commercial Driver's License Drug and Alcohol Clearinghouse (see policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators).

Legal References: 49 C.F.R. 382.705; G.S. 7B-301; 14-318.6; 110-105.4; 115C-12(27), -76.70, -83.6A, -105.53, -105.54, -105.65, -270.35, -288(g), -325(o)(2) (applicable to career status teachers), -325.9(b) (applicable to non-career status teachers), -326.20, -390.4(c), -403, -436, -446; 130A-136, -155, -441; 143-48, -128.3, -131; 10A N.C.A.C. 09 .2703(m); 16 N.C.A.C. 6C .0313, .0604, .0608; 16 N.C.A.C. 6E .0107; 16 N.C.A.C. 6G .0314; State Board of Education Policies PRNT-002, SHLT-000, SHLT-003, SSCH-006

Cross References: Parental Involvement (policy 1310/4002), School Safety (policy 1510/4200/7270), Responding to Bomb Threats (administrative regulation 1510/4200/7270-R), Student Promotion and Accountability (policy 3420), Alternative Learning Programs/Schools (policy 3470/4305), Title I Program Comparability of Services (policy 3565/8307), Immunization and Health Requirements for School Admission (policy 4110), Unsafe School Choice Transfer (policy 4152), Communicable Diseases – Students (policy 4230), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Criminal Behavior (policy 4335), Student Discipline Records (policy 4345), Student Records (policy 4700), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Automated External Defibrillator (policy 5028/6130/7267), Relationship with Law Enforcement (policy 5120), Student Health Services (policy 6120), Student Wellness (policy 6140), Participation by Historically Underutilized Businesses (policy 6402), Recruitment and Selection of Personnel (policy 7100), Licensure (policy 7130), Drug-Free and Alcohol-Free Workplace (policy 7240), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Communicable Diseases - Employees (policy 7262), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Resignation (policy 7900), Federal Grant Administration (policy 8305), School Finance Officer (policy 8510), Participation by Minority Businesses (policy 9125), Security of Facilities (policy 9220)

Other Resources: *Behavioral Threat Assessment and Management: Best Practice Guidance for North Carolina Behavioral Threat Assessment and Management Teams for Harm Prevention*, N.C. Department of Public Instruction Center for Safer Schools (March 2024), available at <http://www.dpi.nc.gov/best-practice-guidance-north-carolina-behavioral-threat-assessment-and-management-teams-harm>; Master Data Calendar, N.C. Department of Public Instruction, available at <https://www.dpi.nc.gov/data-reports/data-calendar>

Adopted:

## Travel Request Form

Please Note: Welcome to Jackson County Public Schools Travel Tracker, your one-stop travel center. Within this software, you can submit student field trip requests, reserve an activity bus for a field trip or athletic event, and reserve a car for staff travel. If you have any questions or comments please email Josh Francis at Jackson County Schools Transportation.

Trip Number **9742**

\* Category Travel With Students

\* Type of Trip Field Trip

\* Field Trip Event  
Standard Field Trip

### Trip Leave

\* Date **5/6/25** **Tuesday**

\* Time 6:00 AM

### Trip Return

\* Date **5/9/25** **Friday**

\* Time 9:00 PM

Trip Year/Week 2025-19

\* Overnight or Out-of-State Yes

#### Comments

\* Your School/Dept  302 **Blue Ridge Early College**  
95 Bobcat Drive, Cashiers, NC 28717

\* Main Destination  Other (Type Below)  
**Williamsburg, VA, USA**

Destination Not Listed Williamsburg, VA, USA \* **Destination Name** Williamsburg, VA

\* Approximate Nbr of Miles Round Trip

Special Instructions for Permission  
Slip

\* **Funding Source**  
**#1** School Funded Field Trips Budget Code

Funding Source Budget Code  
Desc Desc

Funding Approver

Are funds payable to a third party? Yes

(Does venue require payment prior to trip?)

Amount of Payment

  
**12/3/24**

Payment Option

Mail Check

Purchase Order/Requisition Nbr

Payment Due To

Comments Concerning Payment

\* Teacher / Advisor / Staff Name Kristina McCall

\* Teacher / Advisor / Staff Phone # 8285073025

Teacher / Advisor / Staff Email

**Note: This email will receive the requester emails if different from requester**

Emergency Contact Info

 Same as Teacher / Advisor / Staff

\* Emergency Contact Name Kristina McCall

\* Emergency Contact Phone # 8285073025

\* Grade Level(s) Making Trip 12

\* Description of Group or Person(s)  
Making Trip Senior Class Trip

\* Educational Objective for Field Trip Historical Williamsburg, VA

Special Indicators

**Number of Individuals Making Trip**

* Male Adults	2	* Female Adults	2	Total Adults	4
* Male Students	14	* Female Students	7	Total Students	21

Need 1 adult(s) for 10 or more students.  
Need 1 adult(s) for every additional 10 students.

\* Will the students be away from school  
during lunch? Yes\* If so, will these students need packed  
lunches? No**Nbr Students** 21 **Teacher** Kristina McCall

Students will be away from school during the lunch period.

**Additional Information**

\* Please list all Chaperones: Stephanie Smathers, Nathan Frizzell or Paula Jackson, Nick Pressler.

\* Please list the driver's name: Burke Educational Travel (Please request Bob)

\* Will you be using external transportation (ex. train, plane, walking)? Yes

\* Please indicate mode of travel instead of, or in addition to, the reserved vehicle(s). Please include details of trip, including itineraries.  
Indicate chartered transportation company if applicable.

Tour Bus: Burke Educational Travel

**Vehicles Needed**

\* Do you need vehicles? No

Person Submitting Request

kmccall@jcpsmail.org

Date Submitted

Field Trip Acceptance of Responsibility

By submitting this request, the trip sponsor (Teacher, Coach, Staff Member, etc.) is validating the following conditions:

- 1. Possess a current/valid Driver's License for the vehicle you will be driving
- 2. Absent of any medical condition, medications/alcohol/drugs that will impede the operation of a vehicle
- 3. You will obey all traffic laws while operating the vehicle
- 4. You will not "text" or operate any device that may distract you while driving the vehicle
- 5. Properly authorized use of a JCPS vehicle for official travel
- 6. Will only transport authorized passengers for the purpose of official travel
- 7. The lift is to be operated only for wheelchairs.
- 8. Chaperones must be at least 21 years old.
- 9. There must be one adult for every five students in grades K-6 for overnight trips.
- 10. There must be one adult for every seven students in grades 7-13 for overnight trips.
- 11. There must be one adult for every ten students in grades K-13 for non-overnight trips.
- 12. Chaperones must have an approved VOLUNTEER application on file with JCPS Human Resources

\* I have read and understand the information above.

Yes

Level 01 Approval - Location Approval

Comment

Decision

Approved

Name

nfrizzell@jcpsmail.org

Decision Date

Sep 18, 2024, 2:32:13 PM

Level 07 Approval - Central Office Approval

Comment

Decision

Designated Approver

cfields@jcpsmail.org

Name

Decision Date

## Travel Request Form

Please Note: Welcome to Jackson County Public Schools Travel Tracker, your one-stop travel center. Within this software, you can submit student field trip requests, reserve an activity bus for a field trip or athletic event, and reserve a car for staff travel. If you have any questions or comments please email Josh Francis at Jackson County Schools Transportation.

Trip Number **10007**

\* Category Travel With Students

\* Type of Trip Field Trip

\* Field Trip Event  
Standard Field Trip

### Trip Leave

\* Date **3/12/25** **Wednesday**

\* Time 8:30 AM

### Trip Return

\* Date **3/12/25** **Wednesday**

\* Time 6:00 PM

Trip Year/Week 2025-11

\* Overnight or Out-of-State Yes

Comments This trip will be to Alcatraz Museum in Pigeon Forge, TN

\* Your School/Dept  324 Jackson Community School  
3770 Skyland Drive, Sylva, NC 28779

\* Main Destination  Other (Type Below)  
2757 Parkway, Pigeon Forge, TN 37863, USA

Destination Not Listed **Alcatraz East Crime Museum**, Parkway, **Destination Name** Alcatraz East Crime Museum  
Pigeon Forge, TN, USA

\* Approximate Nbr of Miles Round Trip

Special Instructions for Permission Slip This will be an extended school day trip.

\* **Funding Source #1** School Funded Field Trips

Budget Code

Funding Source Desc

Budget Code Desc

Funding Approver

  
12/3/24

Are funds payable to a third party? Yes

(Does venue require payment prior to trip?)

Amount of Payment 700.00

Payment Option

School System Credit Card

Purchase Order/Requisition Nbr

Payment Due To

620 Caring Place Loop  
Clyde

Comments Concerning Payment

\* Teacher / Advisor / Staff Name

Melissa Hannah

\* Teacher / Advisor / Staff Phone #

8285509403

Teacher / Advisor / Staff Email

mhannah@jcpsmail.org

Note: This email will receive the requester emails if different from requester

Emergency Contact Info

Same as Teacher / Advisor / Staff

\* Emergency Contact Name

Melissa Hannah

\* Emergency Contact Phone #

8285509403

\* Grade Level(s) Making Trip

9

10

11

12

\* Description of Group or Person(s) Making Trip

Students who have met the criteria to earn this trip and they have or will take American History or Civics before graduating.

\* Educational Objective for Field Trip

To expand American History and Civic content knowledge regarding the Great Depression Era and the Watergate scandal.

Special Indicators

Reward Trip

Number of Individuals Making Trip

\* Male Adults 2

\* Female Adults 3

Total Adults 5

\* Male Students 20

\* Female Students 20

Total Students 40

Need 1 adult(s) for 10 or more students.

Need 1 adult(s) for every additional 10 students.

\* Will the students be away from school during lunch?

Yes

\* If so, will these students need packed lunches?

Yes

Nbr Students 40 Teacher Melissa Hannah

Bagged lunches have been requested for this field trip. Please contact teacher to verify number of lunches needed.

Additional Information

\* Please list all Chaperones:

Melissa Hannah-Rodriguez, Josh Watson, Jeffrey Ashe, Autumn White

\* Please list the driver's name:

Holly Whisnant

\* Will you be using external transportation (ex. train, plane, walking)?

No

Vehicles Needed

\* Do you need vehicles? Yes

Vehicle Pickup		Vehicle Return	
*	Date		3/12/25
*	Time		8:30 AM

*	Date		3/12/25
*	Time		6:00 PM

Total Trip Hours 9.50

* Type of vehicles needed to reserve	Activity Bus
	
* How many vehicles do you need?	1
* Need Lift?	No

Nbr Wheelchair Slots 0   Nbr Safety Vests 0   Nbr Fold Down Seats 0

Special Needs

Comments or Details Concerning Needs

Additional Comments:

Owner joshwatson@jcpsmail.org

Bid Id/Closing Date

Person Submitting Request	mhannah@jcpsmail.org
Date Submitted	

Field Trip Acceptance of Responsibility

By submitting this request, the trip sponsor (Teacher, Coach, Staff Member, etc.) is validating the following conditions:

- 1. Possess a current/valid Driver's License for the vehicle you will be driving
- 2. Absent of any medical condition, medications/alcohol/drugs that will impede the operation of a vehicle
- 3. You will obey all traffic laws while operating the vehicle
- 4. You will not "text" or operate any device that may distract you while driving the vehicle
- 5. Properly authorized use of a JCPS vehicle for official travel
- 6. Will only transport authorized passengers for the purpose of official travel
- 7. The lift is to be operated only for wheelchairs.
- 8. Chaperones must be at least 21 years old.
- 9. There must be one adult for every five students in grades K-6 for overnight trips.
- 10. There must be one adult for every seven students in grades 7-13 for overnight trips.
- 11. There must be one adult for every ten students in grades K-13 for non-overnight trips.
- 12. Chaperones must have an approved VOLUNTEER application on file with JCPS Human Resources

\* I have read and understand the information above.

Yes

Level 01 Approval - Location Approval

Comment	
Decision	Approved
Name	hwhisnant@jcpsmail.org

Decision Date

Nov 13, 2024, 2:20:54 PM

**Level 07 Approval - Central Office Approval**

Comment

Decision

Designated Approver

cfields@jcpsmail.org

Name

Decision Date

## Travel Request Form

Please Note: Welcome to Jackson County Public Schools Travel Tracker, your one-stop travel center. Within this software, you can submit student field trip requests, reserve an activity bus for a field trip or athletic event, and reserve a car for staff travel. If you have any questions or comments please email Josh Francis at Jackson County Schools Transportation.

Trip Number **10009**

\* Category Travel With Students

\* Type of Trip Field Trip

\* Field Trip Event  
Standard Field Trip

### Trip Leave

\* Date **3/7/25** Friday

\* Time 2:30 PM

### Trip Return

\* Date **3/8/25** Saturday

\* Time 8:00 PM

Trip Year/Week 2025-10

\* Overnight or Out-of-State Yes

Comments Pick up at SMHS bus lot. Drop off same.

\* Your School/Dept  340 Smoky Mountain High  
100 Smoky Mountain Drive, Sylva, NC 28779


\* Main Destination  Other (Type Below)  
2550 US Hwy 70 SE, Hickory, NC 28602, USA

Destination Not Listed **Catawba Valley Community College, US** \* Destination Name Catawba Valley Community College  
Highway 70 Southeast, Hickory, NC, USA

**Stops on the way:** Hotel: Best Western Hickory, 13th Avenue Drive Southeast, Hickory, NC, USA

\* Approximate Nbr of Miles Round Trip

Special Instructions for Permission Slip

  
12/3/24

\* Funding Source #1 Clubs

Budget Code

Funding Source Desc

Budget Code Desc

Funding Approver

Are funds payable to a third party? No

(Does venue require payment prior to trip?)

\* Teacher / Advisor / Staff Name Suzanne Berryhill  
\* Teacher / Advisor / Staff Phone # 3369631651  
Teacher / Advisor / Staff Email sberryhill@jcpsmail.org  
**Note: This email will receive the requester emails if different from requester**  
Emergency Contact Info ☒ Same as Teacher / Advisor / Staff  
\* Emergency Contact Name Suzanne Berryhill  
\* Emergency Contact Phone # 3369631651

\* Grade Level(s) Making Trip 9 10 11 12  
\* Description of Group or Person(s) Making Trip Science Olympiad Club  
\* Educational Objective for Field Trip To demonstrate knowledge of different science fields.

#### Special Indicators

#### Number of Individuals Making Trip

* Male Adults	1	* Female Adults	1	Total Adults	2
* Male Students	3	* Female Students	8	Total Students	11

Need 1 adult(s) for 10 or more students.  
Need 1 adult(s) for every additional 10 students.

\* Will the students be away from school during lunch? Yes  
\* If so, will these students need packed lunches? No

**Nbr Students** 11 **Teacher** Suzanne Berryhill  
Students will be away from school during the lunch period.

#### Additional Information

\* Please list all Chaperones: Suzanne Berryhill, Price Berryhill  
\* Please list the driver's name: Suzanne Berryhill

\* Will you be using external transportation (ex. train, plane, walking)? No

#### Vehicles Needed

\* Do you need vehicles? Yes

##### Vehicle Pickup

\* **Date** 3/7/25  
\* **Time** 2:30 PM

##### Vehicle Return


\* **Date** 3/8/25  
\* **Time** 8:00 PM

Total Trip Hours 29.50

- \*

Type of vehicles needed to reserve

Service Mini-Van


- \*

How many vehicles do you need?

1
- \*

Need Lift?


No


Nbr Wheelchair Slots 0 Nbr Safety Vests 0 Nbr Fold Down Seats 0

Special Needs  
Comments or Details Concerning Needs  
Additional Comments:  
Owner tyoung@jcpsmail.org  
Bid Id/Closing Date

Current Assignments for This Trip

Veh#	Vehicle Location	Driver	Driver Email
8003	340 Smoky Mountain High		





Person Submitting Request sberryhill@jcpsmail.org  
Date Submitted

Field Trip Acceptance of Responsibility

By submitting this request, the trip sponsor (Teacher, Coach, Staff Member, etc.) is validating the following conditions:

1.

Possess a current/valid Driver's License for the vehicle you will be driving
2.

Absent of any medical condition, medications/alcohol/drugs that will impede the operation of a vehicle
3.

You will obey all traffic laws while operating the vehicle
4.

You will not "text" or operate any device that may distract you while driving the vehicle
5.

Properly authorized use of a JCPS vehicle for official travel
6.

Will only transport authorized passengers for the purpose of official travel
7.

The lift is to be operated only for wheelchairs.
8.

Chaperones must be at least 21 years old.
9.

There must be one adult for every five students in grades K-6 for overnight trips.
10.

There must be one adult for every seven students in grades 7-13 for overnight trips.
11.

There must be one adult for every ten students in grades K-13 for non-overnight trips.
12.

Chaperones must have an approved VOLUNTEER application on file with JCPS Human Resources

- \*

I have read and understand the information above.

Yes

Level 01 Approval - Location Approval

Comment  
Decision Approved  
Name jrobinson@jcpsmail.org  
Decision Date Nov 14, 2024, 11:58:26 AM

**Level 07 Approval - Central Office Approval**

Comment

Decision

Designated Approver                      cfields@jcpsmail.org

Name

Decision Date

## **PARENTAL INVOLVEMENT**

*Policy Code:* **1310/4002**

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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.<sup>1</sup> Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system, and his or her own child's progress. The board also encourages parents to participate in their children's education and in activities designed by school personnel to involve them, such as parent conferences, in order to foster effective teacher and parent communication. Parents are responsible for cooperating with school employees to facilitate their children's compliance with board policies concerning homework, school attendance, and behavior.<sup>2</sup>

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

### **A. PARENTAL INVOLVEMENT PLANS**

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

The board directs each principal to ensure that the school improvement team develops a plan for the school's parental involvement program as a part of the school improvement plan.<sup>3</sup> The principal shall publicize drafts of the parental involvement plan prior to finalization and solicit input from parents of students in the school.<sup>4</sup> This plan must include, at a minimum, efforts to enhance parental involvement by promoting the following priorities:<sup>5</sup>

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<sup>1</sup> See G.S. 115C-47(54) and G.S. 115C-76.20.

<sup>2</sup> G.S. 115C-76.35(a) requires that boards, in consultation with parents, teachers, administrators, and community partners, develop and adopt policies to promote parental involvement and empowerment in the public school unit. The policies must provide for parental choices and establish parental responsibilities. The parental responsibilities listed here may be modified. The board may choose to create a new section in this policy to address parental responsibilities. See also G.S. 115C-76.35(b), which requires boards to establish policies that "[p]rovide for parental participation in their child's education to improve parent and teacher cooperation in areas such as homework, school attendance, and discipline that aligns with the parent guide for student achievement required by G.S. 115C-76.30."

<sup>3</sup> G.S. 115C-76.20 requires LEAs and their employees to "fully support and cooperate in implementing a well-planned, inclusive, and comprehensive program to assist parents and families in effectively participating in their child's education." By statute, the school improvement plan may include a parental involvement plan. This policy mandates the plan. Alternatively, the policy may be modified to provide for a parental involvement program established outside of the school improvement plan.

<sup>4</sup> This process may be modified. G.S. 115C-76.35 requires that policies for parental involvement establish opportunities for parental involvement in the development, implementation, and evaluation of family involvement programs.

<sup>5</sup> State Board of Education Policy PRNT-000.

- a. regular, meaningful, two-way communication between home and school;
- b. responsible parenting;
- c. involvement of parents in student learning;
- d. parental volunteering in the school;
- e. involvement of parents in school decisions that affect children and families;
- f. parental training based on parents' informational needs;
- g. collaboration with community agencies and other organizations to provide resources to strengthen school programs, families, and student learning; and
- h. student health awareness among parents by addressing the need for health programs and student health services, which are linked to student learning.

2. Title I Parent and Family Engagement Plan

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

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

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

**B. PARENT COMMUNICATION, PARTICIPATION, AND CONFERENCES**

1. Communication with Parents

The board encourages school personnel to have regular contact with parents for informational purposes as well as for commendation of students and notification of concerns. School personnel shall communicate with parents about student behavior issues in accordance with requirements of policy 4341, Parental Involvement in Student Behavior Issues, and about student attendance as described in policy 4400, Attendance. In addition, parents will be notified promptly if school personnel

suspect that a criminal offense has been committed against the parent's child, unless notification would impede an investigation by law enforcement or the child welfare agency.<sup>6</sup>

The principal must effectively communicate to parents the manner in which textbooks are used to implement the school's curricular objectives.<sup>7</sup> Any parent interested in learning more about their child's course of study or the source of any supplementary instructional materials should contact the principal for more information. If a parent would like to inspect and review particular instructional materials, the parent should make such a request in accordance with policy 3210, Parental Inspection of and Objection to Instructional Materials.<sup>8</sup>

The principal also shall ensure that information about the nature and purpose of all clubs and activities, curricular and extracurricular, offered at the school is available at the school's main office. Any parent who would like information about such clubs or activities should contact the school's main office.<sup>9</sup>

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.<sup>10</sup>

<sup>11</sup>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

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<sup>6</sup> See G.S. 114A-10(10).

<sup>7</sup> See G.S. 115C-76.35(b)(2).

<sup>8</sup> G.S. 115C-76.35(b) requires that board policy establishes a procedure for parents to learn about their child's course of study and the source of any supplementary instructional materials. The procedure must include a process for parents to inspect and review all textbooks and supplementary materials that will be used in the parent's child's classroom.

<sup>9</sup> G.S. 115C-76.35(b)(6) requires board policy to establish "a process for parents to learn about the nature and purpose of clubs and activities offered at their child's school, including both curricular and extracurricular activities." The process here may be expanded or modified.

<sup>10</sup> This is an optional paragraph. G.S. 115C-105.41 formerly required the school system to provide a personal education plan (PEP) with evidence-based interventions and performance benchmarks for students at risk of academic failure. Schools were required to notify the student's parent that the student has a PEP and provide a copy of the plan to the parent. PEPs are no longer required by the statute, but the Department of Public Instruction encourages school systems to continue to implement research-based instructional practices to address identified concerns of at-risk students and others using a data-driven problem-solving approach that includes parents in the process. The board could continue to require PEPs as the means to document the interventions and instructional supports and performance benchmarks for at-risk students; if it does so, it could also continue to require in this subsection that parents are notified of the PEP. Alternatively, (1) if the board has established other expectations for serving students identified as being at risk, it could describe in this subsection its expectations for involving parents in supporting those students, or (2) the board could omit this paragraph altogether.

<sup>11</sup> This notice is required by State Board of Education Policy KNEC-002.

reach reading proficiency by the end of third grade, and (3) instructional support activities for use at home.

2. Parent Participation at Schools<sup>12</sup>

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

3. Conferences

Teachers are responsible for scheduling conferences or meetings with parents.<sup>13</sup> The board encourages the superintendent to work with local business leaders, including the local chambers of commerce, to encourage employers to adopt, as part of their stated personnel policies, time for employees who are parents or guardians to attend conferences with their child's teachers.

**C. PARENTAL NOTIFICATION**

1. Title I Notifications

Each principal or designee of a Title I school shall effectively notify parents of all parental rights and other required information regarding Title I schools and programs, in accordance with federal law.<sup>14</sup> Parents of students in Title I schools shall receive a copy of the system-wide Title I parent and family engagement policy (policy 1320/3560) and the school-wide parent involvement plan.

2. Parent Guide for Student Achievement

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

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<sup>12</sup> G.S. 115C-76.35 requires board policy to establish "opportunities for parents to participate on school advisory councils and in school volunteer programs and other activities."

<sup>13</sup> Parental visits on-campus are subject to policy 5022, Registered Sex Offenders, which governs the on-campus presence of parents who are registered sex offenders.

<sup>14</sup> Elementary and Secondary Education Act (ESEA), as amended, 20 U.S.C. 6301 *et seq.*

students, parents, and teachers.<sup>15</sup>

At a minimum the guide will include the following:<sup>16, 17</sup>

- a. information for parents regarding the following as it pertains to their child: (1) requirements for promotion to the next grade, including the requirements of the North Carolina Read to Achieve Program as set forth in Part 1A of Article 8 of Chapter 115C; (2) the course of study, textbooks, and other supplementary instructional materials and policy 3210, Parental Inspection of and Objection to Instructional Materials, which provides for the inspection and review of those materials; (3) the child's progress toward achieving State and unit expectations for academic proficiency, including policies for student assessment, and the child's assessment results, report cards, and progress reports; (4) qualifications of the child's teachers, including licensure status; and (5) school entry requirements, including required immunizations and the recommended immunization schedule;
- b. parental actions that can do the following: (1) strengthen the child's academic progress, especially in the area of reading as provided in the North Carolina Read to Achieve Program; (2) strengthen the child's citizenship, especially social skills and respect for others; (3) strengthen the child's realization of high expectations and setting lifelong learning goals; and (4) place a strong emphasis on the communication between the school and the home;
- c. services available for parents and their children, such as family literacy services; mentoring, tutoring, and other academic reinforcement programs; after-school programs; and college planning, academic advisement, and student counseling services (see policy 3610, Counseling Program);
- d. opportunities for parental participation, such as parenting classes, adult education, school advisory councils, and school volunteer programs;
- e. opportunities for parents to learn about rigorous academic programs that may be available for their child, such as academically and/or intellectually

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<sup>15</sup> See G.S. 115C-76.30(c).

<sup>16</sup> G.S. 115C-76.30 requires the school system to provide to parents, students, and school personnel at the beginning of each school year a parent guide for student achievement that meets, at a minimum, the requirements established by the State Board. The statute directs the State Board to develop minimum requirements for the parent guide that include at least the items listed in the statute. The State Board must update the minimum requirements on an annual basis and provide the requirements to the school system no later than May 1 each year. ~~Because the State Board has not yet established minimum requirements, the requirements listed in this policy reflect the minimum requirements listed in statute. This policy may need to be updated annually to include any additional requirements established by the State Board.~~

<sup>17</sup> This description of minimum requirements does not need to be listed in policy and may be omitted from this subsection.

gifted programming, honors programs, Career and College Promise and other dual enrollment opportunities, advanced placement, Advanced International Certificate of Education (AICE) courses, International Baccalaureate, North Carolina Virtual High School courses, and accelerated access to postsecondary education;

- f. educational choices available to parents, including each type of public school unit available to residents of the county in which the child lives and nonpublic school options, educational choice options offered within the school system, and programs for scholarship grants for nonpublic schools (Part 2A of Article 39 of Chapter 115C) and for personal education student accounts for students with disabilities (Article 41 of Chapter 115C);
- g. rights of students who have been identified as students with disabilities, as provided in Article 9 of Chapter 115C;
- h. contact information for school and unit offices;
- i. resources for information on the importance of student health and other available resources for parents, including the following information on available immunizations and vaccinations: (1) a recommended immunization schedule in accordance with the United States Centers for Disease Control and Prevention recommendations; and (2) information about meningococcal meningitis and influenza, including the causes, symptoms, and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children as required by G.S. 115C-375.4; and
- j. this policy (policy 1310/4002, Parental Involvement); policy 1320/3560, Title I Parent and Family Engagement; policy 2670, Business Advisory Council; policy 3210, Parental Inspection of and Objection to Instructional Materials; policy 3430, School Improvement Plan; policy 3540, Comprehensive Health Education Program; policy 4400, Attendance; policy 5015, School Volunteers; policy 5020, Visitors to the Schools; and policy 6140, Student Wellness.<sup>18</sup>

### 3. Additional Annual Notifications

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

- a. parental rights related to student records (see policy 4700, Student

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<sup>18</sup> G.S. 115C-76.30 requires that the parent guide for student achievement includes the policies developed by the board as provided in G.S. 115C-76.35. See G.S. 115C-76.35 for required policies.

Records);<sup>19</sup>

- b. parental rights related to student surveys (see policy 4720, Surveys of Students);<sup>20</sup>
- c. the approximate dates of any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered and scheduled in advance by the school administration, and (c) not necessary to protect the immediate health and safety of students;<sup>21</sup>
- d. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see policy 9205, Pest Management);<sup>22</sup>
- e. student behavior policies, the Code of Student Conduct, and school standards and rules (see policies in the 4300 series);<sup>23</sup>
- f. the permissible use of seclusion and restraint in the schools (see regulation 4302-R, Rules for Use of Seclusion and Restraint in Schools);<sup>24</sup>
- g. policy 4329/7311, Bullying and Harassing Behavior Prohibited;<sup>25</sup>
- h. policy 1740/4010, Student and Parent Grievance Procedure;
- i. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used, and whether each test is required by the State Board of Education or by the local board;<sup>26</sup>

<sup>19</sup> This notification is required under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99.

<sup>20</sup> This notification is required under the Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98.

<sup>21</sup> This notification is required under the Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98. The requirement does not apply to any hearing, vision, or scoliosis screenings, or any physical examination or screening that is permitted or required by state law, including physical examinations or screenings permitted without parental notification.

<sup>22</sup> G.S. 115C-47(47). Notification of nonscheduled pesticide use on school property must be made, to the extent possible, at least 72 hours in advance of the pesticide use. Such notification does not apply to the following types of pesticide products: antimicrobial cleansers, disinfectants, self-contained baits and crack-and-crevice treatments, and any pesticide products classified by the United States Environmental Protection Agency as belonging to the U.S.E.P.A. Toxicity Class IV entitled “relatively nontoxic” (i.e., no signal word required on the product’s label).

<sup>23</sup> This notification is required under G.S. 115C-390.2.

<sup>24</sup> This notification is required under G.S. 115C-391.1(j).

<sup>25</sup> This notification is intended to ensure compliance with G.S. 115C-407.16.

<sup>26</sup> This notification is required by State Board of Education Policy TEST-001.

- j. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress, and 3450, Class Rankings);
- k. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;<sup>27</sup>
- l. if applicable, that their child will be provided advanced learning opportunities in mathematics<sup>28</sup> or will be placed in an advanced mathematics course;<sup>29, 30</sup>
- m. when a student initially creates a career development plan, that the plan has been created and information on how to access the plan;<sup>31</sup>
- ~~n.~~ a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;<sup>32</sup>
- ~~o.~~ a report containing information about the school system and each school, including, but not limited to:
  - i. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress

<sup>27</sup> This information must be provided to parents and students under G.S. 115C-174.26(d).

<sup>28</sup> G.S. 115C-81.36 requires boards to offer advanced learning opportunities in mathematics in grades three through five, when practicable. If the board offers advanced learning opportunities in mathematics, any student who scores at the highest level on the end-of-grade test must be provided advanced learning opportunities in mathematics for the next school year. Such students may not be removed from the advanced learning opportunity provided to the student unless a parent or guardian of the student provides written consent for the student to be excluded or removed after being informed that the student's placement was determined by the student's achievement on the previous end-of-grade test.

<sup>29</sup> G.S. 115C-81.36 requires boards to offer advanced courses in mathematics in all grades six and higher, when practicable. If the board offers advanced courses in mathematics, any student who scores at the highest level on the end-of-grade or end-of-course test must be placed into the advanced level course for the next mathematics course in which the student enrolls. A student in seventh grade scoring at the highest level on the seventh grade mathematics end-of-grade test must be placed into a high school level mathematics course in eighth grade. Such students may not be removed from the advanced or high school mathematics course unless a parent or guardian of the student provides written consent for the student to be excluded or removed from that course after being informed that the student's placement was determined by the student's achievement on the previous end-of-grade or end-of-course test.

<sup>30</sup> Providing notice to parents of advanced learning opportunities in mathematics and advanced mathematics courses is not required by law. Accordingly, inclusion of this provision requiring notice to parents is optional.

<sup>31</sup> See G.S. 115C-158.10(b).

<sup>32</sup> This information is required under 20 U.S.C. 6311(h)(1)(C)(i) and (2).

of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;

- ii. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;
- iii. the percentage and number of students who are:
  - 1. assessed,
  - 2. assessed using alternate assessments,
  - 3. involved in preschool and accelerated coursework programs, and
  - 4. English learners achieving proficiency;
- iv. the per pupil expenditures of federal, state, and local funds; and
- v. teacher qualifications;<sup>33</sup>

~~o.p.~~ the grade earned by the school on the most recent annual report card issued for it by the State Board of Education if the grade was a D or F;<sup>34</sup>

~~p.q.~~ if the school and/or the school system is identified by the State Board of Education as low-performing, the notifications required by G.S. 115C-105.37(b) and/or G.S. 115C-105.39A(c);<sup>35</sup>

~~q.r.~~ supportive services available to students, including health services;

~~r.s.~~ 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;<sup>36</sup>

~~s.t.~~ how to reach school officials in emergency situations during non-school hours;<sup>37</sup>

<sup>33</sup> This information is required under 20 U.S.C. 6311(h)(1) and (2).

<sup>34</sup> This notification is required under G.S. 115C-47(58).

<sup>35</sup> These notifications must be made within 30 days of the identification as low-performing.

<sup>36</sup> This notification is required under G.S. 115C-47(51). The statute only requires that this information be provided to parents or guardians of children entering grades 5 through 12.

<sup>37</sup> This notification is optional.

- ~~t.u.~~ 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);<sup>38</sup>
- ~~u.v.~~ information about the school breakfast program;<sup>39</sup>
- ~~v.w.~~ information about the availability and location of free summer food service program meals for students when school is not in session;<sup>40</sup>
- ~~w.x.~~ for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);<sup>41</sup>
- ~~x.y.~~ 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;<sup>42</sup>
- ~~y.z.~~ education rights of homeless students (see policy 4125, Homeless Students);<sup>43</sup>
- ~~z.aa.~~ the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);<sup>44</sup>
- ~~aa.bb.~~ 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);<sup>45</sup>
- ~~bb.cc.~~ that the school system does not discriminate on the basis of race, color, national origin, sex, disability, or age, and that the school system provides processes for resolving discrimination and harassment complaints (see

<sup>38</sup> This notification is required by federal law for school systems that participate in the National School Lunch Program, the School Breakfast Program, or the Special Milk Program. If, however, the school system does not collect application forms annually because the school system uses one of the three alternative provisions described in Section 11(a)(1) of the National School Lunch Act or uses community eligibility, this notification should be modified accordingly. See 42 U.S.C. 1759a.

<sup>39</sup> 7 C.F.R. 210.12(d)(1) requires that this notification be distributed to families just prior to or at the beginning of the school year. In addition, schools are encouraged to send reminders regarding the availability of the school breakfast program multiple times throughout the school year.

<sup>40</sup> 7 C.F.R. 210.12(d)(2) requires that school food authorities cooperate with summer food service program sponsors to provide this information.

<sup>41</sup> This notification is required under the Individuals with Disabilities Education Act. 20 U.S.C. 1415(d) and G.S. 115C-109.1.

<sup>42</sup> This notification is required under the Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*

<sup>43</sup> This notification is required under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*

<sup>44</sup> This notification is required under the Healthy, Hunger-Free Kids Act (P.L. 111-296). See 42 U.S.C. 1758b.

<sup>45</sup> Providing notice of this right is optional. If the school system does not plan to notify parents of this right, policy 5015, School Volunteers, should be modified accordingly.

policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);<sup>46</sup>

~~ee.dd.~~ that the school system provides equal access to its facilities, programs, and activities to the Boy Scouts and other designated youth groups (see policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law);<sup>47</sup> and

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

#### 4. Opportunities to Withhold Consent/Opt Out Notifications

As a part of the annual notification described above, parents will be effectively notified that they may opt out of any of the following:<sup>48</sup>

- a. release of student directory information about their child for school purposes or to outside organizations (see policy 4700, Student Records);<sup>49</sup>
- b. release of their child's name, address, and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);<sup>50</sup>
- c. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS; (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program.<sup>51</sup> 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

<sup>46</sup> This notification is required under several federal anti-discrimination laws and regulations, such as Title VI, Title IX, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act, and the Americans with Disabilities Act. See the cross-referenced policies for detailed legal references.

<sup>47</sup> This notification is required under 34 C.F.R. 108.9, which implements the Boy Scouts of America Equal Access Act, 20 U.S.C. 7905.

<sup>48</sup> **If the board permits the use of corporal punishment**, the following statement should be added in this subsection: "the administration of corporal punishment on their child (see policy 4355, Corporal Punishment)." This opt out is required by G.S. 115C-390.4(b)(6). If the board uses an opt out process for obtaining consent to students' independent use of the Internet under policy 3225/4312/7320, Technology Responsible Use, move the information in paragraph number 11 of Section D to this subsection.

<sup>49</sup> This notification is required under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99.

<sup>50</sup> 20 U.S.C. 7908.

<sup>51</sup> The opportunity to withhold consent for participation is required by G.S. 115C-81.30(b) and (c). Alternatively, permission, rather than the withholding of consent, may be required.

is available to the public.<sup>52</sup> To meet any review periods required by law, materials also may be made available for review in the central office;

- d. their child's participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders).<sup>53</sup> However, parents do not have the right to opt out of: (a) short-duration academic, career, personal, or social guidance and counseling and crisis intervention that is needed to maintain order, discipline, or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student's specific concerns or needs; and (c) counseling if child abuse or neglect is suspected (see policies 3610, Counseling Program, and 4240/7312, Child Abuse and Related Threats to Child Safety);
- e. their child's participation in any protected information survey given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey or the North Carolina Youth Tobacco Survey (see policy 4720, Surveys of Students);<sup>54</sup>
- f. 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;<sup>55</sup>
- g. the collection, disclosure, or use of their child's personal information for marketing purposes (see policy 4720, Surveys of Students);<sup>56</sup> and
- h. release of their child's free and reduced-price meal information to State Medicaid or State children's health insurance program (SCHIP).<sup>57</sup>

Any parent or legal guardian who wishes to opt out/withhold consent must do so in writing after receiving notice.<sup>58</sup> 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

<sup>52</sup> The opportunity for parents to review the materials is required by G.S. 115C- 81.25(d) and G.S. 115C-81.30(c). Information about when and where the materials will be available for review should be consistent with policy 3540, Comprehensive Health Education Program, adopted by the board.

<sup>53</sup> This notification is optional.

<sup>54</sup> See G.S. 115C-76.65(c).

<sup>55</sup> This notification is required under the Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98.

<sup>56</sup> This notification is required under the Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98.

<sup>57</sup> This notification is required under the National School Lunch Program. See 42 U.S.C. 1758, 7 C.F.R. pt. 245.

<sup>58</sup> The policy may establish a time frame for withholding consent.

made available.

#### **D. PARENTAL PERMISSION REQUIRED**

Written parental permission is required prior to the following activities:<sup>59</sup>

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);<sup>60</sup>
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;<sup>61</sup>
8. students' participation in programs or services that provide information about where to obtain contraceptives or abortion referral services;<sup>62</sup>
9. students' participation in any protected information survey other than those given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey or the North Carolina Youth Tobacco Survey (see policy 4720, Surveys of Students);<sup>63</sup>
10. disclosure of students' free and reduced price lunch eligibility information or

<sup>59</sup> Permission is legally required or highly recommended for all activities listed.

<sup>60</sup> Alternatively, the board may require parental permission for all sports, rather than defining high-impact or high-risk sports.

<sup>61</sup> Informed written consent of the parent is required for any mental health assessment or service provided through a program funded under Title IV of the ESEA except in the case of a health or safety emergency or when consent cannot be reasonably obtained. See 20 U.S.C. 7101(a)(1)(A).

<sup>62</sup> A policy on parental consent for referral for information about contraceptives and abortion services is required by G.S. 115C-81.30(d). The policy may provide that no parental notice or consent is required or, alternatively, that consent is presumed unless the parent opts out.

<sup>63</sup> See G.S. 115C-76.65(c).

eligibility status;<sup>64</sup> and

11. students' access to school system technological resources, including the Internet, as described in policy 3225/4312/7320, Technology Responsible Use.<sup>65</sup>

## **E. PROCEDURES FOR PARENTAL INVOLVEMENT IN STUDENT HEALTH**

### **1. Parent Notifications Regarding Student Physical and Mental Health**

At the beginning of each school year, the principal or designee shall notify parents of (1) each health care service offered at their children's schools and the means for parents to provide consent for any specific services; (2) acknowledgement that consenting to a health care service does not waive the parents' right to access their children's educational records or health records or to be notified of changes in their children's services or monitoring; and (3) the procedures to exercise the parental remedies for concerns related to student health provided by G.S. 115C-76.60 and described below in subsection E.6.<sup>66</sup>

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children.<sup>67</sup>

The principal or designee shall notify parents of changes in services or monitoring related to their children's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for their children prior to or contemporaneously with the changes being made.<sup>68</sup> In addition, the principal or designee shall notify parents before any changes are made to the names or pronouns used for their children in school records or by school personnel.<sup>69</sup>

No school system policy, procedure, or form will expressly or otherwise prohibit

<sup>64</sup> Information may be disclosed in some instances, usually only with prior notice and/or consent based on 42 U.S.C. 1758(b)(6)(D)(ii).

<sup>65</sup> This provision is consistent with policy 3225/4312/7320, Technology Responsible Use, which requires that, before a student may access the Internet, the student's parent must consent to the student's Internet access and to the school system monitoring the student's Internet activity and electronic mailbox issued by the school system. Boards that prefer to use an opt out process for consent or that prefer not to require consent in any form are encouraged to consult with the board attorney before modifying this policy and policy 3225/4312/7320, as consent may be necessary to take advantage of the exception to liability for intercepting electronic communications. See Electronic Communications Privacy Act, 18 U.S.C. 2511(2)(d).

<sup>66</sup> See G.S. 115C-76.45(a)(1) and (2).

<sup>67</sup> See G.S. 115C-76.45(a)(3).

<sup>68</sup> See G.S. 115C-76.45(a)(4).

<sup>69</sup> See G.S. 115C-76.45(a)(5).

school employees from notifying parents about their children's mental, emotional, or physical health or well-being or a change in related services or monitoring, nor will any school system policy, procedure, or form intentionally encourage or be designed in a manner that is reasonably likely to have the effect of encouraging any children to withhold from their parents information about their mental, emotional, or physical health or well-being or a change in related services or monitoring.<sup>70</sup> School personnel shall not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.<sup>71</sup>

2. Discussions Related to Student Well-Being<sup>72</sup>

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

3. Parent Access to Student Records

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

4. Student Support Services Training<sup>73</sup>

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

5. Instruction on Gender Identity, Sexual Activity, and Sexuality<sup>74</sup>

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

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<sup>70</sup> See G.S. 115C-76.45(d).

<sup>71</sup> See G.S. 115C-76.45(e).

<sup>72</sup> G.S. 115C-76.45(b) requires the board to adopt procedures that include a requirement that school personnel do one or both of the following: (1) encourage a child to discuss issues related to the child's well-being with his or her parent; and (2) facilitate discussion of the issue with the child's parents.

<sup>73</sup> See G.S. 115C-76.50.

<sup>74</sup> See G.S. 115C-76.55.

**6. Remedies for Parental Concerns Related to Student Health<sup>75</sup>**

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

If the concern has not been resolved within 15 days after the parent initially submitted the concern, the superintendent or designee shall schedule a board hearing to be conducted pursuant to policy 2500, Hearings Before the Board, to occur within the next 15 days. If the concern is not resolved 30 days after the parent initially submitted the concern, the board will provide a statement of the reasons for not resolving the concern.

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

**F. PARENT REQUESTS FOR INFORMATION<sup>76</sup>**

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

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

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<sup>75</sup> G.S. 115C-76.60 requires the board to adopt procedures for a parent to notify the principal about concerns with the school system's procedure or practice under Part 4 of Article 7B of Chapter 115C (which is described in Section E of this policy) and a process for resolving those concerns within seven days of the date of the parent's notification. The school system must provide a statement of reasons for not resolving the concern if it's not resolved within 30 days. Any other information about the procedure/process provided in this subsection may be modified.

<sup>76</sup> See G.S. 115C-76.40.

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

The information in this Section F will be posted on the school system's website along with the list of parents' legal rights for their child's education as described in G.S. 115C-76.25.<sup>77</sup>

## **G. COMMUNITY SERVICES AVAILABLE**

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

**[G.S. 115C-76.35(a)(1) requires that board policy provides links to parents for community services. Insert here a list of applicable links to community services available to parents of students in your school system.]**

## **H. REPORTING REQUIREMENTS**

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

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12, 7 C.F.R. pt. 245; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; 20 U.S.C. 7908; G.S. 90-21.1, -21.10B; 95-28.3; 114A-10; 115C-47(47), -47(51), -47(54), -47(58), -76.1, -76.20, -76.25, -76.30, -76.35, -76.40, -76.45, -76.50, -76.55, -76.60, -76.65, -76.70, -81.25, -81.30, -81.36, -105.37(b), -105.39A(c), -105.41, -109.1, -158.10, -174.26(d), -307(c), -375.4, -390.2, -391.1, -402.15, -407.16; 16 N.C.A.C. 6D .0307, 6G .0701; State Board of Education Policies KNEC-002, PRNT-000 and -002, TEST-001

<sup>77</sup> G.S. 115C-76.25(a) lists 12 legal rights parents have with regard to their child's education. G.S. 115C-76.25(b) requires that LEAs allow parents to exercise these rights and requires that the LEA make the list of rights available to parents electronically or by displaying the information on the school system website. G.S. 115C-76.40(d) requires that LEAs display information regarding the procedures governing parental requests for information and appeals along with the other parental rights, as required by G.S. 115C-76.25.

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Business Advisory Council (policy 2670), Selection of Instructional Materials (policy 3200), Parental Inspection of and Objection to Instructional Materials (policy 3210), Technology Responsible Use (policy 3225/4312/7320), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), School Improvement Plan, (policy 3430), Class Rankings (policy 3450), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Parental Involvement in Student Behavior Issues (policy 4341), Attendance (policy 4400), Student Fees (policy 4600), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Student Health Services (policy 6120), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Meal Services (policy 6225), Pest Management (policy 9205)

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

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

**A. PARENTAL INVOLVEMENT PLANS**

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

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

- a. regular, meaningful, two-way communication between home and school;
- b. responsible parenting;
- c. involvement of parents in student learning;
- d. parental volunteering in the school;
- e. involvement of parents in school decisions that affect children and families;
- f. parental training based on parents' informational needs;
- g. collaboration with community agencies and other organizations to provide resources to strengthen school programs, families, and student learning; and
- h. student health awareness among parents by addressing the need for health programs and student health services, which are linked to student learning.

2. Title I Parent and Family Engagement Plan

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

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

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

**B. PARENT COMMUNICATION, PARTICIPATION, AND CONFERENCES**

1. Communication with Parents

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

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

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

The principal or designee shall strive, through oral or written communication or

other means, to include the parents of students identified as at-risk in the implementation and review of academic and/or behavioral interventions for their children, in accordance with policy 3405, Students at Risk of Academic Failure.

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

2. Parent Participation at Schools

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

3. Conferences

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

**C. PARENTAL NOTIFICATION**

1. Title I Notifications

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

2. Parent Guide for Student Achievement

Each year, the superintendent or designee shall create a parent guide for student achievement that meets the requirements of state law and the State Board of Education. All parents will receive a written copy of the guide, and information in

the guide will be discussed at the beginning of each school year in meetings of students, parents, and teachers.

At a minimum the guide will include the following:

- a. information for parents regarding the following as it pertains to their child: (1) requirements for promotion to the next grade, including the requirements of the North Carolina Read to Achieve Program as set forth in Part 1A of Article 8 of Chapter 115C; (2) the course of study, textbooks, and other supplementary instructional materials and policy 3210, Parental Inspection of and Objection to Instructional Materials, which provides for the inspection and review of those materials; (3) the child's progress toward achieving State and unit expectations for academic proficiency, including policies for student assessment, and the child's assessment results, report cards, and progress reports; (4) qualifications of the child's teachers, including licensure status; and (5) school entry requirements, including required immunizations and the recommended immunization schedule;
- b. parental actions that can do the following: (1) strengthen the child's academic progress, especially in the area of reading as provided in the North Carolina Read to Achieve Program; (2) strengthen the child's citizenship, especially social skills and respect for others; (3) strengthen the child's realization of high expectations and setting lifelong learning goals; and (4) place a strong emphasis on the communication between the school and the home;
- c. services available for parents and their children, such as family literacy services; mentoring, tutoring, and other academic reinforcement programs; after-school programs; and college planning, academic advisement, and student counseling services (see policy 3610, Counseling Program);
- d. opportunities for parental participation, such as parenting classes, adult education, school advisory councils, and school volunteer programs;
- e. opportunities for parents to learn about rigorous academic programs that may be available for their child, such as academically and/or intellectually gifted programming, honors programs, Career and College Promise and other dual enrollment opportunities, advanced placement, Advanced International Certificate of Education (AICE) courses, International Baccalaureate, North Carolina Virtual High School courses, and accelerated access to postsecondary education;
- f. educational choices available to parents, including each type of public school unit available to residents of the county in which the child lives and nonpublic school options, educational choice options offered within the school system, and programs for scholarship grants for nonpublic schools

(Part 2A of Article 39 of Chapter 115C) and for personal education student accounts for students with disabilities (Article 41 of Chapter 115C);

- g. rights of students who have been identified as students with disabilities, as provided in Article 9 of Chapter 115C;
- h. contact information for school and unit offices;
- i. resources for information on the importance of student health and other available resources for parents, including the following information on available immunizations and vaccinations: (1) a recommended immunization schedule in accordance with the United States Centers for Disease Control and Prevention recommendations; and (2) information about meningococcal meningitis and influenza, including the causes, symptoms, and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children as required by G.S. 115C-375.4; and
- j. this policy (policy 1310/4002, Parental Involvement); policy 1320/3560, Title I Parent and Family Engagement; policy 2670, Business Advisory Council; policy 3210, Parental Inspection of and Objection to Instructional Materials; policy 3430, School Improvement Plan; policy 3540, Comprehensive Health Education Program; policy 4400, Attendance; policy 5015, School Volunteers; policy 5020, Visitors to the Schools; and policy 6140, Student Wellness.

3. Additional Annual Notifications

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

- a. parental rights related to student records (see policy 4700, Student Records);
- b. parental rights related to student surveys (see policy 4720, Surveys of Students);
- c. the approximate dates of any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered and scheduled in advance by the school administration, and (c) not necessary to protect the immediate health and safety of students;
- d. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see policy 9205, Pest Management);

- e. student behavior policies, the Code of Student Conduct, and school standards and rules (see policies in the 4300 series);
- f. the permissible use of seclusion and restraint in the schools (see regulation 4302-R, Rules for Use of Seclusion and Restraint in Schools);
- g. policy 4329/7311, Bullying and Harassing Behavior Prohibited;
- h. policy 1740/4010, Student and Parent Grievance Procedure;
- i. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used, and whether each test is required by the State Board of Education or by the local board;
- j. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress, and 3450, Class Rankings);
- k. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;
- l. if applicable, that their child will be provided advanced learning opportunities in mathematics or will be placed in an advanced mathematics course;
- m. when a student initially creates a career development plan, that the plan has been created and information on how to access the plan;
- n. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;
- o. a report containing information about the school system and each school, including, but not limited to:
  - i. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;
  - ii. the performance of the school system on academic assessments as

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

- iii. the percentage and number of students who are:
  - 1. assessed,
  - 2. assessed using alternate assessments,
  - 3. involved in preschool and accelerated coursework programs, and
  - 4. English learners achieving proficiency;
- iv. the per pupil expenditures of federal, state, and local funds; and
- v. teacher qualifications;
- p. the grade earned by the school on the most recent annual report card issued for it by the State Board of Education if the grade was a D or F;
- q. if the school and/or the school system is identified by the State Board of Education as low-performing, the notifications required by G.S. 115C-105.37(b) and/or G.S. 115C-105.39A(c);
- r. supportive services available to students, including health services;
- s. 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;
- t. how to reach school officials in emergency situations during non-school hours;
- u. 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);
- v. information about the school breakfast program;
- w. information about the availability and location of free summer food service program meals for students when school is not in session;
- x. for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
- y. 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;

- z. education rights of homeless students (see policy 4125, Homeless Students);
- aa. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);
- bb. 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);
- cc. that the school system does not discriminate on the basis of race, color, national origin, sex, disability, or age, and that the school system provides processes for resolving discrimination and harassment complaints (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
- dd. that the school system provides equal access to its facilities, programs, and activities to the Boy Scouts and other designated youth groups (see policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law); and
- ee. the availability of and the process for requesting a waiver or reduction of student fees (see policy 4600, Student Fees).

#### 4. Opportunities to Withhold Consent/Opt Out Notifications

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

- a. release of student directory information about their child for school purposes or to outside organizations (see policy 4700, Student Records);
- b. release of their child's name, address, and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);
- c. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS; (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program. A copy of the materials that will be used in these curricula will be available in the school

media center during the school year and at other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;

- d. their child's participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parents do not have the right to opt out of: (a) short-duration academic, career, personal, or social guidance and counseling and crisis intervention that is needed to maintain order, discipline, or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student's specific concerns or needs; and (c) counseling if child abuse or neglect is suspected (see policies 3610, Counseling Program, and 4240/7312, Child Abuse and Related Threats to Child Safety);
- e. their child's participation in any protected information survey given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey or the North Carolina Youth Tobacco Survey (see policy 4720, Surveys of Students);
- f. 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;
- g. the collection, disclosure, or use of their child's personal information for marketing purposes (see policy 4720, Surveys of Students); and
- h. release of their child's free and reduced-price meal information to State Medicaid or State children's health insurance program (SCHIP).

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

#### **D. PARENTAL PERMISSION REQUIRED**

Written parental permission is required prior to the following activities:

- 1. the administration of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);
- 2. the release of student records that are not considered directory information, unless

the release is allowed or required by law (see policy 4700, Student Records);

3. off-campus trips;
4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);
5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (see policy 3520, Special Education Programs/Rights of Students with Disabilities);
6. certain health services, as required by law;
7. participation in a mental health assessment or mental health services under circumstances prescribed by federal law;
8. students' participation in programs or services that provide information about where to obtain contraceptives or abortion referral services;
9. students' participation in any protected information survey other than those given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey or the North Carolina Youth Tobacco Survey (see policy 4720, Surveys of Students);
10. disclosure of students' free and reduced price lunch eligibility information or eligibility status; and
11. students' access to school system technological resources, including the Internet, as described in policy 3225/4312/7320, Technology Responsible Use.

**E. PROCEDURES FOR PARENTAL INVOLVEMENT IN STUDENT HEALTH**

**1. Parent Notifications Regarding Student Physical and Mental Health**

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

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or

designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children.

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

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

2. Discussions Related to Student Well-Being

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

3. Parent Access to Student Records

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

4. Student Support Services Training

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

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

Instruction on gender identity, sexual activity, or sexuality will not be included in the curriculum provided in kindergarten through fourth grade, regardless of whether the information is provided by school personnel or third parties. For

purposes of this subsection, curriculum includes the standard course of study and support materials, locally developed curriculum, supplemental instruction, and textbooks and other supplementary materials, but does not include responses to student-initiated questions.

**6. Remedies for Parental Concerns Related to Student Health**

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

If the concern has not been resolved within 15 days after the parent initially submitted the concern, the superintendent or designee shall schedule a board hearing to be conducted pursuant to policy 2500, Hearings Before the Board, to occur within the next 15 days. If the concern is not resolved 30 days after the parent initially submitted the concern, the board will provide a statement of the reasons for not resolving the concern.

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

**F. PARENT REQUESTS FOR INFORMATION**

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

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

If the superintendent denies or does not respond to the request for information within 10 business days, the parent may appeal the denial or lack of response to the board no later than 20 business days from the date of the request to the superintendent. The board will

place the parent's appeal on the agenda for the next board meeting occurring more than three business days after submission of the appeal.

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

#### **G. COMMUNITY SERVICES AVAILABLE**

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

**[G.S. 115C-76.35(a)(1) requires that board policy provides links to parents for community services. Insert here a list of applicable links to community services available to parents of students in your school system.]**

#### **H. REPORTING REQUIREMENTS**

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

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12, 7 C.F.R. pt. 245; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; 20 U.S.C. 7908; G.S. 90-21.1, -21.10B; 95-28.3; 114A-10; 115C-47(47), -47(51), -47(54), -47(58), -76.1, -76.20, -76.25, -76.30, -76.35, -76.40, -76.45, -76.50, -76.55, -76.60, -76.65, -76.70, -81.25, -81.30, -81.36, -105.37(b), -105.39A(c), -105.41, -109.1, -158.10, -174.26(d), -307(c), -375.4, -390.2, -391.1, -402.15, -407.16; 16 N.C.A.C. 6D .0307, 6G .0701; State Board of Education Policies KNEC-002, PRNT-000 and -002, TEST-001

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Business Advisory Council (policy 2670), Selection of Instructional Materials (policy 3200), Parental Inspection of and Objection to Instructional Materials (policy 3210), Technology Responsible Use (policy 3225/4312/7320), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), School Improvement Plan,

(policy 3430), Class Rankings (policy 3450), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Parental Involvement in Student Behavior Issues (policy 4341), Attendance (policy 4400), Student Fees (policy 4600), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Student Health Services (policy 6120), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Meal Services (policy 6225), Pest Management (policy 9205)

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## REMOTE PARTICIPATION IN BOARD MEETINGS

Policy Code:

2302

The Jackson County Board of Education acknowledges that attendance at board meetings is essential for its members to perform their official duties and to add to the diversity of thought and opinion in the board's deliberations. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent one or more members from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing, have made it possible for members to communicate and deliberate with each other from remote locations. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, G.S. 143-318.9 *et seq.*, the board authorizes remote participation in board meetings subject to existing board operational policies, state law, and the following procedures and requirements.

### A. DEFINITIONS

The following definitions apply in this policy:

#### 1. Official Meeting of the Board

An official meeting of the board is an official meeting as defined by G.S. 143-318.10 and policy 2300, Board Meetings, and includes a board meeting, board committee meeting, public hearing, quasi-judicial hearing, or any other gathering that constitutes an official meeting subject to the open meetings law. References to "meeting" in this policy mean an official meeting of the board.

#### 2. Remote Participation

Remote participation occurs when a member participates in an official meeting of the board or any part thereof via electronic means from a place other than the physical location of the meeting designated in the public notice for the meeting.

#### 3. Wholly Remote Meeting

A wholly remote meeting is an official meeting of the board or any part thereof in which all members participate remotely by simultaneous communication via conference telephone, conference video, or other electronic means. A wholly remote meeting has no physical location.

#### 4. State-Declared Emergency

A state-declared emergency exists when there has been a declaration of a state of emergency by the Governor or resolution of the General Assembly pursuant to G.S. 166A-19.20 that is applicable to the area under the board's jurisdiction.

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**B. AUTHORIZED CIRCUMSTANCES FOR REMOTE PARTICIPATION****1. Meetings During a State-Declared Emergency**

The board acknowledges that in-person meetings are strongly preferred and that a quorum of the board should be physically present for the meeting when reasonably possible. However, during a state-declared emergency, the board may find it necessary to have some or all of its members participate in meetings remotely.

During a state-declared emergency, wholly remote meetings or meetings with remote participation by individual member(s) will comply with G.S. 166A-19.24 and the requirements of this policy, including the special rules for meetings held during state-declared emergencies described in Section E, below.

**2. Meetings Not During a State-Declared Emergency**

The board will not hold wholly remote meetings in the absence of a state-declared emergency.

The board authorizes remote participation by individual members consistent with the requirements of this policy in any meeting of the board that is not a hearing as described in policy 2500, Hearings Before the Board, or other quasi-judicial proceeding.

**C. CONDITIONS AND REQUIREMENTS FOR REMOTE PARTICIPATION**

1. A member may attend a meeting remotely if the member is prevented from physically attending the meeting due to:
  - a. personal illness, disability, an order of quarantine or isolation, a government-issued “stay-at-home” mandate, or the recommendation of a medical provider or public health officials to limit public interaction;
  - b. out-of-town travel;
  - c. an unexpected lack of child-care;
  - d. family member illness or a family emergency;
  - e. weather conditions;
  - f. military service;
  - g. employment obligations;

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- h. a scheduling conflict; or
    - i. a state or local declaration of a state of emergency that makes in-person attendance at a meeting a violation of an order to reduce social contact or to stay at home for reasons of public health.
  - 2. Remote participation is not to be used solely for a board member's convenience or to avoid attending a particular meeting in person.
  - 3. No board member may participate remotely more than three times during a calendar year for a reason other than an order of quarantine or isolation, a "stay-at-home" mandate, or a recommendation to limit public interaction, as described in subsection C.1, above; however, in other justifiable circumstances, the board may, by two-thirds vote, agree to waive this limitation.
  - 4. Acceptable means of remote participation include telephone-, Internet-, or satellite-enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email, and web chat without audio are not acceptable means of remote participation.
  - 5. A board member participating in a meeting remotely shall use his or her best efforts to participate in all or as much of the meeting as circumstances permit and not merely for the closed session portion of the meeting or a limited number of agenda items.
  - 6. A board member participating remotely will not be considered present at the meeting for purposes of establishing and maintaining a meeting quorum except as described in Section E, below.
  - 7. A board member participating remotely will be entitled to participate in open session deliberations at the meeting if, and while:
    - a. the member is able to hear other members of the board and any individuals addressing the board, including members of the public who are recognized by the board during public comment; and
    - b. all persons present at the meeting location are able to hear the board member who is participating remotely.

When video technology is used, it is preferred that the remote participant is visible to all persons present at the meeting location.

- 8. A board member who is entitled to participate in open session deliberations may also participate in a closed session of the meeting if the member provides assurance

to the board that no other person is able to hear, see, or otherwise participate in the closed session from the member's remote location.

9. A board member considered present through remote participation will not be permitted to vote on any action item at the meeting except as described in Section E, below.

#### **D. PROCEDURE FOR REMOTE PARTICIPATION**

1. A member of the board who desires to participate in a meeting remotely shall notify the board chair and the superintendent at least four hours in advance of the meeting so that necessary arrangements can be made. If the member has not already received all documents to be considered at the meeting, the superintendent shall arrange for delivery of the materials in a manner that is practicable under the circumstances.
2. The chair or designee at the meeting location shall initiate contact with the member prior to the start of the meeting to secure participation.
3. The chair shall announce the remote participant and the means of remote participation at the beginning of the meeting.
4. The chair shall remind all members that all chats, instant messages, texts, or other written communications between members of the board regarding the transaction of board business during the meeting, including such communications between or among members participating remotely, are a public record.
5. If the remote participant cannot be physically seen by other members of the board and members of the public present at the meeting, the remote participant must identify himself or herself in each of the following situations:
  - a. when the meeting begins or the roll is taken;
  - b. prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order; and
  - c. prior to voting, if voting is permitted as described in Section E, below.
6. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.

7. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.
8. All votes taken will be by voice vote (rather than by a show of hands).
9. The minutes of the meeting will reflect that the meeting was conducted by use of simultaneous electronic communication, which members were in attendance by simultaneous communication, and when such member(s) joined or left the meeting. Any interruption to or discontinuation of a member's participation will also be noted in the minutes.
10. The member participating remotely will bear the cost of his or her personal telephone or computer usage and telephone or internet connection as well as any other personal costs incurred while the member participates from a remote location.

**E. SPECIAL RULES FOR REMOTE MEETINGS DURING A STATE-DECLARED EMERGENCY**

The following modifications and additions to the requirements of this policy apply to meetings held during a state-declared emergency.

1. Quasi-judicial hearings may be held remotely with consent of the parties and in conformance with the requirements of G.S. 166A-19.24(f) and this section.
2. Notice of meetings will be provided as required by G.S. 143-318.12 (and 166A-19.24(b1), if the original meeting notice did not specify a remote meeting), and will specify (1) the means by which the public can access the simultaneous live stream of the meeting and (2) any other means by which the public can access the meeting as it occurs.
3. The board need not provide a location for members of the public to listen to the meeting.
4. All documents to be considered during the meeting shall be provided to each member.
5. The means for simultaneous communication specified in subsection C.4 of the policy must allow for any member to do all of the following:
  - a. hear what is said by the other members;
  - b. hear what is said by any individual addressing the board; and
  - c. to be heard by the other members when speaking to the public body.
6. A member participating by simultaneous communication will be counted as present for quorum purposes, but only during the period that simultaneous communication

is maintained for that member.

7. The board will refrain from acting by reference to a document or other materials so as to conceal from public understanding what is being deliberated, voted, or acted upon at the meeting.
8. A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:
  - a. any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and
  - b. any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such as a few seconds, will not disqualify the member from voting on the matter under discussion.
9. Except when the board is meeting in closed session, the meeting will be simultaneously streamed live online to the public, or if the meeting is conducted by conference call, the public will be provided an opportunity to dial in or stream the audio live and listen to the meeting.
10. If the meeting is a public hearing, the board will allow for written comments on the subject of the hearing to be submitted up to 24 hours prior to the scheduled time for the beginning of the public hearing.
11. Subsection C.3 of this policy will not apply to remote meetings held during a state-declared emergency.

The superintendent is directed to provide the technology sufficient to implement this policy in accordance with all applicable laws.

Legal References: G.S. 166A-19.20, -19.22, -19.24; G.S. ch. 143, art. 33C; *State ex rel. Cannon v. Anson Cnty.*, \_\_\_ N.C. App. \_\_\_ (2024)

Cross References: Board Meetings (policy 2300), Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321), Board Meeting News Coverage (policy 2325), Quorum (policy 2341), Hearings Before the Board (policy 2500), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted: October 26, 2021 – Effective November 16, 2021

Updated: December 17, 2024

## REMOTE PARTICIPATION IN BOARD MEETINGS

Policy Code:

2302

<sup>1</sup>The board acknowledges that attendance at board meetings is essential for its members to perform their official duties and to add to the diversity of thought and opinion in the board's deliberations. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent one or more members from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing, have made it possible for members to communicate and deliberate with each other from remote locations. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, G.S. 143-318.9 *et seq.*, the board authorizes remote participation in board meetings subject to existing board operational policies, state law,<sup>2</sup> and the following procedures and requirements.

### A. DEFINITIONS

The following definitions apply in this policy:

#### 1. Official Meeting of the Board

An official meeting of the board is an official meeting as defined by G.S. 143-318.10 and policy 2300, Board Meetings, and includes a board meeting, board committee meeting, public hearing, quasi-judicial hearing, or any other gathering that constitutes an official meeting subject to the open meetings law. References to "meeting" in this policy mean an official meeting of the board.

#### 2. Remote Participation

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<sup>1</sup> This is an optional policy and may be modified. This policy presumes that local boards are authorized under G.S. ch. 143 art. 33C to conduct meetings in which some ~~or all of the~~ board members are participating remotely, provided that a quorum is physically present at the meeting. G.S. 166A-19.24, enacted in response to the COVID-19 emergency, authorizes and establishes rules specifically for the conduct of remote meetings held during periods of emergency declared by the Governor or General Assembly. The board is not required to authorize remote participation in board meetings, and board members do not have an inherent right to participate in board meetings through electronic means. If the board allows remote participation, however, NCSBA recommends that the board specify in policy the circumstances and conditions under which remote participation will be allowed. Boards should review this policy carefully with the assistance of the board attorney.

<sup>2</sup> In addition to the open meetings law that is generally applicable to all official meetings of the board, meetings that (1) include remote participation or are wholly remote and (2) are conducted during state-declared emergencies under G.S. 166A-19.20 are specifically subject to the requirements of G.S. 166A-19.24 as described in Section E of this policy. This policy makes many of those standards applicable to all meetings that involve remote participation, whether or not a state-declared emergency exists. Boards that wish to modify the policy to apply those standards only as required by law should consult the board attorney for assistance.

Remote participation occurs when a member participates in an official meeting of the board or any part thereof via electronic means from a place other than the physical location of the meeting designated in the public notice for the meeting.

3. Wholly Remote Meeting<sup>3</sup>

A wholly remote meeting is an official meeting of the board or any part thereof in which all members participate remotely by simultaneous communication via conference telephone, conference video, or other electronic means. A wholly remote meeting has no physical location.

4. State-Declared Emergency

A state-declared emergency exists when there has been a declaration of a state of emergency by the Governor or resolution of the General Assembly pursuant to G.S. 166A-19.20 that is applicable to the area under the board's jurisdiction.<sup>4</sup>

~~5. Locally Declared Emergency~~

~~A locally declared emergency exists when there has been a declaration of a local state of emergency by the governing body of a municipality or county in accordance with G.S. 166A-19.22 that is applicable to area under the board's jurisdiction.<sup>5</sup>~~

**B. AUTHORIZED CIRCUMSTANCES FOR REMOTE PARTICIPATION**

1. Meetings During a State-Declared Emergency<sup>6</sup>

The board acknowledges that in-person meetings are strongly preferred and that a quorum of the board should be physically present for the meeting when reasonably possible. However, ~~in times of~~ during a state-declared emergency, ~~including natural disasters and health emergencies~~, the board may find it necessary to have some or all of its members participate in meetings remotely.

~~a. State Declared Emergency~~

During a state-declared emergency, wholly remote meetings or meetings with remote participation by individual member(s) will comply with G.S. 166A-19.24

<sup>3</sup> G.S. 166A-19.24(h), applicable during state-declared emergencies, defines "remote meeting" as "an official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication." This statutory definition does not distinguish meetings in which only some members are participating remotely from those in which all members are doing so.

<sup>4</sup> This is the standard that triggers the application of the statutory requirements of G.S. 166A-19.24.

<sup>5</sup> ~~G.S. 166A-19.24 does not apply to locally declared emergencies.~~

<sup>6</sup> ~~Declarations of a state of emergency are described in G.S. 166A-19.20 (by Governor/General Assembly) and G.S. 166A-19.22 (by local authorities).~~

and the requirements of this policy, including the special rules for meetings held during state-declared emergencies described in Section E, below.<sup>7</sup>

~~b. Locally Declared Emergency~~

~~During a locally declared emergency, wholly remote meetings and meetings with remote participation by individual member(s) will comply with the requirements of the open meetings law, Sections C and D below, and to the extent not inconsistent with G.S. 143-318.13,<sup>8</sup> the procedures established by G.S. 166A-19.24 as described in Section E, below.~~

2. Meetings Not During a State-Declared Emergency

~~a. Wholly Remote Meetings.~~

The board will not hold wholly remote meetings in the absence of a state-~~or locally~~-declared emergency.<sup>9</sup>

~~b. Remote Participation by Individual Members~~

The board authorizes remote participation by individual members consistent with the requirements of this policy in any meeting of the board that is not a hearing as described in policy 2500, Hearings Before the Board, or other quasi-judicial proceeding.<sup>10</sup>

**C. CONDITIONS AND REQUIREMENTS FOR REMOTE PARTICIPATION**

<sup>7</sup> Requirements for “remote meetings” held during state-declared emergencies are established in G.S. 166A-19.24. A “remote meeting” is defined as “an official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication.” Accordingly, this policy applies the requirements of G.S. 166A-19.24 to both wholly remote meetings of the board and to meetings in which only some members of the board participate remotely during a state-declared emergency. ~~It applies the same requirements in the case of locally declared emergencies to the extent not inconsistent with applicable open meetings law requirements, as described in subsection B.1.b and footnote 8.~~

<sup>8</sup> ~~Subsection (a) of G.S. 143-318.13 requires the board to provide a location and means whereby members of the public may listen to a meeting held by electronic means and to specify that location in the notice of the meeting. Subsection (d) of the same statute makes subsection (a) inapplicable (only) to meetings held in accordance with G.S. 166A-19.24, i.e., meetings held remotely during state-declared emergencies but not those held during locally-declared emergencies. In addition, G.S. 166A-19.24 provides special procedures for public comment during a state-declared emergency that are not applicable in locally-declared emergencies.~~

<sup>9</sup> ~~Alternately, the board could add “except in extraordinary circumstances” to the end of this sentence to cover unforeseen circumstances unrelated to a declared emergency that might prevent the board from holding a meeting with a quorum physically present.~~

<sup>10</sup> Quasi-judicial proceedings are those that place the board in the role of a judge, hearing evidence and applying a legal standard found in a statute or board policy. Examples are employee grievances or dismissal hearings and student discipline hearings. Board members in these proceedings must be able to observe evidence and the demeanor of witnesses. The board should not change this provision to allow remote participation in quasi-judicial hearings without first consulting the board attorney.

1. A member may attend a meeting ~~and participate in board deliberations and decisions by remote participation~~remotely if the member is prevented from physically attending the meeting due to:<sup>11</sup>
  - a. personal illness, disability, an order of quarantine or isolation, a government-issued “stay-at-home” mandate, or the recommendation of a medical provider or public health officials to limit public interaction;
  - b. out-of-town travel;<sup>12</sup>
  - c. an unexpected lack of child-care;
  - d. family member illness or a family emergency;
  - e. weather conditions;
  - f. military service;
  - g. employment obligations;
  - h. a scheduling conflict; or
  - i. a state or local declaration of a state of emergency that makes in-person attendance at a meeting a violation of an order to reduce social contact or to stay at home for reasons of public health.
2. Remote participation is not to be used solely for a board member’s convenience or to avoid attending a particular meeting in person.
3. No board member may participate remotely more than three times during a calendar year for a reason other than an order of quarantine or isolation, a “stay-at-home” mandate, or a recommendation to limit public interaction, as described in subsection C.1, above;<sup>13</sup> however, in other justifiable circumstances, the board may, by two-thirds vote, agree to waive this limitation.<sup>14</sup>

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<sup>11</sup> The board may modify this list.

<sup>12</sup> This provision could include a minimum specific geographic distance necessary for remote participation.

<sup>13</sup> This provision is optional; it is intended to help ensure that remote participation is used only when necessary. A different number may be specified. In setting the number of meetings that a member may attend remotely, the board should consider how many meetings it typically holds in a year. A board that meets several times a month might want to allow its members to attend a higher number of meetings remotely than a board that meets only monthly.

<sup>14</sup> The requirement of a two-thirds vote is intended to prevent a simple majority of the board from repeatedly waiving the requirement for some members, but not for others.

4. Acceptable means of remote participation include telephone-, Internet-, or satellite-enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email, and web chat without audio are not acceptable means of remote participation.
5. A board member participating in a meeting remotely shall use his or her best efforts to participate in all or as much of the meeting as circumstances permit and not merely for the closed session portion of the meeting or a limited number of agenda items.<sup>15</sup>
6. A board member participating remotely will not be considered present at the meeting for purposes of establishing and maintaining a meeting quorum<sup>16</sup> except as described in Section E, below ~~and~~
7. A board member participating remotely will be entitled to participate in open session deliberations at the meeting if, and while:
  - a. the member is able to hear other members of the board and any individuals addressing the board, including members of the public who are recognized by the board during public comment; and
  - b. all persons present at the meeting location are able to hear the board member who is participating remotely; ~~and~~
  - e. ~~w~~When video technology is used, it is preferred that the remote participant is visible to all persons present at the meeting location.<sup>17</sup>
- ~~7.8.~~ A board member who is entitled to participate in open session deliberations may also participate in a closed session of the meeting if the member provides assurance

<sup>15</sup> This statement is optional.

<sup>16</sup> In State ex rel. Cannon v. Anson Cnty., \_\_\_ N.C. App. \_\_\_ (2024), the N.C. Court of Appeals held that a member of a public body participating in an official meeting remotely may be considered present for purposes of establishing a quorum only in meetings held during state-declared emergencies. This practice is presumed to be permissible and is expressly permitted by law during state-declared emergencies, as provided by G.S. 166A-19.24(e); however, the question of whether a remote participant may be considered present for purposes of establishing a quorum in other circumstances is not addressed in North Carolina statutes and has not yet been decided by a North Carolina court. The board should consult with its attorney for more detailed advice on this issue. To minimize legal risk, the board could require a quorum of its members to be physically present at the meeting location. The board may also consider a limit on the number of members who may participate remotely at the same meeting in order to promote ease of interaction among board members and to reduce potential technological challenges that might arise from multiple members participating from different locations.

<sup>17</sup> This requirement is optional and may be omitted if the board considers simultaneous audio communication sufficient.

to the board that no other person is able to hear, see, or otherwise participate in the closed session from the member's remote location.<sup>18</sup>

~~8.9.~~ A board member considered present through remote participation will not be permitted to vote<sup>19</sup> on any action item at the meeting except as described in Section E, below.÷

~~a. — any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and~~

~~b. — any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such as a few seconds, will not disqualify the member from voting on the matter under discussion.~~

#### **D. PROCEDURE FOR REMOTE PARTICIPATION**

1. A member of the board who desires to participate in a meeting remotely shall notify the board chair and the superintendent at least four hours in advance of the meeting so that necessary arrangements can be made.<sup>20</sup> If the member has not already received all documents to be considered at the meeting, the superintendent shall arrange for delivery of the materials in a manner that is practicable under the circumstances.
2. The chair or designee at the meeting location shall initiate contact with the member prior to the start of the meeting to secure participation.<sup>21</sup>
3. The chair shall announce the remote participant and the means of remote participation at the beginning of the meeting.

<sup>18</sup> Alternatively, the board could prohibit remote participation in closed sessions of the board by substituting this statement: *"Because the privacy, security, and confidentiality of remote communications cannot be assured with currently available technology, remote participation by board members in closed sessions of the board will not be permitted."* G.S. 166A-19.24-(g) specifically authorizes the board to have closed sessions during remote meetings held during state-declared emergencies. If the board prohibits remote participation in closed sessions, an exception should be added in Section E for remote meetings during declared emergencies to ensure that the board can carry out closed session business during wholly remote meetings.

<sup>19</sup> The question of whether the votes of remote participants in meetings not held during a state-declared emergency may be counted is not addressed in North Carolina statutes and has not yet been decided by a North Carolina court. Given that the N.C. Court of Appeals has held that remote participants do not count toward quorum in such meetings (see footnote 16), this policy presumes that the same reasoning would prohibit counting votes of remote participants. Boards that wish to allow votes by remote participants in meetings not held during a state-declared emergency are encouraged to consult the board attorney for guidance.

<sup>20</sup> The board could establish a different procedure or time frame for notification.

<sup>21</sup> This step is intended to reduce the risk that the remote participant is not the true board member. Other measures to authenticate the identity of a remote participant may be added.

4. The chair shall remind all members that all chats, instant messages, texts, or other written communications between members of the board regarding the transaction of board business during the meeting, including such communications between or among members participating remotely, are a public record.<sup>22</sup>
5. If the remote participant cannot be physically seen by other members of the board and members of the public present at the meeting, the remote participant must identify himself or herself in each of the following situations:
  - a. when the meeting begins or the roll is taken;
  - b. prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order; and
  - c. prior to voting, if voting is permitted as described in Section E, below.<sup>23</sup>
6. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.
7. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.
8. All votes taken will be by voice vote (rather than by a show of hands).
9. The minutes of the meeting will reflect that the meeting was conducted by use of simultaneous electronic communication, which members were in attendance by simultaneous communication, and when such member(s) joined or left the meeting.<sup>24</sup> Any interruption to or discontinuation of a member's participation will also be noted in the minutes.

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<sup>22</sup> G.S. 166A-19.24(b)(8), applicable to remote meetings held during state-declared emergencies, states that such communications "are deemed a public record." Presumably, they are public record in all instances, not just in the limited situation of remote participation during a state-declared emergency. Therefore, NCSBA recommends as a best practice that the board chair provide a reminder at any meeting in which one or more members will be participating remotely.

<sup>23</sup> Alternatively, the board may specify that this subsection does not apply if there is only one member participating remotely unless the meeting is being held during a state-declared emergency as described in subsection B.1-a, above. That alteration would simplify participation where the identity of the remote participant will likely be obvious after announcement of the member's remote participation and recognition by the chair before the member takes the floor ~~or votes~~. During state-declared emergencies, the requirement to self-identify when not visible applies regardless of the number of members participating remotely. See G.S. 166A-19.24(b)(2).

<sup>24</sup> This standard for minutes is established in G.S. 166A-19.24(b)(7) for remote meetings during state-declared

10. The member participating remotely will bear the cost of his or her personal telephone or computer usage, and telephone or internet connection, and as well as any other personal costs incurred while the member participates from a remote location.

#### **E. SPECIAL RULES FOR REMOTE MEETINGS DURING A STATE-DECLARED EMERGENCY**

The following modifications and additions to the requirements of this policy apply to meetings held during a state-declared emergency.<sup>25</sup>

1. Quasi-judicial hearings may be held remotely with consent of the parties and in conformance with the requirements of G.S. 166A-19.24(f)<sup>26</sup> and this section.
2. Notice of meetings will be provided as required by G.S. 143-318.12 (and 166A-19.24(b1), if the original meeting notice did not specify a remote meeting<sup>27</sup>), and will specify (1) the means by which the public can access the simultaneous live stream of the meeting and (2) any other means by which the public can access the meeting as it occurs.<sup>28</sup>
3. The board need not provide a location for members of the public to listen to the meeting;<sup>29</sup> ~~however, in accordance with G.S. 143-318.13(d), this provision applies only to meetings conducted in accordance with G.S. 166A-19.24 when a state-~~

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#### emergencies.

<sup>25</sup> This list of requirements is derived from G.S. 166A-19.24. Some items listed here are requirements under the open meetings law applicable to all meetings of the board and are included here only because they are part of the explicit statutory requirements under G.S. 166A-19.24.

<sup>26</sup> Quasi-judicial hearings may be conducted as a remote meeting only when all of the following apply: (1) the right of an individual to a hearing and decision occur during the emergency; (2) all persons subject to the proceeding who have standing to participate in the hearing have been given notice of the quasi-judicial hearing and consent to the remote meeting; and (3) all due process rights of the parties affected are protected. G.S. 166A-19.24(f).

<sup>27</sup> In the event one or more board members express an intention to participate in the meeting remotely after notice of the meeting has been provided, the board is authorized to amend the notice of the meeting to include the means whereby the public can access the remote meeting as the remote meeting occurs. Such amended notice of remote meeting must: (1) be issued at least six hours prior to the official meeting; (2) be distributed in accordance with G.S. 143-318.12(b)(2) and (b)(3), as applicable; and (3) be posted in accordance with G.S. 143-318.12(e). G.S. 166A-19.24(b1).

<sup>28</sup> G.S. 166A-19.24(b)(9) requires that the meeting be simultaneously streamed live online so that simultaneous live audio, and video, if any, of the meeting is available to the public. If the remote meeting is conducted by conference call, the board may comply with this requirement by providing the public with an opportunity to dial in or stream the audio live and listen to the meeting.

<sup>29</sup> ~~G.S. 143-318.13(d). This provision is applicable to meetings held during state declared emergencies regardless of whether only some or all of the members are participating remotely. Note, however, that this provision applies only to meetings held in accordance with G.S. 166A-19.24, i.e., during a state declared emergency. It does not apply to meetings in which members are participating remotely in any other circumstance, including during locally declared emergencies. Presumably, in all such other cases, the board must provide a location for the public to listen to the meeting.~~

~~declared emergency exists.~~<sup>30</sup>

4. All documents to be considered during the meeting shall be provided to each member.<sup>31</sup>
5. The means for simultaneous communication specified in subsection C.4 of the policy<sup>32</sup> must allow for any member to do all of the following:
  - a. hear what is said by the other members;
  - b. hear what is said by any individual addressing the board; and
  - c. to be heard by the other members when speaking to the public body.<sup>33</sup>
6. A member participating by simultaneous communication will be counted as present for quorum purposes, but only during the period that simultaneous communication is maintained for that member in accordance with subsection C.5, above.<sup>34</sup>
7. The board will refrain from acting by reference to a document or other materials so as to conceal from public understanding what is being deliberated, voted, or acted upon at the meeting.<sup>35</sup>
8. A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:
  - a. any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and
  - b. any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such

<sup>30</sup> G.S. 143-318.13(a) ordinarily requires a public body holding an official meeting by electronic means to provide a location and means for members of the public to listen to the meeting. However, G.S. 143-318.13(d) renders that requirement inapplicable to remote meetings held during state-declared emergencies: "Except as provided in G.S. 166A-19.24(b)(6), this section shall not apply to remote meetings conducted in accordance with that section even if all members of the public body are participating remotely." ~~This provision applies only to meetings held in accordance with G.S. 166A-19.24, however, i.e., during a state-declared emergency. It does not apply to meetings in which members are participating remotely in any other circumstance, including during locally-declared emergencies. In such cases, the board must provide a location for the public to listen to the meeting.~~

<sup>31</sup> This requirement is established by G.S. 166A-19.24(b)(3).

<sup>32</sup> G.S. 166A-19.24(i)(4) recognizes the following as means for simultaneous communication: "conference telephone, conference video, or other electronic means."

<sup>33</sup> The standard for simultaneous communication is established in G.S. 166A-19.24(b)(4).

<sup>34</sup> The quorum standard is established in G.S. 166A-19.24(c).

<sup>35</sup> This requirement of G.S. 143-318.13(c) applicable to official meetings of the board in all circumstances is specifically included in the requirements applicable to remote meetings under G.S. 166A-19.24.

as a few seconds, will not disqualify the member from voting on the matter under discussion.

~~8.9.~~ Except when the board is meeting in closed session,<sup>36</sup> the meeting will be simultaneously streamed live online to the public, or if the meeting is conducted by conference call, the public will be provided an opportunity to dial in or stream the audio live and listen to the meeting.<sup>37</sup>

~~9.10.~~ If the meeting is a public hearing, the board will allow for written comments on the subject of the hearing to be submitted up to 24 hours prior to the scheduled time for the beginning of the public hearing; ~~however, in accordance with G.S. 143-318.13(d), this flexibility applies only to meetings conducted in accordance with G.S. 166A-19.24 when a state-declared emergency exists.~~<sup>38</sup>

~~10.11.~~ Subsection C.3 of this policy will not apply to remote meetings held during a state-declared ~~or local~~ emergency.

The superintendent is directed to provide the technology sufficient to implement this policy in accordance with all applicable laws.

Legal References: G.S. 166A-19.20, -19.22, -19.24; G.S. ch. 143, art. 33C; *State ex rel. Cannon v. Anson Cnty.*, \_\_\_ N.C. App. \_\_\_ (2024) ~~N.C. Attorney General Advisory Letter to McLeod, (March 26, 2020), copy available at <https://www.ncsba.org/wp-content/uploads/2020/04/Open-Meetings-advisory-letter.pdf>~~

Cross References: Board Meetings (policy 2300), Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321), Board Meeting News Coverage (policy 2325), Quorum (policy 2341), Hearings Before the Board (policy 2500), Public Records – Retention, Release, and Disposition (policy 5070/7350)

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<sup>36</sup> G.S. 166A-19.24(g) expressly permits closed sessions when one or more members are participating remotely. While in closed session, the board is not required to provide access to the public.

<sup>37</sup> G.S. 166A-19.24(b)(9).

<sup>38</sup> ~~G.S. 166A-19.24 applies only during state-declared emergencies and allows public hearings to be conducted in this manner. It requires the board to accept public comments submitted “between publication of any required notice and 24 hours prior to the scheduled time for the beginning of the public hearing.” Consult the board attorney for guidance in conducting public hearings during locally-declared emergencies, as G.S. 166A-19.24 does not apply to such meetings.~~

## **TECHNOLOGY RESPONSIBLE USE**

*Policy Code: 3225/4312/7320*

The board provides its students and staff access to a variety of technological resources. These resources provide opportunities to enhance learning, appeal to different learning styles, improve communication within the school community and with the larger global community, and achieve the educational goals established by the board. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

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

### **A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES**

The use of school system technological resources, including access to the Internet, is expected to be exercised in an appropriate and responsible manner. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest, and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette.

General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct, and other regulations and school rules, apply to use of school technological resources, including access to the Internet.

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

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<sup>+</sup> ~~A different definition may be used or the board may include a more explicit list of technologies covered, e.g., school owned devices, mobile phones, email and instant messaging, Internet, Intranet, social networking sites, video and photo sharing websites, blogs, micro blogs, forums, discussion boards and groups, wikis, podcasts, video conferences, etc. The board may want to include personal devices explicitly in this statement if it permits students or staff to access school networks using their personal devices.~~

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

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

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

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient, and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited unless approved for special situations by the teacher or school administrator. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business, and is not otherwise prohibited by board policy or procedure.
2. Unless authorized by law to do so, users may not make copies of software purchased by the school system. Under no circumstance may software purchased by the school system be copied for personal use.
3. Users must comply with all applicable laws, board policies, administrative regulations, and school standards and rules, including those relating to copyrights and trademarks, confidential information, and public records. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.
4. Users must follow any software, application, or subscription services terms and conditions of use.
5. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors.
6. Users must not circumvent fire walls. The use of anonymous proxies to circumvent content filtering is prohibited.
7. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.

8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
9. Users must respect the privacy of others.
  - a. Students must not reveal any personally identifying, private, or confidential information about themselves or fellow students when using email, chat rooms, blogs, or other forms of electronic communication. Such information includes, for example, a person's home address or telephone number, credit or checking account information, or social security number. For further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information.
  - b. School employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records.
  - c. Users may not forward or post personal communications without the author's prior consent.
  - d. Students may not use school system technological resources to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor share such media in any way, without consent of the students and/or employees and the principal or designee. An exception will be made for settings where students and staff cannot be identified beyond the context of a sports performance or other public event or when otherwise approved by the principal.
10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance, including by streaming audio or video for non-instructional purposes. Users may not disable antivirus programs installed on school system-owned or issued devices.
11. Users may not create or introduce games, network communications programs, or any foreign program or software onto any school system computer, electronic device, or network without the express permission of the technology director<sup>2</sup> or

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<sup>2</sup> The appropriate position should be referenced here.

designee.

12. Users are prohibited from engaging in unauthorized or unlawful activities, such as “hacking” or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems, or accounts.
13. Users are prohibited from using another individual’s ID or password for any technological resource or account without permission from the individual. Sharing of an individual’s ID or password is strongly discouraged. If an ID or password must be shared for a unique classroom situation, students must have permission from the teacher or other school official.<sup>3</sup>
14. Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner’s express prior permission.
15. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.
16. If a user identifies or encounters an instance of unauthorized access or another security concern, he or she must immediately notify a teacher, school system administrator, or the technology director<sup>4</sup> or designee. Users must not share the problem with other users. Any user identified as a security risk will be denied access.
17. It is the user’s responsibility to back up data and other important files.
18. Employees shall make reasonable efforts to supervise students’ use of the Internet during instructional time.
19. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.<sup>5</sup>
20. Users who are issued school system-owned and -maintained devices for home use (such as laptops, Chromebooks, etc.) must adhere to any other reasonable rules or guidelines issued by the superintendent or technology director<sup>6</sup> for the use of such devices.

Exceptions to these rules may be made for employees whose activities are necessary to carry out their job responsibilities and are authorized by law.

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<sup>3</sup> Alternatively, users could be strictly prohibited from using another person’s devices and accounts.

<sup>4</sup> The appropriate position should be referenced here.

<sup>5</sup> Administrative procedures could identify an approval process and specify who has approval authority.

<sup>6</sup> The appropriate position should be referenced here.

**C. RESTRICTED MATERIAL ON THE INTERNET**

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

**D. PRIVACY<sup>7</sup>**

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

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

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

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<sup>7</sup> This section is intended to reduce users' privacy expectations in the use of school system technological resources. Consult the board attorney before altering this language.

**E. USE OF PERSONAL TECHNOLOGY ON SCHOOL SYSTEM PROPERTY<sup>8</sup>**

Users may not use private WiFi hotspots or other personal technology on campus to access the Internet outside the school system's wireless network. Each principal may establish rules for his or her school site as to whether and how other personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. Students' devices are governed also by policy 4318, Use of Wireless Communication Devices. Use of personal technology devices is also subject to any rules established by the superintendent under a bring your own device plan authorized by Section C of policy 3220,<sup>9</sup> Technology in the Educational Program, and for employees, policy 3228/7323, Use of Personal Technology to Conduct School Business. The school system assumes no responsibility for personal technology devices brought to school.

**F. PERSONAL WEBSITES**

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

**1. Students**

Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy to the extent consistent with law (see the student behavior policies in the 4300 series).<sup>10</sup>

**2. Employees**

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

**3. Volunteers**

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<sup>8</sup> This paragraph is optional and may be modified to reflect local preferences. In lieu of the school-level approach used here, the board may establish system-wide rules for the use of personal technology.

<sup>9</sup> Boards that do not permit students and/or employees to bring their personal devices for use at school should omit the reference to policy 3220.

<sup>10</sup> In *Mahanoy Area School Dist. v. B.L.*, 594 U.S. \_\_\_, 141 S. Ct. 2038 (2021), the U.S. Supreme Court held that schools generally have less leeway in regulating off-campus speech than speech occurring on campus or within the school system's education programs or activities. School officials should review the latest court rulings applicable to North Carolina and consult the board attorney before punishing students for their online activities that take place off the school campus.

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

## **G. USE AGREEMENTS**

All students, parents, and employees will be informed annually of the information in this policy and in any applicable generative artificial intelligence (AI) guidelines developed in accordance with policy 3220, Technology in the Educational Program. Prior to using school system technological resources, students and employees must agree to comply with the requirements of this policy and the generative AI guidelines and consent to the school system's use of monitoring systems to monitor and detect inappropriate use of technological resources.<sup>11</sup> In addition, the student's parent must consent<sup>12</sup> to the student accessing the Internet and to the school system monitoring the student's Internet activity and electronic mailbox issued by the school system and must sign a copy of the generative AI guidelines.<sup>13</sup>

## **H. CONSEQUENCES**

Based on the nature and severity of the offense and the circumstances surrounding the incident, violations of this policy will result in appropriate remedial actions or discipline up to and including long-term suspension for students and dismissal for employees and may result in revocation of user privileges. Willful misuse may also result in criminal prosecution under applicable state and federal law.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 7131; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers); 143-805

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Web Page Development

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<sup>11</sup> If the board uses hardware tracking systems, add to this sentence "and tracking systems to track and recover lost or stolen equipment."

<sup>12</sup> Boards that prefer to use an opt out process for consent or that prefer not to require consent in any form are encouraged to consult with the board attorney before modifying this provision, as consent may be necessary to take advantage of the exception to liability for intercepting electronic communications. See Electronic Communications Privacy Act, 18 U.S.C. 2511(2)(d).

<sup>13</sup> The North Carolina Department of Public Instruction recommends that the generative AI guidelines be signed by both students and parents. See *North Carolina Generative AI Implementation Recommendations and Considerations for PK-13 Public Schools*, published January 16, 2024, and available at [https://go.ncdpi.gov/AI\\_Guidelines](https://go.ncdpi.gov/AI_Guidelines).

(policy 3227/7322), Use of Personal Technology to Conduct School Business (policy 3228/7323), Copyright Compliance (policy 3230/7330), Student Behavior Policies (all policies in the 4300 series), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Use of Equipment, Materials, and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

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

Issued:

Revised: July 15, 2005; January 20, 2009; August 29, 2012; March 28, 2014; September 30, 2014; September 30, 2016; September 30, 2019; September 30, 2021; March 28, 2024; September 30, 2024

The Jackson County Board of Education provides its students and staff access to a variety of technological resources. These resources provide opportunities to enhance learning, appeal to different learning styles, improve communication within the school community and with the larger global community, and achieve the educational goals established by the board. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

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

**A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES**

The use of school system technological resources, including access to the Internet, is expected to be exercised in an appropriate and responsible manner. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest, and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette.

General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct, and other regulations and school rules, apply to use of school technological resources, including access to the Internet.

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

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

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

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible,

efficient, and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited unless approved for special situations by the teacher or school administrator. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business, and is not otherwise prohibited by board policy or procedure.

2. Unless authorized by law to do so, users may not make copies of software purchased by the school system. Under no circumstance may software purchased by the school system be copied for personal use.
3. Users must comply with all applicable laws, board policies, administrative regulations, and school standards and rules, including those relating to copyrights and trademarks, confidential information, and public records. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.
4. Users must follow any software, application, or subscription services terms and conditions of use.
5. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors.
6. Users must not circumvent fire walls. The use of anonymous proxies to circumvent content filtering is prohibited.
7. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
9. Users must respect the privacy of others.
  - a. Students must not reveal any personally identifying, private, or confidential information about themselves or fellow students when using email, chat rooms, blogs, or other forms of electronic communication. Such information includes, for example, a person's home address or telephone number, credit or checking account information, or social security number. For further information regarding what constitutes personal identifying

information, see policy 4705/7825, Confidentiality of Personal Identifying Information.

- b. School employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records.
  - c. Users may not forward or post personal communications without the author's prior consent.
  - d. Students may not use school system technological resources to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor share such media in any way, without consent of the students and/or employees and the principal or designee. An exception will be made for settings where students and staff cannot be identified beyond the context of a sports performance or other public event or when otherwise approved by the principal.
- 10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance, including by streaming audio or video for non-instructional purposes. Users may not disable antivirus programs installed on school system-owned or issued devices.
  - 11. Users may not create or introduce games, network communications programs, or any foreign program or software onto any school system computer, electronic device, or network without the express permission of the technology director or designee.
  - 12. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems, or accounts.
  - 13. Users are prohibited from using another individual's ID or password for any technological resource or account without permission from the individual. Sharing of an individual's ID or password is strongly discouraged. If an ID or password must be shared for a unique classroom situation, students must have permission from the teacher or other school official.
  - 14. Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner's express prior permission.

15. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.
16. If a user identifies or encounters an instance of unauthorized access or another security concern, he or she must immediately notify a teacher, school system administrator, or the technology director or designee. Users must not share the problem with other users. Any user identified as a security risk will be denied access.
17. It is the user's responsibility to back up data and other important files.
18. Employees shall make reasonable efforts to supervise students' use of the Internet during instructional time.
19. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.
20. Users who are issued school system-owned and -maintained devices for home use (such as laptops, Chromebooks, etc.) must adhere to any other reasonable rules or guidelines issued by the superintendent or technology director for the use of such devices.

Exceptions to these rules may be made for employees whose activities are necessary to carry out their job responsibilities and are authorized by law.

#### **C. RESTRICTED MATERIAL ON THE INTERNET**

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

#### **D. PRIVACY**

Students, employees, visitors, and other users have no expectation of privacy in anything

they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers, the storage mediums of individual devices, or on school managed cloud services will be private. Under certain circumstances, school officials may be required to disclose such electronic information to law enforcement or other third parties, for example, as a response to a document production request in a lawsuit against the board, in response to a public records request, or as evidence of illegal activity in a criminal investigation.

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

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

**E. USE OF PERSONAL TECHNOLOGY ON SCHOOL SYSTEM PROPERTY**

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

**F. PERSONAL WEBSITES**

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

**1. Students**

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

2. Employees

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

3. Volunteers

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

**G. USE AGREEMENTS**

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

**H. CONSEQUENCES**

Based on the nature and severity of the offense and the circumstances surrounding the incident, violations of this policy will result in appropriate remedial actions or discipline up to and including long-term suspension for students and dismissal for employees and may result in revocation of user privileges. Willful misuse may also result in criminal prosecution under applicable state and federal law.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and

Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 7131; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers); 143-805

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Web Page Development (policy 3227/7322), Use of Personal Technology to Conduct School Business (policy 3228/7323), Copyright Compliance (policy 3230/7330), Student Behavior Policies (all policies in the 4300 series), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Use of Equipment, Materials, and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

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

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Updated:	December 17, 2024

## **WEB PAGE DEVELOPMENT**

*Policy Code:*     **3227/7322**

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<sup>1</sup>Consistent with policy 3225/4312/7320, Technology Responsible Use, and in an effort to further the school system's objectives, the board of education encourages the use of the Internet as a means of providing accessible, accurate, and timely information for employees, students, parents, and others in the larger community. The Internet affords the school system the opportunity to communicate with its communities by posting pertinent system and school information online. The school system has established its system website online at \_\_\_\_\_.<sup>2</sup> The school system website is the official website of the school system. In addition to this website, individual schools and departments may create system-related school websites. This policy provides the standards that must be followed for development of all system-related websites. Failure to comply with this policy may result in the removal of a web page or website from the Internet.

### **A.     SYSTEM-RELATED WEBSITE**

A "system-related website" is any Internet website that is established in one of the following ways:

1.     by school system employees or students on behalf of the system;
2.     by any school within the system;
3.     by any school-sponsored club or organization within the system; or
4.     by students as part of an educational assignment.

Only those websites that are created pursuant to this policy are considered system-related websites. The board does not endorse and is not responsible for websites created by employees, students, or others outside of the standards and guidelines of this policy. Students or employees who create personal websites that result in a substantial and material disruption to the school environment may be subject to disciplinary action.

### **B.     STANDARDS FOR WEB PAGE DEVELOPMENT**

1.     Non-Public or Closed Forums for Expression

All system-related websites are "non-public" or "closed" forums for expression. This means that the system has control over information on such websites and is not required to allow students, teachers, or others to place material on system-related websites. The purpose of system-related websites is to disseminate curriculum-related information; to present the public with information about the

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<sup>1</sup> This policy is optional and may be modified to reflect local practices.

<sup>2</sup> Fill in the school system's website address.

system, its schools, and its programs; and to provide the community with each school or department's mission, contact information, activities, organizational format, and instructional program. System-related websites are analogous to newsletters from the administration or the individual school. System-related websites are not analogous to a student newspaper or a non-school publication.

2. Administration and Editorial Control

All employees responsible for creating, developing, maintaining, editing, or approving a system-related website shall act legally, responsibly, and ethically in providing educational resources and information to support the mission and curriculum of the school system. Such persons shall abide by the generally accepted rules of website etiquette, board policy, and regulations established by the superintendent.

a. Superintendent Final Authority

The superintendent or designee may delegate authority to place information on a system-related website; however, the superintendent has the final authority to approve or disapprove any information in whatever form on any such system-related websites.

b. School System Official Website

The superintendent or designee has editorial control and responsibility for the content of the school system official website. The superintendent shall appoint a staff member to serve as the web manager/editor<sup>3</sup> of the system website.

c. Individual School Websites<sup>4</sup>

Each school will be provided with a web address, web design software, and disk space on the system server. All system-related websites will be housed on the system web server. Each principal has editorial control and responsibility for the content of his or her individual school's official website, subject to review of the superintendent or designee. The principal may appoint a staff member to serve as the web manager of the school's website and a website committee to advise the web manager and principal regarding the content of the school's website. Individual school websites must comply with the additional guidelines provided below.

d. Teacher and Student Websites

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<sup>3</sup> Indicate appropriate position.

<sup>4</sup> Modify as appropriate to reflect local practices.

Each teacher has editorial control over and responsibility for the content of his or her official website and for the content of his or her students' authorized websites, subject to review by the principal, the superintendent, and the board. With the knowledge and written consent of a student's parent or guardian, a teacher may allow a student to create a website within or linked from a school's or teacher's website only for the following instructional purposes: (1) to teach a student how to create or maintain a website or (2) to facilitate a student's work on school assignments or research projects.<sup>5</sup> No student pages may be posted or made accessible to the general public until approved by the principal or designee.

e. **Personal Websites**

The school system is not responsible for personal websites or web pages created or maintained by students, employees, parents, groups, or organizations. Personal websites or web pages are not considered system-related websites or web pages and are not covered by the provisions of this policy. (For further information regarding personal websites, see policy 7335, Employee Use of Social Media, and policy 3225/4312/7320, Technology Responsible Use.)

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

3. **Website Appearance and Evaluation**

Web page content must be kept current and be maintained regularly. All system-related websites must include the name of the web page author, the date produced or revised, and the e-mail address of the author. The superintendent or designee (for the official system website) or the principal or designee (for individual school websites) must regularly review, proof, and evaluate all system-related websites.

4. **Copyright Laws**

No information or graphics may be posted on websites in violation of any copyright laws or policy 3230/7330, Copyright Compliance. Copyright permission must be obtained for the use of any copyrighted material unless use is permitted as "fair use" under federal law. The superintendent or designee and each principal or designee is responsible for maintaining copies of permission granted for the use of copyrighted material.

5. **Links**

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<sup>5</sup> This sentence is optional.

a. Internal Links<sup>6</sup>

Each page of a system-related website must include a reference and hyperlink to the school system official website home page. In addition, all system-related websites must include a link to this policy and to policy 3225/4312/7320, Technology Responsible Use.

b. External Links

The superintendent and designee have editorial control over and responsibility for the linking of a system-related website to other sites on the Internet that are appropriate to the mission of the school system. Links to external sites (including externally hosted teacher classroom sites) must be approved by the principal. If required, web managers must obtain permission from external websites before links are established from any system-related website to external websites. To the extent possible, school personnel shall determine the extent to which a secondary site is linked to other sites on the Internet and whether such sites are appropriate for access through the school system websites. Web managers shall periodically check external links for accuracy and appropriateness of content. School employees must report any inappropriate links to the web manager.

Since the school system cannot control the content of other sites on the Internet and their linkages, the following disclaimer statement must be inserted in a prominent position on the official system website, on each school's web page and on other system-related websites that contain links to other websites or web pages that are not system-related websites:

*<sup>7</sup>The school system retains control over what links will be placed on system-related websites; however, the linked sites themselves are not under the control of the school system, its agents, or its employees. The school system is not responsible for the contents of any linked site, any link contained in a linked site, or any changes or updates to such sites. The school system provides links as a convenience, and the inclusion of any link does not imply endorsement of the site by the school system. The school system reserves the right to remove or restrict any links.*

c. Links to Personal Pages

School websites or web pages may not contain links to personal web pages of students or employees or lists of personal web pages.

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<sup>6</sup> This paragraph is optional.

<sup>7</sup> Use of a disclaimer statement is optional. The statement may be modified as appropriate.

## 6. Behavior Standards

When using the Internet, employees and students are responsible for understanding and complying with board policies and administrative regulations, including policy 3225/4312/7320, Technology Responsible Use; student behavior policies in the 4300 series; and policy 7300, Staff Responsibilities.

## 7. Accessibility of Website and Web Content

The web manager/editor, in consultation with the technology director, shall ensure that the school system website and web content<sup>8</sup> meets required standards to ensure accessibility for persons with disabilities.<sup>9</sup>

## C. GUIDELINES FOR INDIVIDUAL SCHOOL WEBSITES<sup>10</sup>

Each school may promote itself by publishing an official school web page on the Internet only via the official school system website. In addition to the standards above, the following standards apply to individual school websites.

1. The content of school web pages must be approved by the school principal.
2. The safety of students and employees must be considered when constructing school web pages. To protect the safety of students and employees, the following precautions must be taken:
  - a. home addresses or telephone numbers will not be listed;
  - b. student e-mail addresses will not be listed;

<sup>8</sup> Web content means the information and sensory experience to be communicated to a user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions. Examples of web content include text, images, sounds, videos, controls, animations, and conventional electronic documents. See 28 C.F.R. 35.104.

<sup>9</sup> Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. 12131 *et seq.*, requires that all school system services, programs, and activities, including services, programs, and activities offered online and through mobile apps, are accessible to people with disabilities. The ADA regulations, 28 C.F.R. pt. 35, were updated in April 2024 to include specific requirements about how to ensure that web content and mobile apps are accessible to people with disabilities. The regulations now establish Web Content Accessibility Guidelines (WCAG) 2.1, Level AA, available at <https://perma.cc/UB8A-GG2F>, as the technical standard for school system web content and mobile apps. School system web content and mobile apps, with some limited exceptions, must meet WCAG 2.1, Level AA, by April 24, 2026, if the population of the geographic boundary served by the school system is 50,000 persons or more, and by April 24, 2027, if the population of the geographic boundary served by the school system is less than 50,000 persons. For website accessibility laws and standards, see G.S. 168A-7; 36 C.F.R. 1194.22 (2000); Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended (1998); and the website for the Web Accessibility Initiative (WAI), which provides resources and tips for making accessible websites, available at <http://www.w3.org/>.

<sup>10</sup> This section is optional and may be modified to reflect local practices.

- c. photographs of students and student work will be used only with appropriate parental permission and/or as approved for release as directory information under policy 4700, Student Records, and will include only the student's first name, with no other information about the student.<sup>11</sup>

The principal or designee is responsible for maintaining records of permission granted for the release of information. The principal should implement other safety precautions, as necessary, to be followed when constructing web pages.

- 3. To protect a student's rights in his or her intellectual property, if a school or teacher publishes a student's work, a disclaimer should be provided indicating the terms of redistribution or reuse.
- 4. Schools must provide contact information and other general information about the school on the school website, including the school's name, phone number, fax number, grade levels, and address, the principal's name, and the e-mail addresses of the school administrative team.
- 5. Graphics used on school websites must be appropriate to the school and should be of a size that will download quickly into a web browser.<sup>12</sup>
- 6. Schools must keep information presented on their school's web page current, accurate, and grammatically correct.
- 7. The principal or designee must approve all revisions and additions to the school website.
- 8. Failure to comply with these guidelines or the standards of this policy, as determined by the superintendent or designee, may result in the removal of a school's web page from the Internet.

Legal References: U.S. Const. Amend. I; Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; 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; 17 U.S.C. 101 *et seq.*; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers); 168A-7

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Copyright Compliance (policy 3230/7330), Student Behavior Policies (4300 series), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350),

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<sup>11</sup> Alternatively, the board may prohibit the use of student photos or prohibit the use of the student's name. Any prohibition on the use of photographs should be consistent with the discussion of directory information in policy 4700, Student Records.

<sup>12</sup> This provision is optional.

Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335), Personnel Files (policy 7820)

Other Resources: Web Content Accessibility Guidelines 2.1, Level AA, available at <https://perma.cc/UB8A-GG2F>

Issued: May 7, 2004

Revised: July 15, 2005; January 20, 2009; August 29, 2012; March 28, 2014; March 31, 2020; September 30, 2024

Consistent with policy 3225/4312/7320, Technology Responsible Use, and in an effort to further the school system's objectives, the Jackson County Board of Education encourages the use of the Internet as a means of providing accessible, accurate, and timely information for employees, students, parents, and others in the larger community. The Internet affords the school system the opportunity to communicate with its communities by posting pertinent system and school information online. The school system has established its system website online at [www.jcpsnc.org](http://www.jcpsnc.org). The school system website is the official website of the school system. In addition to this website, individual schools and departments may create system-related school websites. This policy provides the standards that must be followed for development of all system-related websites. Failure to comply with this policy may result in the removal of a web page or website from the Internet.

**A. SYSTEM-RELATED WEBSITE**

A "system-related website" is any Internet website that is established in one of the following ways:

1. by school system employees or students on behalf of the system;
2. by any school within the system;
3. by any school-sponsored club or organization within the system; or
4. by students as part of an educational assignment.

Only those websites that are created pursuant to this policy are considered system-related websites. The board does not endorse and is not responsible for websites created by employees, students, or others outside of the standards and guidelines of this policy. Students or employees who create personal websites that result in a substantial and material disruption to the school environment may be subject to disciplinary action.

**B. STANDARDS FOR WEB PAGE DEVELOPMENT**

1. Non-Public or Closed Forums for Expression

All system-related websites are "non-public" or "closed" forums for expression. This means that the system has control over information on such websites and is not required to allow students, teachers, or others to place material on system-related websites. The purpose of system-related websites is to disseminate curriculum-related information; to present the public with information about the system, its schools, and its programs; and to provide the community with each school or department's mission, contact information, activities, organizational format, and instructional program. System-related websites are analogous to

newsletters from the administration or the individual school. System-related websites are not analogous to a student newspaper or a non-school publication.

2. Administration and Editorial Control

All employees responsible for creating, developing, maintaining, editing, or approving a system-related website shall act legally, responsibly, and ethically in providing educational resources and information to support the mission and curriculum of the school system. Such persons shall abide by the generally accepted rules of website etiquette, board policy, and regulations established by the superintendent.

a. Superintendent Final Authority

The superintendent or designee may delegate authority to place information on a system-related website; however, the superintendent has the final authority to approve or disapprove any information in whatever form on any such system-related websites.

b. School System Official Website

The superintendent or designee has editorial control and responsibility for the content of the school system official website. The superintendent shall appoint a staff member to serve as the web manager/editor of the system website.

c. Individual School Websites

Each school will be provided with a web address, web design software, and disk space on the system server. All system-related websites will be housed on the system web server. Each principal has editorial control and responsibility for the content of his or her individual school's official website, subject to review of the superintendent or designee. The principal may appoint a staff member to serve as the web manager of the school's website and a website committee to advise the web manager and principal regarding the content of the school's website. Individual school websites must comply with the additional guidelines provided below.

d. Teacher and Student Websites

Each teacher has editorial control over and responsibility for the content of his or her official website and for the content of his or her students' authorized websites, subject to review by the principal, the superintendent, and the board. With the knowledge and written consent of a student's parent or guardian, a teacher may allow a student to create a website within or linked from a school's or teacher's website only for the following

instructional purposes: (1) to teach a student how to create or maintain a website or (2) to facilitate a student's work on school assignments or research projects. No student pages may be posted or made accessible to the general public until approved by the principal or designee.

e. Personal Websites

The school system is not responsible for personal websites or web pages created or maintained by students, employees, parents, groups, or organizations. Personal websites or web pages are not considered system-related websites or web pages and are not covered by the provisions of this policy. (For further information regarding personal websites, see policy 7335, Employee Use of Social Media, and policy 3225/4312/7320, Technology Responsible Use.)

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

3. Website Appearance and Evaluation

Web page content must be kept current and be maintained regularly. All system-related websites must include the name of the web page author, the date produced or revised, and the e-mail address of the author. The superintendent or designee (for the official system website) or the principal or designee (for individual school websites) must regularly review, proof, and evaluate all system-related websites.

4. Copyright Laws

No information or graphics may be posted on websites in violation of any copyright laws or policy 3230/7330, Copyright Compliance. Copyright permission must be obtained for the use of any copyrighted material unless use is permitted as "fair use" under federal law. The superintendent or designee and each principal or designee is responsible for maintaining copies of permission granted for the use of copyrighted material.

5. Links

a. Internal Links

Each page of a system-related website must include a reference and hyperlink to the school system official website home page. In addition, all system-related websites must include a link to this policy and to policy 3225/4312/7320, Technology Responsible Use.

b. External Links

The superintendent and designee have editorial control over and responsibility for the linking of a system-related website to other sites on the Internet that are appropriate to the mission of the school system. Links to external sites (including externally hosted teacher classroom sites) must be approved by the principal. If required, web managers must obtain permission from external websites before links are established from any system-related website to external websites. To the extent possible, school personnel shall determine the extent to which a secondary site is linked to other sites on the Internet and whether such sites are appropriate for access through the school system websites. Web managers shall periodically check external links for accuracy and appropriateness of content. School employees must report any inappropriate links to the web manager.

Since the school system cannot control the content of other sites on the Internet and their linkages, the following disclaimer statement must be inserted in a prominent position on the official system website, on each school's web page and on other system-related websites that contain links to other websites or web pages that are not system-related websites:

*The school system retains control over what links will be placed on system-related websites; however, the linked sites themselves are not under the control of the school system, its agents, or its employees. The school system is not responsible for the contents of any linked site, any link contained in a linked site, or any changes or updates to such sites. The school system provides links as a convenience, and the inclusion of any link does not imply endorsement of the site by the school system. The school system reserves the right to remove or restrict any links.*

c. Links to Personal Pages

School websites or web pages may not contain links to personal web pages of students or employees or lists of personal web pages.

6. Behavior Standards

When using the Internet, employees and students are responsible for understanding and complying with board policies and administrative regulations, including policy 3225/4312/7320, Technology Responsible Use; student behavior policies in the 4300 series; and policy 7300, Staff Responsibilities.

7. Accessibility of Website and Web Content

The web manager/editor, in consultation with the technology director, shall ensure

that the school system website and web content meet required standards to ensure accessibility for persons with disabilities.

### **C. GUIDELINES FOR INDIVIDUAL SCHOOL WEBSITES**

Each school may promote itself by publishing an official school web page on the Internet only via the official school system website. In addition to the standards above, the following standards apply to individual school websites.

1. The content of school web pages must be approved by the school principal.
2. The safety of students and employees must be considered when constructing school web pages. To protect the safety of students and employees, the following precautions must be taken:
  - a. home addresses or telephone numbers will not be listed;
  - b. student e-mail addresses will not be listed;
  - c. photographs of students and student work will be used only with appropriate parental permission and/or as approved for release as directory information under policy 4700, Student Records, and will include only the student's first name, with no other information about the student.

The principal or designee is responsible for maintaining records of permission granted for the release of information. The principal should implement other safety precautions, as necessary, to be followed when constructing web pages.

3. To protect a student's rights in his or her intellectual property, if a school or teacher publishes a student's work, a disclaimer should be provided indicating the terms of redistribution or reuse.
4. Schools must provide contact information and other general information about the school on the school website, including the school's name, phone number, fax number, grade levels, and address, the principal's name, and the e-mail addresses of the school administrative team.
5. Graphics used on school websites must be appropriate to the school and should be of a size that will download quickly into a web browser.
6. Schools must keep information presented on their school's web page current, accurate, and grammatically correct.
7. The principal or designee must approve all revisions and additions to the school website.

8. Failure to comply with these guidelines or the standards of this policy, as determined by the superintendent or designee, may result in the removal of a school's web page from the Internet.

Legal References: U.S. Const. Amend. I; Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; 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; 17 U.S.C. 101 *et seq.*; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers); 168A-7

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Copyright Compliance (policy 3230/7330), Student Behavior Policies (4300 series), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335), Personnel Files (policy 7820)

Other Resources: Web Content Accessibility Guidelines 2.1, Level AA, available at <https://perma.cc/UB8A-GG2F>

Adopted: June 15, 2006  
Updated: March 27, 2012  
Updated: October 27, 2015  
Updated: October 27, 2015  
Updated: February 27, 2018  
Updated: December 17, 2024

The Jackson County Board of Education 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, interventions, 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 END-OF-COURSE TESTING**

High school students must take all end-of-course (EOC) tests and Career and Technical Education (CTE) State Assessments required by the State Board of Education. The results of EOC tests and CTE State Assessments will count as 20 percent of a student's final grade

in each high school course for which there is an EOC test or CTE State Assessment, with the exception of the following: (1) English Learner students in their first year in a U.S. school; (2) students following the Occupational Course of Study Pathway or whose individualized education programs (IEPs) otherwise exclude their EOC results from their final grades; and (3) students enrolled in a course during the initial implementation year of a new assessment for that course where proficiency scores are not available due to standard setting.

### **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 IEP or Section 504 plan; 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.
5. A report of local standardized testing is provided to the board for review in even-numbered years and, if required, a plan for reducing the time spent on such testing is subsequently prepared and submitted to the State Board of Education in compliance with state law.

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, -83.5, -83.6, -83.6A, -83.6B, -83.7, -83.8, -174.11, -174.12, -174.13, -174.15, -174.22, -174.25, -276, -288, -307, -402.5; S.L. 2019-212, Sec. 1; 16 N.C.A.C. 6D .0309; State Board of Education Policy series TEST and GRAD; EVAL-006, EVAL-025 through -031

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 Resources: *Testing Security: Protocol and Procedures for School Personnel* (NCDPI), available at <https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations/testing-security>; *North Carolina Test Coordinators' Policies and Procedures Handbook*, available at <https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations>

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Updated: September 22, 2009

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Updated: October 22, 2013

Updated: April 22, 2014

Updated: October 28, 2014

Updated: November 29, 2016

Updated: April 25, 2017

Updated: November 21, 2017

Updated: September 25, 2018

Updated: November 27, 2018

Updated: October 27, 2020

Updated: October 26, 2021

Updated: May 23, 2023

Updated: December 17, 2024

## TESTING AND ASSESSMENT PROGRAM

Policy Code:

3410

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<sup>1</sup>

The superintendent shall provide for the proper administration<sup>2</sup> of all state-required<sup>3</sup> tests, screenings, and other assessments and any state-required remedial instruction,<sup>4</sup> interventions,<sup>5</sup> and/or retesting<sup>6</sup> in accordance with all requirements established by law or the State Board of Education. The superintendent, in consultation with the school

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<sup>1</sup> In addition to the tests mandated by the state, the board may mandate other tests to assess the progress of students and the instructional program, except that the local testing program may not require a local final exam in any course which has a state-required assessment. Information about local testing requirements may be included in this section or in a separate section. If the board requires any local standardized testing, it must provide the testing calendar and certain other testing-related information to the State Board of Education (SBE) and must report student results to teachers and parents. See G.S. 115C-174.12(d) and -174.15. See information at footnote 18 for additional requirements pertaining to time spent on local standardized testing. Advanced Placement tests may also be addressed in this section or in another section. ~~State Board of Education~~SBE Policy TEST-008 strongly endorses that all students enrolled in Advanced Placement courses take the corresponding Advanced Placement exams. That policy must be communicated to all school superintendents, and superintendents must notify all principals of the policy annually.

<sup>2</sup> By ~~State Board of Education~~SBE policy, only persons who are employed by the school system, either permanently or contractually and who have professional training in education (preferably a North Carolina educator's license) and in the state testing program may administer secure tests. See ~~SBE~~SBE Policy TEST-001.

<sup>3</sup> State-required end-of-grade (EOG) and end-of-course (EOC) tests are components of the North Carolina READY Accountability Model. They are also designated as standardized artifacts reflective of student growth for teachers and school growth for participants in the North Carolina Teacher Evaluation Process. ~~The State Board of Education~~SBE has designated a series of other assessments, in addition to the EOGs and EOCs, to be administered and used in the North Carolina Teacher Evaluation Process. These required assessments include the Career and Technical Education State Assessments and the K-3 Checkpoints. In lieu of these assessments, the board may seek approval from the ~~State Board~~SBE to use locally-developed assessments for specific grades or subjects. See ~~SBE~~SBE Policies TEST-016 and EVAL-006 for more information. If applicable, Section A of this policy could be modified to reflect the board's decision to exercise this local option.

<sup>4</sup> See G.S. 115C-83.8(b), (e) for required remedial instruction for students who have been retained in third grade because they did not demonstrate reading proficiency on the EOG reading test.

<sup>5</sup> See G.S. 115C-83.6 *et seq.* for required literacy interventions for students identified through administration of formative and diagnostic reading assessments as having difficulty with reading development. See also policy 3420, Student Promotion and Accountability.

<sup>6</sup> See G.S. 115C-83.7 for retest opportunities for the third grade EOG reading test; see G.S. 115C-83.8 for alternative opportunities for third grade students to demonstrate reading proficiency.

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.<sup>7</sup>

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.<sup>8</sup>

Students may participate in field testing and other sample testing as designated by the State Board or the Department of Public Instruction.<sup>9</sup>

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.<sup>10</sup> The superintendent shall ensure that all relevant personnel are instructed in such procedures.<sup>11</sup> 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 END-OF-COURSE TESTING

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<sup>7</sup> ~~State Board of Education~~ SBE Policy TEST-016 specifies that the results of all course-specific operational assessments except end-of-year assessments in grades 3-8 must be counted as a minimum of 20 percent of the student's final grade for each respective course. (This rule does not apply to students following the OCS Pathway.) The local board may determine whether and how results from end-of-year assessments in grades 3-8 will be used in determining a student's final grade. This policy provision, as currently written, leaves that decision to the superintendent. Alternatively, the board may make the decision itself and modify this section accordingly. Other requirements of ~~p~~Policy TEST-016 include: (1) all eligible students must participate in the assessments, including students who are otherwise exempt from final exams and students who are failing a course, grade, or subject for which an assessment is required; (2) the assessments must be administered within the state's designated testing window; and (3) course-specific assessments must serve as the only final exam for the course in which they are required.

<sup>8</sup> This paragraph may be modified or omitted if the school system has fully transitioned to online assessments.

<sup>9</sup> See SBE ~~p~~Policy TEST-001.

<sup>10</sup> In addition to federal and state law limitations on the unauthorized disclosure of personally identifiable data in education records generally (see policy 4700, Student Records, and citations therein), state law specifically prohibits the release as a public record of any written material containing the identifiable scores of individual students on any test taken pursuant to the state testing program described in Chapter 115C, Article 10A of the North Carolina General Statutes. In addition, the state testing instruments themselves are not considered public records until they are released by the ~~State Board of Education~~ SBE. See G.S. 115C-174.13. Test administration standards are established in ~~State Board of Education~~ SBE ~~p~~Policy TEST-001. Security protocols are established in *Testing Security: Protocol and Procedures for School Personnel* (NCDPI), available at <https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations/testing-security>.

<sup>11</sup> See SBE ~~p~~Policies TEST-009; and -010; and guidance from DPI, available at <http://www.ncpublicschools.org/accountability/>.

High school students must take all end-of-course (EOC) tests and Career and Technical Education (CTE) State Assessments required by the State Board of Education.<sup>12</sup> ~~For all students, including English Learner students in their first year in a U.S. school and students following the Occupational Course of Study Pathway, the~~ The results of EOC tests and CTE State Assessments will count as 20 percent of a student's final grade in each high school course for which there is an EOC test or CTE State Assessment, with the exception of the following: (1) English Learner students in their first year in a U.S. school; (2) students following the Occupational Course of Study Pathway or whose individualized education programs (IEPs) otherwise exclude their EOC results from their final grades; and (3) students enrolled.<sup>13</sup> ~~However, the results of such assessments will not factor into a student's final grade in a course during the initial implementation year of a new assessment for that course where proficiency scores are not immediately available due to standard setting.~~<sup>14,15</sup>

### 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.<sup>16</sup> Specifically, the superintendent shall ensure the following.

<sup>12</sup> State assessments are not required for every CTE course. Depending on the course, students may show proof of learning through credential, certification, or performance-based measurement.

<sup>13</sup> ~~State Board of Education Policy TEST-003 requires that the results from all operational EOC tests are counted as at least 20 percent of the student's final grade for each respective course. In addition, SBE policy TEST-016 requires that the results from all high school "course-specific operational assessments" be counted as at least 20 percent of the student's final grade in the course. SBE Policies TEST-003 and TEST-016 exempt from the requirement that the assessments be counted as at least 20 percent of the student's final grade (1) students following the Occupational Course of Study Pathway (OCS), (2) English Learner (EL) students in their first year in a U.S. school, and (3) students enrolled in a course during the initial implementation year of the new assessment for that course where scores are not immediately available due to standard setting. TEST-003 requires that for these exemptions, LEAs must adopt policies regarding the use of EOC assessment results in assigning final grades. For OCS students and EL students, this policy applies the same 20 percent standard as is used for other students; however, the standard may be modified.~~

<sup>14</sup> SBE Policy TEST-003 requires that the results from all operational EOC tests are counted as at least 20 percent of the student's final grade for each respective course. In addition, SBE Policy TEST-016 requires that the results from all high school "course-specific operational assessments" be counted as at least 20 percent of the student's final grade in the course. SBE Policies TEST-003 and TEST-016 exempt from this requirement (1) students following the Occupational Course of Study Pathway, (2) English Learner students in their first year in a U.S. school, and (3) students enrolled in a course during the initial implementation year of the new assessment for that course where scores are not immediately available due to standard setting. Administrative rule 16 N.C.A.C. 6D .0309 contains the same minimum 20 percent requirement and has similar, but not identical exceptions. In the rule, the first exception is stated as "students whose Individualized Education Programs...exclude their EOC results from their final grades," and the third exception omits the word "immediately." In the policy text above we harmonized the SBE policy and administrative rule in the first instance and deferred to the administrative rule in the second.

<sup>15</sup> ~~See footnote 12 above. This policy states that the assessments referenced will not be used to compute a student's final grade in a course during the initial implementation year of a new assessment. That standard may be modified.~~

<sup>16</sup> See G.S. 115C-174.12(a) and SBE Policy TEST-015.

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<sup>17</sup> 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~~ IEP or Section 504 plan; 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.<sup>18</sup>
5. <sup>19</sup>A report of local standardized testing is provided to the board for review in even-numbered years and, if required, a plan for reducing the time spent on such testing is subsequently prepared and submitted to the State Board of Education in compliance with state law.<sup>20</sup>

<sup>17</sup> G.S. 115C-174.12(a)(4) requires all assessments adopted by the State Board pursuant to G.S. 115C-174.11(c)(1) and (3) to be administered within the window described in this paragraph of the policy. However, Session Law 2014-78, s.3(a) repealed G.S. 115C-174.11(c)(3) (but without amending the reference to it in G.S. 115C-174.12(a)(4)), and replaced it with a similar, but uncodified, provision that essentially swaps the previous references to the Common Core for references to the North Carolina Standard Course of Study. See Session Law 2014-78, s.3(b). It is not clear whether assessments implemented under this new provision will be subject to the same window for administration as was required for the tests that were implemented pursuant to 115C-174.11(c)(3).

<sup>18</sup> Exceptions are outlined in Chapter D of the *North Carolina Test Coordinators' Policies and Procedures Handbook*, available at <https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations>.

<sup>19</sup> This sentence should be omitted if the board does not have a local program of standardized testing.

<sup>20</sup> In even-numbered years, the board must review all local standardized testing administered to students in the prior two school years to determine whether the average number of tests administered or the average number of hours required for students to complete the tests exceeds the state average over the two-year period. G.S. 115C-174.12(d1). If either number exceeds the state average, the board must submit by the statutory deadline a plan to DPI and the ~~State Board of Education~~ SBE to eliminate certain local standardized testing in order to reduce the number(s) below the state average. The ~~State Board of Education~~ SBE will waive the requirement that the board submit a plan if the ~~State Board of Education~~ SBE finds that the board has made significant progress toward reducing local testing to the state average. ~~State Board of Education~~ SBE pPolicy TEST-038 defines "significant progress" as reducing to no more than one standard deviation above the state average over the two school years prior to the October in which the report is due either: (1) the number of local standardized tests administered to students; or (2) the number of hours required for students to complete those tests.

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, -83.5, -83.6, -83.6A, -83.6B, -83.7, -83.8, -174.11, -174.12, -174.13, -174.15, -174.22, -174.25, -276, -288, -307, -402.5; S.L. 2019-212, Sec. 1; 16 N.C.A.C. 6D .0309; State Board of Education Policy series TEST and GRAD; EVAL-006, EVAL-025 through -031

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 Resources: *Testing Security: Protocol and Procedures for School Personnel* (NCDPI), available at <https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations/testing-security>; *North Carolina Test Coordinators' Policies and Procedures Handbook*, available at <https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations>

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**A. PURPOSE**

The Jackson County Board of Education 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 KNEC-002 and -003.

The promotion standards also will require that students not be promoted from eighth grade until a career development plan is completed in accordance with the requirements of G.S. 115C-158.10 and State Board of Education rules and not be promoted from tenth grade until the career development plan is revised. Any high school student who does not already have a career development plan must complete the plan within 90 days of enrollment in school. Career development plans must be easily accessible to students and parents.

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 address the needs of students who are not making adequate academic progress 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.

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**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. LITERACY INTERVENTIONS****1. Reading Camps**

The board will provide reading camp opportunities as required by law at no fee for students who are entitled to this intervention under state law. 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 for students in eligible grades who are not entitled to attend at no cost. 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.

**2. Individual Reading Plans**

An Individual Reading Plan (IRP) will be developed in accordance with state law for any student in kindergarten through third grade demonstrating difficulty with reading development based on the results of either (1) the first diagnostic or formative assessment of the school year or (2) the first diagnostic or formative assessment of the second semester of the school year. The student's teacher shall notify the parent or guardian that the student has demonstrated difficulty with

reading development and that an IRP has been developed for the student. The notice provided must include all other information required under G.S. 115C-83.6B(b) and should be in the parents' native language when appropriate foreign language resources are readily available.

3. Digital Children's Reading Initiative

The school system will provide access through the school system website to available resources from the Department of Public Instruction's Digital Children's Reading Initiative as required by law. Printable activities from those resources will be provided in hard copy to students who do not have digital access at home.

4. Approval of Literacy Intervention Plan

By the established deadline each year, the superintendent or designee shall submit to the Department of Public Instruction for approval a plan for the literacy interventions the school system will offer in the following school year, as required by G.S. 115C-83.6A.

**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**

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. CREDIT RECOVERY**

Students who fail a high school course may retake parts of the course through credit recovery to earn credit for the course. Credit recovery delivers a subset of the blueprint of

the original course in order to specifically address deficiencies in a student's mastery of the course and target specific components of a course necessary for completion. A pre-assessment of the student's understanding of the course material will be administered at the beginning of the course and the credit recovery will be tailored to meet the needs of the individual student. The length of a credit recovery course is dictated by the skills and knowledge the student needs to recover and not a fixed length of seat time.

If the credit recovery course has an associated EOC exam and the student is going to retake it, the exam will be administered no later than 30 days upon completion of the credit recovery course. The credit recovery will be graded as pass or fail and will not impact the student's grade point average. The original grade for the course will remain on the student's transcript.

The superintendent shall develop procedures addressing the implementation of credit recovery opportunities across the school system.

## **I. REPEATING A COURSE FOR CREDIT**

### **1. Repeating a Previously Failed Course**

As provided in State Board of Education Policy 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.

#### **J. CREDIT FROM STUDYING ABROAD**

The board encourages students to participate in foreign exchange student programs to enhance their high school academic experience and heighten their awareness and knowledge of global cultures. With careful planning, students may receive credit for courses taken abroad that have substantial equivalency to school system high school courses in content and in hours.

Students who wish to receive high school credit for courses taken during the school year in a foreign country should file a request for study abroad credit with the principal or designee by July 1 of the year preceding the proposed study. To receive credit, the student must submit a copy of the syllabus of the course with the hours of study and grading system described. The student should promptly notify the principal or designee of any course changes.

#### **K. 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.

Students also have the option of using an accelerated pathway to complete high school in three years rather than four (see policy 3460, Graduation Requirements).

## **L. 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.

## **M. 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.

#### **N. 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 literacy interventions that will be provided to the student to remediate areas where the student has not demonstrated reading proficiency. 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.

#### **O. CHILDREN OF MILITARY FAMILIES**

As required by the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5), G.S. 115C-407.12, 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, as defined in policy 4050, Children of Military Families, in courses or programs offered by the school system.

Legal References: G.S. 115C-36, -45(c), -47, -81.5, -83.2, -83.3, -83.6, -83.6A, -83.6B, -83.7, -83.7A, -83.8, -83.9, -83.10, -83.11, -83.31, -105.21, -158.10, -174.11, -288(a), -407.5, -407.12; S.L. 2021-8; 16 N.C.A.C. 6D .0508, .0510; State Board of Education Policies CCRE-001, GRAD-001, GRAD-006, 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 English Learners* (N.C. Department of Public Instruction), available at <https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations/testing-students-identified-english-learners>; Comprehensive Reading Plan for Achievement, available at <https://www.dpi.nc.gov/districts-schools/classroom-resources/early-learning-read-achieve/k-3-literacy>

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Updated: December 17, 2024

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**STUDENT PROMOTION AND ACCOUNTABILITY**      Policy Code:      **3420**

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**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.<sup>1</sup> The standards will be based, in part, upon proficiency in reading.<sup>2</sup> 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 KNEC-002 and -003.

The promotion standards also will require that students not be promoted from eighth grade until a career development plan is completed in accordance with the requirements of G.S. 115C-158.10 and State Board of Education rules and not be promoted from tenth grade until the career development plan is revised.<sup>3</sup> Any high school student who does not already have a career development plan must complete the plan within 90 days of enrollment in school. Career development plans must be easily accessible to students and parents.

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 address the needs of students who are not making adequate academic progress as required by policy 3405, Students at Risk of Academic

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<sup>1</sup> In the alternative, the board may delegate to the superintendent the authority to establish promotion standards and a process.

<sup>2</sup> See G.S. 115C-83.2(b).

<sup>3</sup> G.S. 115C-158(10) encourages local boards to require more frequent revisions as appropriate.

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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<sup>4</sup>**

#### **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.<sup>5</sup>

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. LITERACY INTERVENTIONS**

#### **1. Reading Camps<sup>6</sup>**

The board will provide reading camp opportunities as required by law at no fee for students who are entitled to this intervention under state law.<sup>7</sup> The superintendent

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<sup>4</sup> G.S. 115C-45(c) provides that administrative decisions may be appealed to the board. The appeal procedure provided in this section is not legally required but is suggested as a way to balance the student's right to appeal a promotion decision to the board with the authority of the school principal to grade and classify students as provided in G.S. 115C-288(a). The time frame suggested by this section may be altered to suit the needs of the board.

<sup>5</sup> Note that this standard of review differs from the standard applied to other student grievances under policy 1740/4010, Student and Parent Grievance Procedure. Under G.S. 115C-288(a), the principal is authorized to grade and classify students. The higher standard of review in this section provides greater deference to the principal's decision in light of the principal's statutory authority to make promotion decisions.

<sup>6</sup> See G.S. 115C-83.3 *et seq.*

<sup>7</sup> ~~Through the 2021-2022 school year, reading camp opportunities must be provided to (1) third-grade students who~~

or designee shall encourage parents of eligible students to enroll their students in a reading camp.<sup>8</sup> To the extent resources permit,<sup>9</sup> the board will offer fee-based reading camp opportunities for students in eligible grades who are not entitled to attend at no cost.<sup>10</sup> 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.<sup>11</sup> The superintendent or designee shall notify interested parents of the application procedure for the fee-based reading camps.

## 2. Individual Reading Plans<sup>12</sup>

~~Beginning in the 2022-2023 school year,<sup>13</sup> a~~ An Individual Reading Plan (IRP) will be developed in accordance with state law for any student in kindergarten through third grade demonstrating difficulty with reading development based on the results of either (1) the first diagnostic or formative assessment of the school year or (2)

~~do not demonstrate reading proficiency and (2) first and second grade students whose demonstrated reading comprehension is below grade level. See 115C-83.3(4a) and -83.6. Beginning with the 2022-2023 school year, Reading camp opportunities must be offered to (1) third grade students who do not demonstrate reading proficiency and (2) second grade students who demonstrate difficulty with reading development. See 115C-83.3(4a) and -83.6. Beginning with the 2022-2023 school year, LEAs are not required have discretion to offer reading camp opportunities to first grade students who demonstrate difficulty with reading development, though they have discretion to do so. See Sess. Law 2021-8, Sec. 6(b); G.S. 115C-83.3(4a). As written, this policy commits the board to providing opportunities only that are required by law, i.e., to eligible students in grades 1-3 through the 2021-2022 school year, and to eligible students in grades 2-3 thereafter. The board may modify this provision or, alternatively, beginning with the 2022-2023 school year, may decide annually whether to offer reading camp opportunities to first grade students.~~

<sup>8</sup> G.S. 115C-83.8 requires LEAs to encourage parents or guardians of students not demonstrating reading proficiency to enroll their students in a reading camp.

<sup>9</sup> For students in eligible grades who have demonstrated appropriate reading comprehension or reading proficiency, as applicable, the statute is ambiguous as to whether the school system must enroll all such students who apply for reading camp or whether the board may limit their enrollment. G.S. 115C-83.11 empowers parents to “choose to enroll” their children in a reading camp. However, it directs local boards to establish “enrollment priorities” for reading camps for students demonstrating reading proficiency. This policy assumes that boards have discretion to limit enrollment of students who have demonstrated reading proficiency. The board should consult the board attorney for guidance on this issue.

<sup>10</sup> See footnote 76. ~~Through the 2021-2022 school year, students in grades 1-3 who have demonstrated appropriate reading proficiency or reading comprehension, as applicable, would be eligible. Beginning with the 2022-2023 school year, s~~ Students in second and third grade who have demonstrated appropriate reading proficiency or reading comprehension, as applicable, ~~would be~~ are eligible. Students in first grade ~~would be~~ are eligible only if the board chooses to offer a reading camp as a literacy intervention for first grade students who have demonstrated reading comprehension below grade level. In that case, parents or guardians of a first grade student demonstrating appropriate reading comprehension must be given the same opportunity to enroll their student in reading camp as the parent or guardian of a similarly situated second or third grade student. G.S. 115C-83.11(a).

<sup>11</sup> The fee may be equal to the per student program cost of participation, not to exceed \$825.00. G.S. 115C-83.11(a).

<sup>12</sup> An “individual reading plan” (IRP) is a document outlining the specific reading skill deficiencies of a student who has demonstrated difficulty with reading development and includes the literacy interventions that the student will receive to address the reading skill deficiencies. See G.S. 115C-83.3(3a).

<sup>13</sup> ~~S.L. 2021-8 makes the Individual Reading Plan requirement effective with the 2022-2023 school year. See sec. 6(e) and sec. 6(m).~~

the first diagnostic or formative assessment of the second semester of the school year.<sup>14</sup> The student's teacher shall notify the parent or guardian that the student has demonstrated difficulty with reading development and that an IRP has been developed for the student. The notice provided must include all other information required under G.S. 115C-83.6B(b) and should be in the parents' native language when appropriate foreign language resources are readily available.

### 3. Digital Children's Reading Initiative

The school system will provide access through the school system website to available resources from the Department of Public Instruction's Digital Children's Reading Initiative as required by law. Printable activities from those resources will be provided in hard copy to students who do not have digital access at home.<sup>15</sup>

### 4. Approval of Literacy Intervention Plan

By the established deadline each year, the superintendent or designee shall submit to the Department of Public Instruction for approval a plan for the literacy interventions the school system will offer in the following school year, as required by G.S. 115C-83.6A.<sup>16</sup>

## 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

<sup>14</sup> The IRP must be continually adjusted based on multiple data sources as prescribed by DPI, indicating that the student is not progressing toward grade-level standards in one or more major reading areas. G.S. 115C-83.6B(a) lists what information must be included in the IRP.

<sup>15</sup> Access to these resources is required by S.L. 2021-8, sec. 8 and must be made available by July 1, 2022, through a prominently displayed link on the LEA website homepage. Printable activities must be provided in hard copy to students who do not have digital access at home and may be provided to all students as a supplement to digital resources.

<sup>16</sup> ~~For the 2021-2022 school year, the plan must be submitted by March 1, 2022. Thereafter, the plan must be submitted by October 1, and the plan, or an amended plan, must receive DPI approval by April 15 for the LEA to receive state-provided literacy intervention funds. If denied approval of its plan, the LEA must use local funds to provide required literacy interventions. There is no penalty associated with a denial of the 2021-2022 school year submission. See S.L. 2021-8, sec. 6.(d) and sec. 6.(l) and G.S. 115C-83.6A.~~ The plan must be submitted by October 1, and the plan, or an amended plan, must receive DPI approval by April 15 for the LEA to receive state-provided literacy intervention funds. If denied approval of its plan, the LEA must use local funds to provide required literacy interventions. There is no penalty associated with a denial of the 2021-2022 school year submission. See S.L. 2021-8, sec. 6.(d) and sec. 6.(l) and G.S. 115C-83.6A.

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.<sup>17</sup> 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<sup>18</sup> and any additional standards established by the superintendent.

## H. CREDIT RECOVERY<sup>19</sup>

Students who fail a high school course<sup>20</sup> may retake parts of the course through credit recovery to earn credit for the course. Credit recovery delivers a subset of the blueprint of the original course in order to specifically address deficiencies in a student's mastery of the course and target specific components of a course necessary for completion. A pre-assessment of the student's understanding of the course material will be administered at the beginning of the course and the credit recovery will be tailored to meet the needs of the individual student. The length of a credit recovery course is dictated by the skills and knowledge the student needs to recover and not a fixed length of seat time.

~~Any EOC exam associated with~~ If the credit recovery course has an associated EOC exam and the student is going to retake it, the exam will be administered no later than 30 days upon completion of the credit recovery course. The credit recovery will be graded as pass or fail and will not impact the student's grade point average. The original grade for the course will remain on the student's transcript.

The superintendent shall develop procedures addressing the implementation of credit recovery opportunities across the school system.<sup>21</sup>

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<sup>17</sup> At its option, the board may make credit by demonstrated mastery available to students in grades 6-8 for middle grades content.

<sup>18</sup> See State Board of Education Policy CCRE-001. The multi-phase assessment consists of (1) a standard examination, which must be the EOC/EOG, where applicable, or a final exam developed locally and (2) an artifact, which requires the student to apply knowledge and skills relevant to the content standards. The school system may add other requirements, such as a performance task requirement. Some courses are not eligible for credit by demonstrated mastery, including certain Career and Technical Education courses, English Language Learner courses, Healthful Living required courses, and Advanced Placement, International Baccalaureate, and Cambridge International Examination courses.

<sup>19</sup> Credit recovery is addressed in State Board of Education Policy CCRE-001.

<sup>20</sup> If the board limits credit recovery to certain courses, that should be described here.

<sup>21</sup> State Board of Education Policy CCRE-001 requires each LEA to develop local policy and procedures, ~~by the beginning of the 2019-20 school year,~~ addressing the implementation of credit recovery opportunities across the school system to support student achievement. At a minimum, credit recovery policies and procedures must address factors for student participation, content alignment to original course, instructional delivery methods, and a process to ensure consistency in implementation across the school system. Those elements should either be added to this policy or be included in the local credit recovery procedure.

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**I. REPEATING A COURSE FOR CREDIT<sup>22</sup>****1. Repeating a Previously Failed Course**

As provided in State Board of Education Policy 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.<sup>23</sup> 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.<sup>24</sup>

**2. Repeating a Course for which Credit was Earned (Grade Replacement)<sup>25</sup>**

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:<sup>26</sup>

- 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

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<sup>22</sup> See State Board of Education Policy CCRE-001 which governs repeating a course for credit for students who have failed a course (addressed in subsection I.1 of this policy) and allows local boards to develop policies that define specific circumstances when students other than those who fail a course may repeat a course for credit (addressed in subsection I.2 of this policy).

<sup>23</sup> SBE Policy CCRE-001 requires this. This requirement distinguishes "repeating a course for credit" from "credit recovery," another option for earning credit for a previously failed course, in which the student repeats only certain blocks of instruction that target specific components of the course necessary for successful completion. Unlike repeating a course for credit, when a student opts for credit recovery, his or her transcript will continue to reflect the original record of the course being completed and failed.

<sup>24</sup> This subsection could also address the EOC test. In certain circumstances, students may use a previous score on the EOC in lieu of taking the exam again at the end of the repeated course. See State Board Policy CCRE-001.

<sup>25</sup> This section is optional. The board is not required to allow students to repeat courses that they have previously passed.

<sup>26</sup> Except for item g, these conditions are optional and may be supplemented, omitted, or modified.

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;<sup>27</sup>
- g. credit towards graduation for the same course will be given only once;<sup>28</sup>
- 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.<sup>29</sup>

#### **J. CREDIT FROM STUDYING ABROAD<sup>30</sup>**

The board encourages students to participate in foreign exchange student programs to enhance their high school academic experience and heighten their awareness and knowledge of global cultures. With careful planning, students may receive credit for courses taken abroad that have substantial equivalency to school system high school courses in content and in hours.

Students who wish to receive high school credit for courses taken during the school year in a foreign country should file a request for study abroad credit with the principal or

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<sup>27</sup> This treatment of the student's new grade is not required by SBE policy and may be modified. For example, the student could be awarded the higher of the two grades for the course instead of the grade from the most recent attempt. Also, there is no requirement that the board replace the student's original grade with the new course grade when the student is repeating a course already passed. Therefore, the board could require both grades to be included on the student's transcript and be counted when calculating the student's GPA. The board should provide clear direction to parents and employees as to how a student's grade, GPA, class rank, and honor roll eligibility are to be determined. When making the decision about how to treat the student's new grade, the board should consider whether/how that decision can be implemented through PowerSchool.

<sup>28</sup> See State Board of Education Policy CCRE-001, provision 7.5.

<sup>29</sup> Other information might include, for example, notice of the NCAA eligibility rule that requires student-athletes to complete 10 of 16 required core courses prior to the seventh semester of high school. Those 10 courses must be locked in and cannot be retaken to improve the student's grade point average.

<sup>30</sup> This section may be modified.

designee by July 1 of the year preceding the proposed study.<sup>31</sup> To receive credit, the student must submit a copy of the syllabus of the course with the hours of study and grading system described. The student should promptly notify the principal or designee of any course changes.

#### **K. ACCELERATION<sup>32</sup>**

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.

Students also have the option of using an accelerated pathway to complete high school in three years rather than four (see policy 3460, Graduation Requirements).

#### **L. 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:<sup>33</sup>

- 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**

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<sup>31</sup> This time frame may be modified.

<sup>32</sup> This section is optional.

<sup>33</sup> Other reporting requirements may be added, including disaggregating data based on race or gender.

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.<sup>34</sup>

**M. 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.<sup>35</sup> All funds will be used in a fiscally sound manner in accordance with policy 8300, Fiscal Management Standards.

**N. 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.<sup>36</sup> 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

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<sup>34</sup> G.S. 115C-83.10 requires the board to publish annually on its website the following information on the prior school year: (1) the number and percentage of third grade students demonstrating and not demonstrating reading proficiency on the State-approved standardized test of reading comprehension administered to third grade students; (2) the number and percentage of third grade students who take and pass the alternative assessment of reading comprehension; (3) the number and percentage of third grade students retained for not demonstrating reading proficiency; (4) the number and percentage of third grade students exempt from mandatory third grade retention by category of exemption as listed in G.S. 115C-83.7(b); (5) the number and percentage of first grade students demonstrating and not demonstrating reading comprehension at grade level; and (6) the number and percentage of second grade students demonstrating and not demonstrating reading comprehension at grade level.

<sup>35</sup> See G.S. 115C-105.21.

<sup>36</sup> See G.S. 115C-83.9(a).

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 literacy interventions that will be provided to the student to remediate areas where the student has not demonstrated reading proficiency. 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.<sup>37</sup>

## **O. CHILDREN OF MILITARY FAMILIES**

As required by the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5), G.S. 115C-407.12, 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, as defined in policy 4050, Children of Military Families, in courses or programs offered by the school system.

Legal References: G.S. 115C-36, -45(c), -47, -81.5, -83.2, -83.3, -83.6, -83.6A, -83.6B, -83.7, -83.7A, -83.8, -83.9, -83.10, -83.11, -83.31, -105.21, -158.10, -174.11, -288(a), -407.5, -407.12; S.L. 2021-8; 16 N.C.A.C. 6D .0508, .0510; State Board of Education Policies CCRE-001, GRAD-001, GRAD-006, 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 English Learners* (N.C. Department of Public Instruction), available at <https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations/testing-students-identified-english-learners>; *Comprehensive Reading Plan for AchievementRead to Achieve Implementation Guide*, available at <https://www.dpi.nc.gov/districts-schools/classroom-resources/early-learning-read-achieve/k-3-literacy>

Issued:

<sup>37</sup> See G.S. 115C-83.9(c).

Revised: January 10, 2000; March 6, 2000; April 3, 2001; July 15, 2005; August 1, 2007; October 15, 2008; June 30, 2009; March 31, 2011; March 28, 2013; March 28, 2014; September 30, 2014; September 30, 2015; March 31, 2016; March 31, 2017; September 29, 2017; September 28, 2018; March 31, 2020; September 30, 2021; September 30, 2022; March 28, 2024; September 30, 2024

The Jackson County Board of Education recognizes the importance of setting rigorous graduation requirements to help ensure that students are receiving an education that will prepare them to be career and college ready and productive members of society.

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

1. successful completion of all State Board of Education course unit requirements as described in Section A; and
2. successful completion of cardiopulmonary resuscitation instruction.

Principals shall ensure that students and parents are aware of the number and nature of credits required for high school graduation, the potential to complete high school graduation requirements in three years, and the availability of early graduate college scholarships.

#### **A. COURSE UNITS**

As described in State Board of Education Policy GRAD-004, all students must fulfill the course unit requirements of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study. The tables below list the course unit requirements for the Future-Ready Core Course of Study and the Future-Ready Occupational Course of Study, as well as additional course units recommended by the board, based on the student's year of entry into ninth grade for the first time. School counseling program staff shall assist students in selecting high school courses to ensure that students are taking all required units and selecting electives consistent with their post-graduation plans.

In accordance with policy 3101, Dual Enrollment, and State Board of Education requirements, students may earn high school credit for college courses completed. In addition, students may earn credit for certain high school courses in the Future-Ready Core Course of Study completed prior to grade nine, as authorized by the State Board of Education. Students also have the opportunity to meet course unit requirements without completing the regular period of classroom instruction by demonstrating mastery of the course material in accordance with policy 3420, Student Promotion and Accountability, and State Board of Education requirements. For students who have transferred to the school system during high school or who, for other reasons, have completed course work outside of the school system, the principal shall determine what course work will be applied as credit toward graduation. See policy 3420 for information regarding receiving credit toward graduation for courses taken abroad.

All awards of high school course credit must be consistent with State Board of Education requirements. Any inconsistency between board policy and State Board graduation requirements will be resolved by following the State Board requirements. While the board

endeavors to keep its policy up to date with current State Board of Education graduation requirements, students should verify current requirements with their school counselors when planning course schedules or making other decisions based on graduation requirements.

1. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time before 2020-2021

Types of Courses	State Requirements*	Local Recommendations
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 plus two additional courses identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and an earth/environmental science course)	
Social Studies	4 (including: (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy;† (2) two American history courses which shall be either (a) American History I and II, (b) American History I or II and another Social Studies course, or (c) American History and another Social Studies course; and (3) World History)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)	
<b>Total Credits</b>	<b>22</b>	

\* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

\*\* Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

\*\*\* Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at <https://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/standard-course-study/mathematics/standard-course-study-supporting-resources>.

† The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy, must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses, except as provided in SBE Policy GRAD-008. See also SBE

Policies CCRE-001 and GRAD-004.

2. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021

Types of Courses	State Requirements*	Local Recommendations
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 plus two additional courses identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and an earth/environmental science course)	
Social Studies	4 (including: (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy;† (2) an American History course which shall be either (a) American History I, (b) American History II, or (c) American History; (3) World History;‡ and (4) Economics and Personal Finance^)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)	
<b>Total Credits</b>	<b>22</b>	

\* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

\*\* Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

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† The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses, except as provided in SBE Policy GRAD-008. See also SBE Policies CCRE-001 and GRAD-004.

‡ It is strongly recommended that students take World History in the first year of their high school Social Studies course sequence due to the nature of the adoption of the new Social Studies Standard Course of Study effective in 2021-2022.

^ This course must, at a minimum, include the standards established by the second edition of the

Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

3. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time Between 2021-2022 and 2025-2026

Types of Courses	State Requirements*	Local Recommendations
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 plus two additional courses identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and an earth/environmental science course)	
Social Studies	4 (including: Founding Principles of the United States of America and North Carolina: Civic Literacy; Economics and Personal Finance;† American History; and World History)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)‡	
<b>Total Credits</b>	<b>22</b>	

\* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

\*\* Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

\*\*\* Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at <https://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/standard-course-study/mathematics/standard-course-study-supporting-resources>.

† This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

‡ Students entering grade 9 for the first time in the 2025-2026 school year must complete at least one arts education course in grades 6-12 that satisfies the standard course of study for that course, unless exempt due to transfer status.

4. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2026-2027

Types of Courses	State Requirements*	Local Recommendations
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 plus two additional courses identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and an earth/environmental science course)	
Social Studies	4 (including: Founding Principles of the United States of America and North Carolina: Civic Literacy; Economics and Personal Finance;† American History; and World History)	
Health/P.E.	1	
Computer Science	1±	
Electives	5 (2 must be any combination of Career and Technical Education, Arts Education, or World Language; 3 may be from any subject area or cross-disciplinary course)^	
<b>Total Credits</b>	<b>22</b>	

\* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

\*\* Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016, available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

\*\*\* Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at <https://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/standard-course-study/mathematics/standard-course-study-supporting-resources>.

† This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

± Students who are exempt from this requirement due to a disability or because they enrolled in a NC public school after completion of grade 11 must earn one additional elective credit.

^ Students must complete at least one arts education course in grades 6-12 that satisfies the standard course of study for that course, unless exempt due to transfer status.

5. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade prior to 2020-2021 (only available to certain students with disabilities who have an IEP)

Types of Courses	State Requirements	Local Recommendations
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Introduction to Math, NC Math I, and Financial Management)	
Science	2 (including Applied Science and Biology)	
Social Studies	2 (including American History I and American History II* OR (1) American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy; and (2) American History I or American History II or American History)**	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Occupational Preparation	6 (including: (1) Occupational Preparation I or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB; and (4) Occupational Preparation IV or Employment Preparation IV: Math)	
Work Hours***	600	
Electives	0	
Other Requirements	Completion of IEP objectives Career Portfolio	
<b>Total Credits</b>	<b>22</b>	

\* Applicable only to students entering the ninth grade for the first time prior to 2017-18.

\*\* Applicable only to students entering the ninth grade for the first time between 2017-2018 and 2019-2020.

\*\*\* The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

6. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021 (only available to certain students with disabilities who have an IEP)

Types of Courses	State Requirements	Local Recommendations
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Introduction to Math, NC Math I, and Financial Management)	
Science	2 (including Applied Science and Biology)	
Social Studies	2 (including (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy and (2) Economics and Personal Finance)	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Occupational Preparation	6 (including: (1) Occupational Preparation I or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB; and (4) Occupational Preparation IV or Employment Preparation IV: Math)	
Work Hours*	600	
Electives	0	
Other Requirements	Completion of IEP objectives Career Portfolio	
<b>Total Credits</b>	<b>22</b>	

\* The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

7. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2021-2022 and Thereafter (only available to certain students with disabilities who have an IEP)

Types of Courses	State Requirements	Local Recommendations
English	4 (including English I, II, III, and IV)	
Mathematics	4 (including Introduction to Math, NC Math I, Financial Management, and Employment Preparation IV: Math (to include 150 work hours))	
Science	3 (including Applied Science, Biology, and Employment Preparation I: Science (to include 150 work hours))	
Social Studies	4 (including Founding Principles of the United States of America and North Carolina: Civic Literacy, Economics and Personal Finance, Employment Preparation II: Citizenship IA (to include 75 work hours), and Employment Preparation II: Citizenship IB (to include 75 work hours))	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Additional Employment Preparation*	2 (including Employment Preparation III: Citizenship IIA (to include 75 work hours) and Employment Preparation III: Citizenship IIB (to include 75 work hours))	
Electives	0	
Other Requirements	Completion of IEP objectives Career Portfolio	
<b>Total Credits</b>	<b>22</b>	

\* The work hours included in Employment Preparation I, II, III, and IV are as follows: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

## B. HIGH SCHOOL END-OF-COURSE AND OTHER TESTING

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

## C. SPECIAL CIRCUMSTANCES

### 1. Honor Graduates

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

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2. Students with Disabilities

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

3. Children of Military Families

In order to facilitate the on-time graduation of children of military families, as defined in policy 4050, Children of Military Families, school officials shall comply with the requirements of the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5), G.S. 115C-407.12, and the following requirements.

a. Waiver Requirements

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

b. Testing Requirements for Graduation

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

c. Transfers During Senior Year

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

4. Early Graduation

Students have the option of graduating early by completing the State Board of

Education minimum graduation requirements on an accelerated three-year pathway. Students choosing to use an accelerated pathway must follow the process required for early graduation as described in State Board Policies GRAD-001 and GRAD-006.

5. Graduation Certificates

Graduation certificates will be awarded to eligible students in accordance with the standards set forth in State Board Policy GRAD-010.

6. Diploma Endorsements

Students have the opportunity to earn diploma endorsements as described in State Board Policy GRAD-007. No endorsement is required to receive a diploma.

Legal References: G.S. 115C-47, -81.25(c)(10)(c), -81.45(d), -81.65, -81.90(c), -83.31, -83.32, -174.11, -276, -288, -407.5, -407.12; 16 N.C.A.C. 6D .0309, .0503, .0506, .0510; State Board of Education Policies CCRE-001, GRAD-001, GRAD-004, GRAD-006, GRAD-007, GRAD-008, GRAD-010, TEST-003

Cross References: Goals and Objectives of the Educational Program (policy 3000), Dual Enrollment (policy 3101), Testing and Assessment Program (policy 3410), Student Promotion and Accountability (policy 3420), Citizenship and Character Education (policy 3530), Children of Military Families (policy 4050)

Adopted: July 1, 2002  
 Updated: September 19, 2005  
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 Updated: July 26, 2011  
 Updated: October 22, 2013  
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 Updated: May 23, 2017  
 Updated: October 30, 2017  
 Updated: September 25, 2018  
 Updated: July 27, 2021  
 Updated: October 26, 2021  
 Updated: December 17, 2024

## **GRADUATION REQUIREMENTS**

*Policy Code:*

**3460**

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

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

1. successful completion of all State Board of Education course unit requirements as described in Section A; and
2. successful completion of cardiopulmonary resuscitation instruction.

Principals shall ensure that students and parents are aware of the number and nature of credits required for high school graduation, the potential to complete high school graduation requirements in three years, and the availability of early graduate college scholarships.<sup>1</sup>

### **A. COURSE UNITS**

As described in State Board of Education Policy GRAD-004, all students must fulfill the course unit requirements of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study. The tables below list the course unit requirements for the Future-Ready Core Course of Study and the Future-Ready Occupational Course of Study, as well as additional course units recommended by the board, based on the student's year of entry into ninth grade for the first time. School counseling program staff shall assist students in selecting high school courses to ensure that students are taking all required units and selecting electives consistent with their post-graduation plans.

In accordance with policy 3101, Dual Enrollment, and State Board of Education requirements, students may earn high school credit for college courses completed.<sup>2</sup> In addition, students may earn credit for certain high school courses in the Future-Ready Core Course of Study completed prior to grade nine, as authorized by the State Board of Education.<sup>3</sup> Students also have the opportunity to meet course unit requirements without completing the regular period of classroom instruction by demonstrating mastery of the course material in accordance with policy 3420, Student Promotion and Accountability, and State Board of Education requirements.<sup>4</sup> For students who have transferred to the school system during high school or who, for other reasons, have completed course work outside of the school system, the principal shall determine what course work will be applied

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<sup>1</sup> See G.S. 115C-47(53a).

<sup>2</sup> See State Board of Education Policy CCRE-001.

<sup>3</sup> This statement could incorporate notice that these courses are not included in the calculation of students' high school Grade Point Average (GPA). See State Board of Education Policy CCRE-001.

<sup>4</sup> See State Board of Education Policy CCRE-001.

as credit toward graduation. See policy 3420 for information regarding receiving credit toward graduation for courses taken abroad.

All awards of high school course credit must be consistent with State Board of Education requirements. Any inconsistency between board policy and State Board graduation requirements will be resolved by following the State Board requirements.<sup>5</sup> While the board endeavors to keep its policy up to date with current State Board of Education graduation requirements, students should verify current requirements with their school counselors when planning course schedules or making other decisions based on graduation requirements.<sup>6</sup>

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<sup>5</sup> This sentence is recommended to address inconsistencies that may occur as a result of changes to State Board of Education policies, given the past frequency of such changes.

<sup>6</sup> This statement is recommended to caution students against relying on the course requirements set out in the tables here, as the tables may not be current at all times.

1. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time before 2020-2021

Types of Courses	State Requirements*	Local Recommendations
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 <del>and plus two other additional application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.</del> ***)	
Science	3 (a physical science course, Biology, and <u>an earth/environmental science course</u> )	
Social Studies	4 (including: (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy; <sup>†</sup> (2) two American history courses which shall be either (a) American History I and II, (b) American History I or II and another Social Studies course, or (c) American History and another Social Studies course; and (3) World History)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.) <sup>‡</sup>	
<b>Total Credits</b>	<b>22</b>	

\* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

\*\* Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

\*\*\* Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at <https://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/standard-course-study/mathematics/standard-course-study-supporting-resources>.

<sup>†</sup> The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy, must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses, except as provided in SBE Policy GRAD-008.<sup>7</sup> See also SBE

<sup>7</sup> AP Government and Politics will satisfy the Civic Literacy course requirement if it covers the topics mandated by S.L. 2019-82, G.S. 115C-81.45(d)(1a).

Policies CCRE-001 and GRAD-004.

~~‡ Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.~~

2. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021

Types of Courses	State Requirements*	Local Recommendations
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 <del>and plus two other additional application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.</del> ***)	
Science	3 (a physical science course, Biology, and <u>an</u> earth/environmental science <u>course</u> )	
Social Studies	4 (including: (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy;† (2) an American History course which shall be either (a) American History I, (b) American History II, or (c) American History; (3) World History;‡ and (4) Economics and Personal Finance^)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)‡	
<b>Total Credits</b>	<b>22</b>	

\* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

\*\* Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

\*\*\* Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at <https://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/standard-course-study/mathematics/standard-course-study-supporting-resources>.

† The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not

be satisfied by any other courses, except as provided in SBE Policy GRAD-008.<sup>8</sup> See also SBE Policies CCRE-001 and GRAD-004.

<sup>±</sup> It is strongly recommended that students take World History in the first year of their high school Social Studies course sequence due to the nature of the adoption of the new Social Studies Standard Course of Study effective in 2021-2022.

<sup>^</sup> This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.<sup>9</sup>

~~<sup>‡</sup> Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.~~

### 3. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time Between in 2021-2022 and ~~Thereafter~~ 2025-2026

Types of Courses	State Requirements*	Local Recommendations
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 <del>and plus two other additional application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.</del> ***)	
Science	3 (a physical science course, Biology, and <u>an</u> earth/environmental science <u>course</u> )	
Social Studies	4 (including: Founding Principles of the United States of America and North Carolina: Civic Literacy; <sup>‡</sup> Economics and Personal Finance; <sup>±</sup> American History; and World History)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.) <del><sup>±‡</sup></del>	
<b>Total Credits</b>	<b>22</b>	

\* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

\*\* Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

\*\*\* Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a

<sup>8</sup> AP Government and Politics will satisfy the Civic Literacy course requirement if it covers the topics mandated by S.L. 2019-82, G.S. 115C-81.45(d)(1a).

<sup>9</sup> This requirement is established by G.S. 115C-81.65.

prerequisite. The math options chart is available at <https://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/standard-course-study/mathematics/standard-course-study-supporting-resources>.

<sup>†±</sup> This course must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses, except as provided in SBE Policy GRAD-008.<sup>10</sup> See also SBE Policies CCRE-001 and GRAD-004.

<sup>†±</sup> This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.<sup>11</sup>

~~†±~~ Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

<sup>±</sup> Students entering grade 9 for the first time in the 2025-2026 school year must complete at least one arts education course in grades 6-12 that satisfies the standard course of study for that course, unless exempt due to transfer status.

#### 4. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2026-2027

<u>Types of Courses</u>	<u>State Requirements*</u>	<u>Local Recommendations</u>
<u>English</u>	4 sequential (English I, II, III, and IV)	
<u>Mathematics</u>	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 plus two additional courses identified on the NC DPI math options chart.)***	
<u>Science</u>	3 (a physical science course, Biology, and an earth/environmental science course)	
<u>Social Studies</u>	4 (including: Founding Principles of the United States of America and North Carolina: Civic Literacy; Economics and Personal Finance;† American History; and World History)	
<u>Health/P.E.</u>	1	
<u>Computer Science</u>	1 <sup>±</sup>	
<u>Electives</u>	5 (2 must be any combination of Career and Technical Education, Arts Education, or World Language; 3 may be from any subject area or cross-disciplinary course)^	
<b><u>Total Credits</u></b>	<b><u>22</u></b>	

\* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

\*\* Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016, available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

\*\*\* Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a

<sup>10</sup> ~~AP Government and Politics will satisfy this requirement if it covers the topics mandated by S.L. 2019-82, G.S. 115C-81.45(d)(1a).~~

<sup>11</sup> This requirement is established by G.S. 115C-81.65.

prerequisite. The math options chart is available at <https://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/standard-course-study/mathematics/standard-course-study-supporting-resources>.

<sup>†</sup> This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.<sup>12</sup>

<sup>±</sup> Students who are exempt from this requirement due to a disability or because they enrolled in a NC public school after completion of grade 11 must earn one additional elective credit.

<sup>^</sup> Students must complete at least one arts education course in grades 6-12 that satisfies the standard course of study for that course, unless exempt due to transfer status.

#### 4.5. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade prior to 2020-2021 (only available to certain students with disabilities who have an IEP)

Types of Courses	State Requirements	Local Recommendations
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Introduction to Math, NC Math I, and Financial Management)	
Science	2 (including Applied Science and Biology)	
Social Studies	2 (including American History I and American History II* OR (1) American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy; and (2) American History I or American History II or American History)**	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Occupational Preparation	6 (including: (1) Occupational Preparation I or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB; and (4) Occupational Preparation IV or Employment Preparation IV: Math)	
Work Hours***	600	
Electives	0	
Other Requirements	Completion of IEP objectives Career Portfolio	
<b>Total Credits</b>	<b>22</b>	

\* Applicable only to students entering the ninth grade for the first time prior to 2017-18.

\*\* Applicable only to students entering the ninth grade for the first time between 2017-2018 and 2019-2020.

\*\*\* The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or

<sup>12</sup> This requirement is established by G.S. 115C-81.65.

community services hours, for a total of 600 required work hours.

**5.6. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021 (only available to certain students with disabilities who have an IEP)**

Types of Courses	State Requirements	Local Recommendations
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Introduction to Math, NC Math I, and Financial Management)	
Science	2 (including Applied Science and Biology)	
Social Studies	2 (including (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy and (2) Economics and Personal Finance)	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Occupational Preparation	6 (including: (1) Occupational Preparation I or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB; and (4) Occupational Preparation IV or Employment Preparation IV: Math)	
Work Hours*	600	
Electives	0	
Other Requirements	Completion of IEP objectives Career Portfolio	
<b>Total Credits</b>	<b>22</b>	

\* The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

**6.7. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2021-2022 and Thereafter (only available to certain students with disabilities who have an IEP)**

Types of Courses	State Requirements	Local Recommendations
English	4 (including English I, II, III, and IV)	
Mathematics	4 (including Introduction to Math, NC Math I, Financial Management, and Employment Preparation IV: Math (to include 150 work hours))	
Science	3 (including Applied Science, Biology, and Employment Preparation I: Science (to include 150 work hours))	
Social Studies	4 (including Founding Principles of the United States of America and North Carolina: Civic Literacy, Economics and Personal Finance, Employment Preparation II: Citizenship IA (to include 75 work hours), and Employment Preparation II: Citizenship IB (to include 75 work hours))	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Additional Employment Preparation*	2 (including Employment Preparation III: Citizenship IIA (to include 75 work hours) and Employment Preparation III: Citizenship IIB (to include 75 work hours))	
Electives	0	
Other Requirements	Completion of IEP objectives Career Portfolio	
<b>Total Credits</b>	<b>22</b>	

\* The work hours included in Employment Preparation I, II, III, and IV are as follows: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

**B. HIGH SCHOOL END-OF-COURSE AND OTHER TESTING<sup>13</sup>**

High school students must take all end-of-course (EOC) tests and Career and Technical

<sup>13</sup> Any local testing requirements for graduation may be added to this section. Local testing programs are no longer encouraged by the NC General Assembly, but they are not prohibited. If the board administers local standardized testing, it must provide the testing calendar and certain other testing-related information to the State Board of Education and must report student results to teachers and parents. See G.S. 115C-174.12(d) and -174.15. In even-numbered years, the board must review all local standardized testing administered to students in the prior two school years to determine whether the average number of tests administered or the average number of hours required for students to complete the tests exceeds the state average over the two-year period. G.S. 115C-174.12(d1). If either number exceeds the state average, the board must submit by the statutory deadline a plan to the Department of Public Instruction and the State Board of Education to eliminate certain local standardized testing in order to reduce the number(s) below the state average, unless the State Board of Education waives the requirement that the board submit a plan.

Education (CTE) State Assessments<sup>14</sup> required by the State Board of Education and pursuant to policy 3410, Testing and Assessment Program.

### C. SPECIAL CIRCUMSTANCES

#### 1. Honor Graduates

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

#### 2. Students with Disabilities

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

#### 3. Children of Military Families

In order to facilitate the on-time graduation of children of military families, as defined in policy 4050, Children of Military Families, school officials shall comply with the requirements of the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5), G.S. 115C-407.12, and the following requirements.

##### a. Waiver Requirements

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

##### b. Testing Requirements for Graduation

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

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<sup>14</sup> State assessments are not required for every CTE course. Depending on the course, students may show proof of learning through earning a credential or through a performance-based measure.

c. Transfers During Senior Year

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

4. Early Graduation

Students have the option of graduating early by completing the State Board of Education minimum graduation requirements on an accelerated three-year pathway. Students choosing to use an accelerated pathway must follow the process required for early graduation as described in State Board Policies GRAD-001 and GRAD-006.

5. Graduation Certificates

Graduation certificates will be awarded to eligible students in accordance with the standards set forth in State Board Policy GRAD-010.

6. Diploma Endorsements

Students have the opportunity to earn diploma endorsements as described in State Board Policy GRAD-007.<sup>15</sup> No endorsement is required to receive a diploma.

Legal References: G.S. 115C-47, -81.25(c)(10)(c), -81.45(d), -81.65, -81.90(c), -83.31, -83.32, -174.11, -276, -288, -407.5, -407.12; 16 N.C.A.C. 6D .0309, .0503, .0506, .0510; State Board of Education Policies CCRE-001, GRAD-001, GRAD-004, GRAD-006, GRAD-007, GRAD-008, GRAD-010, TEST-003

Cross References: Goals and Objectives of the Educational Program (policy 3000), Dual Enrollment (policy 3101), Testing and Assessment Program (policy 3410), Student Promotion and Accountability (policy 3420), Citizenship and Character Education (policy 3530), Children of Military Families (policy 4050)

Issued:

Revised: July 15, 2005; August 1, 2007; October 15, 2008; June 30, 2009; December 1, 2009; September 30, 2010; March 31, 2011; September 27, 2012; March 28, 2013; September 13, 2013;

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<sup>15</sup> G.S. 115C-83.32 and State Board of Education Policy GRAD-007 set forth the requirements for earning these endorsements.

March 28, 2014; March 31, 2015; September 30, 2015; September 30, 2016; April 28, 2017; September 29, 2017; March 31, 2020; September 30, 2020; March 31, 2021; September 30, 2021; March 31, 2022; September 30, 2022; March 28, 2024; September 30, 2024

The Jackson County Board of Education is committed to creating safe, orderly, clean, and inviting schools for all students and staff. To this end, the board supports state laws that prohibit the sale or distribution of tobacco products to minors and that prohibit the use of tobacco products by minors. The board also supports state and federal laws that prohibit the use of tobacco products in school buildings, on school campuses, and in or on any other school property owned or operated by the school board. For the purposes of this policy, the term “tobacco product” means any product that contains tobacco and is intended for human consumption. The term “tobacco product” also includes alternative nicotine products (noncombustible products that contain nicotine, whether natural or synthetic, but do not contain tobacco and are intended for human consumption whether chewed, absorbed, dissolved, ingested, or by other means), consumable products (nicotine liquid solutions or other materials containing nicotine that is depleted as a vapor product is used), vapor products (noncombustible products that employ a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat consumable products) including electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes, and components of vapor products.

**A. PROHIBITED BEHAVIOR**

In support of the board’s commitments and state and federal law, students are prohibited from using or possessing any tobacco product (1) in any school building, on any school campus, and in or on any other school property owned or operated by the school board, including school vehicles; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including during school trips.

Nothing in this policy prohibits the use or possession of tobacco products for an instructional or research activity conducted in a school building, provided that the activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing, or otherwise ingesting tobacco.

**B. CONSEQUENCES**

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

In determining appropriate consequences for violations of this policy, school officials are encouraged to identify programs or opportunities that will provide students with a greater understanding of the health hazards of tobacco use, the hazards of secondhand smoke, and the impact of tobacco use on efforts to provide a safe, orderly, clean, and inviting school environment.

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**C. SERVICES FOR STUDENTS**

The administration shall consult with the county health department and other appropriate organizations to provide students with information and access to support systems and programs to encourage students to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to its students.

**D. NOTICE**

Students will be provided with notice of the information in this policy through the Code of Student Conduct, student handbooks, or other means identified by the principal. In addition, the principal shall post signs in a manner and at locations that adequately notify students, school personnel, and visitors about prohibitions against the use of tobacco products in all school facilities, on all school grounds, and at all school-sponsored events.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; 21 U.S.C. 321(rr); 21 C.F.R. 1100 *et seq.*; G.S. 14-313; 115C-47, -288, -307, -390.2, -407

Cross References: Student Behavior Policies (policy 4300), Smoking and Tobacco Products (policy 5026/7250)

Adopted: June 25, 2001  
Updated: March 28, 2005  
Updated: September 23, 2008  
Updated: October 25, 2011  
Updated: October 27, 2015  
Updated: February 27, 2018  
Updated: December 17, 2024

## TOBACCO PRODUCTS – STUDENTS

Policy Code:

4320

The board is committed to creating safe, orderly, clean, and inviting schools for all students and staff. To this end, the board supports state laws that prohibit the sale or distribution of tobacco products to minors and that prohibit the use of tobacco products by minors. The board also supports state and federal laws that prohibit the use of tobacco products in school buildings, on school campuses, and in or on any other school property owned or operated by the school board. For the purposes of this policy, the term “tobacco product” means any product that contains ~~or that is made or derived from~~ tobacco and is intended for human consumption.<sup>1</sup> The term “tobacco product” also includes alternative nicotine products (noncombustible products that contain nicotine, whether natural or synthetic, but do not contain tobacco and are intended for human consumption whether chewed, absorbed, dissolved, ingested, or by other means), consumable products (nicotine liquid solutions or other materials containing nicotine that is depleted as a vapor product is used), vapor products (noncombustible products that employ a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat consumable products) including all lighted and smokeless tobacco products, as well as electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes, and components of vapor products, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.<sup>1</sup>

### A. PROHIBITED BEHAVIOR

In support of the board’s commitments and state and federal law, students are prohibited from using or possessing any tobacco product (1) in any school building, on any school campus, and in or on any other school property owned or operated by the school board, including school vehicles; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including during school trips.<sup>2</sup>

Nothing in this policy prohibits the use or possession of tobacco products for an

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<sup>1</sup> This definition incorporates the federal definition of “tobacco product” found in the Federal Food, Drug, and Cosmetic Act and the Family Smoking Prevention and Tobacco Control Act, which provides for the FDA’s regulatory authority over tobacco products. See 21 U.S.C. 321 (rr). The federal definition does not explicitly include electronic smoking devices, e-cigarettes, or vaporizers, but the FDA has deemed electronic nicotine delivery systems, which include such products, to meet the statutory definition of “tobacco product” and has regulated these products since 2016. See 21 C.F.R. 1100 *et seq.* and 81 F.R. 28973. Alternatively, boards may define of “tobacco product” is consistent with state law, G.S. 14-313, as “any product that contains tobacco and is intended for human consumption” including a tobacco-derived product, vapor product, or component of a vapor product. The board may want to ensure that it uses a consistent definition in this policy and in policy 5026/7250, Smoking and Tobacco Products.

<sup>2</sup> In order to comply with federal law, smoking must be prohibited in all indoor facilities. State law, G.S. 115C-407, prohibits the use of any tobacco product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the school board. State and federal law only prohibit the “use” of tobacco products on school grounds. Thus, boards have discretion on the issue of whether to forbid student possession of tobacco products on school property and at school activities off campus.

instructional or research activity conducted in a school building, provided that the activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing, or otherwise ingesting tobacco.<sup>3</sup>

## **B. CONSEQUENCES**

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.<sup>4</sup>

In determining appropriate consequences for violations of this policy, school officials are encouraged to identify programs or opportunities that will provide students with a greater understanding of the health hazards of tobacco use, the hazards of secondhand smoke, and the impact of tobacco use on efforts to provide a safe, orderly, clean, and inviting school environment.

## **C. SERVICES FOR STUDENTS**

The administration shall consult with the county health department and other appropriate organizations to provide students with information and access to support systems and programs to encourage students to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to its students.<sup>5</sup>

## **D. NOTICE**

Students will be provided with notice of the information in this policy through the Code of Student Conduct, student handbooks, or other means identified by the principal. In addition, the principal shall post signs in a manner and at locations that adequately notify students, school personnel, and visitors about prohibitions against the use of tobacco products in all school facilities, on all school grounds, and at all school-sponsored events.<sup>6</sup>

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; 21 U.S.C. 321-(rr); 21 C.F.R. 1100 *et seq.*; G.S. 14-313; 115C-47, -288, -307, -390.2, -407

Cross References: Student Behavior Policies (policy 4300), Smoking and Tobacco Products (policy 5026/7250)

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<sup>3</sup> G.S. 115C-407 specifically permits this provision.

<sup>4</sup> Specifically, G.S. 115C-390.5 and G.S. 115C-390.7 require that the Code of Student Conduct authorize short-term and/or long-term suspension, respectively, for specific violations in order for school officials to have the authority to impose the disciplinary measure. The board also may consider listing the specific range of consequences in this policy to provide direction to the superintendent in the development of the Code of Student Conduct.

<sup>5</sup> The school system may want to identify local resources and what commitments it can reasonably make.

<sup>6</sup> G.S. 115C-407 requires such notice to students and posting of signs.

Issued: June 1997

Revised: October 14, 2003; May 7, 2004; October 15, 2007; June 30, 2008; June 16, 2011; September 30, 2014 (footnotes only); September 30, 2015; September 29, 2017; September 30, 2024

## **BULLYING AND HARASSING BEHAVIOR PROHIBITED**

*Policy Code:* **4329/7311**

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<sup>1</sup>The board is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. The board expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. The board recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, the board prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and visitors. “Visitors” includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

This policy prohibits bullying and harassing behavior, or the encouragement of bullying or harassing 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) through the use of school system technological resources; (6) at any time or place when the student, employee, or other person is subject to the authority of school personnel; or (7) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the schools.

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.<sup>2</sup>

### **A. RELATIONSHIP TO OTHER POLICIES**

This policy applies to bullying and harassing behavior that is not otherwise prohibited by

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<sup>1</sup> This policy is intended to meet the requirements of G.S. 115C-407.16, known as “state bullying and harassment statute.” Conduct that violates this policy may also violate other board policies that prohibit harassment based on certain personal characteristics protected from discrimination by federal law, including sex-based harassment and harassment based on race, color, national origin, disability, or religion. This policy does not provide a legally sufficient response to discriminatory harassment under federal law. Therefore, it is critical that school officials carefully consider under which board policy an incident of bullying or harassment should be addressed. The assistance of legal counsel should be sought if there is any uncertainty about the correct policy to follow.

<sup>2</sup> G.S. 115C-407.18(a) prohibits suppression of student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. *See also Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969). As explained by the Supreme Court in the *Tinker* case, school officials may censor student speech and expression only when it creates or is reasonably likely to create a substantial disruption to the educational environment. Student conduct that constitutes bullying or harassing behavior under this policy is likely to be inherently disruptive. *See Kowalski v. Berkeley County Schools*, 652 F.3d 565 (4<sup>th</sup> Cir. 2011) (upholding school discipline against free speech challenge because student’s off campus website created to bully a peer created substantial disorder and disruption in the school and, if left unpunished, could have resulted in a snowballing effect). School officials are encouraged to consult the board attorney for guidance when bullying or harassing behavior of a student is speech-related to avoid inadvertently violating the student’s free speech rights.

the following board policies that address discriminatory harassment in violation of federal law:<sup>3</sup>

- Discrimination and Harassment Prohibited by Federal Law, policy 1710/4020/7230 (prohibiting harassment based on federally protected characteristics, such as race, color, national origin, sex, disability, age (40 or older), religion, military affiliation, or genetic information)
- Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures, policy 1725/4035/7236 (prohibiting sex-based harassment)

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristic addressed by the policies above should refer to and follow the reporting processes provided in those policies.

Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with the requirements of the applicable policy(ies) listed above. If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy.<sup>4</sup> Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other board policies or school rules.<sup>5</sup>

## **B. CONDUCT THAT IS CONSIDERED BULLYING OR HARASSING BEHAVIOR<sup>6</sup>**

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.<sup>7</sup>

<sup>3</sup> The cited policies direct school officials to investigate and respond to discriminatory harassment in a manner that is designed to meet the board's legal obligations under federal law. Sex-based harassment that meets the definition under Title IX is of particular concern, as federal law mandates a specific response to reports and complaints of sex-based harassment.

<sup>4</sup> Not all conduct that may be considered "harassment" will violate federal law. As is the case under this policy, the harassment must cross a certain threshold of severity and/or frequency to be unlawful. Harassment that is not unlawful may nevertheless violate this policy.

<sup>5</sup> For example, the conduct may violate the board's policy on Integrity and Civility, policy 4310.

<sup>6</sup> State law does describe or provide examples of the range of behaviors that could potentially be "bullying," "harassing behavior," or "bullying or harassing behavior." The descriptions provided here may be modified.

<sup>7</sup> The characterization of bullying as unwanted aggressive behavior that typically occurs in the presence of a power imbalance is not part of the state definition of bullying and harassing behavior under G.S. 115C-407.15, but such power imbalance is generally considered a hallmark of bullying. See, e.g.,

2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.
3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability.<sup>8</sup> Bullying and harassing behavior can violate this policy regardless of a student's motivation.
4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.
5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances or propositions, 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.
6. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.
7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

#### **C. WHEN BULLYING OR HARASSING BEHAVIOR VIOLATES THIS POLICY**

Not all conduct that may be described as bullying or harassing behavior violates this policy.

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<https://www.stopbullying.gov/bullying/what-is-bullying>. Cyberbullying is not defined in the statute, but "electronic communications" are included as conduct that could constitute "bullying or harassing behavior" and boards are required to annually provide certain persons with the LEA's "policy prohibiting bullying and harassing behavior, including cyber-bullying...." G.S. 115C-407.15(a) and -407.17(d).

<sup>8</sup> Bullying and harassing behavior based on the enumerated personal characteristics is specified in G.S. 115C-407.15(a).

<sup>9</sup>Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or
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 bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in G.S. 115C-407.15.

Bullying or harassing behavior based on sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

#### **D. REPORTING BULLYING AND HARASSING BEHAVIOR**

1. Reports by Students and/or Parents and Guardians
  - a. The board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.
  - b. Reports may be made orally or in writing and may be made anonymously.
  - c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.
  - d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information, the matter will be investigated in accordance with the applicable policy listed in Section A above.

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<sup>9</sup> This policy adopts the definition of "bullying and harassing behavior" established in G.S. 115C-407.15.

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2. Mandatory Reporting by School Employees<sup>10</sup>

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sex-based harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

3. Reporting by Other Third Parties

Other members of the school community may report incidents of bullying or harassment to the school principal or the superintendent or designee.

4. Reporting False Allegations

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

**E. REPORTS OF BULLYING OR HARASSING BEHAVIOR BASED ON A FEDERALLY PROTECTED CHARACTERISTIC**

Bullying or harassing behavior that is based on a federally protected characteristic, such as sex, race, color, national origin, disability, - religion, age (40 or older), military affiliation, or genetic information, may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sex-based harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other federally protected characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law.<sup>11</sup> Uncertainty as to whether alleged bullying or harassing behavior is based on a federally protected characteristic should be resolved by notifying the Title IX Coordinator.

**F. RESPONSE TO REPORTS OF BULLYING OR HARASSING BEHAVIOR**

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or ~~the principal's designee~~ or site supervisor and addressed in accordance with this policy and policy 4340, School-Level Investigations, when appropriate. If the principal or site supervisor is the alleged perpetrator, the superintendent will designate an

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<sup>10</sup> School employees are required by G.S. 115C-407.15(d) to report bullying or harassing behavior.

<sup>11</sup> Alternatively, the contact information for each civil rights coordinator could be listed in the policy.

appropriate investigator.

2. If at any time before, during, or after the investigation under this policy, the ~~principal or designee~~investigator determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the ~~principal or designee~~investigator shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.
3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior.<sup>12</sup> An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

## **G. CONSEQUENCES**

### **1. Students**

The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.<sup>13</sup>

### **2. Employees**

Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

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<sup>12</sup> G.S. 115C-407.15 prohibits reprisal or retaliation against anyone who reports reliable information about an act of bullying or harassment.

<sup>13</sup> The transfer requirement is established in G.S. 115C-366.4.

### 3. Others

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. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

## H. OTHER INTERVENTIONS

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

## I. NOTICE<sup>14</sup>

This policy must be provided to employees, students, and parents, guardians, and caregivers at the beginning of each school year.<sup>15</sup> Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks.<sup>16</sup> Principals are encouraged to post a copy or summary of this policy in each classroom and in a prominent location within the school building and to make an age-appropriate summary of the policy available to elementary students.<sup>17</sup> Information about this policy must also be incorporated into employee training programs.<sup>18</sup>

## J. RECORDS

The superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports.<sup>19</sup> The superintendent also shall maintain records of any remedial interventions or other steps taken by the school system to provide an environment free of bullying.<sup>20</sup>

Legal References: G.S. 14-458.2; 115C-105.51, -366.4, -407.15 through -407.18

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<sup>14</sup> G.S. 115C-407.17((b)(8) requires the board to include a statement of how the policy is going to be disseminated and publicized, including notice that the policy applies to participation in school-sponsored functions.

<sup>15</sup> This action is required by G.S. 115C-407.17(d).

<sup>16</sup> This action is required by G.S. 115C-407.17(d). The notice must be included in any publication that “sets forth the comprehensive rules, procedures, and standards of conduct for schools...and in any student and school employee handbook.”

<sup>17</sup> This statement is optional.

<sup>18</sup> This action is required by G.S. 115C-407.17(e).

<sup>19</sup> Even unsubstantiated complaints or reports should be maintained in case a pattern of complaints develops.

<sup>20</sup> This statement is optional. Records of corrective action and training necessary to address conduct that constitutes unlawful discrimination should be maintained as described in applicable policies. Remedial interventions may be beneficial even for conduct that does not rise to that level and should be documented if provided.

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures (policy 1725/4035/7236), School-Level Investigations (policy 4340), Visitors to the Schools (policy 5020)

Issued: July 28, 2020

Revised: September 30, 2021; July 12, 2024; September 30, 2024

## **BULLYING AND HARASSING BEHAVIOR PROHIBITED**

*Policy Code:* **4329/7311**

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The Jackson County Board of Education is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. The board expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. The board recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, the board prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and visitors. “Visitors” includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

This policy prohibits bullying and harassing behavior, or the encouragement of bullying or harassing 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) through the use of school system technological resources; (6) at any time or place when the student, employee, or other person is subject to the authority of school personnel; or (7) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the schools.

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.

### **A. RELATIONSHIP TO OTHER POLICIES**

This policy applies to bullying and harassing behavior that is not otherwise prohibited by the following board policies that address discriminatory harassment in violation of federal law:

- Discrimination and Harassment Prohibited by Federal Law, policy 1710/4020/7230 (prohibiting harassment based on federally protected characteristics, such as race, color, national origin, sex, disability, age (40 or older), religion, military affiliation, or genetic information)
- Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures, policy 1725/4035/7236 (prohibiting sex-based harassment)

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristic addressed by the policies above should refer to and follow the reporting processes provided in those policies.

Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with the requirements of the applicable policy(ies) listed

above. If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy. Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other board policies or school rules.

**B. CONDUCT THAT IS CONSIDERED BULLYING OR HARASSING BEHAVIOR**

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.
2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.
3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student's motivation.
4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.
5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances or propositions, 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.
6. These examples are not exhaustive but are intended to illustrate the wide range of

behavior that may constitute bullying and harassing behavior.

7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

**C. WHEN BULLYING OR HARASSING BEHAVIOR VIOLATES THIS POLICY**

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or
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 bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in G.S. 115C-407.15.

Bullying or harassing behavior based on sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

**D. REPORTING BULLYING AND HARASSING BEHAVIOR**

1. Reports by Students and/or Parents and Guardians
  - a. The board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.
  - b. Reports may be made orally or in writing and may be made anonymously.
  - c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.

- d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information, the matter will be investigated in accordance with the applicable policy listed in Section A above.

2. **Mandatory Reporting by School Employees**

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sex-based harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

3. **Reporting by Other Third Parties**

Other members of the school community may report incidents of bullying or harassment to the school principal or the superintendent or designee.

4. **Reporting False Allegations**

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

## **E. REPORTS OF BULLYING OR HARASSING BEHAVIOR BASED ON A FEDERALLY PROTECTED CHARACTERISTIC**

Bullying or harassing behavior that is based on a federally protected characteristic, such as sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information, may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sex-based harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other federally protected characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law. Uncertainty as to whether alleged bullying or harassing behavior is based on a federally protected characteristic should be resolved by notifying the Title IX Coordinator.

## **F. RESPONSE TO REPORTS OF BULLYING OR HARASSING BEHAVIOR**

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or designee or site

supervisor and addressed in accordance with this policy and policy 4340, School-Level Investigations, when appropriate. If the principal or site supervisor is the alleged perpetrator, the superintendent will designate an appropriate investigator.

2. If at any time before, during, or after the investigation under this policy, the investigator determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the investigator shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.
3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

#### **G. CONSEQUENCES**

##### **1. Students**

The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

##### **2. Employees**

Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

##### **3. Others**

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. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

#### **H. OTHER INTERVENTIONS**

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

#### **I. NOTICE**

This policy must be provided to employees, students, and parents, guardians, and caregivers at the beginning of each school year. Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks. Principals are encouraged to post a copy or summary of this policy in each classroom and in a prominent location within the school building and to make an age-appropriate summary of the policy available to elementary students. Information about this policy must also be incorporated into employee training programs.

#### **J. RECORDS**

The superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of any remedial interventions or other steps taken by the school system to provide an environment free of bullying.

Legal References: G.S. 14-458.2; 115C-105.51, -366.4, -407.15 through -407.18

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures (policy 1725/4035/7236), School-Level Investigations (policy 4340), Visitors to the Schools (policy 5020)

Adopted: July 28, 2020  
Updated: December 14, 2021  
Updated: December 17, 2024

## **USE OF UNMANNED AIRCRAFT (DRONES)**

*Policy Code: 4334/5035/7345*

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<sup>1</sup>The board supports and encourages the use of innovative and emerging technologies, including unmanned aircraft or drones, to further the goals and objectives of the educational program. However, the board also must consider how the use of such technologies may impact the safety, security, and privacy of people and property. Therefore, the board authorizes some use of unmanned aircraft on school property and at school-sponsored events in accordance with the requirements of this policy and to the extent that such use is not otherwise prohibited by federal, state, or local law or regulation.

This policy applies to all students, school system employees, contractors and vendors, school visitors, and other members of the general public on school property and at school-sponsored events.

### **A. DEFINITIONS**

For purposes of this policy, the following definitions apply.

1. An “unmanned aircraft” or “drone” is an aircraft weighing less than 55 pounds<sup>2</sup> that is operated without the possibility of direct human intervention from within or on the aircraft.<sup>3</sup> The board strictly prohibits the use of an unmanned aircraft weighing more than 55 pounds on school property or at a school-sponsored event.
2. The “use” of an unmanned aircraft includes the launch, operation, and/or recovery of the unmanned aircraft.
3. “School property” includes any property that is owned, leased, or otherwise controlled by the board.
4. Use of an unmanned aircraft is for a “recreational” purpose if the use is solely for personal interests or enjoyment. Use for work or business purposes or for

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<sup>1</sup> This policy is optional and may be modified in accordance with applicable federal, state, and local laws and regulations. Alternatively, the board may prohibit all use of unmanned aircraft on school property and at school-sponsored events, including launching and recovering unmanned aircraft from school property. However, the Federal Aviation Administration (FAA) generally controls and regulates the national airspace. Therefore, some use of unmanned aircraft over and across school property may be lawful and outside the board’s control, despite the board’s prohibition against launching and recovering unmanned aircraft on school property, if the drone operator is not on school property and such use is otherwise authorized by the FAA.

<sup>2</sup> This policy only addresses federal laws and regulations applicable to small, unmanned aircraft that weigh less than 55 pounds. Unmanned aircraft weighing more than 55 pounds are subject to other federal and state laws and regulations beyond the scope of this policy.

<sup>3</sup> This definition of “unmanned aircraft” or “drone” is consistent with federal and state law and regulation. See, e.g., 14 C.F.R. 107.3 and G.S. 15A-300.1(a)(3).

compensation or hire is not considered to be recreational.<sup>4</sup>

## **B. AUTHORIZED USE OF UNMANNED AIRCRAFT**

The use of an unmanned aircraft on school property or at a school-sponsored event for any purpose must be approved in writing by the superintendent or designee<sup>5</sup> and must comply with the requirements of this policy and all other applicable board policies, including the public use requirements of policy 5030, Community Use of Facilities, when applicable. Such use also must comply with all applicable federal, state, and local laws and regulations, including ~~the most any~~ current registration, certification, permit, safety, and other requirements established by the Federal Aviation Administration (FAA),<sup>6</sup> ~~and the North Carolina Department of Transportation (NCDOT).~~<sup>7</sup>

The superintendent or designee may grant approval for use on a case-by-case basis with any additional requirements or restrictions deemed appropriate, including, for example, to protect the safety, security, and privacy of people and property. However, the superintendent or designee shall not approve the use of unmanned aircraft for recreational purposes on school property or at school-sponsored events during the school day or at any other time when groups of students or employees may be present outdoors.<sup>8</sup>

Prior to obtaining approval from the superintendent or designee, the operator of any unmanned aircraft may be required to provide proof of insurance, including adequate liability coverage for any claims arising out of the use of an unmanned aircraft, and proof of ~~the any~~ registration, certification, permit, and/or waiver required by the FAA ~~and/or NCDOT~~ to operate the unmanned aircraft for the intended purpose(s).

An unmanned aircraft used on school property or at a school-sponsored event must be operated either by or under the direct supervision of an FAA-certified drone pilot in

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<sup>4</sup> “Recreational” purposes are not defined in federal law or regulation; however, this interpretation is consistent with the definition used by the Federal Aviation Administration. See <https://www.faa.gov/faq/what-definition-recreational-or-hobby-use-uas-or-drone>. It is unlikely that any use of unmanned aircraft by school personnel will constitute recreational use. Typical uses, such as for instructional or maintenance purposes, are subject to Part 107, requiring operation by or under the direct supervision of an FAA-certified drone pilot (see subsection B.1).

<sup>5</sup> Alternatively, the use of unmanned aircraft on school property or at a school-sponsored event may be approved by “the principal or site supervisor.”

<sup>6</sup> See generally 14 C.F.R. Part 107 (“Part 107”) and 49 U.S.C. 44809 (Exception for Limited Recreational Operations of Unmanned Aircraft). See also Federal Aviation Administration, Advisory Circular 107-2A (February 1, 2021), available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/Editorial\\_Update\\_AC\\_107-2A.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/Editorial_Update_AC_107-2A.pdf). A comprehensive summary of federal regulations governing unmanned aircraft under Part 107 is available at [https://www.faa.gov/sites/faa.gov/files/2021-08/Part\\_107\\_Summary.pdf](https://www.faa.gov/sites/faa.gov/files/2021-08/Part_107_Summary.pdf).

<sup>7</sup> ~~See generally G.S. 63, art. 10. A comprehensive summary of North Carolina state law governing unmanned aircraft is available at [https://www.ncdot.gov/divisions/aviation/uas/Documents/nc\\_uas\\_regulations.pdf](https://www.ncdot.gov/divisions/aviation/uas/Documents/nc_uas_regulations.pdf).~~

<sup>8</sup> Alternatively, the board may prohibit recreational use at any time when groups of students or employees may be present indoors or outdoors. The board also may prohibit all use of unmanned aircraft for recreational purposes at any time and may modify this policy accordingly.

accordance with subsection B.1, below, or by a recreational flyer in accordance with subsection B.2, below.

1. Use by or under the Direct Supervision of an FAA-Certified Drone Pilot

An FAA-certified drone pilot, or an individual under the direct supervision of an FAA-certified drone pilot,<sup>9</sup> may operate an unmanned aircraft for any commercial, educational, recreational, or other school system-related purpose as approved by the superintendent or designee. To qualify as an FAA-certified drone pilot, an individual must obtain a Remote Pilot Certificate from the FAA and have the certificate easily accessible during all use.<sup>10</sup>

An FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot must comply with all federal, state, and local laws and regulations, including all applicable requirements under 14 C.F.R. Part 107 (“Part 107”).<sup>11</sup> ~~In addition, if the use of an unmanned aircraft is not solely for hobby or recreational purposes, an FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot also must comply with the training and permit requirements of G.S. 63, art. 10, as applicable.~~<sup>12</sup>

2. Use by a Recreational Flyer

A recreational flyer may operate an unmanned aircraft strictly for recreational purposes as approved by the superintendent or designee.<sup>13</sup> A recreational flyer is not required to be an FAA-certified drone pilot or under the direct supervision of

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<sup>9</sup> See 14 C.F.R. 107.12. No person may manipulate the flight controls of an unmanned aircraft under this section unless that person is an FAA-certified drone pilot or unless that person is under the direct supervision of an FAA-certified drone pilot who has the ability to immediately take direct control of the flight of the unmanned aircraft.

<sup>10</sup> To obtain a Remote Pilot Certificate, the individual must be at least 16 years; be able to read, speak, write, and understand English; be in a physical and mental condition to safely fly an unmanned aircraft; pass an initial aeronautical knowledge test; and complete the appropriate application, including a TSA security background check. The certificate is valid for two years and may be renewed. Additional information on how to obtain a Remote Pilot Certificate and become an FAA-certified drone pilot is available at [https://www.faa.gov/uas/commercial\\_operators/become\\_a\\_drone\\_pilot/](https://www.faa.gov/uas/commercial_operators/become_a_drone_pilot/).

<sup>11</sup> Some operational limitations under Part 107 are eligible for a waiver, and the FAA has the authority to review and approve certain operations otherwise outside of the requirements of Part 107. See 14 C.F.R. 107.200 and 107.205. In addition, in the event of an in-flight emergency requiring immediate action, an FAA-certified drone pilot may deviate from any rule under Part 107 to the extent necessary to respond to the emergency. See 14 C.F.R. 107.21.

<sup>12</sup> ~~North Carolina state law requires a permit, including passage of the N.C. Department of Transportation’s UAS Knowledge Test, to operate an unmanned aircraft for commercial purposes. See G.S. 63-95 and -96. However, these training and permit requirements generally do not apply to the use of an unmanned aircraft that is solely for hobby or recreational purposes. See G.S. 63-94.~~

<sup>13</sup> A recreational flyer may not operate an unmanned aircraft for a non-recreational purpose. Use of an unmanned aircraft for any commercial, educational, or other non-recreational purpose is subject to the federal and state requirements described in subsection B.1.

an FAA-certified drone pilot.<sup>14</sup> However, a recreational flyer must comply with all federal, state, and local laws and regulations, including all applicable federal requirements under the *Exception for Limited Recreational Operations of Unmanned Aircraft* (49 U.S.C. 44809).<sup>15</sup>

### C. UNAUTHORIZED USE OF UNMANNED AIRCRAFT

School system employees shall reasonably attempt to monitor school property and school-sponsored events for the unauthorized use of unmanned aircraft. Employees must report any known or suspected unauthorized use of an unmanned aircraft as soon as practicable to the principal or other school official responsible for supervising the school property or school-sponsored event. If the unauthorized use poses a threat to the safety, security, or privacy of people or property, the employee should attempt to intervene directly if it is possible to do so safely and effectively and ask the operator to discontinue the use. If the employee is unable to identify the individual operating the unmanned aircraft, or if the unmanned aircraft is grounded and unattended, the employee should immediately notify the principal or other school official responsible for supervising the school property or school-sponsored event.

A student or school system employee who uses an unmanned aircraft in violation of this policy will be subject to disciplinary action, up to and including suspension or expulsion for students and termination for employees. A contractor or vendor, school visitor, or other member of the general public who uses an unmanned aircraft in violation of this policy will be asked to discontinue the unauthorized use and/or asked to leave school property or the school-sponsored event in accordance with policy 5020, Visitors to the Schools.

School officials may also report the unauthorized use of an unmanned aircraft to local law enforcement and/or the FAA, as appropriate.

### D. GUIDELINES FOR ALL USE OF UNMANNED AIRCRAFT<sup>16</sup>

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<sup>14</sup> A recreational flyer is not required to obtain a remote pilot certificate from the FAA. See 49 U.S.C. 44809(a). However, recreational flyers are required to pass The Recreational UAS Safety Test (TRUST) and provide proof of passage to the FAA or law enforcement upon request. See 49 U.S.C. 44809(a)(7); *The Recreational UAS Safety Test (TRUST)*, Federal Aviation Administration, updated January 18, 2022, available at [https://www.faa.gov/uas/recreational\\_fliers/knowledge\\_test\\_updates/](https://www.faa.gov/uas/recreational_fliers/knowledge_test_updates/).

<sup>15</sup> Under the *Exception for Limited Recreational Operations of Unmanned Aircraft* (49 U.S.C. 44809), a recreational flyer is required to operate an unmanned aircraft in accordance with a community-based organization's (CBO) set of safety guidelines developed in coordination with the FAA. See Federal Aviation Administration, Advisory Circular 91-57C (October 20, 2022), available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/AC\\_91-57C\\_FAA\\_Revised.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_91-57C_FAA_Revised.pdf). For purposes of this policy, we have incorporated existing FAA safety guidelines based on industry best practices in subsection D.1. Alternatively, the board may incorporate an FAA-recognized CBO's safety guidelines. A list of FAA-recognized CBOs is available at <https://www.faa.gov/uas/recreationalfliers/faq-recognized-community-based-organizations>.

<sup>16</sup> This section is optional but recommended. Alternatively, the guidelines in this section may be omitted from this policy and incorporated into a separate administrative regulation issued by the superintendent.

## 1. FAA Safety Guidelines<sup>17</sup>

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event must comply with all applicable FAA safety guidelines, including, but not limited to, the following.

- a. The unmanned aircraft must be registered with the FAA and marked with the registration number.<sup>18</sup>
- b. No later than September 16, 2023, the unmanned aircraft must be equipped with remote identification<sup>19</sup> unless flying within an FAA-recognized identification area.<sup>20</sup>
- c. The unmanned aircraft must have a maximum groundspeed of 100 mph or less.<sup>21</sup>
- d. The operator must keep the unmanned aircraft within his or her visual line of sight at all times.
- e. The operator must not fly the unmanned aircraft above 400 feet in uncontrolled airspace and must not fly the unmanned aircraft in controlled airspace (e.g., near airports) without FAA authorization. The operator must comply with all other FAA airspace restrictions (e.g., near military bases).<sup>22</sup>

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<sup>17</sup> These general safety guidelines are adapted from Part 107 and 49 U.S.C. 44809; however, this list of guidelines is not exhaustive, and FAA-certified drone pilots and recreational flyers should be expected to refer to and comply with the more detailed requirements under Part 107 and 49 U.S.C. 44809, respectively. Alternatively, all the requirements under Part 107 and 49 U.S.C. 44809 may be listed here or elsewhere in this policy or an administrative regulation.

<sup>18</sup> Any unmanned aircraft weighing more than 0.55 pounds (250 grams) must be registered with the FAA. Registration costs \$5, is valid for three years, and may be renewed. Additional information on how to register an unmanned aircraft is available at [https://www.faa.gov/uas/getting\\_started/register\\_drone/](https://www.faa.gov/uas/getting_started/register_drone/). Online registration is available at <https://faadronezone.faa.gov/#/>.

<sup>19</sup> See 86 Fed. Reg. 4390; *UAS Remote Identification Overview*, Federal Aviation Administration, updated October 13, 2021, available at [https://www.faa.gov/uas/getting\\_started/remote\\_id/](https://www.faa.gov/uas/getting_started/remote_id/).

<sup>20</sup> See 14 C.F.R. 89.201 *et seq.* (effective September 16, 2022).

<sup>21</sup> The board may omit this provision and establish a lower groundspeed limit in subsection D.2.

<sup>22</sup> The national airspace, including both controlled and uncontrolled airspace, is highly regulated by the FAA. Additional information about controlled and uncontrolled airspace and any permanent or temporary airspace restrictions is available at [https://www.faa.gov/uas/recreational\\_fliers/where\\_can\\_i\\_fly/](https://www.faa.gov/uas/recreational_fliers/where_can_i_fly/). This website also includes a link to the B4UFLY mobile app with interactive maps. In addition, authorization to operate within controlled airspace may be obtained through the FAA's Low Altitude Authorization and Notification Capability (LAANC). Additional information about LAANC is available at [https://www.faa.gov/uas/programs\\_partnerships/data\\_exchange/](https://www.faa.gov/uas/programs_partnerships/data_exchange/).

- f. The operator must not fly the unmanned aircraft near other aircraft and must always yield the right of way to all other aircraft, especially manned aircraft.
- g. The operator must not fly the unmanned aircraft near emergency response activities.
- h. The operator must not fly the unmanned aircraft under the influence of drugs or alcohol. In addition, the operator must not fly the unmanned aircraft if he or she knows or has reason to know of any other physical or mental condition that would interfere with the safe operation of the unmanned aircraft.
- i. The operator must not otherwise fly the unmanned aircraft in a careless or reckless manner.

2. Other Guidelines<sup>23</sup>

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event also must comply with the following guidelines established by the board.

- a. The operator of any unmanned aircraft on school property or at a school-sponsored event must provide appropriate documentation of approval from the superintendent or designee immediately upon request by any school system employee.
- b. Students are prohibited from operating an unmanned aircraft on school property or at a school-sponsored event without appropriate faculty or other adult supervision whether or not such supervision is required under federal regulations.
- c. The superintendent or designee, as well as the principal or other school official responsible for supervising school property or a school-sponsored event, may require the operator of an unmanned aircraft to temporarily or permanently suspend further use of the unmanned aircraft on school property or at a school-sponsored event at any time for any reason.
- d. The use of an unmanned aircraft to photograph or to record audio and/or video of the following is prohibited without the express written approval of the superintendent:<sup>24</sup> (a) students, employees, visitors, or other individuals,

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<sup>23</sup> The guidelines in this subsection are optional but strongly recommended, unless otherwise noted. These guidelines may be further modified to better reflect your local practices; however, please consult your board attorney before modifying any of the guidelines included in this subsection.

<sup>24</sup> Alternatively, the board may authorize the superintendent to delegate approval authority to a designee.

- (b) school- or school system-sponsored activities and other events, or (c) school buildings or other school system facilities. Any such photographs or other audio and/or video recordings obtained through the use of an unmanned aircraft may not be used for any marketing or other commercial purpose or otherwise distributed to a third party without the express written approval of the superintendent.<sup>25</sup>
- e. Unmanned aircraft may not be flown over people or moving vehicles without the express written approval of the superintendent.<sup>26</sup> As a pre-condition of receiving approval, the operator must provide the superintendent information sufficient to determine that the flight will be conducted in compliance with applicable FAA regulations.<sup>27</sup>
  - f. Any data or other information collected through the use of an unmanned aircraft may not be sold for profit.
  - g. The use of an unmanned aircraft inside any enclosed school or other building on school property (including any school or other building under construction) or indoors at a school-sponsored event off school property is prohibited without the express written approval of the superintendent or designee.<sup>28</sup>
  - h. The use of unmanned aircraft within the physical confines of any stadium, field, arena, or other structure, including the playing area of the venue, during a North Carolina High School Athletic Association contest, including pre- and post-game activities, is prohibited.<sup>29</sup>
  - i. Any incident resulting in an injury to a person or damage to property caused by the use of an unmanned aircraft must be reported immediately or as soon as practicable thereafter to the principal or other school official responsible for supervising the school property or school-sponsored event where the incident occurred. This requirement applies whether or not the incident is also subject to the mandatory reporting requirements under federal

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<sup>25</sup> If the board authorizes the superintendent to delegate approval authority to a designee in the first sentence of this paragraph, add “or designee” to the end of this sentence.

<sup>26</sup> Alternatively, the board may authorize the superintendent to delegate approval authority to a designee.

<sup>27</sup> See 14 C.F.R. Part 107, Subpart D. The FAA regulations set out specific requirements for different types of operation of unmanned aircraft over people and moving vehicles.

<sup>28</sup> The indoor use of unmanned aircraft is not subject to the FAA requirements described in Section B because such use does not involve the national airspace controlled and regulated by the FAA. However, prior to approving the indoor use of an unmanned aircraft, the superintendent or designee should consider the safety, security, and privacy of people and property, and impose any additional safety requirements or other restrictions, as appropriate.

<sup>29</sup> See North Carolina High School Athletic Association Handbook, Section 2.2.3(c), available at <https://www.nchsaa.org/handbook>.

regulations.<sup>30</sup>

- j. Any unmanned aircraft owned by a school or the school system must be properly insured and must be scheduled (i.e., listed on the policy) and operated as required by the school system's liability coverage agreement.<sup>31</sup>

The superintendent or designee may develop any additional administrative procedures or other regulations necessary to implement the requirements of this policy or to further protect the safety, security, and privacy of people and property.<sup>32</sup>

Legal References: FAA Reauthorization Act of 2018, P.L. 115-254;<sup>33</sup> 49 U.S.C. 44801 *et seq.*; 14 C.F.R. Part 89, Part 107; Federal Aviation Administration, Advisory Circular 91-57C (October 20, 2022), available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/AC\\_91-57C\\_FAA\\_Revised.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_91-57C_FAA_Revised.pdf); Federal Aviation Administration, Advisory Circular 107-2A (February 1, 2021), available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/Editorial\\_Update\\_AC\\_107-2A.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/Editorial_Update_AC_107-2A.pdf); G.S. 14-7.45, -280.3, -401.24, -401.25; 15A art. 16B; ~~63 art. 10~~; 113-295; North Carolina High School Athletic Association Handbook, available at <https://www.nchsaa.org/handbook>

Cross References: Student Behavior Policies (4300 series), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030)

Other Resources: Federal Aviation Administration, Unmanned Aircraft Systems (UAS) website, available at <https://www.faa.gov/uas/>; North Carolina Department of Transportation, Division of Aviation, Unmanned Aircraft Systems website, available at <https://www.ncdot.gov/divisions/aviation/uas/Pages/default.aspx>

Issued: September 30, 2019

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<sup>30</sup> See 14 C.F.R. 107.9. An FAA-certified drone pilot must report to the FAA within 10 days any operation of an unmanned aircraft involving (1) serious injury to any person or any loss of consciousness or (2) more than \$500 worth of damage to any property other than the unmanned aircraft itself.

<sup>31</sup> Many commercial insurance policies contain broad coverage exclusions for aircraft, including unmanned aircraft or drones. The school system may be liable for property damage and bodily injury caused by an unmanned aircraft, as well as for any physical damage to the unmanned aircraft itself. Please consult your board attorney and/or insurer or other liability coverage provider as appropriate regarding the school system's potential liability and coverage for injuries to people and damage to property. The N.C. School Boards Trust (NCSBT) offers Drone Liability Coverage and Inland Marine Coverage (miscellaneous property coverage) for members' scheduled drones. For more information, please contact NCSBT directly.

<sup>32</sup> This provision is optional and may be omitted. Administrative procedures may further outline the process for requesting and obtaining approval for the use of unmanned aircraft on school property and at school-sponsored events, as well as additional regulations and other guidelines regarding the authorized use of unmanned aircraft (such as the permissible uses of unmanned aircraft or restrictions on the time or location of any authorized use, etc.).

<sup>33</sup> The FAA Reauthorization Act of 2018 (P.L. 115-254) repealed the Special Rule for Model Aircraft (Section 336 of P.L. 112-95), which previously regulated the hobby or recreational use of unmanned aircraft.

Revised: March 31, 2022; September 30, 2022; March 31, 2023; October 18, 2023; September 30, 2024

## **USE OF UNMANNED AIRCRAFT (DRONES)**

*Policy Code: 4334/5035/7345*

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The Jackson County Board of Education supports and encourages the use of innovative and emerging technologies, including unmanned aircraft or drones, to further the goals and objectives of the educational program. However, the board also must consider how the use of such technologies may impact the safety, security, and privacy of people and property. Therefore, the board authorizes some use of unmanned aircraft on school property and at school-sponsored events in accordance with the requirements of this policy and to the extent that such use is not otherwise prohibited by federal, state, or local law or regulation.

This policy applies to all students, school system employees, contractors and vendors, school visitors, and other members of the general public on school property and at school-sponsored events.

### **A. DEFINITIONS**

For purposes of this policy, the following definitions apply.

1. An “unmanned aircraft” or “drone” is an aircraft weighing less than 55 pounds that is operated without the possibility of direct human intervention from within or on the aircraft. The board strictly prohibits the use of an unmanned aircraft weighing more than 55 pounds on school property or at a school-sponsored event.
2. The “use” of an unmanned aircraft includes the launch, operation, and/or recovery of the unmanned aircraft.
3. “School property” includes any property that is owned, leased, or otherwise controlled by the board.
4. Use of an unmanned aircraft is for a “recreational” purpose if the use is solely for personal interests or enjoyment. Use for work or business purposes or for compensation or hire is not considered to be recreational.

### **B. AUTHORIZED USE OF UNMANNED AIRCRAFT**

The use of an unmanned aircraft on school property or at a school-sponsored event for any purpose must be approved in writing by the superintendent or designee and must comply with the requirements of this policy and all other applicable board policies, including the public use requirements of policy 5030, Community Use of Facilities, when applicable. Such use also must comply with all applicable federal, state, and local laws and regulations, including any current registration, certification, permit, safety, and other requirements established by the Federal Aviation Administration (FAA).

The superintendent or designee may grant approval for use on a case-by-case basis with any additional requirements or restrictions deemed appropriate, including, for example, to protect the safety, security, and privacy of people and property. However, the superintendent or designee shall not approve the use of unmanned aircraft for recreational purposes on school property or at school-sponsored events during the school day or at any other time when groups of students or employees may be present outdoors.

Prior to obtaining approval from the superintendent or designee, the operator of any unmanned aircraft may be required to provide proof of insurance, including adequate liability coverage for any claims arising out of the use of an unmanned aircraft, and proof of any registration, certification, permit, and/or waiver required by the FAA to operate the unmanned aircraft for the intended purpose(s).

An unmanned aircraft used on school property or at a school-sponsored event must be operated either by or under the direct supervision of an FAA-certified drone pilot in accordance with subsection B.1, below, or by a recreational flyer in accordance with subsection B.2, below.

1. Use by or under the Direct Supervision of an FAA-Certified Drone Pilot

An FAA-certified drone pilot, or an individual under the direct supervision of an FAA-certified drone pilot, may operate an unmanned aircraft for any commercial, educational, recreational, or other school system-related purpose as approved by the superintendent or designee. To qualify as an FAA-certified drone pilot, an individual must obtain a Remote Pilot Certificate from the FAA and have the certificate easily accessible during all use.

An FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot must comply with all federal, state, and local laws and regulations, including all applicable requirements under 14 C.F.R. Part 107 ("Part 107").

2. Use by a Recreational Flyer

A recreational flyer may operate an unmanned aircraft strictly for recreational purposes as approved by the superintendent or designee. A recreational flyer is not required to be an FAA-certified drone pilot or under the direct supervision of an FAA-certified drone pilot. However, a recreational flyer must comply with all federal, state, and local laws and regulations, including all applicable federal requirements under the *Exception for Limited Recreational Operations of Unmanned Aircraft* (49 U.S.C. 44809).

**C. UNAUTHORIZED USE OF UNMANNED AIRCRAFT**

School system employees shall reasonably attempt to monitor school property and school-sponsored events for the unauthorized use of unmanned aircraft. Employees must report

any known or suspected unauthorized use of an unmanned aircraft as soon as practicable to the principal or other school official responsible for supervising the school property or school-sponsored event. If the unauthorized use poses a threat to the safety, security, or privacy of people or property, the employee should attempt to intervene directly if it is possible to do so safely and effectively and ask the operator to discontinue the use. If the employee is unable to identify the individual operating the unmanned aircraft, or if the unmanned aircraft is grounded and unattended, the employee should immediately notify the principal or other school official responsible for supervising the school property or school-sponsored event.

A student or school system employee who uses an unmanned aircraft in violation of this policy will be subject to disciplinary action, up to and including suspension or expulsion for students and termination for employees. A contractor or vendor, school visitor, or other member of the general public who uses an unmanned aircraft in violation of this policy will be asked to discontinue the unauthorized use and/or asked to leave school property or the school-sponsored event in accordance with policy 5020, Visitors to the Schools.

School officials may also report the unauthorized use of an unmanned aircraft to local law enforcement and/or the FAA, as appropriate.

#### **D. GUIDELINES FOR ALL USE OF UNMANNED AIRCRAFT**

##### **1. FAA Safety Guidelines**

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event must comply with all applicable FAA safety guidelines, including, but not limited to, the following.

- a. The unmanned aircraft must be registered with the FAA and marked with the registration number.
- b. No later than September 16, 2023, the unmanned aircraft must be equipped with remote identification unless flying within an FAA-recognized identification area.
- c. The unmanned aircraft must have a maximum groundspeed of 100 mph or less.
- d. The operator must keep the unmanned aircraft within his or her visual line of sight at all times.
- e. The operator must not fly the unmanned aircraft above 400 feet in uncontrolled airspace and must not fly the unmanned aircraft in controlled airspace (e.g., near airports) without FAA authorization. The operator must

comply with all other FAA airspace restrictions (e.g., near military bases).

- f. The operator must not fly the unmanned aircraft near other aircraft and must always yield the right of way to all other aircraft, especially manned aircraft.
- g. The operator must not fly the unmanned aircraft near emergency response activities.
- h. The operator must not fly the unmanned aircraft under the influence of drugs or alcohol. In addition, the operator must not fly the unmanned aircraft if he or she knows or has reason to know of any other physical or mental condition that would interfere with the safe operation of the unmanned aircraft.
- i. The operator must not otherwise fly the unmanned aircraft in a careless or reckless manner.

2. Other Guidelines

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event also must comply with the following guidelines established by the board.

- a. The operator of any unmanned aircraft on school property or at a school-sponsored event must provide appropriate documentation of approval from the superintendent or designee immediately upon request by any school system employee.
- b. Students are prohibited from operating an unmanned aircraft on school property or at a school-sponsored event without appropriate faculty or other adult supervision whether or not such supervision is required under federal regulations.
- c. The superintendent or designee, as well as the principal or other school official responsible for supervising school property or a school-sponsored event, may require the operator of an unmanned aircraft to temporarily or permanently suspend further use of the unmanned aircraft on school property or at a school-sponsored event at any time for any reason.
- d. The use of an unmanned aircraft to photograph or to record audio and/or video of the following is prohibited without the express written approval of the superintendent: (a) students, employees, visitors, or other individuals, (b) school- or school system-sponsored activities and other events, or (c) school buildings or other school system facilities. Any such photographs or other audio and/or video recordings obtained through the use of an

unmanned aircraft may not be used for any marketing or other commercial purpose or otherwise distributed to a third party without the express written approval of the superintendent.

- e. Unmanned aircraft may not be flown over people or moving vehicles without the express written approval of the superintendent. As a pre-condition of receiving approval, the operator must provide the superintendent information sufficient to determine that the flight will be conducted in compliance with applicable FAA regulations.
- f. Any data or other information collected through the use of an unmanned aircraft may not be sold for profit.
- g. The use of an unmanned aircraft inside any enclosed school or other building on school property (including any school or other building under construction) or indoors at a school-sponsored event off school property is prohibited without the express written approval of the superintendent or designee.
- h. The use of unmanned aircraft within the physical confines of any stadium, field, arena, or other structure, including the playing area of the venue, during a North Carolina High School Athletic Association contest, including pre- and post-game activities, is prohibited.
- i. Any incident resulting in an injury to a person or damage to property caused by the use of an unmanned aircraft must be reported immediately or as soon as practicable thereafter to the principal or other school official responsible for supervising the school property or school-sponsored event where the incident occurred. This requirement applies whether or not the incident is also subject to the mandatory reporting requirements under federal regulations.
- j. Any unmanned aircraft owned by a school or the school system must be properly insured and must be scheduled (i.e., listed on the policy) and operated as required by the school system's liability coverage agreement.

The superintendent or designee may develop any additional administrative procedures or other regulations necessary to implement the requirements of this policy or to further protect the safety, security, and privacy of people and property.

Legal References: FAA Reauthorization Act of 2018, P.L. 115-254; 49 U.S.C. 44801 *et seq.*; 14 C.F.R. Part 89, Part 107; Federal Aviation Administration, Advisory Circular 91-57C (October 20, 2022), available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/AC\\_91-57C\\_FAA\\_Revised.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_91-57C_FAA_Revised.pdf); Federal Aviation Administration, Advisory Circular 107-2A (February 1, 2021), available at

[https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/Editorial\\_Update\\_AC\\_107-2A.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/Editorial_Update_AC_107-2A.pdf); G.S. 14-7.45, -280.3, -401.24, -401.25; 15A art. 16B; 113-295; North Carolina High School Athletic Association Handbook, available at <https://www.nchsaa.org/handbook>

Cross References: Student Behavior Policies (4300 series), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030)

Other Resources: Federal Aviation Administration, Unmanned Aircraft Systems (UAS) website, available at <https://www.faa.gov/uas/>; North Carolina Department of Transportation, Division of Aviation, Unmanned Aircraft Systems website, available at <https://www.ncdot.gov/divisions/aviation/uas/Pages/default.aspx>

Adopted: September 27, 2022

Updated: November 15, 2022

Updated: April 25, 2023

Updated: December 17, 2024

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

**A. DEFINITIONS**

For purposes of this policy, the following definitions apply.

**1. Registered Sex Offender**

A registered sex offender is a person who (1) is required to register under the Sex Offender and Public Protection Registration Program and (2) has committed any of the following: an offense in G.S. 14, art. 7B; a federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in G.S. 14, art. 7B; an offense in which the victim was under the age of 18 years at the time of the offense; an offense in violation of G.S. 14-190.16, 14-190.17, 14-190.17A, or 14-190.17C; or a federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in violation of G.S. 14-190.16, 14-190.17, 14-190.17A, or 14-190.17C.

**2. School Property**

School property is defined as any school grounds or any property owned or operated by the school system where minors frequently congregate.

**B. REGISTERED SEX OFFENDERS BANNED FROM ALL SCHOOL PROPERTY**

In accordance with G.S. 14-208.18, registered sex offenders are expressly forbidden to knowingly be present on any school property, whether before, during, or after school hours. In addition, registered sex offenders may not attend or be present at any student function or field trip on or off school property that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This policy applies to all registered sex offenders regardless of their relationship to or affiliation with a student in the school system.

**C. ENFORCEMENT**

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

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

#### **D. EXCEPTIONS**

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

1. Students

Students who are registered sex offenders may be on school property only in accordance with policy 4260, Student Sex Offenders.

2. Voters

Registered sex offenders who are eligible to vote may be present on school property for the sole purpose of voting if the school property is being used as a voting place. The voter must not be outside the voting enclosure other than for the purpose of entering and exiting the voting place. If the voting place is a school, the voter must notify the principal of the school that he or she is registered under the Sex Offender and Public Protection Registration Program. The voter must leave school property immediately after voting.

3. Parents or Guardians

a. A registered sex offender who is the parent or guardian of a student enrolled in school may be on school property only for the following reasons:

- 1) to attend a scheduled conference with school personnel to discuss the student's academic or social progress; or
- 2) at the request of the principal or designee, for any reason relating to the welfare or transportation of the student.

b. In order to visit school property for one of the reasons authorized by subsection (a) above, the parent or guardian must notify the principal of his or her registration under the Sex Offender and Public Protection Registration Program and of his or her presence at school. Notice of his or her presence at school includes the nature and specific times of the visit.

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

parent or guardian will not be permitted to enter or remain on school property.

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

#### **E. CONTRACTUAL PERSONNEL**

Each contract executed by the board must include a provision requiring the other party to the contract to conduct an annual check of the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry for all contracted employees whose contractual job with the board requires or may result in direct interaction with students, including but not limited to any employee whose contractual job duties include: (1) delivering services directly to students; or (2) performing tasks on or delivering products to school property.

The contract must specify that no contractor or employee of a contractor registered with the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, or the National Sex Offender Registry may have direct interaction with children. This provision applies to contracts with a single individual.

Legal References: G.S. ch. 14, art. 7B, 14-190.16, -190.17, -190.17A, -190.17C, -208.18, -208.19; 115C-332, -332.1

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

Adopted: November 24, 2008  
Updated: September 24, 2013  
Updated: June 23, 2015  
Updated: October 27, 2015  
Updated: October 25, 2016  
Updated: December 17, 2024

## **REGISTERED SEX OFFENDERS**

*Policy Code:*

**5022**

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

### **A. DEFINITIONS**

For purposes of this policy, the following definitions apply.

#### **1. Registered Sex Offender**

A registered sex offender is a person who (1) is required to register under the Sex Offender and Public Protection Registration Program and (2) has committed any of the following: an offense in G.S. 14, art. 7B; a federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in G.S. 14, art. 7B; an offense in which the victim was under the age of 18 years at the time of the offense; ~~or an offense in violation of G.S. 14-190.16, 14-190.17, or 14-190.17A, or 14-190.17C;~~ or any federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in violation of G.S. 14-190.16, 14-190.17, ~~or 14-190.17A, or 14-190.17C.~~<sup>1</sup>

#### **2. School Property**

School property is defined as any school grounds or any property owned or operated by the school system where minors frequently congregate.<sup>2</sup>

### **B. REGISTERED SEX OFFENDERS BANNED FROM ALL SCHOOL PROPERTY**

In accordance with G.S. 14-208.18, registered sex offenders are expressly forbidden to knowingly be present on any school property, whether before, during, or after school hours. In addition, registered sex offenders may not attend or be present at any student function or field trip on or off school property that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This policy applies to all registered sex offenders regardless of their relationship to or affiliation with a student in the school system.

### **C. ENFORCEMENT**

All school personnel must immediately report to a school administrator the presence or

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<sup>1</sup> Individuals who fall under this definition are subject to the requirements of G.S. 14-208.18.

<sup>2</sup> The board could list specific school system property, other than school grounds, where minors frequently congregate. G.S. 14-208.18(a)(3) provides libraries, arcades, amusement parks, recreation parks, and swimming pools as examples.

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

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

#### **D. EXCEPTIONS**

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

1. Students

Students who are registered sex offenders may be on school property only in accordance with policy 4260, Student Sex Offenders.

2. Voters

Registered sex offenders who are eligible to vote may be present on school property for the sole purpose of voting if the school property is being used as a voting place. The voter must not be outside the voting enclosure other than for the purpose of entering and exiting the voting place. If the voting place is a school, the voter must notify the principal of the school that he or she is registered under the Sex Offender and Public Protection Registration Program.<sup>3</sup> The voter must leave school property immediately after voting.

3. Parents or Guardians<sup>4</sup>

a. A registered sex offender who is the parent or guardian of a student enrolled in school may be on school property only for the following reasons:<sup>5</sup>

1) to attend a scheduled conference with school personnel to discuss

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<sup>3</sup> The board could decide to require the voter to be under supervision at all times while on school property. If requiring that the voter remain under supervision, the principal must ensure that someone is available to provide supervision, so as not to impede the voter's right to vote.

<sup>4</sup> This policy is narrowly drafted to allow visits by parents or guardians who are registered sex offenders only (1) for conferences to discuss academic or social progress and (2) at the request of the principal for a reason relating to the welfare or transportation of the student. Although G.S. 14-208.18(d)(2) contains language regarding the principal granting ongoing permission for regular visits of a routine nature, NCSBA staff interprets this to mean that such permission may be granted only for the two reasons listed in subsection D.3.a.

<sup>5</sup> According to G.S. 14-208.18(d)(1), a parent or guardian registered sex offender may be on school property only for these purposes. The parent or guardian may not seek or receive permission to be on school property for any other reason.

the student's academic or social progress; or

- 2) at the request of the principal or designee, for any reason relating to the welfare or transportation of the student.
- b. In order to visit school property for one of the reasons authorized by subsection (a) above, the parent or guardian must notify the principal of his or her registration under the Sex Offender and Public Protection Registration Program and of his or her presence at school.<sup>6</sup> Notice of his or her presence at school includes the nature and specific times of the visit.
- c. For each visit authorized by subsection (a) above, the parent or guardian must arrange to meet a staff member at the edge of school property, check in at the principal's office upon arrival and departure, and remain under the direct supervision of school personnel at all times. If school personnel are not available to supervise the parent or guardian during any visit, then the parent or guardian will not be permitted to enter or remain on school property.
- d. For each visit authorized by subsection (a) above, the parent or guardian must comply with all reasonable rules and restrictions placed upon him or her by the principal, including restrictions on the date, time, location, and length of meeting.

#### **E. CONTRACTUAL PERSONNEL**

Each contract executed by the board must include a provision requiring the other party to the contract to conduct an annual check of the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry for all contracted employees whose contractual job with the board requires or may result in direct interaction with students, including but not limited to any employee whose contractual job duties include: (1) delivering services directly to students; or (2) performing tasks on or delivering products to school property.

The contract must specify that no contractor or employee of a contractor registered with the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, or the National Sex Offender Registry may have direct interaction with children. This provision applies to contracts with a single individual.<sup>7</sup>

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<sup>6</sup> See G.S. 14-208.18(d)(2)a. This section may be modified to allow the superintendent or board to grant permission for a parent or guardian to be present at school or for the principal to grant ongoing permission for regular visits of a routine nature. If such permission is granted in writing by the superintendent, board, or principal, the parent or guardian is not statutorily required to give notice to the principal of his or her presence at school; however, if permission is granted by the superintendent or the board, the superintendent or board chair must inform the principal where the parent or guardian will be present.

<sup>7</sup> The board may require each contractor to provide verification of the fact that the required searches of the State Sex

Legal References: G.S. ch. 14, art. 7B, 14-190.16, -190.17, -190.17A, -190.17C, -208.18, -208.19; 115C-332, -332.1

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

Issued: October 15, 2008

Revised: September 13, 2013; March 31, 2015; September 30, 2015; September 30, 2016; September 30, 2021; September 30, 2024

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Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry have been conducted as required in the contract.

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## SMOKING AND TOBACCO PRODUCTS

Policy Code: **5026/7250**

The board of education promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the school board, or at school-related or school-sponsored events is detrimental to the health and safety of students, staff, and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco-free policy that prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, the term “tobacco product” means any product that contains ~~or is made or derived from~~ tobacco and is intended for human consumption.<sup>1</sup> The term “tobacco product” also includes alternative nicotine products (noncombustible products that contain nicotine, whether natural or synthetic, but do not contain tobacco and are intended for human consumption whether chewed, absorbed, dissolved, ingested, or by other means), consumable products (nicotine liquid solutions or other materials containing nicotine that is depleted as a vapor product is used), vapor products (noncombustible products that employ a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat consumable products) including all lighted and smokeless tobacco products, as well as electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes, and components of vapor products, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.<sup>1</sup>

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers, and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.
2. In addition, persons attending a school-sponsored event at a location not specified in subsection 1 above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) in an area where use of tobacco products is otherwise prohibited by law.
3. Nothing in this policy prohibits the use of tobacco products for an instructional or research activity conducted in a school building, provided that such activity is conducted or

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<sup>1</sup> This definition incorporates the federal definition of “tobacco product” found in the Federal Food, Drug, and Cosmetic Act and the Family Smoking Prevention and Tobacco Control Act, which provides for the FDA’s regulatory authority over tobacco products. See 21 U.S.C. 321 (rr). The federal definition does not explicitly include electronic smoking devices, e-cigarettes, or vaporizers, but the FDA has deemed electronic nicotine delivery systems, which include such products, to meet the statutory definition of “tobacco product” and has regulated these products since 2016. See 21 C.F.R. 1100 *et seq.* and 81 F.R. 28973. However, most electronic cigarettes and similar devices contain nicotine, which is considered to be a tobacco product. Alternatively, boards may define of “tobacco product” is consistent with state law, G.S. 14-313, as “any product that contains tobacco and is intended for human consumption” including a tobacco-derived product, vapor product, or component of a vapor product. The board may want to ensure that it uses a consistent definition in this policy and in policy 4320, Tobacco Products – Students.

supervised by a faculty member and that the activity does not include smoking, chewing, or otherwise ingesting tobacco.<sup>2</sup>

4. The administration will consult with the county health department and other appropriate organizations to provide employees with information about support systems and programs to encourage employees to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to employees of the school system after the regular school day.<sup>3</sup>
5. The principal of each school and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students, and visitors that the use of tobacco products by any person is prohibited at all times in or on school property.<sup>4</sup>
6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel, and the public.
7. All school personnel are required to adhere to and enforce this policy and other policies, rules, or regulations addressing the use of tobacco products.<sup>5</sup>

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; 21 U.S.C. 321-(rr); 21 C.F.R. 1100 *et seq.*; G.S. 14-313; 115C-47(18), -407

Cross References: Tobacco Products – Students (policy 4320)

Issued: June 1997

Revised: September 24, 1999; October 14, 2003; October 15, 2007; January 27, 2012; September 30, 2014 (footnotes only); September 30, 2015; September 29, 2017; September 30, 2024

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<sup>2</sup> G.S. 115C-407 specifically permits this provision.

<sup>3</sup> The school system may want to identify local resources and what commitments it can reasonably make.

<sup>4</sup> G.S. 115C-407 requires such notice to personnel and posting of signs.

<sup>5</sup> G.S. 115C-407 mandates that the board policy require enforcement by school personnel.

The Jackson County Board of Education promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the school board, or at school-related or school-sponsored events is detrimental to the health and safety of students, staff, and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco-free policy that prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, the term “tobacco product” means any product that contains tobacco and is intended for human consumption. The term “tobacco product” also includes alternative nicotine products (noncombustible products that contain nicotine, whether natural or synthetic, but do not contain tobacco and are intended for human consumption whether chewed, absorbed, dissolved, ingested, or by other means), consumable products (nicotine liquid solutions or other materials containing nicotine that is depleted as a vapor product is used), vapor products (noncombustible products that employ a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat consumable products) including electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes, and components of vapor products.

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.
2. In addition, persons attending a school-sponsored event at a location not specified in subsection 1 above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) in an area where use of tobacco products is otherwise prohibited by law.
3. Nothing in this policy prohibits the use of tobacco products for an instructional or research activity conducted in a school building, provided that such activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing, or otherwise ingesting tobacco.
4. The administration will consult with the county health department and other appropriate organizations to provide employees with information about support systems and programs to encourage employees to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to employees of the school system after the regular school day.
5. The principal of each school and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students, and visitors that the use of tobacco products by any person is prohibited at all times in or on school property.

6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel, and the public.
7. All school personnel are required to adhere to and enforce this policy and other policies, rules, or regulations addressing the use of tobacco products.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; 21 U.S.C. 321(rr); 21 C.F.R. 1100 *et seq.*; G.S. 14-313; 115C-47(18), -407

Cross References: Tobacco Products – Students (policy 4320)

Adopted: June 15, 2006  
Updated: March 27, 2012  
Updated: October 27, 2015  
Updated: October 27, 2015  
Updated: February 27, 2018  
Updated: December 17, 2024

**A. STUDENT HEALTH SERVICES GENERALLY**

The Jackson County Board of Education will provide health services to students as required by law. State law authorizes school employees to administer medication prescribed by a health care practitioner upon the written request of the parents; give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the student; and perform any other first aid or lifesaving technique in which training has been provided to school employees. A registered nurse will be available to provide assessment, care planning, and ongoing evaluation of students with special health care service needs in the school setting.

The superintendent may develop procedures or delegate the development of procedures to each principal for providing these health services and meeting the board requirements listed below.

1. The principal shall determine at the beginning of each school year prior to the beginning of classes, and thereafter as circumstances require, which employees will be selected to participate in the health services program. The principal shall inform his or her staff about which health services duties are delegated to which employees.
2. Any employee designated to provide health care services must receive appropriate training.
3. Health manuals prepared by the governing state agencies must be followed in developing appropriate procedures and for determining which tasks must be performed by registered nurses.
4. Procedures must be consistent with all related board policies, including policy 4230, Communicable Diseases – Students, and policy 6125, Administering Medicines to Students.
5. Procedures must be consistent with state and federal law for students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The *Policies Governing Services for Children with Disabilities* will be followed, as applicable.
6. Procedures must be consistent with guidelines adopted by the State Board of Education under G.S. 115C-12(31) to serve students with diabetes, including developing and implementing individual diabetes care plans for such students and providing information and training to school personnel to appropriately support and assist such students, in accordance with their individual diabetes care plans.

7. Written information maintained by the school or school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act (FERPA) and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.
8. School personnel must obtain parental consent for medical services as required by law. Parents will be notified of their rights in accordance with policy 1310/4002, Parental Involvement.
9. Health professionals will be consulted in the development of health services. Opportunities also will be provided for input from staff, parents, and students on the health services provided.

## **B. SCHOOL SYSTEM MENTAL HEALTH PLAN**

The superintendent shall develop a school-based mental health plan that includes a mental health training program and suicide risk referral protocol that satisfies the requirements of State Board of Education Policy SHLT-003. The superintendent shall submit the plan to the board for approval and direct implementation of the plan within all applicable deadlines.

By September 15 of each year, the superintendent shall report to the Department of Public Instruction all information required by State Board of Education Policy SHLT-003. The board will review the components of the school system's mental health plan at least every five years, starting August 1, 2025, and will update the mental health plan in accordance with any updated requirements provided by the State Board of Education.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), -794, 34 C.F.R. pt. 104; G.S. 90-21.10B; 115C-12(12), -12(31), -36, -307(c), -375.1, -375.3, -376.5; 16 N.C.A.C. 6D .0402; 21 N.C.A.C. 36 .0221, .0224; *Policies Governing Services for Children with Disabilities*, State Board of Education Policies EXCP-000, SHLT-003

Cross References: Parental Involvement (policy 1310/4002), Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Administering Medicines to Students (policy 6125)

Adopted: June 25, 2001  
 Revised: April 14, 2003  
 Revised: January 24, 2005  
 Updated: August 22, 2005  
 Updated: March 27, 2006  
 Updated: January 22, 2007  
 Updated: January 31, 2008

Updated: October 28, 2008  
Updated: September 22, 2009  
Updated: January 25, 2011  
Updated: February 28, 2012  
Updated: September 24, 2013  
Updated: October 28, 2014  
Updated: November 29, 2016  
Updated: April 25, 2017  
Updated: October 30, 2017  
Updated: October 23, 2018  
Updated: December 16, 2019  
Updated: October 27, 2020  
Updated: October 26, 2021  
Updated: November 14, 2023  
Updated: December 17, 2024

## **STUDENT HEALTH SERVICES**

*Policy Code:*

**6120**

### **A. STUDENT HEALTH SERVICES GENERALLY**

<sup>1</sup>The board will provide health services to students as required by law. State law authorizes school employees to administer medication prescribed by a health care practitioner upon the written request of the parents; give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the student; and perform any other first aid or lifesaving technique in which training has been provided to school employees.<sup>2</sup> A registered nurse will be available to provide assessment, care planning, and ongoing evaluation of students with special health care service needs in the school setting.<sup>3</sup>

The superintendent may develop procedures or delegate the development of procedures to each principal for providing these health services and meeting the board requirements listed below.

1. The principal shall determine at the beginning of each school year prior to the beginning of classes, and thereafter as circumstances require, which employees will be selected to participate in the health services program. The principal shall inform his or her staff about which health services duties are delegated to which employees.
2. Any employee designated to provide health care services must receive appropriate training.
3. Health manuals prepared by the governing state agencies must be followed in developing appropriate procedures and for determining which tasks must be performed by registered nurses.<sup>4</sup>
4. Procedures must be consistent with all related board policies, including policy 4230, Communicable Diseases – Students, and policy 6125, Administering Medicines to Students.

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<sup>1</sup> This policy primarily addresses legal requirements related to student health services. Local boards may choose to expand the policy to more fully describe available services. Depending on services provided, the board may want to consider more fully addressing parental consent to services.

<sup>2</sup> Under G.S. 115C-375.1, “[n]o employee, however, shall be required to administer drugs or medication or attend lifesaving techniques programs.” The board may choose to include this information in the policy.

<sup>3</sup> See 16 N.C.A.C. 6D .0402.

<sup>4</sup> References to particular manuals may be included, such as the *North Carolina School Health Program Manual*, published by the N.C. Department of Health and Human Services, Division of Child and Family Well-Being, School, Adolescence and Child Health Unit.

5. Procedures must be consistent with state and federal law for students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The *Policies Governing Services for Children with Disabilities* will be followed, as applicable.
6. Procedures must be consistent with guidelines adopted by the State Board of Education under G.S. 115C-12(31) to serve students with diabetes, including developing and implementing individual diabetes care plans for such students and providing information and training to school personnel to appropriately support and assist such students, in accordance with their individual diabetes care plans.
7. Written information maintained by the school or school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act (FERPA) and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.
8. School personnel must obtain parental consent for medical services as required by law. Parents will be notified of their rights in accordance with policy 1310/4002, Parental Involvement.
9. Health professionals will be consulted in the development of health services. Opportunities also will be provided for input from staff, parents, and students on the health services provided.

## **B. SCHOOL SYSTEM MENTAL HEALTH PLAN**

The superintendent shall develop a school-based mental health plan that includes a mental health training program and suicide risk referral protocol that satisfies the requirements of State Board of Education Policy SHLT-003. The superintendent shall submit the plan to the board for approval and direct implementation of the plan within all applicable deadlines.<sup>5</sup>

By September 15 of each year, the superintendent shall report to the Department of Public Instruction all information required by State Board of Education Policy SHLT-003.<sup>6</sup> ~~on~~

<sup>5</sup> Session Law 2020-7 established a deadline of July 1, 2021, for the board to adopt its initial school-based health plan. Employees must receive required training within six months of employment and subsequent trainings the next school year and annually thereafter.

<sup>6</sup> This includes: (1) the content of the school system's mental health plan, including the mental health training program and suicide risk referral protocol; (2) the school system's prior school year compliance with the requirements of State Board of Education Policy SHLT-003; (3) quantitative instances of student contacts for referrals, interventions, and services provided by specialized instructional support personnel, related to mental health and overall student wellness, as reported in the NC Student Information System; and (4) numbers/vacancies of school counselors, nurses, social workers, psychologists, clinicians, etc. related to mental health and overall student wellness, as reported in the NC Student Information System.

~~(1) the content of the school system's mental health plan, including the mental health training program and suicide risk referral protocol, and (2) the school system's prior school year compliance with the requirements of State Board of Education Policy SHLT-003.~~ The board will review the components of the school system's mental health plan at least every five years, starting August 1, 2025, and will update the mental health plan in accordance with any updated requirements provided by the State Board of Education.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), -794, 34 C.F.R. pt. 104; G.S. 90-21.10B; 115C-12(12), -12(31), -36, -307(c), -375.1, -375.3, -376.5; 16 N.C.A.C. 6D .0402; 21 N.C.A.C. 36 .0221, .0224; *Policies Governing Services for Children with Disabilities*, State Board of Education Policies EXCP-000, SHLT-003

Cross References: Parental Involvement (policy 1310/4002), Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Administering Medicines to Students (policy 6125)

Issued: June 1997

Revised: May 7, 2004; January 31, 2006; April 28, 2009; January 27, 2012; November 13, 2015; April 28, 2017; September 29, 2017; September 30, 2019; March 31, 2021; August 25, 2023; September 30, 2024

The Jackson County Board of Education intends to administer federal grant awards efficiently, effectively, and in compliance with all requirements imposed by law, the awarding agency, and the North Carolina Department of Public Instruction or other applicable pass-through entity.

**A. FINANCIAL MANAGEMENT SYSTEMS AND INTERNAL CONTROLS**

The finance officer shall be responsible to the superintendent to develop, monitor, and enforce effective financial management systems and other internal controls over federal awards that provide reasonable assurance that the school system is managing the awards in compliance with all requirements for federal grants and awards. Systems and controls must meet all terms and conditions of the awards as well as all requirements of the U.S. Constitution and federal law and regulation, including the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Uniform Guidance”) issued by the U.S. Office of Management and Budget (except to the extent that an exception to the Uniform Guidance has been authorized by the relevant federal agency), and any applicable state requirements, and shall be based on best practices.

The financial management and internal controls must provide for (1) identification of all federal funds received and expended and their program source; (2) accurate, current, and complete disclosure of financial data in accordance with federal requirements; (3) records sufficient to track the receipt and use of funds; (4) effective control and accountability over assets to assure they are used only for authorized purposes; and (5) comparison of expenditures against budget. In addition, written procedures must be established for cash management and for determining the allowability of costs, as required by the Uniform Guidance.

At a minimum, the systems and controls shall address the following areas.

**1. Allowability**

Costs charged by the school system to a federal grant must be allowed under the individual program and be in accordance with the cost principles established in the Uniform Guidance, including how charges made to the grant for personnel are to be determined. Costs will be charged to a federal grant only when the cost is incurred during the approved budget period and is (1) reasonable and necessary for the program; (2) in compliance with applicable laws, regulations, and grant terms; (3) allocable to the grant; (4) adequately documented; and (5) consistent with school system policies and administrative regulations that apply to both federally-funded and non-federally funded activities. Internal controls shall be sufficient to provide reasonable assurance that charges to federal awards for personnel expenses are accurate, allowable, and properly allocated and documented. Prior written approval for certain cost charges must be obtained as required by the awarding agency in order to avoid subsequent disallowances.

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## 2. Cash Management and Fund Control

Payment methods must be established in writing that minimize the time elapsed between the draw of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments.

## 3. Procurement

All purchases for property and services made using federal funds must be conducted in a manner providing full and open competition and in accordance with the Uniform Guidance, all other applicable federal, state, and local laws and regulations, and the school system's written policies and procedures. The district shall avoid situations that unnecessarily restrict competition, as defined in 2 C.F.R. 200.319, and shall avoid acquisition of unnecessary or duplicative items. Noncompetitive procurement will be used only in the circumstances allowed by 2 C.F.R. 200.320(c). School officials are encouraged to maximize the purchase and use of goods, products, and materials produced in the United States to the extent consistent with law.

Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids must be excluded from competing on those purchases.

Contracts are to be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract shall be awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities. Contracts shall contain all provisions required by 2 C.F.R. Part 200.

Purchasing records must be sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and when applicable, verification that the contractor is not suspended or debarred.

The requirements for conflicts of interest established below in subsection A.4 are applicable to all procurements.

## 4. Conflict of Interest

In addition to the prohibitions against self-benefitting from a public contract under G.S. 14-234 and accepting gifts and favors from vendors under G.S. 133-32 (see

policies 2121, Board Member Conflict of Interest; 6401/9100, Ethics and the Purchasing Function; and 7730, Employee Conflict of Interest), the following standards of conduct apply when an employee, board member, or agent of the school system engages in the procurement of goods, services, or construction or repair projects funded in whole or part with federal financial assistance.

- a. No employee, board member, or agent of the school system may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal grant or award if he or she has a real or apparent conflict of interest.

A real or apparent conflict of interest exists when (1) the employee, board member, or agent of the school system, (2) any member of his or her immediate family, (3) his or her partner, or (4) an organization which employs or is about to employ any of those parties, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this paragraph, "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. "Financial interest" does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

Any employee, board member, or agent of the school system who has a potential conflict of interest shall disclose that conflict in writing to the superintendent. The superintendent shall disclose in writing the potential conflict of interest to the federal awarding agency in accordance with 2 C.F.R. 200.112.

- b. No employee, board member, or agent of the school system may solicit or accept any trips, meals, gratuities, favors, gifts, or other items of monetary value from a contractor, supplier, or a party to a subcontract except that (1) a single unsolicited item with a nominal value (\$50 or less) or (2) multiple unsolicited items from a single contractor or subcontractor having an aggregate monetary value of \$100 or less in a 12-month period may be accepted.

Violations of this subsection are subject to disciplinary action.

## 5. Mandatory Disclosures

The superintendent shall promptly disclose in writing to the federal awarding agency credible evidence of the commission of a violation of federal criminal law involving fraud, bribery, or gratuities potentially affecting any federal award. The superintendent shall fully address any such violations promptly and shall notify the

board accordingly. The board may request the superintendent to develop a plan of correction for board approval in appropriate situations as determined by the board.

6. Equipment and Supplies Purchased with Federal Funds

Equipment and supplies acquired with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements. Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds.

7. Accountability and Certifications

All fiscal transactions must be approved by the finance officer and by the program manager or other person who can attest that the expenditure is allowable and approved under the federal program.

The finance officer shall submit all required certifications and is authorized to sign them on behalf of the board.

8. Monitoring and Reporting Performance

The superintendent shall establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved. Financial and performance reports, including reports of significant developments that arise between scheduled performance reporting dates and final closeout reports, must be submitted as required by federal or state authorities.

**B. AUDITS AND CORRECTIVE ACTION**

1. An annual independent audit will be conducted as provided in policy 8310, Annual Independent Audit. The finance officer will prepare all financial statements, schedules of expenditures, and other documents required for the audit.
2. At the completion of the audit, the superintendent or designee shall prepare a summary schedule of prior audit findings and a corrective action plan to address any prior audit findings. The corrective action plan must identify the responsible party and the anticipated completion date for each corrective action to be taken. The superintendent shall present the plan to the board for approval.
3. Compliance deficiencies discovered internally through administrative supervision must be addressed promptly with the goal of improving processes to encourage future compliance and reduce audit findings.

**C. TRAINING**

All individuals responsible for the administration of a federal grant or award shall be provided sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant or award.

#### **D. OTHER APPLICABLE BOARD POLICIES**

Other board policies provide additional controls over the administration of federal grants. These include, but are not necessarily limited to:

1. Educational programs policies (policies in the 3000 series)
2. School nutrition services policies (policies in the 6200 series)
3. Purchasing policies (policies in the 6400 series)
4. Equipment, materials, and supplies policies (policies in the 6500 series)
5. Personnel policies (policies in the 7000 series)
6. Fiscal management policies (policies in the 8000 series)
7. Policies protecting the confidentiality of personally identifiable information and other sensitive information (policies in the 4000, 6000, and 7000 series)

The board intends to comply with all requirements applicable to the use of federal funds. To the extent that any provision of a board policy is contrary to a federal law, regulation, term, or condition applicable to a federal award, employees must follow the applicable federal requirement.

#### **E. REPORTING MISMANAGEMENT OF FEDERAL FUNDS**

Any employee who reasonably believes that federal funds have been misused or that the school system is otherwise in violation of any requirement applicable to the receipt and use of federal funds should report the matter as provided in policy 1760/7280, Prohibition Against Retaliation. No employee will be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in 41 U.S.C. 4712(a)(2) information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulations related to a federal contract or grant.

Legal References: 41 U.S.C. 4712; 2 C.F.R. Part 180; 2 C.F.R. Part 200; G.S. 14-234; 133-32

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Employee Conflict of Interest (policy 7730), Fiscal Management Standards (policy

8300)

Other Resources: *Standards for Internal Control in the Federal Government* (“The Green Book”) (U.S. Government Accountability Office), available at <https://www.gao.gov/greenbook>; *Internal Control – Integrated Framework* (Committee of Sponsoring Organizations of the Treadway Commission (COSO)), executive summary, available at <https://www.coso.org/guidance-on-ic>; *Compliance Supplement, Part 6, Internal Control* (Office of Management and Budget), available at <https://www.whitehouse.gov/omb/office-federal-financial-management/>

Adopted: July 31, 2018  
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## FEDERAL GRANT ADMINISTRATION

Policy Code:

8305

The board intends to administer federal grant awards efficiently, effectively, and in compliance with all requirements imposed by law, the awarding agency, and the North Carolina Department of Public Instruction or other applicable pass-through entity.

### A. FINANCIAL MANAGEMENT SYSTEMS AND INTERNAL CONTROLS

<sup>1</sup>The finance officer shall be responsible to the superintendent to develop, monitor, and enforce effective financial management systems and other internal controls over federal awards that provide reasonable assurance that the school system is managing the awards in compliance with all requirements for federal grants and awards. Systems and controls must meet all terms and conditions of the awards as well as all requirements of the U.S. Constitution<sup>2</sup> and federal law and regulation, including the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Uniform Guidance”)<sup>3</sup> issued by the U.S. Office of Management and Budget (except to the extent

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<sup>1</sup> This policy addresses the requirements of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Uniform Guidance”), issued by the U.S. Office of Management and Budget in 2013, amended in August 2020, and adopted by the U.S. Department of Education as an administrative rule. See 2 C.F.R. 3474.1. The Uniform Guidance establishes standards for financial and program management for recipients of federal grant awards, replacing requirements found in eight previous OMB circulars. The administrative rules emphasize results-oriented accountability for grants and the need for strong financial management systems and other internal controls aimed at controlling fraud, waste, and abuse. Many internal controls for federal grant administration are required and several must be in writing. Specifically, the board must have written policies and procedures to address the following: payments (2 C.F.R. 200.302(b)(6) and .305); procurement ~~solicitation~~ transactions (2 C.F.R. 200.318); competition (2 C.F.R. 200.319); methods of procurement (2 C.F.R. 200.320); allowability of costs (2 C.F.R. 200.302(b)(7)); compensation (2 C.F.R. 200.430(a)); fringe benefits (2 C.F.R. 200.431); employee relocation costs (2 C.F.R. 200.464); and travel costs (2 C.F.R. 200.475). This policy is intended to establish the board’s expectations and standards for financial management and other internal controls necessary to meet its obligations when receiving federal grant awards. This policy is not sufficient, alone, to serve as the written controls required by the Uniform Guidance. It must be supplemented with written procedures as described in the policy. The specific federal agency awarding a grant may impose requirements on grant recipients beyond those in the Uniform Guidance. For example, the U.S. Department of Education’s General Administrative Regulations at 34 C.F.R. Parts 75-77 and 81 apply to grants from that agency. This policy does not address any such additional agency-specific requirements.

<sup>2</sup> The explicit requirement to comply with the U.S. Constitution and federal laws extends to requirements protecting free speech, religious liberty, public welfare, and the environment, and those prohibiting discrimination. ~~was added when the regulations were amended in 2020. Consequences may be imposed for noncompliance.~~ See 2 C.F.R. sections 200.300, 200.303, and 200.339, ~~and 200.341(b).~~ As described in the preamble to the amended regulations, ~~this addition was intended to underscore the obligation of federal grant recipients to comply with the First Amendment’s principles of free speech and religious liberty.~~ See 85 Fed. Reg. 49511, Section D.

<sup>3</sup> The Uniform Guidance generally consolidates and streamlines grants administration regulatory language from eight previous OMB circulars into one consolidated set of guidance in the Code of Federal Regulations. The rules went into effect for new or non-competing continuation federal grants (both formula and discretionary) awarded on or after December 26, 2014. The Guidance was amended in August 2020 for grants awarded on or after November 12, 2020, except for two sections of the revised Guidance that went into effect immediately. The Guidance was further amended in April 2024 for grants awarded on or after October 1, 2024. Specifically, new restrictions on the use of funds for telecommunications and video surveillance equipment and services (2 C.F.R. 200.216; see footnote

that an exception to the Uniform Guidance has been authorized by the relevant federal agency<sup>4</sup>), and any applicable state requirements, and shall be based on best practices.<sup>5</sup>

<sup>6</sup>The financial management and internal controls must provide for (1) identification of all federal funds received and expended and their program source; (2) accurate, current, and complete disclosure of financial data in accordance with federal requirements; (3) records sufficient to track the receipt and use of funds;<sup>7</sup> (4) effective control and accountability over assets to assure they are used only for authorized purposes; and (5) comparison of expenditures against budget. In addition, written procedures must be established for cash management and for determining the allowability of costs, as required by the Uniform Guidance.<sup>8</sup>

At a minimum, the systems and controls shall address the following areas.<sup>9</sup>

#### 1. Allowability

Costs charged by the school system to a federal grant must be allowed under the individual program and be in accordance with the cost principles established in the Uniform Guidance,<sup>10</sup> including how charges made to the grant for personnel are to be determined.<sup>11</sup> Costs will be charged to a federal grant only when the cost is

~~15 below) and enhancement to federal agencies' authority to terminate a federal award (2 C.F.R. 200.340) were effective August 13, 2020. In part, the amendments were intended to shift the balance between compliance and performance towards results-oriented accountability for federal grants.~~

<sup>4</sup> Section 200.102 of the ~~amended~~ Uniform Guidance gives federal agencies flexibility to make exceptions or adjustments to the Uniform Grant requirements for a particular award or award recipient in support of innovative program designs. ~~Changes to that section were made in the 2020 revision to emphasize that federal awarding agencies are encouraged to request exceptions to certain provisions of the Uniform Guidance in support of innovative program designs.~~ Accordingly, the requirements set out in this policy may not fully apply to some grants ~~awarded after November 12, 2020.~~

<sup>5</sup> Source documents for best practices include the Comptroller General's "Green Book" and the "Internal Control Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). See 2 C.F.R. 200.303. The Uniform Guidance does not require adherence to these best practice sources. School officials should exercise judgment in determining the most appropriate and cost effective internal control in a given environment or circumstance to provide reasonable assurance of compliance with federal program requirements.

<sup>6</sup> These requirements for financial management are found at 2 C.F.R. 200.302.

<sup>7</sup> Records must adequately identify the amount, source, and expenditure application of funds provided for federally-funded activities and must contain information pertaining to awards, authorizations, financial obligations, unobligated balances, assets, expenditures, income, and interest and must be supported by source documentation. See 2 C.F.R. 200.302(b)(3). See also 34 C.F.R. 75.730 and 76.30 (establishing record requirements for grants from the U.S. Department of Education, specifically). For federal purposes, records generally must be retained for three years (but the state record retention schedule may require a longer retention period). See 2 C.F.R. 200.334 for the complete federal records retention requirements.

<sup>8</sup> The requirement to have these written procedures is found in 2 C.F.R. 200.302.

<sup>9</sup> This policy does not address every aspect of federal requirements. Refer to the Uniform Guidance at 2 C.F.R. Part 200 for complete information on the requirements.

<sup>10</sup> The cost principles are found in the Uniform Guidance, Subpart E, 2 C.F.R. 200.~~400~~<sup>403</sup> *et seq.*

<sup>11</sup> Allowable charges for personnel compensation and benefits are addressed at 2 C.F.R. 200.430-.431.

incurred during the approved budget period<sup>12</sup> and is (1) reasonable<sup>13</sup> and necessary<sup>14</sup> for the program; (2) in compliance with applicable laws, regulations, and grant terms;<sup>15</sup> (3) allocable to the grant;<sup>16</sup> (4) adequately documented;<sup>17</sup> and (5) consistent with school system policies and administrative regulations that apply to both federally-funded and non-federally funded activities.<sup>18</sup> Internal controls shall be sufficient to provide reasonable assurance that charges to federal awards for personnel expenses are accurate, allowable, and properly allocated and documented.<sup>19</sup> Prior written approval for certain cost charges must be obtained as required by the awarding agency in order to avoid subsequent disallowances.<sup>20</sup>

<sup>12</sup> See 2 C.F.R. 200.403(h), ~~which was added by the 2020 amendments to the Uniform Guidance.~~ “Budget period” is defined as the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to 2 C.F.R. 200.308.

<sup>13</sup> Costs charged to the federal grant must be reasonable in light of the goals of the federal program (i.e., not exceeding the amount a prudent person would incur), the cost of the item, and the needs of the school or school system. See 2 C.F.R. 200.404. If the reasonableness of a charge is uncertain, school officials may seek prior written approval from the awarding agency to avoid having the charge disallowed. See 2 C.F.R. 200.407.

<sup>14</sup> “Necessary” is not defined in the regulations but is generally considered to mean that the costs are essential to the performance or administration of the grant.

<sup>15</sup> Generally, federal funds cannot be used for advertising, including school promotional materials (2 C.F.R. 200.421); alcohol (2 C.F.R. 200.423); bad debts and related collection costs (2 C.F.R. 200.426); contributions and donations (2 C.F.R. 200.434); entertainment (2 C.F.R. 200.438); fundraising (2 C.F.R. 200.442); goods or services for personal use by employees (2 C.F.R. 200.445); lobbying (2 C.F.R. 200.450); or certain telecommunications or video surveillance equipment or services from specific Chinese producers (2 C.F.R. 200.216 and 200.471). This is not an exhaustive list of unallowable costs. Refer to the Uniform Guidance cost provisions at 2 C.F.R. 200.420-476 for additional information on selected items of cost.

<sup>16</sup> “Allocable” means the cost benefits the grant in proportion to the amount charged. The requirements for meeting this standard are set out at 2 C.F.R. 200.405(a). If the allowability of a charge is uncertain, school officials may seek prior written approval from the awarding agency in order to avoid having the charge disallowed. See 2 C.F.R. 200.407.

<sup>17</sup> With a few exceptions, records must be retained for at least 3 years. The records retention requirements are found at 2 C.F.R. 200.334. See also 34 C.F.R. 75.730 and 76.30 (establishing record requirements for grants from the U.S. Department of Education, specifically). State records retention requirements may require a longer period of retention. When practicable, records in electronic or other machine-readable format are preferred. See 2 C.F.R. 200.336.

<sup>18</sup> For example, if the board has established a per diem amount for employees whose salary and travel are paid from state or local funds, there cannot be a separate, higher amount for employees paid from federal funds. The rules must be applied uniformly to both. See 2 C.F.R. 200.403(c). See also, e.g., 2 C.F.R. 200.430 and 200.475.

<sup>19</sup> Documentation requirements for personnel expenses are found at 2 C.F.R. 200.430(~~ig~~)(~~4~~). Documentation records must be supported by a system of internal controls that provides reasonable assurance that the charges are accurate, allowable, and properly allocated. Internal controls must include a process for making any adjustments necessary so that the final amount charged to the federal award is accurate, allowable, and properly allocated. The documentation of personnel expenses must be incorporated into the official records of the school system. In lieu of the documentation requirements established in 2 C.F.R. 200.430(~~ig~~)(~~4~~), the school system may request approval from the Department of Education (as the cognizant agency for indirect costs) to (1) substitute other processes or systems for allocating personnel expenses to the federal award such as random moment sampling, “rolling” time studies, case counts, or other quantifiable measures of work performed; or (2) use an alternative method of documenting personnel expenses based on clearly documented outcomes and milestones for program performance. See 2 C.F.R. 200.430(~~ig~~)(5)-(6).

<sup>20</sup> See 2 C.F.R. 200.407 for a list of the regulatory sections in the Uniform Guidance that contain prior approval

## 2. Cash Management and Fund Control

Payment methods must be established in writing that minimize the time elapsed between the draw of federal funds and the disbursement of those funds.<sup>21</sup> Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments.<sup>22</sup>

## 3. Procurement

All purchases for property and services made using federal funds must be conducted in a manner providing full and open competition and in accordance with the Uniform Guidance,<sup>23</sup> all other applicable federal, state,<sup>24</sup> and local laws and

requirements.

<sup>21</sup> 2 C.F.R. 200.302(b)(6) requires the school system to have written procedures to implement the cash management requirements of 2 C.F.R. 200.305(b).

<sup>22</sup> Advances must be maintained in insured accounts. With some limited exceptions, the accounts must be interest bearing if the aggregate federal award exceeds \$250,000. Interest earned above \$500 annually must be remitted to the federal government. Amounts up to \$500 per year may be retained for administrative expense. See 2 C.F.R. 200.305(b).

<sup>23</sup> The Uniform Guidance procurement requirements and standards are found at 2 C.F.R. 200.317-.327. Section 200.320 describes five methods of procurement, divided into three categories: informal (micro-purchases, and simplified acquisitions-small purchase), formal (through sealed bids, or proposals), and noncompetitive (single source). The informal methods may be used when the value of procurement for property or services does not exceed the simplified acquisition threshold established in the Federal Acquisition Regulations (FAR) (currently \$250,000), or a lower threshold established by the board. Formal methods must be used when the value of the procurement exceeds the simplified acquisition threshold (or lower threshold established by the board). Noncompetitive procurement is allowed only in limited circumstances, such as in the case of micro-purchases, or when the item is available from a single source only. The current threshold for micro-purchases is \$10,000. With appropriate annual self-certification and documentation, the board may increase the threshold for micro-purchases up to \$50,000; with prior federal approval, the board may exceed \$50,000. The small-purchases-simplified acquisition method may be used when the purchase price is above the micro-purchase threshold (including any higher threshold established by the board) but below the simplified acquisition threshold (or lower threshold established by the board). Quotes are required when using the simplified acquisitions method, but the board may determine the number of quotes that are adequate. All five procurement methods must comply with the procurement standards in 2 C.F.R. 200.318, which can be summarized generally as: (1) purchases must comply with the school system's documented state and federally-compliant procedures in place; (2) purchases must be necessary; (3) purchases must provide for open competition to the extent required by each purchasing method; (4) the school system must have and follow a conflict of interest policy as prescribed by 2 C.F.R. 200.318(c)(1); and (5) the school system must maintain proper documentation for the purchases. The school system must perform a cost or price analysis with every procurement over the small-purchases-simplified acquisition threshold, including contract modifications. See 2 C.F.R. 200.324 for details on contracts cost and price requirements.

<sup>24</sup> The Uniform Guidance procurement methods described in the preceding footnote do not supersede state law. See 2 C.F.R. 200.318(a). LEAs can apply the Uniform Guidance's informal micro-purchase and small-purchase-simplified acquisitions procurement thresholds (including any higher thresholds set by the board) only to the extent the thresholds are consistent with the informal and formal bidding thresholds under G.S. 143-131 and 143-129 (currently \$30,000/\$90,000 for the purchase of apparatus, supplies, materials, or equipment and \$30,000/\$500,000 for the purchase of construction or repair work). In addition, G.S. 143-64.31 (the "Mini-Brooks Act") subjects architectural, engineering, surveying, and certain construction contracts to a qualifications-based selection process unless the particular contract has an estimated professional fee of less than \$50,000 and is exempted by the local

regulations, and the school system's written policies and procedures.<sup>25</sup> The district shall avoid situations that unnecessarily restrict competition, as defined in 2 C.F.R. 200.319,<sup>26</sup> and shall avoid acquisition of unnecessary or duplicative items.<sup>27</sup> Noncompetitive procurement will be used only in the circumstances allowed by 2 C.F.R. 200.320(c). School officials are encouraged to maximize the purchase and use of goods, products, and materials produced in the United States to the extent consistent with law.<sup>28</sup>

Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, ~~requests for proposals, or invitations to negotiate,~~ must be excluded from competing ~~for such~~ on those purchases.<sup>29</sup>

Contracts are to be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.<sup>30</sup> No contract shall be awarded to a contractor who is suspended or debarred from

board. These state law requirements must be considered when deciding whether informal procurement methods authorized by the Uniform Guidance may be used for a particular purchase using federal funds or whether formal methods must be used. Some methods of purchasing authorized by state law, such as design-build contracts under G.S. 143-128.1A and construction management at risk under G.S. 143-128.1, may be inconsistent with the Uniform Guidance procurement regulations and therefore unavailable for purchases using federal funds. In 2021, the General Assembly provided a temporary solution effective through the end of 2025 for federally-funded design-build contracts that would allow LEAs to contract in a manner consistent with the Uniform Guidance. See S.L. 2021-189, Section 1.6. Boards are encouraged to consult the board attorney for further guidance when making purchases using federal funds.

<sup>25</sup> The requirement for full and open competition is stated in 2 C.F.R. 200.319(a). See also 2 C.F.R. 200.320. Written procedures are required for procurement transactions. The procedures must be consistent with state and local laws, see 2 C.F.R. 200.318(a), and must ensure that all solicitations (1) incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured and (2) identify all requirements that the vendor must fulfill and all other factors to be used in evaluating bids or proposals. Lists of prequalified vendors must be current and include enough qualified sources to ensure maximum open and free competition. See 2 C.F.R. 200.319. The school system must have a written method for conducting technical evaluations of proposals received and for making selections. See 2 C.F.R. 200.320(b)(2)(ii).

<sup>26</sup> Competition would be unnecessarily restricted by (1) unreasonable qualification requirements for receiving school system business; (2) unnecessary experience or excessive bonding requirements; (3) noncompetitive pricing practices between firms or affiliated companies; (4) noncompetitive contracts to consultants that are on retainer contracts; (5) "brand name" specifications in lieu of allowing equivalent products that meet performance or other relevant requirements; and (6) any arbitrary procurement actions. This list is not exhaustive. See 2 C.F.R. 200.319.

<sup>27</sup> This requirement is found at 2 C.F.R. 200.318(d).

<sup>28</sup> This domestic preference for goods, products, or materials (including, but not limited to iron, aluminum, steel, cement, and other manufactured products) is established in 2 C.F.R. 200.322. The provision states that domestic preference should be used ~~"as appropriate"~~ and "to the greatest extent practicable and consistent with law," and further, "the requirements of this section must be included in all subawards, including all contracts, and purchase orders for work or products under this Federal awards." The preference applies to procurements without regard to dollar value; however, it is unclear the extent to which the domestic preference applies to goods, products, and materials beyond those specifically identified in the regulation.

<sup>29</sup> This exclusion is required by 2 C.F.R. 200.319(b).

<sup>30</sup> This risk assessment requirement is found at 2 C.F.R. 200.318(h).

eligibility for participation in federal assistance programs or activities.<sup>31</sup> Contracts shall contain all provisions required by 2 C.F.R. Part 200.<sup>32</sup>

Purchasing records must be sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and when applicable, verification that the contractor is not suspended or debarred.<sup>33</sup>

The requirements for conflicts of interest established below in subsection A.4 are applicable to all procurements.

#### 4. Conflict of Interest<sup>34</sup>

In addition to the prohibitions against self-benefit from a public contract under G.S. 14-234 and accepting gifts and favors from vendors under G.S. 133-32 (see policies 2121, Board Member Conflict of Interest; 6401/9100, Ethics and the Purchasing Function; and 7730, Employee Conflict of Interest), the following standards of conduct apply when an employee, board member, or agent of the school system engages in the procurement of goods, services, or construction or repair projects funded in whole or part with federal financial assistance.

- a. No employee, board member, or agent of the school system may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal grant or award if he or she has a real or apparent conflict of interest.<sup>35</sup>

A real or apparent conflict of interest<sup>36</sup> exists when (1) the employee, board member, or agent of the school system, (2) any member of his or her

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<sup>31</sup> See 2 C.F.R. 200.214, which subjects the school system to the non-procurement debarment and suspension regulations of 2 C.F.R. Part 180. The LEA must take affirmative steps to ensure a contractor is not on the suspension and debarment list if the contract is for \$25,000 or more. See 2 C.F.R. 180.220 and 180.300. However, 2 C.F.R. 180.400 prohibits **all** contracts with a suspended or disqualified party. Violation of that provision could result in disallowance of the cost of the contract. Therefore, it is a best practice to verify the suspension and debarment status of the contractor regardless of the value of the contract.

<sup>32</sup> The required provisions are collected in Appendix II to Part 200.

<sup>33</sup> Procurement record requirements are found at 2 C.F.R. 200.318(i). The contracts to which the affirmative steps for verification pertaining to suspension and debarment apply are described in footnote 31.

<sup>34</sup> The school system must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts. See 2 C.F.R. 200.318(c)(1).

<sup>35</sup> This exclusion is required by 2 C.F.R. 200.318(c)(1).

<sup>36</sup> This definition of a conflict of interest is established in 2 C.F.R. 200.318(c)(1). It is significantly broader than the definition under North Carolina law which is applicable to board members and school employees in other contexts. G.S. 14-234 prohibits board members and employees from deriving a direct benefit from a contract that they are involved in making or administering. A direct benefit arises under state law when the board member or employee,

immediate family, (3) his or her partner, or (4) an organization which employs or is about to employ any of those parties, has a financial or other interest in or receives a tangible personal benefit<sup>37</sup> from a firm considered for a contract. For purposes of this paragraph, “financial interest” means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. “Financial interest” does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual’s employer has no control over the selection of holdings.<sup>38</sup>

Any employee, board member, or agent of the school system who has a potential conflict of interest shall disclose that conflict in writing to the superintendent. The superintendent shall disclose in writing the potential conflict of interest to the federal awarding agency in accordance with 2 C.F.R. 200.112.<sup>39</sup>

- b. No employee, board member, or agent of the school system may solicit or accept any trips, meals, gratuities, favors, gifts, or other items of monetary value from a contractor, supplier, or a party to a subcontract<sup>40</sup> except that (1) a single unsolicited item with a nominal value (\$50 or less) or (2) multiple unsolicited items from a single contractor or subcontractor having an aggregate monetary value of \$100 or less in a 12-month period may be accepted.<sup>41</sup>

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or his or her spouse, (1) owns more than 10% of a firm that is a party to the contract, (2) derives income or commission directly from the contract, or (3) acquires property under the contract. Financial interest and/or benefits to the board member’s or employee’s other immediate family members or partner (“partner” is not defined in the regulation) or to employers of the board member or employee or their immediate family or partner are not addressed in state law. See policies 2121, Board Member Conflict of Interest; 6401/9100, Ethics and the Purchasing Function; and 7730, Employee Conflict of Interest.

<sup>37</sup> See 2 C.F.R. 200.318(c)(1). “Tangible personal benefit” is not defined in the regulation, but the U.S. Department of Education has indicated that the term refers to personal benefits such as improved employment opportunities, business referrals, or political influence, etc. See 80 Fed. Reg. 67261 (Nov. 2, 2015). None of the examples cited by the Department of Education appear to be “tangible” in the usual sense, so board members and employees should be cautious about appearing to gain even intangible benefits from a contract supported with federal funds.

<sup>38</sup> 2 C.F.R. 200.318(c)(1) permits the school system to set standards for situations in which the financial interest is not substantial. The standards established here are optional and may be modified, preferably with assistance from the board attorney or finance officer.

<sup>39</sup> The disclosure requirement of 2 C.F.R. 200.112 also applies to conflicts of interest as established by the applicable awarding agency’s policy.

<sup>40</sup> Note that while the federal rule does not explicitly prohibit solicitation and acceptance of gifts from past or potential future contractors, subcontractors, and suppliers, state law does prohibit such gifts when the recipient is a board member or employee involved in certain contracting and construction activities. See policies 2121, Board Member Conflict of Interest, and 6401/9100, Ethics and the Purchasing Function.

<sup>41</sup> Unsolicited gifts of nominal value are permitted by 2 C.F.R. 200.318(c)(1). The school system must set its own standard for “nominal value” and may use a different amount than specified here. If a different amount is established, the board should make conforming changes to policies 2121, Board Member Conflict of Interest;

Violations of this ~~rule~~ subsection are subject to disciplinary action.<sup>42</sup>

5. Mandatory Disclosures

The superintendent shall promptly disclose in writing to the federal awarding agency ~~in a timely manner~~ credible evidence of the commission of a ~~all~~ violations of federal criminal law involving fraud, bribery, or gratuities potentially affecting any federal award.<sup>43</sup> The superintendent shall fully address any such violations promptly and shall notify the board accordingly. The board may request the superintendent to develop a plan of correction for board approval in appropriate situations as determined by the board.

6. Equipment and Supplies Purchased with Federal Funds

Equipment and supplies acquired with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements.<sup>44</sup> Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds.<sup>45</sup>

7. Accountability and Certifications

All fiscal transactions must be approved by the finance officer and by the program manager or other person who can attest that the expenditure is allowable and approved under the federal program.<sup>46</sup>

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6401/9100, Ethics and the Purchasing Function; and 7730, Employee Conflict of Interest.

<sup>42</sup> The board's standard of conduct must provide for disciplinary actions to be applied for violations. 2 C.F.R. 200.318(c)(1). The board could provide additional detail here.

<sup>43</sup> This disclosure is required by 2 C.F.R. 200.113.

<sup>44</sup> Regulations pertaining to equipment purchased with federal funds can be found at 2 C.F.R. 200.313. See also 2 C.F.R. 200.310, pertaining to insurance requirements. Supplies are addressed in 2 C.F.R. 200.314. Equipment is defined as tangible personal property (including information technology systems) having a useful life of more than one year and an acquisition cost per unit which equals or exceeds the lesser of the capitalization level used by the LEA for financial statement purposes, or \$~~5~~10,000. All other tangible property is considered to be supplies, including computing devices whose acquisition cost is less than the amount described in the previous sentence. These definitions and the definitions of other relevant terms are found at 2 C.F.R. 200.1. Allowability rules for equipment are found at 2 C.F.R. 200.439, and those applicable to supplies and materials are found at 2 C.F.R. 200.453.

<sup>45</sup> Adequate controls should be in place to account for the location, custody, and security of equipment purchased with federal funds. Specific equipment management requirements are set out at 2 C.F.R. 200.313(d) and include mandatory investigation of loss, damage, or theft. Disposition requirements are found at 2 C.F.R. 200.313(e).

<sup>46</sup> Approval by the grant program manager is recommended to help ensure costs are allowable under the applicable grant.

The finance officer shall submit all required certifications and is authorized to sign them on behalf of the board.<sup>47</sup>

## 8. Monitoring and Reporting Performance

The superintendent shall establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved.<sup>48</sup> Financial and performance reports, including reports of significant developments<sup>49</sup> that arise between scheduled performance reporting dates and final closeout reports, must be submitted as required by federal or state authorities.<sup>50</sup>

## B. AUDITS AND CORRECTIVE ACTION

1. An annual independent audit will be conducted as provided in policy 8310, Annual Independent Audit.<sup>51</sup> The finance officer will prepare all financial statements, schedules of expenditures, and other documents required for the audit.<sup>52</sup>
2. At the completion of the audit, the superintendent or designee shall prepare a summary schedule of prior audit findings and a corrective action plan to address any prior audit findings.<sup>53</sup> The corrective action plan must identify the responsible party and the anticipated completion date for each corrective action to be taken. The superintendent shall present the plan to the board for approval.

<sup>47</sup> ~~Certification is required for fiscal reports, payment requests, and indirect cost proposals. See 2 C.F.R. 200.415 and 2 C.F.R. 200.450. An official who is legally authorized to bind the school system must certify to the best of his or her knowledge that the information is true, accurate, and complete. A different school official may be designated to provide the certification. The designee should have a thorough understanding of school system operations and the internal controls in place to ensure costs are allowable under the applicable grant. The language required to be used in the certification is set out at 2 C.F.R. 200.415 and includes the following: "I am aware that any false, fictitious or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims or otherwise."~~ The board may want to consult the board attorney regarding the possible legal implications of the certification. ~~In addition to the certifications required under 2 C.F.R. 200.415, certification of compliance with the lobbying restrictions in 2 C.F.R. 200.450 may be required.~~

<sup>48</sup> See 2 C.F.R. 200.329.

<sup>49</sup> ~~The s~~Significant developments ~~that must be reported are listed in~~under 2 C.F.R. 200.329; and include (1) problems, delays, or adverse conditions which will ~~materially impair~~impact the ability to meet the award milestones or objectives; and (2) ~~favorable developments~~events that ~~enable meeting time schedules~~enable meeting milestones and objectives sooner or at less cost than planned~~anticipated~~ or ~~that producing more or different beneficial results than originally planned.~~ When significant developments occur that negatively impact the award, information on the plan for corrective action and any assistance needed to resolve the situation must be included.

<sup>50</sup> See 2 C.F.R. 200.328-.329 for program and financial reporting requirements. Closeout reports are addressed in 2 C.F.R. 200.344.

<sup>51</sup> In addition to the audit requirements of G.S. 115C-447 that are addressed in policy 8310, when aggregate federal grant monies expended are ~~\$750,000~~\$1,000,000 or more, a single audit of all activities supported by the federal funds must be performed in accordance with Subpart F of the Uniform Guidance. 2 C.F.R. 200.501.

<sup>52</sup> The requirements for financial statements are found at 2 C.F.R. 200.510.

<sup>53</sup> Requirements for the summary schedule and corrective action plan are found at 2 C.F.R. 200.511.

3. Compliance deficiencies discovered internally through administrative supervision must be addressed promptly with the goal of improving processes to encourage future compliance and reduce audit findings.

#### **C. TRAINING**

All individuals responsible for the administration of a federal grant or award shall be provided sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant or award.

#### **D. OTHER APPLICABLE BOARD POLICIES**

Other board policies provide additional controls over the administration of federal grants. These include, but are not necessarily limited to:<sup>54</sup>

1. Educational programs policies (policies in the 3000 series)
2. School nutrition services policies (policies in the 6200 series)
3. Purchasing policies (policies in the 6400 series)
4. Equipment, materials, and supplies policies (policies in the 6500 series)
5. Personnel policies (policies in the 7000 series)
6. Fiscal management policies (policies in the 8000 series)
7. Policies protecting the confidentiality of personally identifiable information and other sensitive information<sup>55</sup> (policies in the 4000, 6000, and 7000 series)

The board intends to comply with all requirements applicable to the use of federal funds. To the extent that any provision of a board policy is contrary to a federal law, regulation, term, or condition applicable to a federal award, employees must follow the applicable federal requirement.

#### **E. REPORTING MISMANAGEMENT OF FEDERAL FUNDS**

Any employee who reasonably believes that federal funds have been misused or that the school system is otherwise in violation of any requirement applicable to the receipt and use of federal funds should report the matter as provided in policy 1760/7280, Prohibition

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<sup>54</sup> In lieu of this general listing, the board could list specific policies.

<sup>55</sup> The board's system of internal controls must include reasonable cybersecurity and other measures to safeguard protected personally identifiable information and other information designated as sensitive. See 2 C.F.R. 200.303(e).

Against Retaliation. No employee will be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in 41 U.S.C. 4712(a)(2)<sup>56</sup> information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulations related to a federal contract or grant.<sup>57</sup>

Legal References: 41 U.S.C. 4712; 2 C.F.R. Part 180; 2 C.F.R. Part 200; G.S. 14-234; 133-32

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Employee Conflict of Interest (policy 7730), Fiscal Management Standards (policy 8300)

Other Resources: *Standards for Internal Control in the Federal Government* (“The Green Book”) (U.S. Government Accountability Office), available at <http://www.gao.gov/greenbook/overview> <https://www.gao.gov/greenbook>; *Internal Control — Integrated Framework* (Committee of Sponsoring Organizations of the Treadway Commission (COSO)), executive summary, available at <https://www.coso.org/pages/ic.aspx> <https://www.coso.org/guidance-on-ic>; *Compliance Supplement, Part 6, Internal Control* (Office of Management and Budget), available at <https://www.whitehouse.gov/omb/office-federal-financial-management/>

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<sup>56</sup> The persons and bodies described in 41 U.S.C. 4712 are (1) a member of Congress or a representative of a committee of Congress; (2) an Inspector General; (3) the Government Accountability Office; (4) a federal employee responsible for contract or grant oversight or management at the relevant agency; (5) an authorized official of the Department of Justice or other law enforcement agency; (6) a court or grand jury; and (7) a management official or other employee of the school system who has the responsibility to investigate, discover, or address misconduct. The school system is required to inform employees in writing of the employee whistleblower rights and protections under 41 U.S.C. 4712.

<sup>57</sup> See 2 C.F.R. 200.217.

The Jackson County Board of Education affirms the State's commitment to encouraging the participation of minority businesses in the school system's building construction contracts. A minority business is defined in accordance with G.S. 143-128.2 and is either (1) one in which at least 51 percent of the business is owned by minority persons or socially and economically disadvantaged individuals and the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it, or (2) an employee stock ownership plan company in which at least 51 percent of the plan participants are minority persons or socially and economically disadvantaged individuals. Minority persons include African-Americans, those of Hispanic descent, Asian Americans, American Indians, and females.

**A. GOALS**

After notice and public hearing, the board hereby adopts an aspirational verifiable percentage goal of 10 percent for participation by minority businesses in the total value of work for each building project costing \$300,000 or more paid entirely from local or other non-state funds. In addition, the board adopts the state's aspirational verifiable goal of 10 percent participation by minority businesses in the total value of work for each building project costing \$100,000 or more funded in whole or in part with state funds.

Only businesses holding current certification as a historically underutilized business will be considered eligible for inclusion in meeting the board's participation percentage goals. Lack of certification, however, will not be considered in making a contract award decision.

**B. SCHOOL SYSTEM GOOD FAITH EFFORTS**

The board establishes the following guidelines for contracts subject to Section A to ensure that the school system will make good faith efforts to reach diverse contractors and to encourage participation in the school system's construction contracts by such contractors. Before awarding a contract, the superintendent or designee shall:

1. make information about the school system's formal and informal bidding process readily available;
2. develop and implement a minority business participation outreach plan to identify minority businesses that can perform building projects and to implement outreach efforts to encourage minority business participation in such projects;
3. advertise for bids in media that reach minority businesses;
4. designate a school official to attend the scheduled pre-bid conference to explain the school system's minority goals and objectives;

5. at least 10 days prior to the scheduled day of bid opening, notify minority businesses of the following:
  - a. a description of the work for which the bid is being solicited;
  - b. the date, time, and location where bids are to be submitted;
  - c. the name of the individual within the public entity who will be available to answer questions about the project;
  - d. where bid documents may be reviewed; and
  - e. any special requirements that may exist.

For purposes of this provision, the minority businesses to be notified are those (1) that have requested notices from the school system for construction or repair work, and (2) those that otherwise indicated to the Office of Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal;

6. ensure that everyone who requests it has access to bid documents needed for making bids on projects;
7. maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals;
8. review, jointly with the designer, the lowest responsible bidder's bid for compliance with all requirements of G.S. 143-128.2(c) and -128.2(f) prior to recommendation of the contract award;
9. encourage businesses experiencing difficulty in meeting the bonding, licensing, and bid deposits required by state law in larger construction projects to utilize resources and assistance offered by local, state, and federal agencies; and
10. provide information to bidders about the statewide uniform certification program for historically underutilized businesses.

**C. GOOD FAITH EFFORTS REQUIRED BY CONTRACTORS**

All bidders on school construction and renovation projects subject to Section A of this policy who intend to subcontract any part of the project must (1) identify the minority businesses to be used on the project and (2) provide affidavits indicating that a good faith effort has been made in preparing the bid to meet the board's verifiable goal for participation by minority businesses. Upon being named the apparent lowest responsible, responsive bidder, a bidder shall provide additional evidence of its good faith efforts as

required by law.

The level of minority participation in bidders' bids will not affect the contract award decision; however, the failure to provide documentation of a good faith effort to meet the board's goal may result in the bid being rejected as non-responsive.

Before recommending the award of a contract, the superintendent shall direct designated school officials to evaluate bidders' documents in accordance with applicable law and regulations to determine whether bidder good faith requirements are satisfied.

**D. MONITORING**

The superintendent or designee shall monitor payments made to minority businesses on each project subject to Section A to verify that the minority businesses actually working on the project and their level of participation is consistent with the representations made in the contractor's bid.

**E. OTHER MINORITY BUSINESS RECRUITMENT EFFORTS**

For building contracts that (1) are not subject to Section A and (2) cost at least \$30,000 but less than \$300,000, the board will solicit participation by minority business enterprises and maintain a record of contractors solicited and efforts to recruit minority participation.

**F. REPORTING**

The superintendent shall ensure that all required reports and other documentation are filed with the Department of Administration in accordance with legal requirements.

**G. NONDISCRIMINATION**

The board will award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or disability. Nothing in this policy should be construed to require the board or contractors to award contracts or subcontracts to minority business contractors or minority business subcontractors who do not submit the lowest responsible, responsive bid or bids.

Legal References: *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); G.S. 143-128, -128.2, -128.3, -131(b); 01 N.C.A.C. 30I .0101-0310

Cross References:

Adopted: July 29, 2002  
Updated: March 28, 2005  
Updated: July 31, 2018  
Updated: December 17, 2024



## **PARTICIPATION BY MINORITY BUSINESSES**

*Policy Code:*

**9125**

The board affirms the State's commitment to encouraging the participation of minority businesses in the school system's building construction contracts. A minority business is defined in accordance with G.S. 143-128.2 and is either (1) one in which at least 51 percent of the business is owned by minority persons or socially and economically disadvantaged individuals<sup>1</sup> and the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it, or (2) an employee stock ownership plan company in which at least 51 percent of the plan participants are stock ~~is owned by one or more~~ minority persons or socially and economically disadvantaged individuals. Minority persons include African-Americans, those of Hispanic descent, Asian Americans, American Indians, and females.<sup>2</sup>

### **A. GOALS<sup>3</sup>**

After notice and public hearing,<sup>4</sup> the board hereby adopts an aspirational verifiable percentage goal of \_\_\_\_ percent<sup>5</sup> for participation by minority businesses in the total value of work for each building project costing \$300,000 or more paid entirely from local or other non-state funds. In addition, the board adopts the state's aspirational verifiable goal of 10 percent<sup>6</sup> participation by minority businesses in the total value of work for each building project costing \$100,000 or more funded in whole or in part with state funds.

Only businesses holding current certification as a historically underutilized business will be considered eligible for inclusion in meeting the board's participation percentage goals.<sup>7</sup> Lack of certification, however, will not be considered in making a contract award decision.

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<sup>1</sup> Under G.S. 143-128.2, "socially and economically disadvantaged individuals" are defined in accordance with federal law, 15 U.S.C. 637.

<sup>2</sup> This definition is found in G.S. 143-128.2(g).

<sup>3</sup> The board is required by statute to establish verifiable goals for (1) building projects costing \$300,000 or more and (2) building projects costing \$100,000 or more for which the board has received state appropriations or grants. For all other building projects in which the costs are between \$30,000 and \$300,000, the board is subject to requirements regarding outreach efforts and reporting, but not goals. See G.S. 143-128.2 and -131(b).

<sup>4</sup> This notice and hearing requirement must be met for projects costing \$300,000 or more that do not involve the expenditure of state funds in order to comply with G.S. 143-128.2.

<sup>5</sup> The board must set an appropriate verifiable goal. See G.S. 143-128.2. The goal percentage should be inserted here. Because decision-making that takes race or sex into account raises significant constitutional issues, we recommend consultation with the board attorney regarding the need to conduct a disparity study or to collect other factual evidence to support the appropriateness and validity of the board's participation goal.

<sup>6</sup> A 10 percent verifiable goal is required by statute for building projects costing \$100,000 or more for which the board has received state appropriations or grants; however, the board may apply a different pre-existing verifiable goal that was adopted prior to December 1, 2001, if the board had and continues to have a sufficiently strong basis in evidence to justify the use of that goal.

<sup>7</sup> This limitation is established by G.S. 143-128.4(e). LEAs may count only those businesses that are certified through the statewide uniform certification program for historically underutilized businesses to determine whether their participation goals have been met. The requirement applies regardless of the source of funding.

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**B. SCHOOL SYSTEM GOOD FAITH EFFORTS**

The board establishes the following guidelines for contracts subject to Section A to ensure that the school system will make good faith efforts to reach diverse contractors and to encourage participation in the school system's construction contracts by such contractors.<sup>8</sup> Before awarding a contract, the superintendent or designee shall:<sup>9</sup>

1. make information about the school system's formal and informal bidding process readily available;
2. develop and implement a minority business participation outreach plan to identify minority businesses that can perform building projects and to implement outreach efforts to encourage minority business participation in such projects;<sup>10</sup>
3. advertise for bids in media that reach minority businesses;<sup>11</sup>
4. designate a school official to attend the scheduled pre-bid conference to explain the school system's minority goals and objectives;<sup>12</sup>
5. at least 10 days prior to the scheduled day of bid opening, notify minority businesses of the following:<sup>13</sup>
  - a. a description of the work for which the bid is being solicited;
  - b. the date, time, and location where bids are to be submitted;
  - c. the name of the individual within the public entity who will be available to answer questions about the project;
  - d. where bid documents may be reviewed; and
  - e. any special requirements that may exist.

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<sup>8</sup> G.S. 143-128.2(b) requires the board to establish, prior to solicitation of bids, the good faith actions that it will take to meet its verifiable goals.

<sup>9</sup> The good faith efforts may be listed in administrative procedures rather than board policy. Except for specific efforts that are required by statute as indicated, the list may be modified or expanded so long as there is no quota used to meet the verifiable goal.

<sup>10</sup> This effort is required by G.S. 143-128.2(e)(1). The plan must include education, recruitment, and interaction between minority businesses and non-minority businesses. 01 N.C.A.C. 30I .0306.

<sup>11</sup> This effort is required by G.S. 143-128.2(e)(4).

<sup>12</sup> This effort is required by G.S. 143-128.2(e)(2).

<sup>13</sup> This notice is required by G.S. 143-128.2(e)(3).

For purposes of this provision, the minority businesses to be notified are those (1) that have requested notices from the school system for construction or repair work, and (2) those that otherwise indicated to the Office of Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal;

6. ensure that everyone who requests it has access to bid documents needed for making bids on projects;
7. maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals;<sup>14</sup>
8. review, jointly with the designer, the lowest responsible bidder's bid for compliance with all requirements of G.S. 143-128.2(c) and -128.2(f) prior to recommendation of the contract award;<sup>15</sup>
9. encourage businesses experiencing difficulty in meeting the bonding, licensing, and bid deposits required by state law in larger construction projects to utilize resources and assistance offered by local, state, and federal agencies; and
10. provide information to bidders about the statewide uniform certification program for historically underutilized businesses.

### **C. GOOD FAITH EFFORTS REQUIRED BY CONTRACTORS<sup>16</sup>**

All bidders on school construction and renovation projects subject to Section A of this policy who intend to subcontract any part of the project must (1) identify the minority businesses to be used on the project and (2) provide affidavits indicating that a good faith effort has been made in preparing the bid to meet the board's verifiable goal for participation by minority businesses.<sup>17</sup> Upon being named the apparent lowest responsible, responsive bidder, a bidder shall provide additional evidence of its good faith efforts as required by law.<sup>18</sup>

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<sup>14</sup> This effort is required by 01 N.C.A.C. 30I .0306.

<sup>15</sup> This effort is required by 01 N.C.A.C. 30I .0306.

<sup>16</sup> The board must require bidders to make good faith efforts to encourage minority business participation in their bids, including 10 specific actions listed in the statute. The board may require that additional good faith efforts be taken in its bid specifications. State regulations assign points to be awarded for compliance with the statutory list. Contractors must earn at least 50 points and no contractor can be required to earn more than 50 points. See G.S. 143-128.2(b) and 01 N.C.A.C. 30I .0102. The good faith efforts required of contractors could be included in policy or added to an administrative regulation.

<sup>17</sup> G.S. 143-128.2(c) requires all contractors to identify in their bids the minority businesses to be used on the project and to supply an affidavit that lists the bidder's good faith efforts and the total dollar value of the bid that will be performed by the minority businesses.

<sup>18</sup> G.S. 143-128.2(c)(1)a requires the apparent lowest responsible, responsive bidder to provide, within the time specified in the bid documents, an affidavit that describe the portion of work to be executed by minority businesses,

The level of minority participation in bidders' bids will not affect the contract award decision; however, the failure to provide documentation of a good faith effort to meet the board's goal may result in the bid being rejected as non-responsive.<sup>19</sup>

Before recommending the award of a contract, the superintendent shall direct designated school officials to evaluate bidders' documents in accordance with applicable law and regulations to determine whether bidder good faith requirements are satisfied.<sup>20</sup>

#### **D. MONITORING**

The superintendent or designee shall monitor payments made to minority businesses on each project subject to Section A to verify that the minority businesses actually working on the project and their level of participation is consistent with the representations made in the contractor's bid.<sup>21</sup>

#### **E. OTHER MINORITY BUSINESS RECRUITMENT EFFORTS**

For building contracts that (1) are not subject to Section A and (2) cost at least \$30,000 but less than \$300,000, the board will solicit participation by minority business enterprises and maintain a record of contractors solicited and efforts to recruit minority participation.<sup>22</sup>

#### **F. REPORTING**

The superintendent shall ensure that all required reports and other documentation are filed with the Department of Administration in accordance with legal requirements.<sup>23</sup>

#### **G. NONDISCRIMINATION**

The board will award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or disability. Nothing in this policy should be construed to require the board or contractors to award contracts or subcontracts to minority business

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expressed as a percentage of the total contract price, that is equal to or more than the applicable goal. Alternately, the bidder may provide documentation of its good faith efforts to recruit and select minority businesses for participation in the contract.

<sup>19</sup> G.S. 143-128(c) provides that failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.

<sup>20</sup> See G.S. 143-128.2 and 01 N.C.A.C. 30I .0306.

<sup>21</sup> See 01 N.C.A.C. 30I .0306, which requires review of prime contractors' pay applications for compliance with minority business utilization commitments prior to payment.

<sup>22</sup> See G.S. 143-131(b), which requires the board to solicit minority participation, but does not require verifiable goals, in contracts for the erection, construction, alteration, or repair of buildings between \$30,000 and the statutory limit of G.S. 143-129 (currently \$500,000). Because there is overlap between G.S. 143-128.2 and G.S. 143-131(b) for building projects costing \$300,000 to less than \$500,000, this policy applies the more stringent requirements of G.S. 143-128 to building projects costing \$300,000 or more.

<sup>23</sup> Reporting requirements are found at G.S. 143-128.3 and 143-131(b), and at 01 N.C.A.C. 30I .0306.

contractors or minority business subcontractors who do not submit the lowest responsible, responsive bid or bids.<sup>24</sup>

Legal References: *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); G.S. 143-128, -128.2, -128.3, -131(b); 01 N.C.A.C. 30I .0101-0310

Cross References:

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<sup>24</sup> See G.S. 143-128.2(h). This paragraph clarifies that minority businesses are not entitled to preferences when awarding contracts.