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TO: Board of Education

FROM: Dr. Emily Shaw

DATE: September 8, 2025

Attached you will find proposed Policy Codes for your consideration:

- **Policy 1310/4002-** Parental Involvement
- **Policy 3210-** Parental Inspection of and Objection to Instructional Materials
- **Policy 3320**- School Trips
- **Policy 3510**- Religious-Based Exemptions from School Programs
- **Policy 3620**- Extracurricular Activities and Student Organizations
- **Policy 4120**- Domicile or Residence Requirements
- **Policy 4318.OPTA**- Use of Wireless Communication Devices
- **Policy 5024/6127/7266**- Emergency Epinephrine Delivery Systems
- **Policy 5070/7350**- Public Records- Retention, Release, and Disposition
- **Policy 6125**- Administering Medicines to Students
- **Policy 6340**- Transportation Service/Vehicle Contracts
- **Policy 7100**- Recruitment and Selection of Personnel
- **Policy 7820**- Personnel Files

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September 8, 2025

RE: First Read
Montgomery County School Board Policy

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

Policy #	Name	Explanation
1310/4002	Parental Involvement	**Required Changes to the policy** ● Adds a section requiring written permission by the parent before allowing students to share sleeping quarters with a member of the other biological sex, other than immediate family **Recommended Changes to the policy** ● Legal References ● Cross References **Informational Changes to the policy** ● Adds a footnote
3210	Parental Inspection of and Objection to Instructional Materials	**Required Changes to the policy** ● Clarifies the reference of "parent" to include legal guardians and other caregivers ● Adds the new state law requirements that the titles of all library books at a school be accessible through a catalog on the school's website homepage and that parents be allowed to identify any library books that their student is prohibited from borrowing. **Recommended Changes to the policy** ● Revises the process for parental review of materials to allow for an extension of time to provide the materials due to the volume or complexity of the request ● Legal References ● Cross References **Informational Changes to the policy** ● Adds a footnote
3320	School Trips	**Required Changes to the policy**

		● Adds a section requiring written permission by the parent before allowing students to share sleeping quarters with a member of the other biological sex, other than immediate family **Recommended Changes to the policy** ● Legal References **Informational Changes to the policy** ● Adds a footnote
3510	Religious-Based Exemptions from School Programs	**Required Changes to the policy** ● Revises the policy to address new state law requirements that 1) allow a student to be excused from specific classroom discussions, activities, or assigned readings that the student, parent, or guardian believes would either impose a substantial burden on the student's religious beliefs or invade the student's privacy by calling attention to the student's religion; (2) provide a student excused from participation with an alternative activity or assignment aligned with the standard course of study; and (3) provide advance notice, to the extent practicable, to students, parents, and guardians of the discussions, activities, and assigned readings. **Recommended Changes to the policy** ● Legal References
3620	Extracurricular Activities and Student Organizations	**Required Changes to the policy** ● Adds a section requiring written permission by the parent before allowing students to share sleeping quarters with a member of the other biological sex, other than immediate family **Recommended** ● Legal References **Informational Changes to the policy** ● Adds a footnote
4120	Domicile or Residence Requirements	**Required Changes to the policy** ● Adds new statutory requirements in Section D regarding the enrollment of children of military families
4318 B	Use of Wireless Communication Devices	**Optional** ● This alternative policy prohibits students' possession and use of wireless communication devices for the duration of the school day
5024/6127/7266	Emergency Epinephrine Delivery Systems	**Required Changes to the policy** ● Changes "epinephrine auto-injector device" to "epinephrine delivery system" in order to include epinephrine nasal sprays. **Informational Changes to the policy**

		● Adds a footnote
5070/7350	Public Records – Retention, Release, and Disposition	**Required Changes to the policy** ● Updates the description of public record information in employee personnel files in accordance with a change to state law
6125	Administering Medicines to Students	**Required Changes to the policy** ● Changes "epinephrine auto-injector device" to "epinephrine delivery system" in order to include epinephrine nasal sprays.
6340	Transportation Service/Vehicle Contracts	**Strongly Recommended Changes to the policy** ● References the criminal history check requirement in policy 7100, Recruitment and Selection of Personnel **Recommended** ● Legal References ● Cross References **Informational Changes to the policy** ● Adds a footnote
7100	Recruitment and Selection of Personnel	**Required Changes to the policy** ● Adds statutory information about criminal history checks. **Recommended** ● Reorganizes Section C ● Legal References **Informational Changes to the policy** ● Adds a footnote
7820	Personnel Files	**Required Changes to the policy** ● Updates the description in subsection F.1 of public record information in employee personnel files in accordance with a change to state law **Strongly Recommended Changes to the policy** ● Creates a new Section G regarding information about central office employees that must be posted online **Informational Changes to the policy** ● Adds a footnote

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

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

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

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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

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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

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(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);

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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 1735/4329/7311, 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

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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

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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 the school system's 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, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, 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

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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

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(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;

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

12. students sharing sleeping quarters with a member of the other biological sex during any activity or event authorized by the school, unless the member of the other biological sex is the student's immediate family member (see policies 3320, School Trips, and 3620, Extracurricular Activities and Student Organizations).

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

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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

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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

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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, -76.110, -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

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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), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), 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), School Trips (policy 3320), 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), Extracurricular Activities and Student Organizations (policy 3620), 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), 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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PARENTAL INSPECTION OF AND OBJECTION TO INSTRUCTIONAL MATERIALS

Policy Code: **3210**

In policy 3200, Selection of Instructional Materials, the board establishes a process for the selection of instructional materials to meet State Board of Education requirements and the educational goals of the board. That process provides an opportunity for parental input in the selection of materials.

The board recognizes that despite the opportunity to participate in the selection of materials, parents still may have concerns about instructional materials used in the school system. Thus, to further involve parents in the education of their children, the board also provides opportunities for parents to review instructional materials and a process for parents to use when they object to instructional materials.

For purposes of this policy, all references to "parent" include a parent, legal guardian, legal custodian, or other caregiver adult authorized to enroll a student under policy 4120, Domicile or Residence Requirements.

A. PARENTAL RIGHT TO INSPECT MATERIALS

Parents may review all instructional materials, as defined in policy 3200, Selection of Instructional Materials. Instructional materials do not include academic tests or assessments. Parents who would like to inspect and review instructional materials should make a request in writing to the principal identifying the instructional materials the parent is seeking to inspect. Within 10 business days of receiving the request, ~~T~~the principal shall either (1) provide access to the requested information or (2) provide an extension notice to the parent that, due to the volume or complexity of the request, access to the information will be provided no later than 20 business days from the date of the parent's request. Access will be provided by supplying the parent with a copy of the materials or by scheduling ~~schedule~~ a mutually agreeable date and time for the parent to come into the school to review the materials. ~~All efforts should be made to schedule the time as soon as possible but no later than 10 business days from the date of the request.~~ All materials used in reproductive health and safety education shall be available for review as provided in policy 3540, Comprehensive Health Education Program.

B. PARENTAL OBJECTION TO MATERIALS

Parents may submit an objection in writing to the principal regarding the use of particular instructional materials. The principal may establish a committee to review the objection. While input from the community may be sought, the board believes professional educators are in the best position to determine whether a particular instructional material is appropriate for the age and maturity of the students and for the subject matter being taught.

If the principal or the committee determines that any material violates constitutional or other legal rights of the parent or student, the principal or the committee shall either remove

the material from instructional use or accommodate the particular student and parent. (For religious-based objections, also see policy 3510, Religious-Based Exemptions from School Programs.) Before any material is removed, the principal or the committee shall ensure that the curriculum is still aligned with current statewide instructional standards and articulated from grade to grade. If an objection made by a parent or student is not based upon constitutional or legal rights, the principal or the committee may accommodate the objection after considering the effect on the curriculum; any burden on the school, teacher, or other students that the accommodation would create; and any other relevant factors. Books and other instructional materials may be removed from the school media collection only for legitimate educational reasons and subject to the limitations of the First Amendment. The decision of the committee or principal may be appealed to the superintendent. The decision of the superintendent may be appealed to the board.

Any request by a student's parent that the student be prohibited from borrowing certain library books will automatically be granted. The request must be made in writing to the principal and identify by title the library book(s) that the student may not borrow. For purposes of this policy, library books are defined as all instructional materials, other than textbooks, that are available at a school, whether in the school library or in a classroom or other space, for independent use by students and school personnel outside of the standard course of study for any grade or course. The titles of all library books at a school may be accessed through a searchable web-based catalog displayed on the homepage of the school's website.

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

Legal References: U.S. Const. amend. I; 20 U.S.C. 1232h; N.C. Const. art. I, § 14; *Board of Educ. v. Pico,* 457 U.S. 853 (1982); G.S. 115C art. 8 pt. 1; 115C-45, -47, -76.25(a)(5), -76.35(b), -76.40, -98, -98.1, -101

Cross References: Parental Involvement (1310/4002), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Selection of Instructional Materials (policy 3200), Religious-Based Exemptions from School Programs (policy 3510), Comprehensive Health Education Program (policy 3540), Domicile or Residence Requirements (policy 4120)

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School trips designed to stimulate student interest and inquiry may be appropriate classroom extensions and may enhance learning in the classroom. School trips may help meet educational goals and objectives by connecting learning with experiences outside of the classroom environment.

All eligible students will be given an opportunity to participate in school trips. No student will be denied participation because of economic hardship or because the student has a disability.

A. AUTHORIZATION OF SCHOOL TRIPS

A school trip occurs when a student or group of students leaves a school campus under the sponsorship of the school and under the supervision of school employees to extend the educational experiences of that student or group. This includes such trips taken by extracurricular groups but does not include trips by athletic teams to participate in athletic events or competitions that are part of the team's regular season or playoffs. The principal must approve all school trips in advance. School trips that involve travel out of state and/or an overnight stay must also receive prior approval from the superintendent or designee. School trips that require travel outside of the continental United States are prohibited. The superintendent shall develop procedures for the request and approval of school trips.

B. PARENTAL NOTICE AND CONSENT

All students who participate in a school trip must provide signed parental consent forms to participate, unless a student is officially emancipated, in which case the student can consent on his or her own behalf. A student who fails to provide a signed consent form may be denied participation in the trip. No student's grade may be lowered or raised based on parental consent to participate in the school trip. The superintendent shall develop procedures to ensure parents are given proper notice of trip details and that parents provide signed authorization and consent regarding their child's participation and care during the trip.

Students are prohibited from sharing sleeping quarters with anyone of the other biological sex as defined in G.S. 12-3.3 during a school trip unless (1) the member of the other biological sex is the student's immediate family member (i.e., a parent, sibling, or grandparent, including step or half relationships) or (2) the parents of all students sharing the sleeping quarters have provided written permission to the school.

C. COSTS

Students must not be charged a fee for any trip that is an extension of the curriculum. The board may impose fees for other school trips. Pursuant to policy 4600, Student Fees, and any corresponding fee waiver or reduction procedures, any fees imposed for school trips will be waived or reduced for students who demonstrate real economic hardship.

D. STUDENT SAFETY AND DISCIPLINE

Policy 1510/4200/7270, School Safety, applies to all students, school employees, and volunteers while they are taking part in school trips. Students are also subject to the student behavior policies in the 4300 series, the Code of Student Conduct, and all school rules while participating in a school trip. The superintendent shall develop any additional regulations necessary to ensure student safety, provide adequate supervision, and clarify student behavior standards.

E. TRANSPORTATION AND OTHER ACCOMMODATIONS

Policy 6320, Use of Student Transportation Services, applies to the use of vehicles for all school trips. Policy 6315, Drivers, applies to all drivers of school buses and activity buses but does not apply to drivers of charter buses who are not subject to school board authority, aside from any agreed upon provisions in the contract with the charter company.

Any contracts with outside companies to provide transportation, lodging, or other accommodations related to a school trip must be approved in accordance with policy 6340, Transportation Service/Vehicle Contracts, and policy 6420, Contracts with the Board.

The superintendent shall develop any necessary additional regulations governing transportation on school trips.

F. CHAPERONES AND VOLUNTEERS

All chaperones and volunteers accompanying students on school trips must meet the standards established by policy 5015, School Volunteers. The superintendent shall develop any necessary additional regulations governing chaperones and volunteers on school trips.

G. NON-SCHOOL SPONSORED TRIPS

A non-school sponsored trip is a trip or tour organized and sponsored by (1) an individual teacher or group of teachers acting as private citizens and not as school employees, (2) a travel agency, or (3) any other individual or association not employed by, sponsored by, or under contract with the board. The board and the school system assume no responsibility or liability for non-school sponsored trips.

Non-school sponsored trips may be promoted or advertised in the schools only in accordance with policy 5240, Advertising in the Schools. Promotional materials may be displayed or distributed in the schools only in accordance with policy 5210, Distribution and Display of Non-School Material. All promotional materials for non-school sponsored trips must prominently state that the trip is not sponsored or endorsed by the school or school system. Moreover, any employee who sponsors or recruits students for a non-school sponsored trip shall notify the students and their parents or guardians that the trip is not sponsored or endorsed by the school or school system and shall obtain a signed

acknowledgement from each parent that the trip is not school-sponsored.

School employees shall not engage in any planning or administrative tasks associated with a non-school sponsored trip during the employee workday. School employees who want to use school facilities to hold a meeting concerning a non-school sponsored trip must follow the process set forth in policy 5030, Community Use of Facilities, and any corresponding regulations. School employees must use eligible leave for any time missed from work during a non-school sponsored trip.

School employees are prohibited from participating in non-school sponsored trips that conflict with instructional school days or are scheduled fewer than 10 school days prior to final exams or other state-mandated assessments.

Students will not be required to participate in any non-school sponsored trip. Students are discouraged from participating in non-school sponsored trips that conflict with instructional school days or are scheduled fewer than 10 school days prior to final exams or other state-mandated assessments. Absences for non-school sponsored trips will be designated as excused or unexcused in accordance with policy 4400, Attendance.

Legal References: G.S. 12-3.3; 115C-47, -76.110, -288, -307, State Board of Education Policy TRAN-009

Cross References: School Safety (policy 1510/4200/7270), Goals and Objectives of the Educational Program (policy 3000), Student Behavior Policies (4300 series), Attendance (policy 4400), Student Fees (policy 4600), School Volunteers (policy 5015), Community Use of Facilities (policy 5030), Distribution and Display of Non-School Material (policy 5210), Advertising in the Schools (policy 5240), Drivers (policy 6315), Use of Student Transportation Services (policy 6320), Transportation Service/Vehicle Contracts (policy 6340), Contracts with the Board (policy 6420)

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Revised: January 11th, 2016

RELIGIOUS-BASED EXEMPTIONS FROM SCHOOL PROGRAMS

Policy Code: **3510**

The curriculum of the school system will be based on the current statewide instructional standards. The board and the school administrators will exercise their authority to select appropriate materials and teach the curriculum in an effective manner. The board supports the free exercise of religion and prohibits discrimination on the basis of religion. While students are expected to participate in all required courses and school activities, the board recognizes that at times a student or a student's parent~~s~~ or guardian may object to a specific ~~school course or~~ classroom discussion, activity, or assigned reading. This policy is designed to provide students, parents, and guardians with a process for seeking a religious-based exemption for ~~their child~~ a student from a ~~required school course or~~ specific classroom discussion, activity, or assigned reading. To the extent practicable, students, parents, and guardians will be notified in advance of upcoming classroom discussions, activities, and assigned readings.

~~If~~ A student, parent~~s~~, or guardian ~~have religious based objections to certain programs, they~~ may petition to exempt the~~ir~~ student ~~child~~ from participation in a specific classroom discussion, activity, or assigned reading that the student, parent, or guardian believes would impose a substantial burden on the student's religious beliefs or invade the student's privacy by calling attention to the student's religion. Any request for exemption should be submitted to the superintendent or designee in accordance with the following guidelines.

1. The request must be in writing.

2. The request must specify the discussion, activity, or reading and explain how it ~~activities or studies that~~ would impose a substantial burden on the student's religious beliefs or invade the student's privacy by calling attention to the student's religion ~~violate their religious beliefs and explain how their religious beliefs are violated by the activity~~.

3. The request may suggest a proposed alternate activity or study.

The superintendent or designee shall review the request in accordance with any constitutional or statutory standards and shall accommodate the request as ~~when~~ required ~~to do so~~ by law. If accommodation is not required by law, the superintendent or designee may choose to accommodate such a request after weighing factors, such as the interest of the child, the impact on other students, and the availability of alternative activities or materials. An appeal of the ~~superintendent's~~ decision may be made ~~to the board~~ through the student grievance procedure.

If a student is excused from a classroom discussion, activity, or assigned reading, the student will be provided an alternative activity or assignment aligned with the standard course of study.

Legal References: U.S. Const. amend. I; N.C. Const. art. I, § 14; G.S. 115C-36, -47(33b)

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100)

Adopted: March 6, 2000
Updated: June 3, 2013

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

A. REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES

Participation in extracurricular activities, including student organizations and interscholastic athletics, is a privilege, not a right, and may be reserved for students in good academic standing who meet behavior standards established by the board, the superintendent, or the school. Participation in extracurricular activities may be restricted if a student (1) is not performing at grade level as provided in policy 3400, Evaluation of Student Progress; (2) has failed to meet any applicable attendance requirements; (3) has violated the student conduct standards found in the 4300 series of policies; or (4) has violated school rules for conduct. School administrators choosing to exercise this authority to restrict participation shall provide this policy and any additional rules, including attendance requirements, developed by the superintendent or the principal to all parents, guardians, and students.

B. ADDITIONAL RULES FOR SPECIFIC ACTIVITIES

1. Interscholastic Athletics

   a. General Rules

      In addition to meeting the general requirements listed above, to be eligible for interscholastic athletics participation, students must meet all applicable eligibility standards of law and the State Board of Education as well as any locally established requirements for interscholastic athletics participation.

   b. Participation by Sixth Graders

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

   c. Students Who Transfer Schools Within the School System

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

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

d. Name, Image, and Likeness (NIL) Agreements

A student participating in interscholastic athletics may enter an agreement to use the student's name, image, or likeness subject to the requirements of 16 N.C.A.C. 6E .0211.

e. Home School Students

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

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

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

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

The student must notify the principal of the assigned school in writing of the student's intent to try out for an athletic tam at least 10 days prior to the first practice date of each sport season in which the student wishes to

participate. Failure to comply with this requirement renders the student ineligible for that sport season.

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

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

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

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

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

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

3. Overnight Trips

Students are prohibited from sharing sleeping quarters with anyone of the other biological sex as defined in G.S. 12-3.3 during any activity or event authorized by the school unless (1) the member of the other biological sex is the student's immediate family member (i.e., a parent, sibling, or grandparent, including step or

half relationships) or (2) the parents of all students sharing the sleeping quarters have provided written permission to the school.

C. SPECIAL CIRCUMSTANCES

1. Students with Disabilities

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

2. Children of Military Families

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

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

b. waiving application deadlines.

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

D. APPEALS PROCESS

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

Legal References: Americans with Disabilities Act, 42 U.S.C. 12132, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 12-3.3; 115C art. 9, 115C-12(23), -47(4), -76.110, -390.2, -407.5, -407.55, -407.59, -407.60, -407.65, -407.70, -407.75; 16 N.C.A.C. 6E .0207, .0208, .0211; State Board of Education Policy ATHL-001; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; N.C. High School Athletic Association Handbook, available at https://www.nchsaa.org/handbook; Middle/Junior High School Athletic Manual (NCDPI), available at http://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/programs-and-initiatives/nc-healthy-schools/athletics

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Evaluation of Student Progress (policy 3400), Student Promotion and Accountability (policy 3420), School Improvement Plan (policy 3430), Children of Military

Families (policy 4050), Domicile or Residence Requirements (policy 4120), Homeless Students (policy 4125), School Assignment (policy 4150), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Behavior Policies (4300 series), Attendance (policy 4400), Community Use of Facilities (policy 5030)

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Updated: June, 2, 2025

A student who is domiciled within the geographic area served by the school system, who is under age 21 (22 for students entitled to special education services), who has not completed the prescribed courses for high school graduation and who otherwise qualifies for admission, is entitled to be admitted without payment of tuition. Under certain circumstances specified by law, a student who resides in the area served by the school system and who otherwise qualifies for admission to its schools also is entitled to be admitted without payment of tuition. In addition, students who are homeless or in foster care may be entitled to continue attending their school of origin without payment of tuition regardless of a change in their domicile or residency status.

Children with disabilities are required to meet state domicile requirements to be entitled to admission to school without payment of tuition unless they are "grandfathered" into the system under subsection C.6, below, or unless they otherwise meet one of the circumstances that entitle them to admission without payment of tuition. (See Section C, below.)

A. DOMICILE AND RESIDENCE DEFINED

Domicile requires the intent to abandon one's prior home and remain in the new location as a permanent home for an indefinite period. In contrast, a residence need not be one's exclusive home and does not require an intention that the residence be the permanent home.

B. MEETING DOMICILE REQUIREMENTS

1. Domicile of Students Generally

   The domicile of a student under 18 years of age is presumed to be the domicile of his or her parents, legal guardian, or legal custodian as defined by the General Statutes of North Carolina.

2. Domicile of Emancipated Students

   If a student is at least 18 years of age, is married, or has been abandoned by his or her parents, or if the court declares a student to be emancipated, the student may establish a domicile independent from that of his or her parents, legal guardian, or legal custodian. A student who establishes domicile as a result of being emancipated is a domiciliary of the school system and is entitled to the same rights and privileges of other students domiciled in the school system.

3. Domicile of Students with Divorced or Separated Parents

   Domicile for the purpose of school admission and assignment will be determined by the following criteria.

a. In the event that a student's parents are divorced or separated and physical custody has been given to only one parent, the student's domicile follows that of the parent who has been granted physical custody.

b. If physical custody has not been determined or has been granted jointly to both parents, or if the custodial parent wishes the student to attend school in the non-custodial parent's system of residence, then the parents must jointly agree on which residence will be used to determine the student's domicile. The selected residence must be submitted in writing to the superintendent.

c. The selection may not be changed during the school year unless the parents satisfy the board's policies on transfers and releases.

d. In the event that the parents cannot agree on which residence will be used to determine the student's domicile for school assignment purposes, school officials shall assign the student according to the residence of the parent with physical custody of the student at the beginning of each school year.

C. MEETING RESIDENCE REQUIREMENTS

A student who resides in the system in any of the following circumstances will be admitted without payment of tuition.

1. The student is homeless as defined in state and federal law and policy 4125, Homeless Students. A student living with a friend or relative is not a homeless student unless he or she lives there due to conditions that constitute homelessness under state and federal statutes. A homeless student will be assigned in accordance with policy 4125, Homeless Students.

2. The parent, guardian, or legal custodian residing in the school system attendance area is a student, employee, or faculty member of a college or university or is a visiting scholar at the National Humanities Center.

3. The student resides in a group home, foster home, or other similar facility or institution.

4. The student resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency.

5. The parent, guardian, or legal custodian residing in the school system attendance area is on active military duty and is assigned by official military order to a military installation or reservation in North Carolina.

6. The student is considered a child with a disability by the General Statutes and the North Carolina *Policies Governing Services for Children with Disabilities* and the

child was (a) enrolled in the school system on the last day of school for the 2006-07 school year or (b) enrolled in and attending a school in the school system on August 1, 2007, for the 2007-08 school year, so long as the child lives within and is continuously enrolled in the system.

7. The student resides with an adult who is a domiciliary of the school system as a result of any of the following.

   a. The death, serious illness, or incarceration of the child's parent or legal guardian.

   b. The abandonment by the child's parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance.

   c. Abuse or neglect by the parent or legal guardian.

   d. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide the student with adequate care and supervision.

   e. The relinquishment of physical custody and control of the student by the student's parent or legal guardian upon the recommendation of the department of social services or the Division of Mental Health.

   f. The loss or uninhabitability of the student's home as the result of a natural disaster.

   g. The parent or legal guardian is one of the following: (1) a member or veteran of the uniformed services who is severely injured and medically discharged or retired (but only for a period of one year after the medical discharge or retirement of the parent or guardian); or (2) a member of the uniformed services who has died while on active duty or as a result of injuries sustained on active duty (but only for a period of one year after the death of the parent or guardian). Assignment under this subsection is only available if some evidence of the medical discharge, retirement, or death is tendered with the affidavits required under G.S. 115C-366.

   h. The parent or legal guardian is on active military duty, not including periods of active duty for training for less than 30 days, and the commanding officer of the parent or legal guardian provides in a signed letter that the parent or legal guardian's military orders prevent him or her from physically residing with the student. Assignment under this subsection is only available if the signed letter from the commanding officer is included with the affidavits required under G.S. 115C-366, and the commanding officer indicates the time period that such military orders will be in effect.

In order to be admitted under this provision, the student may not be currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit, unless the student is identified as eligible for special education and related services under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*, and evidence of such eligibility is tendered with the affidavits described below.

The adult with whom the student resides and the student's parent, guardian, or legal custodian, if available, must complete and sign separate affidavits available from the superintendent's office attesting to information required by G.S. 115C-366(a3). If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit will be guilty of a Class 1 misdemeanor and will pay to the board an amount equal to the cost of educating the student during the period of enrollment. Repayment will not include state funds.

D. REMOTE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES

A student who is not domiciled in the school system attendance area is permitted to enroll by remote means, including electronic means, prior to commencement of the student's residency in the school system attendance area if all of the following apply.

1. The student's parent or legal guardian (a) is on active military duty and is transferred or pending transfer pursuant to an official military order to a military installation or reservation in North Carolina or (b) will be separating from active military duty within a 12-month period.

2. Upon request by the school system, the parent or legal guardian provides a copy of (a) the official military order transferring to the military installation or reservation, (b) the official separation orders, or (c) an official military document showing the anticipated date of separation or date of projected permanent change of station.

3. The parent or legal guardian completes and submits the school system's enrollment forms and documentation, other than ~~except that~~ proof of residency and documentation related to disciplinary actions required under policy 4115, Behavior Standards for Transfer Students~~, will not be required until the student transfers int the school system~~.

4. The parent or legal guardian submits to the school system the proof of residency and documentation related to the disciplinary actions upon the student commencing attendance. If the proof of residency has not yet become available because the parent or legal guardian and student are residing in temporary housing, the student will be permitted to enroll and begin attending school based on the anticipated domicile: (a) for a period up to one year either (1) from the parent or legal guardian's reporting-for-duty date, separation date from active military duty, or anticipated separation date from active military duty or (2) through the end of the school year; or (b)

through high school graduation for a student who is enrolling as a high school junior or senior.

The school system will make available to a student who registers to enroll pursuant to this section the same opportunities available to a domiciled student, such as requesting or applying for school assignment, registering for courses, and applying for any other programs that require additional request or application. ~~A student enrolled pursuant to this section may not attend school until proof of residency is provided.~~

E. PARTICIPATION IN JROTC BY HOME SCHOOL STUDENTS

A home school student who resides within the assignment area of a school that maintains a Junior Reserve Officers' Training Corps (JROTC) unit shall be permitted membership in the JROTC unit of the school without regard to domicile if the student is otherwise qualified for membership but for lack of enrollment in the school.

F. STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

In determining whether a student meets the domicile or residence requirements of this policy, school personnel shall consider the actual address of a participant in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

G. APPEAL OF ADMISSION DECISIONS

Within 10 working days of receiving all of the information required under this policy, the superintendent or designee shall provide a written decision to the applicant for admission to the school system. The superintendent's decision regarding admission of the student may be appealed to the board in accordance with subsection E.5 in policy 1740/4010, Student and Parent Grievance Procedure.

Legal References: 10 U.S.C. 2031(f); Elementary and Secondary Education Act, 20 U.S.C. 6303 *et seq.*; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016); *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016); G.S. 7B art. 35; 35A art. 6; 15C-8(i); 50-13.1 to -13.3; 115C-106.2, -106.3, -107.6, -108.1(a), -366, -407.5; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000, available at http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Children of Military Families (policy 4050), Behavior Standards for Transfer Students (policy 4115),

Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

Adopted: April 10, 2000
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Updated: November 7, 2016
Updated: July 6, 2020
Updated: January 10, 2022
Updated: July 18, 2022

USE OF WIRELESS COMMUNICATION DEVICES

Policy Code: **4318.OPTB**

The board recognizes that cellular phones and other wireless communication devices are an important tool through which parents communicate with their children and through which students gather information. The board also recognizes that excessive use of wireless communication devices may pose significant health and social risks for students and negatively affect the educational environment. In order to strengthen the school system's focus on learning, promote the well-being of our students, and foster a sense of community within our schools, students are prohibited from having wireless communication devices turned on or possessing such devices during the school day unless otherwise permitted under this policy. Principals may establish additional limitations on the use, possession, or display of wireless communication devices consistent with this policy.

A. DEFINITIONS

For the purposes of this policy, the following definitions apply.

1. The "school day" runs from the beginning of the first class period of the day to the end of the last class period of the day.

2. A "wireless communication device" is any portable wireless device that has the capability to provide voice, messaging, or other data communication between two or more parties, including but not limited to cellular telephones, tablet and laptop computers, paging devices, two-way radios, and gaming devices.

B. STORAGE OF WIRELESS COMMUNICATION DEVICES

Except when students are authorized to use and possess wireless communication devices pursuant to Section C of this policy, students will store their wireless communication devices during the school day in accordance with a storage plan developed by the principal. If the school does not provide storage for wireless communication devices, the principal shall require that such devices be turned off and stored in the student's locker or bag for the duration of the school day.

C. AUTHORIZED USE

Individual students may use wireless communication devices as required by the student's Individualized Education Program or Section 504 plan or to manage the student's health care in accordance with a documented medical condition. In addition, teachers may authorize individual students to use the devices in the event of an emergency and may authorize the use of school system-issued or approved devices for instructional purposes, provided that they supervise the students during such use.

Although use generally is permitted before and after school, use of wireless communication

devices may be prohibited on school buses when noise from such devices interferes with the safe operation of the buses. In addition, elementary and middle school students who participate in after-school programs are prohibited from using wireless communication devices during such programs.

D. CONSEQUENCES

School employees may immediately confiscate any wireless communication devices that are on, used, displayed, or possessed in violation of this policy. In general, the confiscated device will be returned to the student at the end of the school day. However, an administrator may require a student's parent to recover a confiscated device if the student has repeatedly violated this policy.

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.

The following factors should be considered when determining appropriate consequences: whether the wireless communication device was used (1) to reproduce images of tests, obtain unauthorized access to school information or assist students in any aspect of their instructional program in a manner that violates any school board policy, administrative regulation, or school rule; (2) to bully or harass other students; (3) to send illicit text messages; (4) to take and/or send illicit photographs; or (5) in any other manner that would make more severe disciplinary consequences appropriate.

E. SEARCH OF WIRELESS COMMUNICATION DEVICES

In accordance with policy 4342, Student Searches, a student's wireless communication device and its contents, including but not limited to text messages and digital photos, may be searched whenever a school official has reason to believe the search will provide evidence that the student has violated or is violating a law, board policy, the Code of Student Conduct, or a school rule. The scope of such searches must be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of the suspected infraction.

F. LIABILITY

Students are personally and solely responsible for the security of their wireless communication devices. The school system is not responsible for the theft, loss, or damage of a personal wireless communication device.

Legal References: G.S. 115C-36, -76.100, -390.2

Cross References: Student Behavior Policies (policy 4300), Disruptive Behavior (policy 4315), Student Searches (policy 4342)

Other Resources: *Best Practices Guide for North Carolina Public Schools Units Establishing Personal Communication Devices Policies*, Advisory Council for Student Safety and Well-Being, Office of Governor Josh Stein (June 3, 2025), available at https://www.ncdps.gov/best-practices-guide-north-carolina-public-schools-units-establishing-personal-communication-devices; *Phone-Free Schools Administrator Toolkit*, Phone-Free Schools Movement, available at https://www.ncsba.org/wp-content/uploads/2025/08/V2-PFSM-Toolkit-Final.pdf

Adopted:

EMERGENCY EPINEPHRINE
DELIVERY SYSTEMS~~AUTO-INJECTOR DEVICES~~

Policy Code: **5024/6127/7266**

Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Many severe allergies are undiagnosed, and students or others may experience their first severe allergic reaction while at school. Epinephrine delivery systems ~~auto-injector devices~~ can be used to administer epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal anaphylactic reaction. This policy addresses the use of emergency epinephrine ~~auto-injector devices~~ delivery systems administered under a non-patient specific prescription. Student-specific orders for epinephrine delivery systems ~~auto-injector devices~~ are addressed in policy 6125, Administering Medicines to Students.

Designated trained school personnel are authorized to use emergency epinephrine delivery systems ~~auto-injector devices~~ to deliver emergency medical aid to any person suffering from an anaphylactic reaction during the school day or at a school-sponsored event on school property. The superintendent shall ensure that at least two emergency epinephrine delivery systems ~~auto-injector devices~~ are located at each school for this purpose and are stored in secure, but unlocked and easily accessible, locations.

Each school principal shall designate one or more school personnel, as part of the medical care program under G.S. 115C-375.1, to receive initial training and annual retraining from a school nurse or qualified representative of the local health department regarding the storage and emergency use of epinephrine delivery systems ~~auto-injector devices~~. Only such trained personnel are authorized to administer epinephrine to persons believed to be having an anaphylactic reaction. The principal shall make reasonable efforts to notify other school staff members as to which employee(s) has received this training in order to facilitate a prompt emergency response.

The principal, in collaboration with appropriate school personnel, shall create an emergency action plan for the use of epinephrine delivery systems ~~auto-injector devices~~ that complies with all state law requirements. Principals are encouraged to include in the plan school-wide employee training in recognizing symptoms of anaphylaxis.

Epinephrine delivery systems ~~auto-injector devices~~ provided by the school are intended for unforeseen emergencies. Students known to have medical conditions requiring the availability of an epinephrine delivery system ~~auto-injector device~~ are expected to provide such ~~devices~~ a delivery system for their use at school. Parents of students with known life threatening allergies and/or anaphylaxis should provide the school with written instructions from the students' health care provider for handling anaphylaxis and all necessary medications for implementing the student specific order in accordance with policy 6125, Administering Medicines to Students. Students who meet the conditions established in policy 6125 may possess and self-administer their own medication.

This policy does not require emergency epinephrine delivery systems ~~auto-injector devices~~ to be available at activities held off school grounds during or after the school day, including field trips

or off-site athletic events, or during transportation to or from school, except as may be required pursuant to an individual student's IEP, Section 504 Plan, or health or emergency plan.

Legal References: G.S. 115C-375.1, -375.2A

Cross References: Administering Medicines to Students (policy 6125)

Adopted: January 12, 2015
Updated: June 1, 2015

PUBLIC RECORDS – RETENTION, RELEASE, AND DISPOSITION

Policy Code: **5070/7350**

The board is committed to providing access to public records and public information. All employees shall comply with the public records law and this policy.

A. PUBLIC RECORD DEFINED

Any record, in any form, that is made or received by the board or its employees in connection with the transaction of public business is a public record that must be made available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from the public records law, G.S. 132-1 through 132-9. (See policy 5071/7351, Electronically Stored Information Retention, for specific information regarding public records in electronic form.)

Though the school improvement plan is a public record, the school safety components of the plan are not public records subject to public records law. Schematic diagrams, as described in G.S. 115C-105.53 and -105.54, and emergency response information, as described in G.S. 115C-47(40) and -105.54, are also not considered public records subject to public records law.

The official records of students are not public records subject to inspection and examination. (For additional information regarding the release of information about students, see policy 4700, Student Records.) Further, 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 is not a public record. Any test that is developed, adopted, or provided as part of the state testing program is not a public record until the State Board of Education designates that the test is released.

Any report received from the Teachers' and State Employees' Retirement System pursuant to G.S. 135-8(f)(2)(f) is not a public record and will be treated as confidential.

Information in school system employee personnel files is protected from disclosure in accordance with G.S. 115C-319, except that the following employee information is public record.

1. Name.

2. Age.

3. The date of original employment or appointment.

4. The terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession.

5. Current position.

6. Title.

7. Current total compensation from all funding sources, including at least salary (including~~s~~ pay, benefits, incentives, supplements, bonuses, deferred compensation, and all other forms of compensation paid to the employee) and reimbursements and allowances (including travel-related reimbursements and allowances).

8. The date and amount of each increase or decrease in ~~salary~~ total compensation with the board.

9. The date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board.

10. The date and general description of the reasons for each promotion with the board.

11. The date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal.

12. The office or station to which the employee is currently assigned.

The name of a participant in the North Carolina Address Confidentiality Program is not a public record and must be redacted from any records released. As necessary, school personnel may combine public and confidential records to meet the business needs of the system. However, if a record contains confidential information as well as public information, school officials must provide the requested public record with the confidential information removed or redacted.

B. DESIGNATION OF RECORDS OFFICER

The superintendent shall designate a records officer or otherwise ensure that the duties of a records officer are met.

1. Duties of the Records Officer

   The duties of the records officer include the following:

a. determining whether records are public or confidential by law, with assistance from the local board attorney as necessary;

b. determining the most cost-effective means of storing and retrieving public records that include confidential information;

c. providing training, consultation, and guidelines to school officials who respond to or are otherwise involved in public records requests;

d. determining the actual cost of providing copies of public records in various forms, such as paper or electronic media, in which the school system is capable of providing the records;

e. determining the cost of a request for copies of public records when a special service charge is applicable or when the school system is voluntarily creating or compiling a record as a service to the requester; and

f. reviewing appeals of any denial of a request for public records.

2. Other Duties

A designated electronic records officer, or other employee(s) as determined by the superintendent, shall review all electronic data-processing systems created by the school system or being considered for acquisition through lease, purchase, or other means, to ensure they are designed and maintained in a manner that:

a. will not impede the school system's ability to permit public inspection and examination of public records; and

b. provides a means of obtaining copies of such records.

C. REQUESTS FOR PUBLIC RECORDS

All requests for examining or obtaining copies of public records should be in writing or recorded by school system personnel. This policy, administrative guidelines, information on the actual cost of producing public records, information on how to reach the records officer, information about how to appeal a denial of a public records request, and information regarding any computer database indexes must be made available to individuals requesting public records.

Public records must be released in accordance with the law. Any denial of a public records request must be made in writing and must include the basis for the denial. The superintendent or designee may issue additional guidelines consistent with this policy to further clarify the process for requesting public records.

D. FEES FOR COPIES OF PUBLIC RECORDS

Persons requesting copies of public records will be charged any applicable fees as determined by the records officer (see subsections B.1.d and B.1.e above). The school system shall not charge any fees for separating confidential information that is commingled with public records.

E. ELECTRONIC MAIL LISTS

A school employee may be authorized by the superintendent or designee to maintain an electronic mail list of individual subscribers. Such a list may be used only: (1) for the purpose for which the subscribers subscribed to it; (2) to notify subscribers of an emergency to public health or public safety; or (3) in the event of deletion of the list, to notify subscribers of the existence of any similar lists. Although such electronic mail lists of individual subscribers shall be available for public inspection in either printed or electronic format to the extent permitted by law, school officials shall not provide anyone with copies of such lists. Release for public inspection of any subscriber list must be consistent with the Family Education Rights and Privacy Act (FERPA) if the list contains personally identifiable information from student education records. See policy 4700, Student Records.

F. DESTRUCTION OF PUBLIC RECORDS

To the extent required by law, school personnel shall maintain public records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. The superintendent may establish regulations for the destruction of records in accordance with the approved schedules.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-47(40), -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1 to -9; 135-8(f)(2)(f); *Program Records Schedule: Local Public School Units*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/documents/local-education-agencies-schedule; *General Records Schedule: Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government

Cross References: Use of Personal Technology to Conduct School Business (policy 3228/7323), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), News Media Relations (policy 5040), Electronically Stored Information Retention (policy 5071/7351), Personnel Files (policy 7820)

Adopted: January 11, 2016
Updated: June 4, 2018
Updated: December 2, 2019

Updated: December 7, 2020
Updated: June 7, 2021
Updated: July 18, 2022

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

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

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

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

A. MEDICATION ADMINISTRATION BY SCHOOL EMPLOYEES

1. Conditions for Administering Medication

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

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

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

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

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

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

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

2. Procedures for Administering Medications

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

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

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

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

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

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

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

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

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

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

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

B. EMERGENCY MEDICATION

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

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

C. STUDENT SELF-ADMINISTERING MEDICATIONS

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

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

1. Authorization to Self-Administer Medication

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

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

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

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

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

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

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

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

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

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

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

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

2. Responsibilities of the Student

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

3. Consequences for Improper Use

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

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

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

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

Other Resources: *North Carolina School Health Program Manual* (N.C. Dept. of Health and Human Services, Div. of Child and Family Well-Being, School, Adolescence and Child Health Unit, 2023), available at https://www.ncdhhs.gov/divisions/child-and-family-well-being/whole-child-health-section/school-adolescent-and-child-health/school-nursing-support#SchoolHealthProgramManual-4324

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The board may enter into contracts with public or private carriers in accordance with G.S. 115C-253, State Board of Education policy, any other applicable law, and this policy. Any contracts also must comply with policy 6450, Purchase of Services. Before acting as a driver pursuant to a contract under G.S. 115C-253, an individual must submit to a criminal history check as described in policy 7100, Recruitment and Selection of Personnel.

The superintendent or designee shall develop safety standards for contracted commercial bus transportation services used to transport students to school-related activities. The standards must comply with the requirements established by the State Board. The superintendent or designee shall develop a list of companies or individuals that meet these standards and are approved to provide student transportation services. If appropriate, the superintendent shall recommend that the board enter into interlocal cooperation agreements to assist in developing the standards and list of approved entities required under this paragraph. The superintendent shall ensure that the school system contracts for commercial bus transportation services for school-related activities only with entities on the approved list.

The board may purchase or lease student transportation vehicles in accordance with law and board policy, including policy 6430, Purchasing Requirements for Equipment, Materials, and Supplies and policy 6425, Continuing Contracts. Any such vehicle must meet federal safety standards and state requirements.

All titles will be issued to the board of education. Sufficient liability coverage must be maintained in accordance with policy 8340, Insurance.

The board will consider requests for providing transportation services to a charter school. Such consideration will take into account any factors required by law.

Legal References: 49 U.S.C. 30125, 30165; G.S. 115C-42, -47(25), -239, -240, -247, -249, -249.1, -253, -255, -332; *North Carolina School Transportation Fleet Manual*, State Board of Education Policy TRAN-005; State Board of Education Policies TRAN-009, -010, -011; *School Charter Transportation Recommended Guidelines and Procedures*, available at http://www.ncbussafety.org/motorcoach/index.html

Cross References: Continuing Contracts (policy 6425), Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430), Purchase of Services (policy 6450), Recruitment and Selection of Personnel (policy 7100), Insurance (policy 8340)

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A. GENERAL PRINCIPLES

It is the policy of the board to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion, and other benefits of employment without regard to race, color, religion, national origin, military affiliation, genetic information, sex (including pregnancy, childbirth, sexual orientation, and gender identity), age (40 or older), or disability, except when sex, age, or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions. All employment decisions will be consistent with the board's objective of providing students with the opportunity to receive a sound basic education, as required by state law.

The board also is committed to diversity throughout the programs and practices of the school system. To further this goal, the recruitment and employment program should be designed to encourage a diverse pool of qualified applicants.

B. RECRUITMENT

Recruitment for a specific vacancy will be undertaken only after the need and qualifications for the position are established and proper authorization is obtained.

All vacancies must be adequately publicized within the school system so that employees will be informed of opportunities for promotion or transfer to new jobs; however, the superintendent or designee may forgo publicizing a vacancy if the position will be filled through a lateral assignment, reassignment, or promotion of a current employee or if exigent circumstances necessitate that the position be filled immediately. Vacancies also may be publicized externally to attract qualified applicants.

C. CRIMINAL HISTORY

1. Reporting Arrests, Charges, and Convictions

Except as otherwise provided in Section D of this policy, applicants must notify the assistant superintendent of human resources immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the assistant superintendent of human resources no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing

to the assistant superintendent of human resources no later than the next business day following adjudication.

2. Criminal History and Sex Offender Registry Checks of Candidates for Employment

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent. The board will pay for costs associated with criminal history checks of candidates for employment. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy.

Special requirements are described in Section D of this policy for criminal history checks of candidates for certain positions working with pre-school children or working in afterschool or developmental day programs.

3. Criminal History and Sex Offender Registry Checks for Contractors

Each contract executed by the board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries as specified in policy 5022, Registered Sex Offenders.

Any individual contracted under G.S. 115C-253 to provide transportation services to students must also undergo a criminal history check before acting as a driver under the contract. The terms of the contract may require the individual to pay for the cost of the criminal history check. A new criminal history check will not be required if the board receives the results of a criminal history check performed on the individual by another North Carolina school system within the past three years in accordance with the requirements of G.S. 115C-332(k).

4. Exclusion from Hiring Based on Criminal Conduct

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted (including entering a plea of guilty or *nolo contendere*) of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense

or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. The requirements of this paragraph do not apply to a child care provider who is determined to be disqualified by the Division of Child Development and Early Education on the basis of a criminal history check conducted pursuant to G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43. (See Section D of this policy).

The board has determined that every position with the school system, regardless of whether the position is located in a school or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school system.

~~In addition, each contract executed by the board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries as specified in policy 5022, Registered Sex Offenders.~~

D. CRIMINAL HISTORY CHECKS OF CHILD CARE PROVIDERS

For purposes of this section, a "child care provider" is:

1. any person who works or is a final candidate seeking to work in a classroom or program licensed by the Department of Health and Human Services, Division of Child Development and Early Education (DCDEE); and

2. any person, including a volunteer, who has unsupervised contact with children enrolled in such classrooms or programs.

Before beginning initial employment or volunteer service and at least every five years thereafter, each child care provider must complete a criminal background check that meets the requirements of G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43 and present a letter issued by DCDEE indicating that the individual is qualified to have responsibility for the safety and well-being of children based on the individual's criminal history.

No person shall (1) be employed, continue to be employed, or be permitted to volunteer as a child care provider, or to otherwise have unsupervised contact with students enrolled in a licensed classroom or program operated by the school system or (2) be counted in the staff/child ratio of such classroom or program, unless the person holds a current valid qualification letter issued by DCDEE. However, a child care provider with provisional status may be employed pending final results of the criminal background check but shall be subject to the restrictions established by 10A N.C.A.C. 09 .2703(f).

The application fee and cost of fingerprinting associated with the DCDEE criminal history check process shall be borne by the board.

A child care provider who has incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by DCDEE shall notify the assistant superintendent of human resources in writing of such charges within five business days or before returning to work, whichever comes first. The assistant superintendent of human resources shall notify DCDEE within one business day of being notified.

The superintendent or designee shall include the criminal history mandatory reporting requirement in all new employee orientation information for child care providers. The superintendent shall also be responsible for establishing effective recordkeeping methods and other processes as necessary to ensure compliance with all legal requirements pertaining to criminal history record checks of child care providers.

E. SELECTION

1. Qualifications

   Candidates for employment must be selected based upon their likely ability to fulfill duties identified in the job description as well as performance standards established by the board. In making the determination, the following information must be considered:

   a. application;

   b. education and training;

   c. licensure and certification (when applicable);

   d. relevant experience;

   e. personal interviews; and

   f. references and/or background checks.

   When several applicants for the same position are equally qualified and suitable for the position, employees within the school system will be given priority.

2. Nepotism

   a. For purposes of this subsection, the following definitions apply.

      i. "Immediate family" means spouse, parent, child, brother, sister,

grandparent, or grandchild. The term includes the step, half, and in-law relationships.

ii. "Central office staff administrator" includes directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents, and principals.

b. Before any immediate family of any board of education member or central office staff administrator is employed by the board or engaged in any capacity as an employee, independent contractor, or otherwise, (1) the board member or central office staff administrator must disclose the familial relationship to the board and (2) the prospective employment or engagement must be approved by the board in a duly called open session meeting.

i. An employee who knowingly fails to disclose a familial relationship to the board as required will be subject to disciplinary action up to and including dismissal.

ii. Notification by the employee to the assistant superintendent of human resources will be deemed disclosure to the board. The assistant superintendent of human resources is responsible for conveying the disclosure to the board before the board takes action on the prospective employment or engagement.

c. When making recommendations for the selection and assignment of personnel, the superintendent shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the employment status, including hiring, salary, and promotion, of another employee who is a member of the first employee's immediate family.

d. No administrative or supervisory personnel may directly supervise a member of his or her immediate family.

3. Employment Procedures

All applicants selected for employment must be recommended by the superintendent and approved by the board. In situations in which the employee must be hired between board meetings, the superintendent is authorized to approve hiring such personnel, contingent upon approval by the board at its next scheduled board meeting.

State guidelines must be followed in selection and employment procedures. The superintendent shall develop any other procedures necessary to implement this policy.

The superintendent shall develop procedures for verifying new employees' legal

status or authorization to work in the United States as required by law.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Equal Pay Act of 1963, 29 U.S.C. 206; Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*; Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Military Selective Service Act, 50 U.S.C. Appx. 453; Rehabilitation Act of 1973, 29 U.S.C. 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; 42 U.S.C. 9858f; 45 C.F.R. 98.43; *Bostock v. Clayton County,* 590 U.S. 644, 140 S. Ct. 1731 (2020); *Green v. Missouri Pacific Railroad*, 523 F.2d 1290 (8th Cir. 1975); *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission (April 25, 2012), available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm; G.S. 14-208.18; 15A-153; 110-90.2; 115C-12.2, -36, -47, -253, -276(j), -332; 126-7.1(i), -16; 127A-202.1 *et seq.*; 127B-10, -12, -14; 143B-421.1, -1209.11; *Leandro v. State*, 346 N.C. 336 (1997); 10A N.C.A.C. 09 .0102, .2701, .2702, .2703; 16 N.C.A.C. 6C .0313; State Board of Education Policy BENF-009

Cross References: Board Authority and Duties (policy 1010), Registered Sex Offenders (policy 5022)

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Personnel files, which may consist of paper or electronic records, will be maintained in the human resources office for all employees as provided by law. The superintendent and all supervisors are directed to ensure that all appropriate employment-related information is submitted to the files. Employees will be provided with all procedural protections as provided by law.

The superintendent has overall responsibility for granting or denying access to personnel records consistent with this policy.

A. RECORDS MAINTAINED

The following records must be maintained in the personnel file:

1. evaluation reports made by the administration;

2. commendations for and complaints against the employee (see Section C);

3. written suggestions for corrections and improvements made by the administration;

4. certificates;

5. employee's standard test scores;

6. employee's academic records;

7. application forms;

8. any request to the State Board of Education to revoke the employee's teaching license; and

9. other pertinent records or reports.

B. CERTAIN EMPLOYEE RECORDS MAINTAINED SEPARATELY

The following employee information must be kept separate from the employee's general personnel information, in accordance with legal and/or board requirements.

1. Pre-Employment Information

   Letters of reference about an employee obtained before his or her employment and, for teachers, any other pre-employment information collected, must be filed separately from the employee's general personnel information and must not be made available to the employee.

2. Criminal Record Check

Data from a criminal history check must be maintained in a locked, secure location separate from the employee's personnel file. The superintendent shall designate which school officials have a need to know the results of the criminal history check. Only those officials so designated may obtain access to the records.

3. Medical Information

Employee medical information, including the following, must be kept in a separate confidential file and may be subject to special disclosure rules:

a. health certificates (see policy 7120, Employee Health Certificate);

b. drug test results, except that drug use or alcohol use contrary to board policy or law also may be documented in the employee's personnel file (see policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators);

c. information related to an employee's communicable disease/condition or possible occupational exposure to bloodborne pathogens (see policies 7260, Occupational Exposure to Bloodborne Pathogens, and 7262, Communicable Diseases – Employees);

d. medical information related to leave under the Family and Medical Leave Act (see policy 7520, Family and Medical Leave); and

e. genetic information, as defined by the Genetic Information Nondiscrimination Act of 2008.

4. Complaints/Reports of Harassment or Discrimination

The superintendent or designee shall maintain records of all reports and complaints of harassment and discrimination and the resolution of such complaints. Allegations of harassment or discrimination must be kept confidential to the extent possible. Employees involved in the allegations will be identified only to individuals who need the information to investigate or resolve the matter, or to ensure that due process is provided to the accused employee (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, and 1735/4329/7311, Bullying and Harassing Behavior Prohibited).

If the allegations are substantiated through investigation, the superintendent or designee shall ensure that the provisions of Section C, below, are followed to the extent that they do not conflict with the rights of any individual.

C. PLACEMENT OF RECORDS IN PERSONNEL FILE

All evaluations, commendations, complaints, or suggestions for correction or improvement must be placed in the employee's central office personnel file after the following requirements are met:

1. the comment is signed and dated by the person who made the evaluation, commendation, complaint, or suggestion;

2. if the comment is a complaint, the employee's supervisor has attempted to resolve the issue raised therein and documentation of such efforts is attached with the supervisor's recommendation to the superintendent as to whether the complaint contains any invalid, irrelevant, outdated, or false information; and

3. the employee has received a copy of the evaluation, commendation, complaint, or suggestion five days before it is placed in the file.

All written complaints that are signed and dated must be submitted regardless of whether the supervisor considers the complaint to be resolved.

The supervisor is expected to use good judgment in determining when a document should be submitted to the file immediately and when a delay is justified, such as when there exists a plan of improvement that is frequently revised. However, all evaluations, commendations, complaints, or suggestions for correction or improvement should be submitted by the end of the school year or in time to be considered in an evaluation process, whichever is sooner. The supervisor or principal should seek clarification from the associate superintendent of human resources as necessary to comply with this policy.

The employee may offer a denial or explanation of the evaluation, commendation, complaint, or suggestion, and any such denial or explanation will become part of his or her personnel file, provided that it is signed and dated.

The superintendent may exercise statutory authority not to place in an employee's file a letter of complaint that contains invalid, irrelevant, outdated, or false information, or a letter of complaint when there is no documentation of an attempt to resolve the issue.

As provided in policy 7900, Resignation, if a career employee who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; and (3) the employee shall be deemed to have consented to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education. For purposes of this provision, "career

employee" means (1) a teacher or an administrator with career status, or (2) an administrator or a non-career status teacher during the term of his or her contract.

D. ACCESS TO PERSONNEL FILE

1. Every employee has the right to inspect his or her personnel file, including any portions of the file maintained in electronic format only, during regular working hours, provided that three days' notice is given to the human resources office.

2. The following persons may be permitted to access a personnel file without the consent of the employee about whom the file is maintained:

   a. school officials involved in the screening, selection, or evaluation of the individual for employment or other personnel action;

   b. members of the board of education, if the examination of the file relates to the duties and responsibilities of the board member;

   c. the board attorney;

   d. the superintendent and other supervisory personnel;

   e. the hearing officer in a demotion or dismissal procedure regarding the employee; and

   f. law enforcement and the District Attorney to assist in the investigation of a report made to law enforcement pursuant to G.S. 115C-288(g) or regarding an arson; an attempted arson; or the destruction of, theft from, theft of, embezzlement from, or embezzlement of any personal or real property owned by the board. Five days' written notice will be given to the employee prior to such disclosure.

3. No other person may have access to a personnel file except under the following circumstances:

   a. when an employee gives written consent to the release of his or her records, which specifies the records to be released and to whom they are to be released;

   b. pursuant to a subpoena or court order;

   c. when the board has determined, and the superintendent has documented, that the release or inspection of information is essential to maintaining the integrity of the board or the quality of services provided by the board; or

d. the superintendent or designee determines that disclosure to a court of law, or a state or federal administrative agency having a quasi-judicial function, is necessary to adequately defend against a claim filed by a current or former employee against the board or a school official or employee for any alleged act or omission arising during the course and scope of his or her official duties or employment. Such disclosures will be limited to those confidential portions of the personnel file of the employee who filed the claim and only to the extent necessary for the defense of the board.

4. Each request for consent to release records must be handled separately.

5. It is a criminal violation for an employee or board member to do either of the following:

   a. knowingly, willfully, and with malice, permit any unauthorized person to have access to information contained in a personnel file; or

   b. knowingly and willfully examine, remove, or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

E. INFORMATION AVAILABLE TO PARENTS OF STUDENTS ATTENDING TITLE I SCHOOLS

The following information about a student's teacher(s) or paraprofessional(s) providing services to a student must be provided upon request to the parent of a student attending a Title I school:

1. whether the teacher has met North Carolina qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction;

2. whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived;

3. whether the teacher is teaching in the field of discipline of his or her certification; and

4. the qualifications of any paraprofessional providing services to the student.

F. PUBLIC INFORMATION

1. The following information contained in an employee's personnel file must be open to inspection upon request by members of the general public:

   a. name;

   b. age;

c. the date of original employment or appointment;

d. the terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession;

e. current position;

f. title;

g. current total compensation from all funding sources, including at least salary (including~~es~~ pay, benefits, incentives, supplements, bonuses, deferred compensation, and all other forms of compensation paid to the employee) and reimbursements and allowances (including travel-related reimbursements and allowances);

h. the date and amount of each increase or decrease in total compensation ~~salary~~ with the board;

i. the date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board;

j. the date and general description of the reasons for each promotion with the board;

k. the date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board, and if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal; and

l. the office or station to which the employee is currently assigned.

2. The name of a participant in the North Carolina Address Confidentiality Program is not a public record, is not open to inspection, and must be redacted from any records released.

3. Volunteer records are not considered public records.

4. Under no circumstances will the following be released pursuant to a public records request or as part of any employee directory:

a. personal identifying information, as defined in policy 4705/7825, Confidentiality of Personal Identifying Information; or

b. the name, address, or telephone number of a participant in the North Carolina Address Confidentiality Program.

G. WEBSITE PUBLICATION OF INFORMATION

For purposes of this policy, a central office employee means a superintendent, assistant superintendent, associate superintendent, director or coordinator, supervisor, finance officer, personnel member categorized as a central office employee by the Department of Public Instruction or by the school system, and permanent employee of the school system or employee of a third-party contractor with the school system who is not assigned to a school campus.

The following information will be published and updated annually on the school system website:

1. for each central office employee:

    a. the total compensation from all funding sources, including at least salary (including pay, benefits, incentives, supplements, bonuses, deferred compensation, and all other forms of compensation paid to the employee) and reimbursements and allowances (including travel-related reimbursements and allowances);

    b. the position title;

    c. the position description;

    d. the date the position was created; and

    e. the department, unit, or office of the school system in which the position is located;

2. the title of each central office employee position in the school system and the number of positions associated with that title; and

3. for each department, unit, or office of the school system:

    a. the number of central office employees located in that department, unit, or office; and

    b. the number of central office employees for each position title.

~~G.~~ H. REMOVAL OF RECORDS

An employee may petition the board to remove any information from his or her personnel file that the employee deems invalid, irrelevant, or outdated.

Legal References: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 6312(e)(1)(A); 34 C.F.R. 200.61; G.S. 115C-36, -47(18), -209.1, -288(g), -319 to -321, -325(b) and (o) (applicable to career status teachers), -325.2 and -325.9 (applicable to non-career status teachers); 143B-1209.11; 16 N.C.A.C. 6C .0313

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Confidential Information (policy 2125/7315), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Employee Health Certificate (policy 7120), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262), Family and Medical Leave (policy 7520), Petition for Removal of Personnel Records (policy 7821), Resignation (policy 7900)

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