

MOORE COUNTY BOARD OF EDUCATION
Policy Committee Meeting
July 23, 2018

MINUTES

The Moore County Board of Education Policy Committee met at Central Office in Carthage on Monday, July 23, 2018, at 2:00 pm for its policy committee meeting.

The following Board members were present:

- Dr. Betty Wells Brown, Committee Chair
- Elizabeth “Libby” Carter, Committee Member
- Stacey Caldwell, Committee Member
- Ed Dennison, Board Member

Also present for the meeting was committee liaison Executive Officer for Human Resources, Dr. Anita Alpenfels. Executive Officer for Operations John Birath also was present for discussion of operations policies.

I. CALL TO ORDER

Committee Chair Betty Wells Brown called the meeting to order at 2:00 pm.

Ms. Carter made a motion to approve the agenda. Ms. Caldwell seconded, and the motion was approved unanimously.

II. POLICIES PRESENTED

The following policies were presented for consideration.

1. ~~**Policy 1850 – COMMUNITY SCHOOLS**~~ page 6
This policy is recommended for elimination because of its redundancy with Policy 7401 – Community Use of School Facilities.
2. **Policy 2422 – SALE, DISPOSAL AND LEASE OF BOARD-OWNED REAL PROPERTY AND GRANTING EASEMENTS**.... page 7
This policy is updated to align with the North Carolina School Boards Association (NCSBA’s) sample policy.
3. **Policy 2425 – GIFTS AND BEQUESTS**..... page 9
This policy is expanded to incorporate NCSBA’s sample policy.
4. **Policy 2900 – COMPETITIVE BIDDING FOR CONSTRUCTION WORK** page 11
This policy is updated to align with NCSBA’s sample policy.

5. **Policy 2901 – PARTICIPATION BY MINORITY BUSINESSES ENTERPRISE PARTICIPATION IN CONSTRUCTION PROJECTS**..... page 19
This policy’s title is updated to align with NCSBA’s sample policy.
6. **Policy 3011/4011/6890 – NONDISCRIMINATION ON THE BASIS OF DISABILITIES** page 25
At the recommendation of counsel, this new policy is recommended.
7. **Policy 3020/4020 – RECRUITMENT, SELECTION AND RETENTION** page 26
*At the recommendation of counsel, additions to this policy bring it into alignment with NCSBA’s sample policy and incorporates the contents of **Policy 3023/4023 – CRIMINAL RECORDS CHECKS OF APPLICANTS, EMPLOYEES AND INDEPENDENT CONTRACTORS.***
8. **~~Policy 3023/4023 – CRIMINAL RECORDS CHECKS OF APPLICANTS, EMPLOYEES AND INDEPENDENT CONTRACTORS~~**..... page 31
The contents of this policy are being incorporated into the policy above and this policy is recommended for deletion.
9. **~~Policy 3035/4035/6630/8335 – SEXUAL HARASSMENT~~**..... page 34
At the recommendation of counsel, because the revised Policy 3037/4037/6640/8337 – PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING below addresses sexual harassment, it is recommended that this policy be deleted.
10. **Policy 3037/4037/6640/8337 – PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING** page 38
At the recommendation of counsel, this revised policy largely adopts the language of NCSBA’s sample policy and addresses sexual harassment.
11. **Policy 3100 – LICENSURE**..... page 47
Additions to this policy bring it into alignment with State law.
12. **Policy 3400/4400 – RESIGNATION** page 50
*Changes to this policy align it with NCSBA’s sample. Combining the licensed and classified language will eliminate the standalone **Policy 4400.***

13. **Policy 3421 – TEACHER CONTRACTS**..... page 53
Two additions to this policy clarify the conditions for renewable teacher contracts.
14. **Policy 5023 – CITIZENSHIP AND CHARACTER EDUCATION**..... page 56
This new policy is recommended by the chief and executive officer for academics and student support services in consultation with curriculum staff.
15. **Policy 5410 – ~~SELECTION AND PROCUREMENT OF TEXTBOOKS AND SCHOOL LIBRARY MEDIA RESOURCES~~ INSTRUCTIONAL MATERIALS** page 57
This policy is expanded to include some language from NCSBA’s sample policy.
16. **Policy 5530 – ~~STUDENT PROMOTION AND RETENTION OF STUDENTS~~ ACCOUNTABILITY** page 59
Updates to this policy add a section for when a student repeats a course for credit.
17. **Policy 5540 – GRADUATION REQUIREMENTS** page 66
Updates to this policy align it with State Board policy.
18. **Policy 5910 – SCHOOL IMPROVEMENT PLAN** page 73
This policy is amended to more closely align it with NCSBA’s sample policy.
19. **Policy 6000 – ATTENDANCE**..... page 80
This policy is updated to align with NCSBA’s sample policy.
20. **Policy 6024 – MILITARY CHILDREN ENROLLMENT AND PLACEMENT** page 85
Changes to this policy remove reference to “International Baccalaureate,” since the district doesn’t offer the program. An additional reference to attendance for military children is moved to Policy 6000 – Attendance.
21. **Policy 6225 – STUDENTS AT RISK OF ACADEMIC FAILURE**..... page 88
Changes to this policy update “personal education” plan to “intervention” plan.

22. **Policy 6842 – STUDENT VOTER REGISTRATION AND PREREGISTRATION** page 89
Legal references are updated.

23. **Policy 7040 – OPERATION OF SCHOOL NUTRITION SERVICES** page 90
This policy is updated to align with NCSBA’s sample policy.

Transportation Policies

24. **Policy 7100 – USE OF STUDENT TRANSPORTATION SERVICES** page 93

25. **Policy 7101 – SCHOOL BUS IDLING**..... page 95

26. **Policy 7102 – BUS ROUTES** page 96

27. **Policy 7103 – STUDENT ASSIGNMENT TO BUSES**..... page 98

28. **Policy 7110 – APPOINTMENT OF TRANSPORTATION DIRECTOR** page 99

29. **Policy 7111 – DUTIES OF TRANSPORTATION DIRECTOR**..... page 99

30. **Policy 7120 – DAMAGING SCHOOL BUSES** page 100

31. **Policy 7130 – DUTIES OF SUPERINTENDENT IN TRANSPORTATION PROGRAM**..... page 101

32. **Policy 7131 – DUTIES AND RESPONSIBILITIES OF SCHOOL BUS DRIVERS** page 102

33. **Policy 7132 – DUTIES AND RESPONSIBILITIES OF SCHOOL BUS MONITORS** page 102

34. **Policy 7133 – DUTIES AND RESPONSIBILITIES OF SCHOOL BUS PASSENGERS** page 103

35. **Policy 7140 – STUDENT TRANSPORTATION INSURANCE FOR STUDENT TRANSPORTATION SERVICES** page 104

36. **Policy 7150 – SAFETY AND STUDENT TRANSPORTATION SERVICES** page 105

37. **Policy 7160 – CONTRACT TRANSPORTATION** page 108

38. Policy 7170 — PURCHASE OF SYSTEM-OWNED VEHICLES..... page 109

39. Policy 7171 – SCHOOL VEHICLES..... page 110

40. Policy 7172 – ACTIVITY BUSES..... page 111
The above transportation policies are amended to align with NCSBA’s sample policies.

41. Policy 7401 – COMMUNITY USE OF SCHOOL FACILITIES .. page 112
This policy is updated to align with NCSBA’s sample policy.

42. Policy 7500 – FACILITY CONSTRUCTION AND DESIGN page 118
This policy’s title is updated to align with NCSBA’s sample policy.

1850 COMMUNITY SCHOOLS

~~The Moore County Board of Education is committed to the purpose of the Community Schools Act (G.S. 115C, Art. 13) and will abide by the Act and the State Board of Education guidelines for implementation of the Act.~~

~~The Board believes that local citizens should have maximum involvement in the public schools and the greater use of public school facilities. Such usage of facilities shall not hinder nor inhibit the usage by and for the public school program.~~

~~Legal Reference: G.S. 115C 207, 208~~

~~Adopted: August 29, 1988~~

2422 SALE, DISPOSAL AND LEASE OF BOARD-OWNED REAL PROPERTY AND GRANTING EASEMENTS

~~When the Moore County Board of Education finds that any building site or other real property owned or held by the Board is no longer suitable or necessary for public school purposes, the Superintendent or designee shall secure the services of consultants as necessary to conduct feasibility assessments and determine the fair market value. After the Board has determined the value of the property, the Board shall offer the property to the Moore County Board of Commissioners. If the Board of Commissioners elects to obtain the property, the Board of Education shall be paid the fair market value thereof by an earmarked capital fund appropriation from the County Commissioners to the Board of Education in the next occurring fiscal year. If the Board of County Commissioners does not choose to obtain the property, the Board of Education may dispose of the property as provided by law and all proceeds received therefrom shall be used for capital outlay or remitted to the Board of County Commissioners for the purpose of reducing bonded indebtedness.~~

~~When the Board decides to lease Board-owned property to another entity, the lease will be at the fair market value, except that the Board may negotiate a lesser amount with another governmental unit. The Board will lease available Board-owned buildings and land to charter schools when required by law.~~

~~In addition to the above, the Board is authorized and empowered by law, in its sound discretion, to grant easements to any public utility, municipality or quasi-municipal corporations to furnish utility services, with or without compensation except the benefits accruing by virtue of the location of said public utility, and to dedicate portions of any lands owned by the Board as rights of way for public streets, roads, or sidewalks, with or without compensation except the benefits accruing by virtue of the location or improvement of such public streets, roads, or sidewalks.~~

The Board will consider the sale and disposal of Board-owned real property, including land and buildings, as authorized by law. The Board is guided in its decisions by its commitment to help students succeed by providing appropriate facilities and to use its resources in a fiscally and environmentally sound manner.

Any sale or disposal of real property, including school buildings, will be conducted in accordance with statutory requirements. The Superintendent should secure the services of consultants as necessary to conduct feasibility assessments and determine the fair market value. No building or land will be sold below the fair market value or exchanged for less than full and fair consideration, except that the Board will afford the Board of County Commissioners the first opportunity to obtain any real property at the fair market price or a price negotiated between the two boards.

When the Board decides to lease Board-owned property to another entity, the lease will be at the fair market value, except that the Board may negotiate a lesser amount with another

governmental unit. The Board will lease available board-owned buildings and land to charter schools when required by law.

All contracts for the sale, disposal, or lease of real property must be consistent with G.S. 147, art. 6E and art. 6G.

Legal References: G. S. 115C-72, -218.35, -518, -521; 160A art. 12; ~~G.S. 147, art. 6E, G.S. 160A, Art. 12~~

Adopted: September 10, 2012

Revised: April 10, 2017; _____

2425 GIFTS AND BEQUESTS

Any gift or bequest constituting revenues that is accepted by the school system shall be deposited in the appropriate fund. The Board encourages individuals and organizations to consider making a donation of real property, personal property, or funds to the school system. Donations, whether in the form of a gift or a bequest, foster community support for the schools and improve the school system for the benefit of students and others. As an expression of the Board's gratitude, the Superintendent shall provide for the appropriate recognition of donors.

A. Suitability of Donations

The Superintendent or designee shall evaluate any donation offer in order to determine whether the donation is suitable for the school or the school system. Donations may not conflict with the school system's educational mission. In determining the suitability of a donation intended to benefit any program that is appropriately segregated by gender, such as a school athletic program, the Superintendent or designee must consider equity and Title IX issues in relation to overall funding and opportunities for participation.

Donations of real or personal property will be accepted only if the donor can demonstrate that he or she has clear and free title to the property. The Superintendent or designee also must consider any safety hazards associated with gifts of real or personal property. Donations must not impose any undue financial burden or obligation on the school system. Any donation that includes advertisements must be consistent with the Board's Advertising in the Schools policy, and the food and beverage marketing requirements of the Board's Student Wellness policy.

For computer equipment or other technological resources, the Superintendent or designee shall ensure that such items are compatible with minimum hardware and software standards set by the director for technology. Any donation from an E-rate service provider must comply with gift rules applicable to federal agencies.

B. Accepting Donations

Upon receiving an offer of a donation to the school, a principal must give the Superintendent or designee written notification that states the nature of the donation and the purpose for which it is donated. Upon approval, the principal may accept donations to the school.

The Superintendent may accept donations up to \$75,000 on behalf of the Board. The Superintendent or designee shall report any accepted donations of more than a nominal value at the next Board meeting. The Board reserves the right to determine in each particular case the appropriateness of a donation and may accept or reject a donation as the Board sees fit.

The Superintendent or designee shall make a recommendation to the Board on the suitability of any donation with a value that exceeds \$75,000. After considering the Superintendent or designee's recommendation, the Board will decide whether to accept the donation.

C. Use of a Donation

Unless otherwise specified in a written agreement approved by the Board, any accepted donation becomes the permanent property of the school system. Anything purchased with donated funds, including funds raised through a crowdfunding campaign, project, or platform, become the property of the school system, and the title to such property vests in the Board. If the Board at any time determines that property donated, or acquired with donated funds, is unnecessary or undesirable for public school purposes, the Board may dispose of such property in accordance with state law.

A donor may request that a donation be designated for a particular purpose. However, the Board reserves the right to utilize the donation as it deems appropriate. Any donation constituting revenues will be deposited in the proper account. The specific manner in which donated funds are expended for a designated purpose will be determined under the direction of the Superintendent or designee. The Board has no responsibility and makes no promises to continue any program initiated with donor contributions once the donated funds are expended.

Before installation of major donations that will become a permanent part of the school facility or grounds, such as playground equipment, bleachers, scoreboards, outdoor lights, or fences, the Superintendent or designee must approve the design, location, and construction material.

Legal References: G.S. 115C-36, -47, -426, -518; G.S. 115C, art. 35; 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175

Adopted: April 30, 1990

Revised: _____

2900 COMPETITIVE BIDDING FOR CONSTRUCTION WORK

A. Formal Bidding

1. In General

~~(a) Formal bids shall be sought as provided in this section whenever the Board of Education seeks to undertake any construction or repair work requiring the estimated expenditure of Five Hundred Thousand Dollars (\$500,000.00) or more, or to purchase any apparatus, supplies, materials or equipment requiring the estimated expenditure of Ninety Thousand Dollars (\$90,000.00) or more. The requirements of this section do not apply:-~~

- ~~1) to contracts for services;~~
- ~~2) to contracts for the purchase of gasoline, diesel fuel, alcohol fuel, motor oil or fuel oil;~~
- ~~3) to construction or repair work undertaken during the progress of a project initially bid under these provisions;~~
- ~~4) in cases of emergency involving the health and safety of people or property; or~~
- ~~5) to contracts subject to any statutory exception to the formal bidding rules set out in Chapter 143 of the North Carolina General Statutes.~~

~~At the discretion of the Superintendent, the requirements of this section may not apply to the purchase of supplies and food for school nutrition services.~~

~~(b) Preparation of specifications shall be in accordance with G.S. 143-128(a).~~

~~(c) Construction methods. The Board of Education shall award contracts for the erection, construction, alteration, or repair of buildings pursuant to any of the following methods:~~

- ~~(1) Separate prime bidding;~~
- ~~(2) Single prime bidding;~~
- ~~(3) Dual bidding pursuant to subsection (d1) of G.S. 143-128;~~
- ~~(4) Construction management at risk service contracts pursuant to G.S. 143-128.1; and~~
- ~~(5) Alternative contracting methods authorized pursuant to G.S. 143-135.26(9).~~

~~(d) To be eligible for an award of a contract subject to G.S. 143-129, the contractor and its subcontractors, if any, must demonstrate compliance with all applicable provisions of G.S. Chapter 64, Article 2, including the responsibility to use E-Verify.~~

~~(e) In accordance with G.S. 143-133.5, the Board prohibits discrimination against a bidder or contractor for being party to, refusing to be party to, adhering to, or refusing to adhere to an agreement with a labor organization.~~

~~(f) the Board may request bids for contracts for building projects using either single prime, multi-prime (separate prime), construction management at risk, dual bidding, design build, design-build bridging, and public-private partnership methods, as permitted by law.~~

~~2. Bids~~

~~(a) Separate Prime Contract System. When the Board of Education uses the separate prime contract system, it shall accept bids for each subdivision or branch of work for which specifications are required to be prepared under subsection (a) of G.S. 143-128, and shall award the respective work specified separately to responsible and reliable persons, firms or corporations regularly engaged in their respective lines of work. Bids may also be accepted from and awards made to separate contractors for other categories of work.~~

~~Each separate contractor shall be directly liable to the Board of Education and to the other separate contractors for the full performance of all duties and obligations due respectively under the terms of the separate contracts and in accordance with the plans and specifications, which shall specifically set forth the duties and obligations of each separate contractor.~~

~~For the purpose of this section, "separate contractor" means any person, firm or corporation who shall enter into a contract with the Board of Education, for the erection, construction, alteration or repair of any building or buildings, or parts thereof.~~

~~(b) Single Prime Contract. When bids are accepted under the single prime contract system all bidders must identify on their bid the contractors they have selected for the subdivisions or branches of work for:~~

~~(1) Heating, ventilating, and air conditioning;~~

~~(2) Plumbing;~~

~~(3) Electrical; and~~

~~(4) General.~~

~~No contractor whose bid is accepted shall substitute any person as subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be nonresponsive or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor. The terms, conditions, and requirements of each contract between the contractor and a subcontractor performing work under a subdivision or branch of work listed in~~

this subsection shall incorporate by reference the terms, conditions, and requirements of the contract between the contractor and the Board of Education.

The requirements of this subsection (b) governing the identification of bidders, substitution of contractors, and the terms and conditions of subcontractors' contracts apply to all single prime bidding and single prime contracts, including those bids in the alternative pursuant to subsection (d1) of G.S. 143-128. When contracts are awarded pursuant to this section, the Board of Education shall make available to subcontractors the dispute resolution process adopted by the State Building Commission pursuant to G.S. 143-135.26(12) or another dispute resolution process adopted by the Board of Education, including mediation, to resolve project disputes.

(c) Dual Bidding. Dual bidding shall be carried out in accordance with G.S. 143-128 subsection (d1).

3. Advertisement. An advertisement inviting proposals shall be placed in a newspaper of general circulation in the county at least one week before the time for opening bids. The advertisement shall state the time and place where the specifications or descriptions relating to the bid may be obtained and the time and place for the opening of bids. The advertisement shall also state that the Board of Education reserves the right to reject any and all proposals.

4. Bid Deposit. All bids submitted must be accompanied by a bid deposit or bid bond of at least five percent (5%) of the bid amount for erection, construction, alteration or repair of any building in excess of One Hundred Thousand Dollars (\$100,000.00). The deposit may take the form of: 1) cash; 2) cashier's check; 3) a certified check from an FDIC insured bank or trust company; or 4) a bid bond executed by a corporate surety licensed to execute such bonds under North Carolina law. No bid may be considered or accepted if it is not accompanied by the proper bid bond, except that in the case of proposals in an estimated amount of less than Ninety Thousand Dollars (\$90,000.00) for the purchase of apparatuses, supplies, materials or equipment, the Board may in its discretion waive the requirements for a bid deposit.

Bid bonds shall be returned to bidders after the contract is awarded. However, the successful bidder's bid deposit shall be retained if the bidder fails to execute the contract within ten (10) days after the award or fails to obtain the necessary performance and payment bonds.

5. Opening and Awarding Bids. All bids shall be opened in public and recorded in the Board Minutes. The Board shall award the contract to the lowest responsible, responsive bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract. Action by the Board to award contracts or reject bid proposals shall be recorded in the Board Minutes.

If all of the bids received exceed the funds available for the contract, the Board may negotiate with the lowest responsible, responsive bidder and make reasonable changes in the plans and specifications to bring the contract price within budget. If the negotiation fails, the Board may readvertise the contract with revised specifications.

The Board may not award a contract if fewer than three competitive bids are received from reputable and qualified contractors in the initial solicitation. Under these circumstances, the Board shall readvertise the contract. If, after a second advertisement, three competitive bids still are not received, the Board may award the contract to the lowest responsible, responsive bidder submitting a bid even if only one bid is received.

~~6. Performance and Payment Bonds. With any contract for construction or repair for more than Fifty Thousand Dollars (\$50,000.00) in a project costing over One Hundred Thousand Dollars (\$100,000.00), the contractor must provide the Board with performance and payment bonds from a surety company legally authorized to do business in North Carolina or a bond substitute (cash, certified check or government securities) for One Hundred percent (100%) of the contract amount.~~

~~7. Withdrawal of Bids in Case of Bid Error. A bid may be withdrawn without forfeiture of the bid bond if all of the following conditions are met:~~

- ~~(a) The bid was submitted in good faith;~~
- ~~(b) The bid price was based upon a mistake which constitutes a substantial error;~~
- ~~(c) There is credible evidence that the error was clerical, not an error in judgment, and that it was due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material or services made in compiling the bid;~~
- ~~(d) The error can be clearly shown by objective evidence appearing in the original work papers, documents or materials used in preparing the bid; and~~
- ~~(e) The request to withdraw is made in writing to the Board prior to the award of the contract but not later than 72 hours after the opening of bids.~~

~~If the Board receives a bid withdrawal request it shall hold a prompt hearing on the matter, giving the bidder notice of the time and place of the hearing. The bidder shall be given an opportunity to appear and present testimony and evidence in support of his request. The Board shall render its decision on the request in writing within five days after the hearing.~~

B. Informal Bids

~~Informal bids shall be sought for construction or repair work, or for the purchase of apparatus, supplies, materials or equipment, if the estimated contract amount is greater than Thirty Thousand Dollars (\$30,000.00), but less than the amounts requiring formal bids listed in Section A.1. above. Such contracts shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance and the time specified in the bids for performance of the contract. No minimum number of bids is required before awarding a contract resulting from informal bids. Records of all informal bids submitted will be kept but will not be available for~~

public inspection until the contract has been awarded. Such records should include the date the bid is received, from whom it is received, and for what item it is made.

Informal bids may be sought for contracts for less than the amounts cited above in the Superintendent's discretion.

C. ~~Purchase Under State Contract~~

The Superintendent is authorized to purchase or exchange supplies, equipment or materials previously budgeted for by the Board of Education in accordance with contracts made by or with the approval of the North Carolina Department of Administration and on the approved state contract list. Any such purchases in excess of Twenty Five Thousand Dollars (\$25,000.00) shall be reported to the Board of Education on an annual basis with the presentation by the Superintendent of his proposed budget to the Board.

D. ~~Other Requirements~~

1. ~~Use of School Employees.~~ Nothing herein shall be construed to prevent the use of school employees to work on any project when the total cost of the project, including direct and indirect costs of labor, services, material, supplies and equipment is Seventy Five Thousand Dollars (\$75,000.00) or less. No bidding requirement shall apply to such work.

2. ~~Unemployment Relief Labor.~~ These bidding requirements may not apply to construction repair work using unemployment relief labor paid for in whole or in part by funds furnished by state or federal government.

3. ~~Registered Architect or Engineer.~~ A registered architect or engineer shall be retained or employed to prepare plans and specifications for contracts involving the expenditure of public funds in excess of:

(a) ~~Three Hundred Thousand Dollars (\$300,000.00) for the repair of public buildings where such repair does not include major structural change in framing or foundation support systems,~~

(b) ~~One Hundred Thirty Five Thousand Dollars (\$135,000.00) for the repair of public buildings where such repair includes major structural change in framing or foundation support systems, or~~

(c) ~~One Hundred Thirty Five Thousand Dollars (\$135,000.00) for the construction of, or additions to, public buildings or State-owned and operated utilities.~~

For all projects where an estimated professional fee will be Thirty Thousand Dollars (\$30,000.00) or more, the Board of Education shall announce all requirements for architectural and engineering services and select a firm qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required. The

~~Board shall negotiate a contract for architectural or engineering services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, the Board shall initiate negotiations with the next best qualified firm. The Board may vote to exempt itself from the provisions of this paragraph for particular projects.~~

~~The Board will grant a North Carolina resident firm providing architectural, engineering, surveying or construction management at-risk service, design-build services or public-private construction services a preference over a nonresident firm, if the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner, on the same basis, and to the same extent as the preference granted by the nonresident firm's home state. The school system's bid documents will require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.~~

~~The motion shall state the reasons for the exception and the circumstances attendant thereto.~~

The Board strives to obtain high quality services at a reasonable price through the bidding process employed by the school system.

A. Standards for Participation in Construction Contracts

All contracts formally or informally bid will be awarded to the lowest responsible bidder, taking into consideration quality, performance, reliability, and the time specified in the bids for performance of the contract. Contracts will contain a provision stating that the contractor and contractor's subcontractors, if any, must comply with the requirements of G.S. Chapter 64, Article 2. Prior to bidding, contractors may be required to prequalify if the board has elected to use this process. No contract may be entered into with a restricted company, as listed by the state treasurer in accordance with G.S. 147, art. 6E or 6G, except as permitted by those laws.

The Board prohibits discrimination against any person or business on the basis of race, color, ethnic origin, sex, disability, or religion. In addition, in accordance with G.S. 143-133.5, the board prohibits discrimination against a bidder or contractor for being party to, refusing to be party to, adhering to, or refusing to adhere to an agreement with a labor organization. The Superintendent is required to conduct contracting and purchasing programs so as to prevent such discrimination.

The Superintendent, on behalf of the Board, must certify that good faith efforts have been made to increase the participation in construction contracts by minority-owned and female-owned businesses, as required by Policy 2901 - Participation by Minority Businesses.

The Board will grant a North Carolina resident firm providing architectural, engineering, surveying, construction management at-risk service, design-build services, or public-private construction services a preference over a nonresident firm, if the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner, on the same basis,

and to the same extent as the preference granted by the nonresident firm's home state. The school system's bid documents will require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.

B. Bidding Methods

The Board may request bids for contracts for building projects using single prime, multi-prime (separate prime), construction management at-risk, dual bidding, design-build, design-build bridging, and public-private partnership methods, as defined in G.S. 143-128. The Superintendent shall make a recommendation to the Board as to the method(s) that should be used for a particular project.

If the Superintendent believes the project cannot be reasonably completed under the methods authorized by G.S. 143-128, the Superintendent shall so inform the Board and make the recommendation to the Board that it approve the use of alternative methods. Upon Board approval, the Superintendent shall submit to the State Building Commission a request to use an alternative contracting method along with supporting documentation.

C. Formal Bidding

Construction and repair work requiring the estimated expenditure of \$500,000 or more will be advertised for bid and will be awarded through formal bidding procedures. Dividing contracts to lower the expenditure amounts so as to evade these requirements is prohibited. The Board authorizes the use of newspaper advertisement, electronic advertisement, or both for formal bids; however, the Superintendent has the authority to determine which method will be used for a specific purchase or categories of purchases. The Superintendent shall establish formal bidding procedures consistent with this policy and applicable law and make the procedures available to all bidders or potential bidders.

D. Informal Bidding

Informal bids will be obtained for construction and repair contracts between \$30,000 and \$500,000. Quotations from contractors may be solicited by telephone, e-mail or in writing. Informal bids are recommended, but not required, for construction and repair work costing less than \$30,000.

Dividing contracts to lower the expenditure amounts so as to evade the informal bidding requirements is prohibited. The Superintendent shall develop informal bidding procedures consistent with this policy and applicable law and make the procedures available to all bidders and potential bidders.

E. Approval

All formally bid construction contracts must be reviewed by the board attorney unless a standard form contract approved by the board attorney is used. The Superintendent shall consult with the

board attorney in developing standard form contracts for formally and informally bid construction projects.

Any construction or repair contract involving expenditures in excess of \$100,000 must be reviewed by the board attorney and approved in advance by the Board unless provided otherwise in board policy. Unless otherwise prohibited by statute or regulation, the Superintendent or designee is authorized to enter into construction or repair contracts involving amounts up to \$50,000. Change orders for construction and repair contracts will be subject to the requirements of Policy 7500 - Facility Construction, not this provision.

F. Records and Reporting Requirements

Records of all informal or formal bids received will be maintained and will be available for public inspection. Such records should include the date the bid is received, from whom it is received, and what project it is for. The records will document why the selected contractor was the lowest responsive, responsible bidder if the contractor was not the low bidder.

G. Dispute Resolution Process

The Board establishes the following dispute resolution process to resolve issues arising out of construction and repair projects or contracts related to such projects. The dispute resolution process may be used by any party involved in the construction project for those disputes in which the amount in controversy is at least \$15,000.

Prior to initiating litigation concerning a dispute, parties to the dispute must do the following: (1) submit the dispute for review by the Superintendent or other designated school official and the project architect, as appropriate, and (2) participate in mediation, if the matter cannot be resolved by school officials and the architect. The cost of the dispute resolution process will be divided between the parties to the dispute. If the Board is a party to the dispute, the Board will pay at least one-third of the cost.

Legal References: ~~G.S. Chapter 143, Art. 8; 143-129, -129.9, -131, -135.9, 133-1.1; 44A-26; 115C-36, 64 art. 2; -521, -522, -264; Chapter 1108, 1988 Session Laws; Chapter 480, 1989 Session Laws-143-64.31 and art. 8; 147 art. 6E, art. 6G.~~

Adopted: April 20, 1990

Revised: March 22, 1999; June 24, 2002; May 22, 2006; January 12, 2009; January 7, 2010; February 10, 2014; January 12, 2015; _____

2901 PARTICIPATION BY MINORITY BUSINESSES ENTERPRISE PARTICIPATION IN CONSTRUCTION PROJECTS

A. Statement on Non-Discrimination

It is the policy of the Moore County Board of Education to provide minorities equal opportunity to participate in all aspects of school system contracting and purchasing programs, including but not limited to the following: participation in procurement contracts for materials, supplies, and equipment; contracts for professional, support and other services; and contracts for the construction, renovation or repair of school facilities and equipment.

It is further the policy of the Moore County Board of Education to prohibit discrimination against any person or business enterprise on the basis of race, color, ethnic origin, sex or religion and to conduct its contracting and purchasing programs so as to prevent such discrimination.

It is the policy of the Board of Education in concert with other local, state and federal agencies and with the assistance of minority groups and agencies, to actively seek and identify qualified minority business enterprises (MBEs) and to offer them the opportunity to participate, and to encourage them to participate, in the school system's contracting and purchasing programs.

It is not the policy of this Board to provide information or other opportunities to minority business enterprises that will not be available to all business enterprises. It is the intent of this policy to establish procedures designed to assure minority business enterprises access to information and opportunities available to other business enterprises. This policy applies to all construction projects, the cost of which exceeds Three Hundred Thousand Dollars (\$300,000.00), and all construction projects for which the project cost is One Hundred Thousand Dollars (\$100,000.00) or more and for which state appropriations or grants are received.

It is not the intent of this policy to establish procedures that will increase the cost of the school system's construction and purchasing programs. It is the intent of this policy to widen opportunities for participation, to increase competition, and to reduce costs.

B. Definitions

1. Minority Business Enterprise (MBE) - A business:

(a) In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons, and,

(b) Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.

2. Minority Person - A person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black, that is, a person having origins in any of the black racial groups in Africa;

(b) Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;

(c) Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;

(d) American Indian or Alaskan Native, that is, a person having origins in any of the original peoples of North America;

(e) Female; or

(f) A Socially and Economically Disadvantaged Person as defined by 15 U.S.C. 637. Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities. Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.

C. Goal Setting Pursuant to N.C. Gen. Stat. 143-128.2

The Moore County Board of Education shall have a verifiable goal of ten percent (10%) for participation by minority businesses in building construction contracts. This is the same goal established by the State of North Carolina for public construction and renovation projects pursuant to N.C. Gen. Stat. 143.128.2.

D. Owner Responsibilities

1. The Superintendent shall develop and implement a minority business participation outreach plan as provided in N.C. Gen. Stat. 143-128.2(e).

2. The Moore County Public School System shall have a contact person responsible for each project under this policy. The contact person shall serve as the liaison for minority businesses for project-related questions.

3. At least ten (10) days prior to the scheduled day of bidding, the Moore County Public School System shall notify MBEs that have requested notices from Moore County Public

School System, as well as MBEs that have otherwise indicated to the State Office of Historically Underutilized Businesses, an interest in the type of work being bid or the potential contracting opportunities listed on the proposal. This notification shall include:

- (a) A description of the work for which the bid is being solicited;
- (b) The date, time and location where bids are to be submitted;
- (c) The name of Moore County Public School System's contact person on the project;
- (d) Where bid documents may be reviewed; and
- (e) Any other special requirements that may exist.

4. For each such building contract put out for formal bids under Policy 2900, documents related to the contract shall be available for inspection at a convenient and accessible location.

5. For each such building contract put out for formal bids under Policy 2900, the Moore County Public School System shall hold a pre-bid conference to orient contractors and subcontractors to the policy expressed in this resolution as well as bid procedures and regulations.

6. For each such building contract put out for formal bids under Policy 2900, published notice of the contract shall include a statement that all contractors submitting bids will be required to identify on its bid, the minority businesses that it will use on the project and provide an affidavit listing the good faith efforts it has made to comply with the provisions of this policy.

7. For any such building contract put out for bids under the separate specification contract system, the contact person designated herein shall maintain records for a period of at least three (3) years after the completion of the project, with respect to:

- (a) those contractors notified of the project and the number of these contractors that are minority businesses as defined in N.C. Gen. Stat. 143-128 and appearing on any maintained list of minority businesses;
- (b) those contractors that bid or otherwise respond to notice of the project and the number of these that are on any maintained list of minority businesses;
- (c) those contractors awarded contracts as part of the project and the number and identity of those that are on any maintained list of minority businesses; and

(d) the percentage of work on the project that is to be performed by minority businesses as reported (pursuant to Section E of this policy) by the contractor awarded the bid.

8. The contact person shall make reports to the Department of Administration, Office of Historically Underutilized Businesses, as required by law. Such reports shall include:

(a) The verifiable percentage goal;

(b) The type and total dollar value of the project, minority business utilization by minority business category, track, total dollar value of contracts awarded to each minority group for each project, the applicable good faith effort guidelines or rules used to recruit minority business participation, and good faith documentation accepted from the successful bidder pursuant to (E)(1)(b) below; and

(c) The utilization of MBEs, under the contracting methods pursuant to N.C. Gen. Stat. §143-135.26(9).

E. Contractor Responsibilities

1. The school system shall require each bidder on school construction and renovation projects covered by N.C. Gen. Stat. 143-128 to identify on the bid the minority businesses that it will use on the project and to provide an affidavit listing the good faith efforts it has made to solicit MBEs as subcontractors and the total dollar value of the bid that will be performed by minority businesses. For any building contract put out for bids pursuant to N.C. Gen. Stat. 143-128, the apparent low bidder under each contract system shall submit, within seventy-two (72) hours of bid opening, an affidavit with respect to:

(a) The percentage of the total contract price, equal to or more than the applicable goal, to be performed by MBEs;

(b) Documentation of its good faith efforts to meet the applicable goal, including advertisements, solicitations, and evidence of other specific actions demonstrating recruitment of MBEs to participate on the contract; and

(c) A description of the work each named MBE will perform.

Failure to provide the affidavit or the above-described records shall be grounds for rejection of the bid.

2. Indicia of good faith efforts on the part of contractors to solicit participation by MBEs include:

- (a) Contacting MBEs known to contractor or available on State or local government maintained lists at least ten (10) days prior to the bid or proposal date;
- (b) Making available for review by prospective MBEs the construction plans, specifications, and requirements of the project at least ten (10) days prior to the bid or proposal deadline;
- (c) Breaking down or combining elements of work into economically feasible units;
- (d) Working with minority trade, community or contractor organizations that provide assistance in recruitment of MBEs;
- (e) Attending prebid meetings scheduled by the owner;
- (f) Assisting MBEs in obtaining required bonding or insurance;
- (g) Negotiating in good faith with MBEs;
- (h) Assisting qualified MBEs in obtaining necessary financing and supplies;
- (i) Negotiating joint venture or partnership agreements with minority businesses; and
- (j) Making available quick pay agreements and policies to assist MBEs in meeting their cash-flow demands.

F. Contracts on Informal Bids

For construction or repair work in the informal bid range involving an estimated expenditure of less than Three Hundred Thousand Dollars (\$300,000.00), minority participation shall be solicited and of documented efforts to recruit minority business participation of these contracts. All required data, including the type of project, the total dollar value of the project, dollar value of minority business participation on each project, and documentation of efforts to recruit minority participation, shall be reported to the Department of Administration, Office of Historically Underutilized Business, upon the completion of the project as required by law.

G. Regulations and Procedures

The Superintendent of the Moore County Schools shall develop Regulations and Procedures for implementation of this policy.

Legal Reference: Americans With Disabilities Act, 42 U.S.C. 12131-12134, 28 C.F.R. pt. 35; The Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 143-128, -128.2, -128.3, -131; 115C-47, -276

Adopted: April 30, 1990

Revised: March 22, 1999; August 26, 2002; January 12, 2009; _____

3011/4011/6890 NONDISCRIMINATION ON THE BASIS OF DISABILITIES

The Board of Education will not discriminate against a qualified person with disabilities on the basis of disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities.

The Superintendent is directed to develop appropriate procedures to implement this non-discrimination policy. The Superintendent or designee shall:

1. designate a person to coordinate the system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and its regulations;
2. publish the name, office address and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, and parents and other individuals who participate in the school system's program are aware of the coordinator(s);
3. make complaint procedures available that provide opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;
4. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students, and parents;
5. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and
6. establish and implement a system of procedural safeguards with respect to the identification, evaluation, or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Legal References: Americans With Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705 (20), 34 C.F.R. pt. 104

Adopted: _____

3020/4020 RECRUITMENT, SELECTION AND RETENTION

It shall be the policy of the Board that a continuous system of recruitment and selection of personnel be maintained in order to assure competent candidates for vacancies as needed.

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, age, 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.

The Board of Education acknowledges that the most important aspect of attaining excellence in education is the quality of the teaching staff and the administrative staff. With that in mind, the Board hereby adopts as policy and states its determination to strive for such excellence and further declares its intent to employ and re-employ only those teachers and administrators who possess, have exhibited, and who continue to strive for excellence in their preparation for, performance of, and contribution toward the educational process.

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.

In general, vacancies must be advertised; however, the Superintendent or designee may forgo publicizing a vacancy if the position will be filled through a lateral assignment or reassignment, or if exigent circumstances necessitate that the position be filled immediately.

C. Criminal History

The Moore County Board of Education believes that a safe and secure learning and working environment should be provided for all students and staff. The Board further believes that employees should be role models for students and should positively represent Moore County Schools in the community. These beliefs reflect the fundamental principle that anyone who directly or indirectly has contact with children is in a unique position of trust in this society. Further, 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. Criminal dispositions against an applicant or employee may have an impact upon these goals and will be considered in hiring and dismissal decisions. Accordingly, a criminal records check will be conducted of applicants and/or newly hired employees, including substitutes. If an applicant is hired prior to the completion of the criminal records check, the employment shall be considered conditional pending a review of the results of the check.

Applicants shall be required to answer completely and accurately questions on their application with regard to previous criminal history. Failure to do so will subject the applicant to not being hired and an employee to being dismissed. Applicants shall consent in writing to an initial criminal record check. Applicants and employees shall consent to post hiring criminal record checks and to providing fingerprints and other identifying information as requested by the school system. To the extent permitted by law, failure to consent or provide relevant information will result in rejection of an applicant or separation from employment of an employee. 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. 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.

If a final candidate for employment or for hiring as an independent contractor is found to have been convicted of a criminal offense, other than a minor traffic violation, the Superintendent or designee 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.

If a criminal record check reveals that an applicant or conditional employee was charged with but not convicted of a crime, whether misdemeanor or felony, that suggests that the employee may not meet the employment standards of this Board, the administration may conduct a further investigation into the person's conduct and the circumstances surrounding the charge to determine the person's fitness for employment.

Applicants and current employees shall notify the immediate supervisor and the Executive Officer for Human Resources immediately if they are charged with or convicted of a criminal offense, including DWI (see Board Policy on Criminal Arrests and Convictions).

A criminal records check also may be conducted on an individual, random, ongoing or rotating basis of annually rehired and current employees, including substitutes, as well as on independent contractors and volunteers whose services involved contact with students. If the school system conducts these checks through the North Carolina Department of Justice or through a private service, it must first obtain the individual's consent.

Information obtained through the implementation of this policy shall be kept confidential as provided in the North Carolina General Statutes and regulations.

If the school administration conducts criminal record checks that are subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.

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 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.

D. Selection

1. Qualifications

Candidates for employment will ~~must~~ be selected ~~on the basis of~~ 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. ~~Academic qualification of training background, if applicable~~ education and training;
- c. licensure and state certification (if ~~when~~ applicable);
- d. ~~Record of student teaching experience and/or other work experience, if applicable~~ relevant experience;
- e. ~~Personal~~ interviews;
- f. references and/or background checks, including criminal records check for recommended candidates; and
- g. other relevant information related to the applicant's performance and conduct.

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

Hereafter, proficient performance shall be considered the minimum acceptable standard of performance for employees in this school system; however, proficient performance shall not constitute any assurance to any employees of rights to or consideration for employment or re-employment.

Subjective and objective appraisals of preparation for, performance of, and contribution toward the educational process and the needs of the school system shall be considered by the Board in making employment and re-employment decisions where applicable.

Anyone may apply for vacancies provided they hold the proper credentials.

2. Nepotism – See Nepotism Policy.

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 or designee 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.*; *Green v. Missouri Pacific Railroad* (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, -276(j), -332; 126-7.1(i), -16; 127A-202.1 *et seq.*; 127B-10, -12, -14; 143B-421.1, -295; -299; -325; -325.1—325.13; -931; *Leandro v. State*, 346 N.C. 336 (1997); 16 N.C.A.C. 6C .0313; State Board of Education Policies Policy ~~BENF-009 TCP C-017~~ and [NCAC-6C.0313 TCP D-009](#)

Adopted: July 30, 1990

Revised: February 8, 2010; February 10, 2014; January 12, 2015; July 17, 2017; _____

3023/4023 CRIMINAL RECORDS CHECKS OF APPLICANTS, EMPLOYEES AND INDEPENDENT CONTRACTORS

The Moore County Board of Education believes that a safe and secure learning and working environment should be provided for all students and staff. The Board further believes that employees should be role models for students and should positively represent Moore County Schools in the community. These beliefs reflect the fundamental principle that anyone who directly or indirectly has contact with children is in a unique position of trust in this society. Further, 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. Criminal dispositions against an applicant or employee may have an impact upon these goals and will be considered in hiring and dismissal decisions. Accordingly, a criminal records check will be conducted of applicants and/or newly hired employees, including substitutes. If an applicant is hired prior to the completion of the criminal records check, the employment shall be considered conditional pending a review of the results of the check.

Applicants shall be required to answer completely and accurately questions on their application with regard to previous criminal history. Failure to do so will subject the applicant to not being hired and an employee to being dismissed. Applicants shall consent in writing to an initial criminal record check. Applicants and employees shall consent to post hiring criminal record checks and to providing fingerprints and other identifying information as requested by the school system. To the extent permitted by law, failure to consent or provide relevant information will result in rejection of an applicant or separation from employment of an employee.

At a minimum, the following criminal records check shall be conducted:

- a) In the case of applicants or conditional employees who have lived and worked within the state of North Carolina for the five years before the date of application, the administration will conduct a statewide criminal record check.
- b) In the case of applicants or conditional employees who have lived or worked outside of North Carolina during the five years before the date of application, the administration will conduct both federal and state record checks.

The applicant or conditional employee will be rejected for employment if the criminal record check and supporting records reveal a "criminal history," defined as the conviction of a crime, whether a misdemeanor or felony, that indicates the employee (1) poses a threat to the physical safety of students or personnel, or (2) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as a public school employee. Conviction of a crime, as used in this policy, includes the entry of (1) a plea of guilty, nolo contendere, no contest or the equivalent; or (2) a verdict or finding of guilty in a court of law or military tribunal. The school system shall consult with legal counsel or obtain a certified copy of an applicant's or conditional employee's conviction notice prior to any final employment decision based on the criminal history.

~~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.~~

~~If the school system considers criminal history in making a decision adverse to an applicant or conditional employee, the Superintendent or designee shall make written findings with regard to how it used such information.~~

~~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 of a criminal offense other than a minor traffic violation, the Superintendent or designee 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 shall 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 the completion of the sentence; and (3) the nature of the job sought. Before the Superintendent or designee may exclude a final candidate based on his or her past criminal convictions, the candidate must be given the opportunity to explain why he or she believes that he or she should not be excluded despite the criminal convictions.~~

~~The school system shall provide to the State Board of Education information on where to obtain the record of conviction, including the person's name, criminal case number, and the county of conviction for any convictions of a person who is certificated, certified or licensed by the State Board of Education where the school system discovers the criminal history through an employment criminal history check.~~

~~If a criminal record check reveals that an applicant or conditional employee was charged with but not convicted of a crime, whether misdemeanor or felony, that suggests that the employee may not meet the employment standards of this Board, the administration may conduct a further investigation into the person's conduct and the circumstances surrounding the charge to determine the person's fitness for employment.~~

~~Applicants and current employees shall notify the immediate supervisor and the Executive Officer for Human Resources immediately if they are charged with or convicted of a criminal offense (see Policy 3050-4050).~~

~~A criminal records check also may be conducted on an individual, random, ongoing, or rotating basis of annually rehired and current employees (including substitutes), as well as on independent contractors and volunteers whose services involve contact with students. If the school system conducts these checks through the North Carolina Department of Justice or through a private service, it must first obtain the individual's consent.~~

~~Information obtained through the implementation of this policy shall be kept confidential as provided in the North Carolina General Statutes and regulations. The school system shall maintain in paper format only data from a criminal history check conducted through the North Carolina Department of Justice. These records shall be kept in a locked, secure place, separate from the individual's personnel file. Procedures for implementing this policy, including a list of individuals entitled to access criminal history information, may be developed and administered by the Superintendent.~~

~~If the school administration conducts criminal record checks that are subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.~~

~~Legal Reference: 15 USC 1681 et seq.; 16 NCAC 6C.0313; G.S. 110-90.2; 114-19.2(a); 115C-36, -153, -332; U.S. Equal Employment Opportunity Commission (April 25, 2012); available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm~~

~~Adopted: February 10, 1997~~

~~Revised: February 8, 2010; June 10, 2013; February 10, 2014; June 12, 2017~~

~~3035/4035/6630/8335 SEXUAL HARASSMENT~~

~~The Moore County Board of Education believes that all employees and students are entitled to work and study in school-related environments that are free of sexual harassment. To this end, the Board prohibits employees and students from engaging in sexual harassment and advises employees and students that when evidence of sexual harassment is established, disciplinary action may be taken, up to and including dismissal (for employees) and suspension (for students).~~

~~Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:~~

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

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

~~C. Such conduct has the purpose or effect of unreasonably interfering with an employee's work or performance or a student's educational performance, or creating an intimidating, hostile, or offensive environment.~~

~~Examples of sexual harassment include, but are not limited to, deliberate, unwelcome touching; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; sexual assault, sexual violence; or the display in the work place or school setting of sexually suggestive objects or pictures. Sexual harassment does not include personal compliments welcomed by the recipient, or social interactions or relations freely entered into by employees or prospective employees or appropriate social interactions between students that do not violate the Student Code of Conduct. In the case of consensual relations between students, there may be reason to question the consensual nature of the conduct if one or both of the students are very young or there is an age disparity between the students.~~

~~It is possible for sexual harassment to occur at various levels: between peers or co-workers, between supervisors and subordinates, between employees and students, between students, or imposed by non-employees on employees and/or students.~~

~~Romantic or sexual advances toward students by employees or romantic or sexual relationships between school system employees and students are never appropriate, whether or not they are consensual or otherwise outside the definition of sexual harassment. Such relationships are~~

prohibited. Employees engaging in inappropriate relationships with students will be subject to disciplinary action, up to and including dismissal.

~~Any employee who has reason to believe that another employee is inappropriately involved with a student, as described above, shall report this information to the Executive Officer for Human Resources. An employee who fails to inform the Executive Officer for Human Resources of a reported or suspected inappropriate relationship between an employee and a student may be subject to disciplinary action.~~

~~All complaints of sexual harassment and all incidents of sexual harassment of which school administrators have actual knowledge shall be promptly and thoroughly investigated by the principal in accordance with policy 6401.12 when the alleged offender is a student.~~

~~All complaints of sexual harassment and all incidents of sexual harassment of which school administrators have actual knowledge shall be promptly and thoroughly investigated according to the following procedure when the alleged offender is an employee:~~

~~A. All investigations of sexual harassment shall be confidential. Information shall be given only to those individuals who need to have access to it in order to appropriately investigate and address the complaint. The Executive Officer for Human Resources shall act as the Title IX compliance coordinator and will be primarily responsible for assuring that sexual harassment complaints are investigated.~~

~~B. A student who believes that he or she has suffered sexual harassment should bring the matter to the attention of the principal or a teacher or counselor. Any teacher or other school employee who receives from a student a report of alleged sexual harassment by an employee or otherwise becomes aware of such conduct shall immediately report the same to the school principal and the principal shall promptly inform the Executive Officer for Human Resources of the allegations. Failure by the employee to do so may subject the employee to disciplinary action. If the student's school principal is the alleged offender, such report by the student or by other school employees shall be made to the Executive Officer for Human Resources.~~

~~C. An employee who believes that he or she has suffered sexual harassment may report the matter to the Executive Officer for Human Resources. However, any school employee who occupies an organizationally superior position relative to an employee who receives from such employee a report of alleged sexual harassment or otherwise becomes aware of such conduct shall promptly report the same to the Executive Officer for Human Resources. Failure by such employee to do so may subject the employee to disciplinary action. If the Executive Officer for Human Resources is the alleged offender, such report shall be made to the Superintendent.~~

~~D. In any case involving alleged sexual harassment by the Superintendent, reports shall be made to any member of the Board.~~

~~E. The Executive Officer for Human Resources shall promptly and thoroughly investigate sexual harassment allegations made against employees and recommend to the Superintendent an appropriate course of action. The Superintendent shall review the recommendation and implement an appropriate course of action. The actions taken should be reasonably calculated to end any harassment, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. Incidents of sexual harassment shall be deemed to be serious disciplinary infractions.~~

~~F. The Superintendent may establish such guidelines and additional procedures deemed necessary for the purpose of implementation of this policy.~~

~~G. If for any reason, the complainant is not satisfied with the administrative response, he/she may file an appeal with the chair of the Board of Education. Such an appeal should be filed by the complainant within 30 days of being informed of the Superintendent's response to the complaint.~~

~~H. The Board specifically prohibits retaliation against any individual who makes a complaint or reports an incident of sexual harassment or who participates in an investigation or grievance proceeding initiated under this policy.~~

~~I. Nothing in this policy precludes the school system from taking disciplinary action against a student or employee where the evidence does not establish sexual harassment but the conduct otherwise fails to satisfy the school system's high expectations for appropriate conduct.~~

~~It shall be the responsibility of the Superintendent or designee to inform school employees and students regarding this policy.~~

~~Legal References: Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; G.S. 126-16; Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq.; Americans With Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt. 100; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Gebser v. Lago Vista Independent School District*, 524 U.S. 274, (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 126-16; State Board of Education Policy SS-A-007 Legal References: Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.; Equal Employment Opportunity Commission's "Final Amendment Guidelines on Discrimination Because of Sex"; *Oncale v.*~~

~~*Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, 407.15 through 407.18; 126-16~~

~~Adopted: July 29, 1991~~

~~Revised: August 26, 2002; June 11, 2007; May 12, 2008; January 12, 2009; May 11, 2009; February 10, 2014; January 12, 2015; June 12, 2017~~

3037/4037/6640/8337 PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING

~~It is the priority of the Moore County Board of Education to provide every student and employee in the school system with a safe and orderly learning and working environment. To this end, the Board specifically prohibits bullying and harassing behavior as defined below. This policy does not apply to complaints of sexual harassment, which are governed by the Board's Sexual Harassment policy (Policy 3035/4035/6630/8335).~~

~~Students are expected to comply with the behavior standards established by Board Policy and the Student Code of Conduct. Employees are expected to comply with Board Policy and school system regulations. Volunteers and visitors on school property also are expected to comply with Board Policy and established school rules and procedures.~~

~~As used in this policy, bullying or harassing behavior is any repeated, systematic pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that takes place on school property, at any school sponsored function, or on a school bus, or as otherwise stated in Board Policy 6401—Student Code of Conduct and that:~~

- ~~1) Places a student of school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or~~
- ~~2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits or by adversely altering the conditions of an employee's employment and creating an abusive work environment. For purposes of this policy, a negative performance evaluation does not, in itself, adversely alter the conditions of an employee's employment. A hostile environment means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.~~

~~Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. However, complaints of sexual harassment are governed by Policy 3035/4035/6630/8335 and not this policy.~~

~~Bullying or harassing behavior is prohibited at all levels: between students, between employees and students, between peers or coworkers, between supervisors and subordinates, or between nonemployees and employees and/or students. Any person may report an act of bullying or harassment anonymously. However, formal disciplinary action may not be taken solely on the basis of an anonymous report. In addition, this policy may not be construed to allow school~~

officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

Any student who believes that he or she has been bullied or harassed in violation of this policy should report such behavior immediately to a teacher, counselor or administrator at his/her school.

Any employee who believes that he or she has been bullied or harassed in violation of this policy should report such behavior to the Executive Officer for Human Resources or designee.

A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident as follows: 1) to the principal in the case of a student; or 2) to the immediate supervisor of the alleged bully or harasser or other appropriate school official in the case of an employee. Failure to do so make such a report may subject the employee to disciplinary action.

If the individual to whom a report under this policy is required to be made is the alleged bully or harasser, then the report should be made to that person's immediate supervisor or other appropriate school official.

All complaints of bullying or harassing behavior made by students shall be promptly and thoroughly investigated by the principal or designee. All complaints of bullying or harassing made by employees shall be promptly and thoroughly investigated by the Executive Officer for Human Resources or designee. If the individual required to investigate a complaint made under this policy is the alleged bully or harasser, the investigation shall be conducted by an appropriate school system administrator as designated by the Superintendent. If the alleged perpetrator is the Superintendent, the Board attorney is the investigator. In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the Executive Officer for Human Resources, who shall immediately notify the Board Chair. The Board Chair shall direct the Board Attorney to respond to the complaint and investigate. If the alleged perpetrator is a member of the Board, the Board attorney is the investigator. In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the Superintendent who shall direct the Board Attorney to respond to the complaint and investigate. Unless the Board Chair is the alleged perpetrator, the Superintendent shall also notify the Board Chair of the complaint.

If at any time during the investigation the school official investigating an allegation of harassment or bullying receives information alleging the harassment or bullying was based on sex or gender, the school official shall notify the Title IX Coordinator and any other appropriate person as required by law and policy. In such cases, the procedures outlined in Board Policy 3035/4035/6630/8335 (Sexual Harassment) shall be followed.

The actions taken in response to evidence of bullying or harassing behavior should be reasonably calculated to end any harassment or bullying, eliminate a hostile environment if one has been

created, and prevent harassment from occurring again. Violations of this policy shall be considered misconduct and may include long-term suspension or expulsion in the case of students and disciplinary action up to and including dismissal in the case of employees. In addition to taking disciplinary action as necessary, the principal or other school official shall take appropriate remedial action to address the conduct fully.

~~The Board specifically prohibits reprisal or retaliation against any individual who makes a complaint or reports an incident of bullying or harassing behavior or who participates in an investigation or grievance proceeding initiated under this policy. Reprisal or retaliation against any individual who reports an act of bullying or harassment may result in disciplinary action being taken, up to and including dismissal in the case of employees, or up to and including long-term suspension or expulsion in certain cases for students.~~

~~Nothing in this policy precludes the school system from taking disciplinary action against a student or employee where the evidence does not establish harassment but the conduct otherwise fails to satisfy the school system's high expectations for appropriate conduct.~~

~~The Board directs the Superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy must be included in the training plan. As funds are available, the school system will provide additional training for students, employees, and volunteers who have significant contact with students regarding the Board's efforts to address discrimination, harassment, and bullying and will create programs to address those issues.~~

~~The Superintendent is authorized to adopt administrative regulations to implement this policy and is responsible for providing effective notice to students, parents and employees of this policy and of the procedures for reporting and investigating complaints of discrimination, harassment and bullying covered by this policy. The Superintendent must ensure that each school principal provides a copy of this policy and the attached regulations to students, employees and parents or other responsible care givers at the beginning of each school year. In addition, this policy and its implementing regulations must be posted on the school system website, and hard copies must be made available upon request. Notice of the policy and its regulations must appear in all student and employee handbooks and in any school or school system publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.~~

The Board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The Board prohibits discrimination on the basis of race, color, national origin, sex, disability, or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The Board will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities or programs. Any violation of this policy will be considered serious and school officials shall promptly take appropriate action to address the violation.

A. Prohibited Behavior

The Board expressly prohibits unlawful discrimination, harassment, and bullying by students, employees, board members, volunteers, or visitors. “Visitors” includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

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

B. Definitions

For purposes of this policy, the following definitions apply:

1. Discrimination

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

2. Harassment and Bullying

The Board prohibits all forms of unlawful harassment and bullying. For purposes of this policy, bullying or harassment is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that:

a) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities, or benefits or by adversely altering the conditions of an employee’s employment. For purposes of this policy, a negative performance evaluation does not, in itself, adversely alter the conditions of an employee’s employment.

“Hostile environment” means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, as described below, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

3. Cyber-Bullying and Cyber-Harassment

The Board prohibits cyber-bullying and cyber-harassment. Cyber-bullying and cyber harassment are any words, actions, or conduct that meet the definitions of bullying or harassment as described in this policy and are conveyed via e-mail, text message, Internet message boards, interactions on social media, or other electronic media.

4. Sexual Harassment

The Board prohibits unlawful sexual harassment, which is one type of harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity;
- b) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
- c) such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of (1) unreasonably interfering with an employee's work or performance or a student's educational performance, (2) limiting a student's

ability to participate in or benefit from an educational program or environment, or (3) creating an abusive, intimidating, hostile, or offensive work or educational environment.

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

Sexual harassment does not include personal compliments welcomed by the recipient or social interactions or relations freely entered into by an employee or prospective employee or appropriate social interactions between students that do not violate the Student Code of Conduct. In the case of consensual relations between students, there may be reason to question the consensual nature of the conduct if one or both of the students are very young or there is a large age disparity between the students. It is possible for sexual harassment to occur at various levels: between peers or coworkers, between supervisors and subordinates, between employees and students, between students, or imposed by non-employees on employees and/or students. Sexual harassment may be committed by members of the same sex or by members of the opposite sex. Romantic or sexual advances toward students by employees or romantic or sexual relationships between school system employees and students are never appropriate, whether they are consensual or otherwise outside the definition of sexual harassment. Such relationships are prohibited. Employees engaging in inappropriate relationships with students will be subject to disciplinary action, up to and including dismissal.

5. Gender-Based Harassment

The Board prohibits unlawful gender-based harassment, which is one type of harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

C. Reporting and Investigating Complaints of Discrimination, Harassment, or Bullying

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should inform a school official designated to receive such complaints, as described in the regulations that accompany this policy. Employees are required to report violations of this policy.

D. Consequences

Any violation of this policy is serious and shall result in prompt and appropriate action. Students who violate this policy will be disciplined in accordance with applicable policies and procedures governing student conduct and discipline. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and/or remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal.

Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate.

The actions taken in response to harassment or bullying behavior shall be reasonably calculated to end any harassment or bullying, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include staff training, harassment and bullying prevention programs, and/or other measures deemed appropriate by the Superintendent or designee.

Nothing in this policy precludes the school system from taking disciplinary action against a student or employee where the evidence does not establish discrimination, harassment, or bullying but the conduct violates other applicable disciplinary policies or codes of conduct.

E. Training and Programs

The Board directs the Superintendent to establish training and other programs that are designed to prevent discrimination, harassment, and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan.

As funds are available, the Board will provide additional training for students, employees, and volunteers who have significant contact with students regarding discrimination, harassment, and bullying and will create programs to address these issues.

F. Notice

The Superintendent is responsible for providing effective notice to students, parents, and employees of this policy and of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying established in the regulations that accompany this policy. The Superintendent must ensure that students, employees, and parents or other responsible care givers are provided effective notice of this policy at the beginning of each school year. In addition, both policies must be posted on the school system website, and copies of the policies must be readily available at each school and worksite. Notice of the policies must appear in all student and employee handbooks and in any school or school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

G. Coordinators

The Superintendent shall appoint one or more individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws. The names, titles, and contact information for these individuals will be posted on the school system's website and otherwise made publicly available.

H. Records and Reporting

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

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

I. Evaluation

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

Legal Reference: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil

Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972 20 U.S.C. § 1681 *et seq.*, 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter (Bullying)*, U.S. Department of Education, Office for Civil Rights, (October 26, 2010), available at <http://www2ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; *Dear Colleague Letter (Sexual Harassment)*, U.S. Department of Education, Office for Civil Rights (2006), available at <https://www2.ed.gov/about/offices/list/ocr/letters/sexhar-2006.html>; *Dear Colleague Letter*, U.S. Department of Education Office for Civil Rights, (April 4, 2011) available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>; *Q&A on Campus Sexual Misconduct*, U.S. Department of Education, Office for Civil Rights (2017), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>; *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.*; ~~North Carolina School Violence Prevention Act~~; State Board of Education Policy SSCH-000

Adopted: June 11, 2007

Revised: May 11, 2009; November 9, 2009; February 8, 2010; January 12, 2015; December 14, 2015; July 17, 2017; _____

3100 LICENSURE

The Board intends to comply fully with all licensure requirements of the Elementary and Secondary Education Act, state law and State Board of Education policies.

A. Licensure and Other Qualification Requirements

1. Except as otherwise permitted by the State Board of Education or state law, a professional employee must hold at all times a valid North Carolina license appropriate to his or her position.
2. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy. In addition, all professional teachers employed to teach core academic subjects must be "highly qualified" as required by the State Board of Education. Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography.
3. The Board encourages entry into the teaching profession by skilled individuals from the private sector who meet state residency licensure requirements.
4. In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a residency license are available to fill a position, the Board may employ for up to one year an individual who holds an emergency license issued by the State Board of Education. An emergency license is not renewable.

B. Exceptions to Licensure Requirements

1. Adjunct CTE Instructors

An unlicensed individual who meets the adjunct hiring criteria established by the State Board of Education for a specific career and technical education (CTE) career cluster may be employed as an adjunct CTE instructor for up to 10 hours per week, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by G.S. 115C-157.1.

2. Adjunct Instructors in Core Academic Subjects

In accordance with G.S. 115C-298.5, an unlicensed faculty member of a higher education institution who meets the adjunct hiring criteria established by the State Board of Education may be employed as a temporary adjunct instructor for specific core academic

subjects, provided the individual first completes preservice training and meets all other statutory and State Board of Education requirements.

3. Interim Principals

A retired former principal or assistant principal may be employed as an interim principal for the remainder of any school year, regardless of licensure status.

A C. Beginning Teacher Support Program

The Superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the Board and kept on file for review. The Superintendent or designee must submit an annual report on the Beginning Teacher Support Program to the Department of Public Instruction (DPI) by October 1 of each year. The report must include evidence of demonstrated proficiency on the Beginning Teachers Support Program Standards and evidence of mentor success in meeting Mentor Standards. The school system also will participate in implementing a regionally-based annual peer review and support system.

Teachers with fewer than three years of teaching experience will be required to participate in the Beginning Teacher Support Program.

B D. License Conversion

Teachers must teach three years and meet all other requirements of the State Board of Education in order to move from an initial to a continuing professional license. Licensing is a state decision and cannot be appealed at the local level. This policy serves to notify teachers and other licensed staff who may not qualify for professional license conversion that the process for appealing for additional time is through the state.

C E. License Renewal

Licensure renewal is the responsibility of the individual, not of the school district. Any employee allowing a license to expire must have it reinstated prior to the beginning of the next school year. A teacher whose license has expired is subject to dismissal.

The school system may offer courses, workshops and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered must be consistent with State Board of Education policy. In addition, the Superintendent or designee shall develop procedures to determine the appropriateness of any credit offered in advance of renewal activities.

Decisions regarding the employment of teachers who fail to meet the required proficiency standard for renewal of a continuing professional license will be made in accordance with state law G.S. 115C-296(b)(1)b.4270.30(b)(4) and applicable State Board of Education requirements. The Superintendent or designee shall determine the professional development required of a

teacher whose continuing professional license has reverted to an initial license and/or has expired due to performance issues. The Superintendent or designee may authorize or direct principals to prescribe professional development to such employees in accordance with the employee's demonstrated deficiencies.

D. Parental Notification

At the beginning of each school year, the school district will notify the parents of each student attending a Title I school or participating in a Title I program of their right to request the following qualifications of their child's teacher: whether the teacher has met NC licensing requirements for the subject or grade level they are teaching; whether the teacher has had any licensure requirements waived; whether the teacher is teaching in the field of his or her certification; and whether the child is provided services by a paraprofessional, and, if so, the paraprofessional's qualifications.

The school district will give notice in a timely manner to the parents of children who, after four consecutive weeks, have been taught a core academic subject by a teacher who is not highly qualified.

E. Equitable Distribution of Teachers

The Superintendent shall assess whether low-income, minority, learning disabled, and/or English language learners are being taught by inexperienced, ineffective or out-of-field teachers at higher rates than students who do not fall into these categories and shall develop a plan to address any such disparities. If DPI does not require such a plan of the LEA, the Superintendent is not required to develop a plan under this subsection unless he or she determines that one is needed to address inequities within the school system.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 et seq., 34 C.F.R. 200.55-57, 200.61; G.S. 115C-296 art. 17E; -325(e)(1)(m) (applicable to career status teachers), -324.4(a)(12) (applicable to non-career status teachers) -333, -333.1; State Board of Education Policies EVAAL-004, EVAL-023, LICN-001, -004, -005, -018, -021, NCAC-6C.0102, NCAC-6C.0307

Adopted: July 30, 1990

Revised: June 11, 2007; March 12, 2012; October 21, 2013; April 10, 2017; July 17, 2017;

3400/4400 RESIGNATION

~~After entering into a written contract, an employee desiring to abrogate his contract must give not less than thirty (30) days written notice to the Superintendent's office unless the contract provides otherwise.~~

~~**3400.1** If an earlier release is desired by a person resigning, and if his release on an established earlier date would not result in undue inconvenience or hardship to the school system, the Superintendent may authorize such earlier release.~~

~~**3400.2** Resignations may be accepted, on behalf of the Board of Education, by the Superintendent or designee.~~

~~**3400.3** If a career employee who has been recommended for dismissal under G.S. 115C-325(e)(1) 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;~~
- ~~(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; and~~
- ~~(4) the employee shall be deemed to have voluntarily surrendered his or her certificate pending an investigation by the State Board of Education to determine whether to seek action against the employee's certificate.~~

~~For purposes of this section, "career employee" means (1) a teacher with career status, or (2) an administrator or probationary teacher during the term of his or her contract.~~

A. Professional Licensed Employees

Professional Licensed employees who intend to resign at the conclusion of a school year for any reason are encouraged to indicate their plans in writing at as early a date in the school year as possible, such as when plans become firm and/or the decision to leave the school system is made. A resignation becomes effective at the end of the school year in which it is submitted. A resignation for any other time requires 30 days' notice unless the Superintendent consents to a shorter notice period or the contract specifies a longer notice period.

If a teacher licensed employee has not been recommended for dismissal but fails to meet the 30-day notice requirement and the Superintendent does not consent to a waiver of notice, the Board delegates to the Superintendent the discretion to request that the State Board of Education revoke the teacher's license for the remainder of the school year. The Superintendent shall place a copy of the request in the teacher licensed employee's personnel file.

The Superintendent must notify the State Board of Education if a teacher's criminal history is relevant to the teacher's resignation, regardless of whether the teacher gave adequate advance notice of resignation.

If a ~~teacher~~ licensed 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;
- (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; and
- (4) the employee shall be deemed to have voluntarily surrendered his or her license pending an investigation by the State Board of Education to determine whether to seek action against the employee's license.

Upon inquiry from a North Carolina local board of education, charter school, or regional school as to the reason for a ~~teacher~~ licensed employee's resignation, the Superintendent or designee shall indicate if the ~~teacher~~ licensed employee's criminal history was relevant to the resignation.

B. All Employees

Letters of resignation must be submitted to the Superintendent. Resignations may be accepted, on behalf of the Board, by the Superintendent or designee. To help ensure the smooth operation of the schools, 30 days' notice is requested whenever possible unless the Superintendent consents to a shorter notice period or the contract specifies a longer notice period.

Legal Reference: G.S. 115C-47, 325(e), -325(o) (applicable to career status teachers), -325.4 and -325.9 (applicable to non-career status employees), -332

Adopted: July 30, 1990

Revised: February 8, 2010; April 11, 2011; _____

4400 RESIGNATION

An employee desiring to terminate his services shall give the Personnel Office at least two (2) weeks written notice.

Legal Reference: G.S. 115C 36, 47

Adopted: July 30, 1990

3421 TEACHER CONTRACTS

The Board recognizes the importance of establishing a clear contractual relationship with teachers employed by the school system. All teacher employment contracts entered into by the Board will meet the requirements of state law and State Board of Education policy. Nothing in this policy is intended to grant or confer any employment rights beyond those existing in law.

For the purposes of this policy, the term “teacher” is defined as a person who meets the requirements of G.S. 115C-325.1(6). An individual who is employed under a part-time teacher contract (less than 100%), or employed under a temporary teacher contract does not meet this definition of a teacher; however, the Board’s performance expectations established in this policy apply to such individuals.

A. Teacher Performance Expectations

Teachers are responsible for facilitating student learning in a safe and orderly environment in which students become college and career ready. Teachers must be familiar with the current statewide instructional standards for their teaching assignment and able to teach the curriculum effectively. The Board expects teachers to meet all performance standards established by the Board, Superintendent or designee, and state law, and pursue professional development as provided in Board policy. Employment contracts for teaching will be granted or renewed only for individuals of proven ability who strive for excellence.

B. Superintendent’s Recommendation

The Board will employ teachers upon the recommendation of the Superintendent. The Superintendent is expected to be able to substantiate with supporting information any recommendation for a new or renewed contract for an applicant or current teacher. The Superintendent’s recommendation for a renewed contract must include the length of the term of the contract, which must be consistent with state law and Board requirements as described in Section C, below. The Board will follow a recommendation of the Superintendent regarding the length of the contract that is consistent with law and this policy unless specific circumstances justify offering the teacher a contract of a different term. In considering the Superintendent’s recommendation, the Board may review any information that was in the teacher’s personnel file at the time of the Superintendent’s recommendation or is included in the teacher’s file, with the proper notice to the teacher, prior to the Board’s decision.

C. Determination of Contract Length

This section applies when the Superintendent has decided to recommend that the Board offer a teacher a new or renewed contract. For information regarding a determination by the Superintendent not to recommend that the Board offer a teacher a renewed contract, see the Board’s policy on teacher contract non-renewals.

A new or renewed contract will be for a term of one school year for teachers who have been employed by the Board as a teacher for less than three consecutive years. For current teachers who have been employed by the Board as a teacher for three or more consecutive years and who are in good standing, a renewed contract will be for a term of two school years. A teacher will be considered in good standing for purposes of this policy if: (1) the teacher received a rating of at least “proficient” on all standards of the teacher evaluation instrument on the two most recent annual evaluations; (2) the teacher is not currently on a monitored, directed, or mandatory improvement plan or corrective action plan, and has not been on any such plan at any time during the current or previous school year; (3) the teacher has not received a written reprimand or warning included in the teacher’s official personnel file, a demotion, suspension without pay, or other documented disciplinary action included in the teacher’s official personnel file during the current or previous school year; and (4) there is no other relevant performance or conduct information in the personnel file that would support a decision to disqualify the teacher from a multi-year contract. A contract for a teacher who is not in good standing will be for a term of one year only, if the teacher’s contract is renewed.

The Superintendent may recommend that a teacher in good standing who is employed on a two-year contract be offered a one-year extension at the end of the first year of the contract. The term of the extension will be for one year only. A teacher granted a one-year extension will continue to be eligible for another one-year extension each succeeding year unless the Superintendent determines that the teacher is no longer in good standing. A decision not to recommend a one-year extension will be considered cautionary notice to the teacher that his or her performance requires improvement.

The school administration is expected to conduct annual evaluations of teachers. In considering the evaluations for the purpose of whether to recommend a multi-year contract, the annual evaluations from the current school year and the previous school year will be considered. If an annual evaluation was not completed for either of these two years, then the annual evaluation from the next most previous year will be considered so that two annual evaluations will still be considered. If following this method there are not two annual evaluations to consider then the teacher will be considered proficient if the teacher is at least proficient on all standards on the current year’s evaluation, provided the teacher was present for at least six months in both the current and previous school years.

In determining whether a current teacher has completed three consecutive years to be considered for a multi-year contract, a year in which the teacher did not work for at least 120 work days will neither count as a consecutive year of service nor be viewed as a break in service, provided the teacher remained employed throughout this time.

D. Dismissal and Nonrenewal

This policy is not intended to limit the Superintendent’s discretion to recommend dismissal, demotion, a shorter contract length or nonrenewal of any teacher for any basis allowed by law, including, but not limited to, district reorganization, decreased enrollment, reduced funding or other budgetary issues.

Adopted: January 16, 2018

Revised: _____

5023 CITIZENSHIP AND CHARACTER EDUCATION

The Board encourages all students to develop an understanding of citizenship, including the importance of a citizen's rights and responsibilities. The school district's curriculum shall include citizenship instruction.

The curriculum will include character education instruction as required by G.S. 115C-81.60.4 Such instruction should address character traits including, but not limited to, courage, good judgment, integrity, kindness, perseverance, respect, responsibility, and self-discipline, as well as responsibilities such as respect for school personnel, responsibility for school safety, service to others, and good citizenship.

The curriculum also must require that appropriate instruction be provided on the meaning and historical origins of the North Carolina and United States flags and the Pledge of Allegiance and may include guidelines for the use and display of the North Carolina and United States flags. Any North Carolina or United States flags donated or otherwise made available will be displayed in each classroom, and recitation of the Pledge of Allegiance will be scheduled on a daily basis. The principal shall ensure that no student is compelled to salute the flag, recite the Pledge of Allegiance, stand to acknowledge the flag or stand to participate in the Pledge of Allegiance, or otherwise feel coerced to participate. The curriculum may encourage teachers to use the recitation of the Pledge of Allegiance as an opportunity to teach students about the history concerning coercion and the importance of the First Amendment to the Bill of Rights.

All schools will commemorate Constitution Day and Citizenship Day and also Memorial Day. If students are in attendance on September 17, which is Constitution Day and Citizenship Day, an educational program about the United States Constitution will be held. If students are not in attendance on September 17, the program will be held during the week preceding or following September 17. Likewise, if students are in attendance on Memorial Day, they will receive instruction on the significance of Memorial Day. If students are not in attendance on Memorial Day, instruction on the significance of Memorial Day will be provided at another time.

The curriculum may include for middle school and high school students a community volunteer service requirement in order to demonstrate the value and effectiveness of volunteer contributions to the community. Students shall receive sufficient notice of any community volunteer service requirement approved by the Board.

Legal References: P.L. 108-447, div. J, title I, sec. 111 (codified as a statutory note to 36 U.S.C. 106(d)); G.S. 115C-12(33), -47(29a), -81.45, -81.60

Adopted: _____

5410 SELECTION AND PROCUREMENT OF TEXTBOOKS AND SCHOOL LIBRARY MEDIA RESOURCES INSTRUCTIONAL MATERIALS

~~Procurement of textbooks, classroom instructional materials and school library media resources shall be accomplished in accordance with law and with Board purchasing and accounting policy. Materials must be selected which support and supplement the Moore County Schools' curriculum in accordance with procedures established by the Superintendent and in accordance with state guidelines for media and technology programs.~~

~~In the event of challenged materials or strategies, school personnel will adhere to the procedures established by the Superintendent in accordance with the state guidelines for media and technology programs.~~

In order to help fulfill the educational goals and objectives of the school system, the Board strives to provide instructional materials that will enrich and support the curriculum and enhance student learning. Instructional materials should be representative of the rich diversity of our nation and appropriate for the maturity levels and abilities of the students.

Instructional materials constitute all materials, whether print, non-print, digital or any combination thereof, used in the instructional program. For purposes of this policy, instructional materials will be divided into two categories: textbooks and supplementary materials.

A. Selection of Textbooks

Textbooks are systematically organized materials comprehensive enough to cover the primary objectives outlined in the current statewide instructional standards for a grade or course. Formats for textbooks may be print, non-print or digital media, including hardbound books, softbound books, activity-oriented programs, classroom kits and technology-based programs or materials that require the use of electronic equipment in order to be used in the learning process. Technology-based programs may include subscription or web-based materials.

State-approved textbooks will be used as the primary means to help students meet the goals and objectives of the current statewide instructional standards, unless the Board approves alternative materials.

B. Selection of Supplementary Materials

Supplementary materials are instructional and learning resources which are selected to complement, enrich or extend the curriculum. Such resources include, for example, specialized materials selected to meet diverse needs or rapidly changing circumstances, library materials, digital resources, the school system's media collection, classroom collections and teacher-selected resources for individual classes.

D. Acceptance of Gift Materials

Supplementary materials offered as a gift will be reviewed pursuant to the criteria outlined in the Board's policy on Gifts and Bequests and any regulations established by the Superintendent or designee. Gift material may be accepted or rejected by the Board based upon such criteria.

E. Challenges to Textbooks and Other Instructional Materials

Challenges to materials will be addressed pursuant to the regulations attached to this policy.

Legal Reference: U.S. Const. amend. I; N.C. Const. art. I, §14; G.S. 115C, Art. 8, Parts 1 and 3; 115C-45, -47, ~~-81~~, -98, -101; *Board of Education v. Pico*, 457 U.S. 853 (1982); State Board of Education Policy TEXT-000; *Impact: Guidelines for North Carolina Media and Technology Programs*, North Carolina Department of Public Instruction (2005); *The Library Bill of Rights*, The American Library Association (1996).

Adopted: November 26, 1990

Revised: February 8, 2010; _____

5530 STUDENT PROMOTION AND RETENTION OF STUDENTS **ACCOUNTABILITY**

The educational program and current statewide instructional standards are designed to provide for the continuous annual progress of students from grade to grade. The promotion and retention standards set forth in this policy are designed to

- provide early and ongoing assistance to students who need it;
- assure that all students have the reading, math and writing skills critical to allow them to participate in and benefit from the high school curricula in core academic and vocational areas; and
- permit flexibility to allow for individual differences.

Retention may be considered if it is determined by the principal to be in a student's best interests, after consultation with the student's parents and teacher(s), or retention may be required under this policy. Promotion, retention and placement decisions shall be made by the principal, in compliance with applicable federal and state laws and regulations, and consistent with this policy.

The Superintendent shall ensure that a copy of this policy is provided to all students and parents, that parents/guardians are encouraged to be involved in helping their children meet the promotion standards and that all parents or guardians are requested to sign agreements of parental expectations. Information provided to parents should be in the parents' native language.

The Superintendent shall assure that the standards established in this policy are well-publicized and widely disseminated. Parents annually shall be provided notice of the student promotion and retention standards applicable to their child and intervention strategies available to them and their child. Parents shall be promptly informed of their children's test scores and status on all required assessments. In order to inform parents and students of student progress, the North Carolina Standardized Transcript shall be issued to each student at the end of each year in high school.

The Superintendent shall develop procedures to identify students who are considered at risk of retention and to notify the parents of such children and maintain regular contact with them to review their child's progress as long as the student remains at risk of retention. These procedures shall include the requirement that parents or guardians of student at risk of retention enter into a signed, written agreement of parental expectations and responsibilities.

All students retained, or determined to be at risk of retention, shall be provided with a focused individual intervention plan that includes alternative, supplemental and extended instructional opportunities available to the student which are specifically designed to improve the student's performance to meet expected standards. All students who are retained shall have such personalized education plans, which at a minimum contain the following components:

- diagnostic evaluation;
- intervention strategies; and
- monitoring strategies.

Each school is required to develop a continuum of intervention options and programs designed to meet the identified remediation needs of its students.

Reading Camps

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

Grade-Specific Criteria for Promotion

Grade 3

In grade 3, a student must demonstrate reading proficiency appropriate for a third grade student, as demonstrated on a State-Approved standardized test of reading comprehension, in order to be promoted to fourth grade. If a student fails to demonstrate proficiency, he or she shall be retained in third grade unless the student is exempt for good cause as defined in state law and state board policy. Good cause is limited to the following:

1. Limited English Proficient students with less than two school years of instruction in an English as a second Language program.
2. Sstudents with disabilities, as defined in G.S. 115C-106.3(1), and whose individualized education program indicates (i) the use of the NCEXTEND1 alternate assessment, (ii) at least a two school year delay in educational performance or (iii) receipt of intensive reading interventions for at least two school years.
3. Sstudents who demonstrate reading proficiency appropriate for third grade students on an alternative assessment approved by the State Board of Education.

4. Students who demonstrate, through a student reading portfolio, reading proficiency appropriate for all third grade students.
5. Students who have (i) received reading intervention and (ii) previously been retained more than once in kindergarten, first, second or third grade(s).

A request for a good cause exemption to the retention requirement shall be submitted by the student's teacher with documentation of the relevant exemption and evidence that promotion is appropriate. Relevant evidence shall be limited to the student's individual education program, if applicable; alternative assessment; student reading portfolio; or as otherwise defined by state law. The teacher's request and documentation shall be reviewed by the student's principal for an initial decision on promotion or retention. If the principal determines the student should be promoted, the principal shall make a written recommendation of promotion to the Superintendent for final determination. The Superintendent shall accept or reject the principal's recommendation on promotion in writing.

If the student is not eligible for a good cause exemption, the parent or guardian shall be notified in writing of the reason the student is not eligible for a good cause exemption. The written notification shall also include a description of proposed reading interventions that will be provided to the student to remediate identified areas of reading deficiency.

Grades 6-8

In grades 6-8, the following shall be required for promotion: students must earn a passing grade (70 or above for the year) in three of the four core classes (ELA, Math, Social Studies, Science). Students must attend at least 160 days of school. Students absent for more than 20 days (excused or unexcused) may be retained.

Retained 8th grade students may be required to attend summer school.

Grades 10-12:

Requirements for Promotion to 10th Grade: 6 credits two of which must include

- English 1
- Math 1 or higher
- A Core Science
- A Core Social Studies

Requirements for Promotion to 11th Grade: 13 credits, which must include two additional core credits from

- English 2
- Math 2 or higher
- A Core Science
- A Core Social Studies

Additionally, English 2 and Math 1 End-of-Course tests must be taken by the end of the 10th grade year for students to be eligible for promotion.

Requirements for Promotion to 12th Grade: 18 credits, which must include two additional core credits from

- English 3
- Math 3 or higher (or alternative math sequence aligned with student's after high school plans)
- Biology
- A Core Social Studies

Additionally, the Biology End-of-Course test must be taken by the end of the 11th grade year for students to be eligible for promotion. Seniors who desire the 22-credit pathway have the option of completing four credits first semester and graduating early, if desired.

(NOTE: The total units of credit, but not the required English credits, may be adjusted by the principal, as appropriate, for students transferring into Moore County from high schools that are not on the block schedule. See Policy 5540 for Graduation Requirements.)

Review Procedures - Student Accountability

Promotion Decisions

Within five working days of receiving the principal's written decision to promote or retain a student, the student's parents may appeal the decision to the Superintendent or designee. The Superintendent or designee may overturn the principal's decision only upon a finding that the principal's decision was arbitrary and capricious (i.e., without rational basis) or otherwise an abuse of discretion.

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

The Superintendent or designee's finding must be in writing and must be provided to the parents.

The Superintendent or designee's decision to promote or retain a student may be appealed to the Board in accordance with the procedures set forth in policy 6902, Student Grievances. In cases where the Superintendent makes the initial decision regarding promotion or retention, the decision may be appealed directly to the Board in accordance with the timelines provided in Policy 6902.4.

Students with Disabilities

1. Accountability standards and graduation requirements must be applied to students with disabilities to the extent required by state and federal law and State Board policy.
2. To the extent possible, students with disabilities must be held to the same student accountability promotion standards for elementary, middle, and high school levels as all other students.
3. For students who take alternative assessments in lieu of the End-of-Grade or the End-of-Course assessments, the principal shall consider the student's progress toward meeting goals identified in the Individualized Education Program (IEP) and as recommended by the IEP team.

Students of Limited English Proficiency

Students of limited English proficiency shall meet the same standards as all students. However, in accordance with federal law, English language proficiency cannot be the factor that determines that a student has not met academic standards.

Limited English proficient students are expected to make significant progress either in meeting grade level expectations or in developing proficiency in English. Such expectations can be written into an individual remediation plan, or can be documented by English proficiency testing gains. Promotion decisions for students not proficient in English should be based on the best interests of the student, and a determination of the grade level or program in which the student can receive the most appropriate and effective instruction.

Acceleration

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

The principal, after consulting with the professional staff and parents and considering the social, emotional, physical and cognitive benefits, may determine that skipping a grade level is appropriate. The Superintendent shall provide additional criteria necessary to make the determination as to whether credit may or may not be awarded.

Credit by Demonstrated Mastery

Beginning with the 2014-15 school year, the Superintendent shall provide opportunities for students in grades 9 through 12 to earn course credit by demonstrating mastery of course material without first completing the regular period of classroom instruction in the course. Students in grades 6 through 8 may earn credit by demonstrated mastery for high school courses offered in middle school. To earn credit by demonstrated mastery, students must demonstrate a deep understanding of the content standards and application of knowledge through a multi-phase

assessment, in accordance with standards established by the State Board of Education and any additional standards established by the Superintendent.

Repeating a Course for Credit

1. Repeating a Previously Failed Course

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

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

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

- a. the student must have earned a letter grade of C or lower in the course on the first attempt;
- b. the student must make a written request to repeat the course;
- c. the principal or designee must approve the request;
- d. there must be space available after seats have been assigned to students who are taking the course for the first time or repeating a previously failed course;
- e. the course to be repeated must be a duplicate of the original class and must be taken during the regular school day at a high school in this school system or through the North Carolina Virtual Public School;
- f. upon completion of the repeated course, the new course grade will replace the student's original grade on the student's transcript and in calculations of the student's GPA, class rank, and honor roll eligibility, regardless of whether the later grade is higher or lower than the student's original mark;
- g. credit towards graduation for the same course will be given only once;

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

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

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

Reporting and Record Keeping

The Superintendent shall report to the Board at least annually, and to the State Board of Education as required, the progress being made in increasing the number of students who meet the standards for grade level promotion, and the progress of those students who have moved across achievement levels. This information shall be reported in the format required by the State Department of Public Instruction. The report to the local board of education shall also include the report of progress being made to meet local promotion standards, detailed reporting of data from each school, and information regarding any students promoted despite their failure to meet the standards in this policy.

If, and to the extent that the State Board of Education (SBE) revises its statewide promotion, retention, or student accountability standards, then any new or revised SBE standards which are more stringent than those set forth in this policy shall supercede those requirements of this policy which conflict with the new SBE standards. In such event, the Moore County Board of Education shall revise this policy, as necessary, to comply with current state requirements.

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

Adopted: November 26, 1990

Revised: June 28, 1999; February 28, 2005; January 23, 2006; May 22, 2006; May 12, 2008; June 10, 2013; October 21, 2013; January 12, 2015; September 14, 2015; July 17, 2017;

5540 GRADUATION REQUIREMENTS

A. The Board recognizes the importance of setting rigorous graduation requirements in order to help ensure that students are receiving an education that will prepare them to be productive members of society. The Board believes students should be well-rounded learners fully prepared for college or the career of their choice. This preparation includes the acquisition of 21st century skills such as innovation, application of technology to solve problems, and the ability to think critically about the key issues of our times. To this end, students are encouraged and expected to explore a wide range of curricular offerings that extend learning beyond core curriculum coursework and include courses in the arts, career and technical education, wellness, and world languages. In order to graduate from high school, students are required to meet the following:

1. successful completion of all course unit requirements mandated by the State Board of Education (see chart below);
2. successful completion of cardiopulmonary resuscitation instruction;¹
3. successful completion of all other requirements mandated by the Board, as provided in this policy.

Beginning with the 2015-2016 school year, students will have two diploma options: 1) a ~~North Carolina Standard~~ Future Ready Core Diploma (22 credits);² or 2) a diploma based on the ~~North Carolina Occupational Course of Study~~ Future Ready Occupational Diploma (22 credits). Students may also earn one or more endorsements to a diploma.

The principal shall ensure that students and parents are aware of all graduation requirements. Guidance program staff shall assist students in selecting their high school courses to ensure that students are taking all of the required units and selecting electives consistent with their post-graduation plans. For students who have transferred to the school system during high school or who, for other reasons, have completed course work outside of the school system, the principal shall determine what course work will be applied as credit toward graduation. The principal shall consider the requirements of the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5) in determining the graduation requirements for children of military families. Military student graduation requirements are found in the Board Policy for Military Children Enrollment and Placement.

In accordance with Board Policy 5541, Dual Enrollment, and State Board of Education requirements, students may earn high school credit for college courses completed. Students also have the opportunity to meet course unit requirements without completing the regular period of classroom instruction by demonstrating mastery of the course material in accordance with Board Policy 5530, Promotion and Retention of Students, and State Board of Education requirements.

¹ When appropriate, reasonable accommodations and/or alternative assessments will be available in order to comply with the ADA and IDEA.

² Students who entered ninth grade for the first time in 2009-2010, 2010-2011 or 2011-2012 are only required to earn 21 credits for the standard diploma.

High school students must take all end-of-course (EOC) tests, NC Final Exams, and Career and Technical Education State Assessments (CTE Post-Assessments) required by the State Board of Education and pursuant to Board Policy 5600, Testing and Assessment Program.

CONTENT AREA	North Carolina Standard Diploma <u>Future Ready Core Course of Study</u>	For some Ninth Graders with Cognitive Disabilities 2000-Present OCCUPATIONAL Course of Study <u>Future Ready Occupational Course of Study</u> Requirements (Selected IEP students excluded from EOC-Proficiency Level requirements)
English	Four (4) Credits I, II, III, IV	Four (4) Credits Occupational -English I, II, III, IV
Mathematics	Four (4) Credits*	Three (3) Credits Occupational -Mathematics I (Introduction to Mathematics), II (Algebra I Math A), III (Financial Management)

	<p>Math-I, II, III and a fourth Math Course³</p> <p>Fourth Math Course Options: Honors Pre-Calculus, Advanced Functions and Modeling, SREB College Ready Math, AP Calculus, Dual Math Credit, AP Statistics, Discrete Math or an approved CTE Math to be aligned with the student's post-high school plans. Students seeking to complete minimum course requirements for UNC universities must complete four math courses including a fourth math course with Math 3 as a pre-requisite.</p> <p>*A student, in rare instances, may be able to take an alternative Math course sequence as outlined under State Board of Education policy.</p>	
Science	<p>Three (3) Credits</p> <p>A physical science course, Biology and Earth/Environmental Science</p>	<p>Two (2) Credits</p> <p>Life Skills Science I (Applied Science), II (Biology)</p>
Social Studies	<p>Four (4) Credits⁴</p> <p>1) Civics and Economics, 2) World History, 3) American History I: Founding Principles and American History II OR AP US History and an additional social studies course</p>	<p>Two (2) Credits</p> <p>Social Studies I (American History I), Social Studies II (American History II)</p>
World Languages	<p>Not required for high school graduation. A two-credit minimum is required for admission to a university in the UNC system.</p>	<p>Not required</p>
Health and Physical Education	<p>One (1) Credit</p> <p>Health/Physical Education</p>	<p>One (1) Credit</p> <p>Health/Physical Education</p>
Electives or other requirements*	<p>Six (6) Credits required</p> <p>Two (2) elective credits of any combination from either:</p> <ul style="list-style-type: none"> • Career and Technical Education (CTE) • Arts Education • World Languages <p>Four (4) elective credits (four-course concentration recommended) from one of the following:</p> <ul style="list-style-type: none"> • Career and Technical (CTE) • JROTC • Arts Education (e.g. dance, music, theater arts, visual arts) • Any other subject area (e.g. Social Studies, Science, Mathematics, English) 	<p>Occupational Preparation: Six (6) Credits Occupational Preparation I, II, III, IV</p> <p>Including: 300 hours of school-based training: 240 hours of community-based training and 360 hours of paid employment</p> <p>Career Portfolio Required</p> <p>Completion of student's IEP objectives</p>
Career/Technical Education	<p>See "Electives"</p>	<p>Four (4) Credits</p> <p>Career/Technical Education electives</p>
Arts Education (Dance, Music, Theatre Arts, Visual Arts)	<p>See "Electives"</p>	<p>Recommended: at least one credit</p>
MCS Total (subject to change)	<p>22</p>	<p>22</p>

³ For students who first entered the ninth grade in 2009-2010, 2010-2011 or 2011-2012, students may receive credit for Algebra I, Geometry, Algebra II, and a fourth math course aligned with post-graduation plans.

⁴ For students who first entered the ninth grade in 2009-2010, 2010-2011 or 2011-2012, students are only required to earn three social studies credits in the area of civics and economics, U.S. history and world history.

CONTENT AREA	Moore County Schools Distinguished Scholar Endorsement	North Carolina Academic Scholar Endorsement ⁵
Standard Diploma	<i>Must also meet content requirements for Standard Diploma</i>	
English	Four (4) Credits I, II, III, IV	Four (4) Credits I, II, III, IV
Mathematics	<p>Four (4) Credits Math I, II, III and a fourth Math Course*</p> <p>Fourth Math Course Options: Honors Pre-Calculus, Advanced Functions and Modeling, SREB College Ready Math, AP Calculus, Dual Math Credit, AP Statistics, Discrete Math or an approved CTE Math to be aligned with the student's post-high school plans</p> <p>*A student, in rare instances, may be able to take an alternative Math course sequence as outlined under State Board of Education policy.</p>	<p>Four (4) Credits Math I, II, III and a fourth higher level Math Course that meets UNC system minimum admission requirements*</p> <p>Fourth Math Course Options: Honors Pre-Calculus, Advanced Functions and Modeling, SREB College Ready Math, AP Calculus, Dual Math Credit, AP Statistics or Discrete Math</p> <p>*A student, in rare instances, may be able to take an alternative Math course sequence as outlined under State Board of Education policy.</p>
Science	<p>Three (3) Credits A physical science course, Biology and Earth/Environmental Science</p>	<p>Three (3) Credits Physics or Chemistry, Biology and Earth/Environmental Science</p>
Social Studies	<p>Four (4) Credits 1) Civics and Economics 2) World History 3) American History I:Founding Principals and American History II OR AP US History and an additional social studies course</p>	<p>Four (4) Credits 1) Civics and Economics 2) World History 3)-American History I:Founding Principals and American History II OR AP US History and an additional social studies course</p>
World Languages		Two (2) credits in a second language
Health and Physical Education	<p>One (1) Credit of Health/Physical Education is required as part of meeting the standard diploma prerequisites for the endorsement.</p>	<p>One (1) Credit of Health/Physical Education is required as part of meeting the standard diploma prerequisites for the endorsement.</p>

⁵ Criteria for other State Board of Education endorsements are found at State Board Policy GCS-L-007.

<p>Electives or other requirements*</p>	<p>13 Credits required consisting of the following:</p> <p>Elective credits of any combination from:</p> <ul style="list-style-type: none"> • Career and Technical Education (CTE) • Arts Education • World Languages <p>Four (4) elective credits strongly recommended (4-course concentration) from one of the following:</p> <ul style="list-style-type: none"> • Career and Technical (CTE) • JROTC • Arts Education (e.g. dance, music, theater arts, visual arts) • Any other subject area (e.g. Social Studies, Science, Mathematics, English) 	<p>7 Credits required or 6 Credits with a Graduation Project consisting of the following:</p> <p>Four (4) elective credits constituting a concentration recommended from one of the following:</p> <ul style="list-style-type: none"> • Career and Technical Education (CTE) • JROTC • Arts Education • World Languages • Any other subject area <p>Three (3) elective credits - Higher level courses taken during junior and/or senior years that carry 5 or 6 <u>4.5 or 5</u> quality points such as AP, IB, Dual or college equivalent course, Advanced CTE/CTE credentialing courses, online courses or other honors or above designated courses</p> <p style="text-align: center;">OR</p> <p>Two (2) credits – Higher level courses taken during junior and/or senior years that carry quality points such as AP, IB, Dual or college equivalent course, Advanced CTE/CTE credentialing courses, online courses or other honors or above designated course AND a Graduation Project</p>
		<p>Student shall earn an unweighted grade point average of at least 3.50.</p>
<p>Credits</p>	<p>28 credits</p>	<p>25 credits OR 24 credits with Graduation Project</p>

- A. High school students must take all end-of-course (EOC) tests, NC Final Exams and Career and Technical Education State Assessments (CTE Post-Assessments) required by the State Board of Education.
- B. Graduation exercises may be held within one week of the 180th school day of each school year. The time, date, and location of graduation exercises shall be approved by the Superintendent. The graduation program shall be approved by the principal.
- C. Honor graduates may be designated by the principals on the basis of criteria established by the Superintendent. Recognition of honor graduates may be included in graduation programs.
- D. Early graduation may be permitted on the basis of criteria approved by the Board upon recommendation by the Superintendent.
- E. Students have the opportunity to earn one or more of the following diploma endorsements identifying a particular area of focused study: (1) Career Endorsement, (2) College Endorsement (two options) (3) North Carolina Academic Scholars Endorsement and/or (4) Global Language Endorsement. No endorsement is required to receive a diploma.

Legal Reference: G.S. 115C-47, -81, -174.11, -276, -288, -407.5; State Board of Education Policies CCRE-001, GRAD-004, GRAD-007, GRAD-008, GRAD-010, TEST-003

Adopted: November 26, 1990

Revised: June 24, 1996; June 28, 1999; January 23, 2006; May 12, 2008; January 7, 2013; February 10, 2014; January 12, 2015; September 14, 2015; December 14, 2015; July 17, 2017;

5910 SCHOOL IMPROVEMENT PLAN

Student learning is at the core of Moore County Schools' mission. Since student learning is most successful in a highly supportive environment in which staff, students, parents, and community work closely and harmoniously together, it is essential to focus attention on plans for improving student learning at each school. Thus, school improvement plans will be revised on a continuous basis not to exceed every two years. In developing, implementing and revising school improvement plans, a variety of data are to be captured and analyzed when developing goals and action steps. The School Improvement Team shall analyze student data to identify root causes for problems and to determine actions to address them. Specifically, the team shall use the Education Value Added System (EVAAS) or a compatible and comparable system approved by the State Board of Education to analyze student data to identify root causes for problems and determine actions to address them. The plan must contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting measurement standards. In addition, plans will reflect the goals in the mission statement set by the State Board of Education. Allocation of staff development funds will be based on these data as well.

A. ~~Composition of Team~~

The School Improvement Team (SIT) will consist of no less than eight and no more than 15 members. The school improvement team may not include more than one member of an immediate family, defined as spouse, children, parents, and siblings or other individual who has a comparable relationship.

1. ~~Certified Staff~~—At least 60% of the elected members of the team will be certified staff members elected by their peers through secret ballot for two year terms. Certified staff includes teachers, social workers, psychologists, etc. (one third is to rotate off each year).
2. ~~Instructional Support Personnel~~—A representative, such as media specialist, school counselor, etc., is required to be part of the SIT and will be elected by his or her peers thorough secret ballot for a two year term.
3. ~~Teacher Assistants~~—At least one member will be a teacher assistant elected by his or her peers through secret ballot for a two year term.
4. ~~Parents~~—Members of the SIT will nominate not less than three or more than five parents of students attending the school to serve on the team. Nominations will be elected by the PTA/PTSA/PTO at the school. Parent members will serve two year terms. Parent members must reflect the racial and socioeconomic composition of the student body and may not be permanent employees of the school system. All parents will be made aware of these positions and given an opportunity to recommend individuals to the school improvement team for nomination.
5. ~~Principal~~—The principal of the school will serve as a member of the team and must be an active participant; this responsibility may not be delegated.

~~6. Assistant Principal—A representative will serve on the team.~~

~~B. Role of the School Improvement Team~~

~~The SIT will serve as a representative voice for staff and parents in the decision-making process at the school level. The team will exercise specific responsibilities in the following areas as provided by law or Board policy:~~

- ~~1. To develop a school improvement plan, including appropriate instructional strategies based on data and a plan to promote successful transition of students at risk, as defined by the State Board of Education, between elementary and middle school and between middle and high school.~~
- ~~2. To monitor implementation of the school improvement plan, including evaluation of teaching strategies and analysis of test data, and to make such modifications as may be required to meet the individual needs of the students.~~
- ~~3. To make requests for waivers of policies and regulations that may impede the instructional program.~~
- ~~4. To address school safety and discipline concerns.~~
- ~~5. To identify staff development needs, plan school-level staff development activities, and allocate staff development funds.~~
- ~~6. To develop, with the cooperation and approval of the principal, a framework for school and student schedules and a plan for effective use of instructional positions.~~
- ~~7. To advise the principal on the appropriate use of any days scheduled in the school calendar for discretionary use at the school.~~
- ~~8. To advise the principal in developing budget for expenditures of any unrestricted instructional funds allocated to the school~~
- ~~9. To plan and implement a program to foster a positive school climate, including parental involvement, public relations, and positive discipline.~~
- ~~10. To perform other such duties as may be established by law or policy.~~

~~C. Mandatory Components of the School Improvement Plan~~

~~A school improvement plan must include the following components:~~

1. ~~The plan must specify the effective instructional practices and methods to be used to improve the academic performance of students identified as being at risk of academic failure or at risk of dropping out of school.~~
2. ~~The plan must be, to the greatest extent possible, data driven. The plan must contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting measurement standards.~~
3. ~~The plan must identify how staff development funds allocated to the school will be used.~~
4. ~~The plan must provide a duty-free lunch period for every teacher on a daily basis or as otherwise approved by the School Improvement Team.~~
5. ~~The plan must provide duty-free instructional planning time for every full-time assigned classroom teacher, with the goal of providing an average of at least five hours of planning time per week.~~
6. ~~As part of the school system's efforts to maintain safe and orderly schools, the school improvement plan must address safety and discipline concerns. These concerns include any special conditions at the school.~~
7. ~~The plan must identify the goals and strategies for parents/guardians to be involved in their child's education and in the educational program of the school.~~
8. ~~The plan must attempt to identify and eliminate unnecessary and redundant reporting requirements for teachers and, to the extent practicable, streamline the school's reporting system and procedures, including requiring forms and reports to be in electronic form when possible and incorporating relevant documents into the student accessible components of the Instructional Improvement System.~~
9. ~~The plan must include a process by which the SIT will review the school improvement plan at least once a year. The annual review process must include (a) a review of student scores on all state and Board-mandated tests and (b) a means for the school improvement team to modify the plan, if necessary, when the school has not met the expected growth score established by the state.~~

D. Meetings

The SIT is a legally constituted public body; its meetings will be open to the public unless the need for confidentiality necessitates a closed session. The SIT also will adhere to the following requirements in conducting its business:

- ~~1. The SIT will establish a regular meeting schedule and must meet at least monthly during the school year.~~
- ~~2. Special meetings may be called by the chairman or principal.~~
- ~~3. Meetings must be scheduled to allow active participation by parent members.~~
- ~~4. Minutes of the open session of each SIT meeting will be recorded and made available in a timely manner to all school staff and to the Superintendent or designee. Such minutes will be made available for public inspection upon request but shall not include any discussions or recommendations regarding the safety components of a school improvement plan, which are confidential and not a matter of public record.~~
- ~~5. Each principal shall ensure that all SIT discussions or deliberations on the school safety components of a school improvement plan are held in closed session. Minutes of each closed session shall be maintained confidentially and not made publicly available except by approval of the Superintendent or Board in consultation with legal counsel.~~
- ~~6. Each school improvement plan, except for its school safety components, is a public record and shall be posted on the school's website, along with the names of the SIT members, their positions, and the dates of their election to the SIT. The safety components of each SIT shall be maintained separately and confidentially and shall not be made publicly available except by approval of the Superintendent or Board in consultation with legal counsel.~~

~~E. Procedures~~

~~The SIT annually will elect a chairman from its membership. The chairman must be a certified staff member.~~

~~Each SIT will develop its own operating procedure, including but not limited to, the following components: (1) procedures for the election of certified, instructional support personnel, teacher assistant, parent and assistant principal members, (2) procedures for developing all components of the school improvement plan, (3) procedures for monitoring the school improvement plan, and (4) procedures for making decisions in areas of responsibility.~~

A. Principles

Principals, assistant principals, teachers, and other instructional staff at each school are responsible for designing and implementing strategies to reach the educational goals of the Board. Input from the school community, including parents, students, and representatives from businesses and other agencies, is critical in developing an educational program that will meet the needs of the students and the community.

The Board of Education affirms the General Assembly's belief that all children can learn and that the mission of public schools is to challenge, with high expectations, each child to learn, achieve, and fulfill his or her potential.

Accordingly, the Board has established in its policies its vision, standards, and means of accountability for the educational program. The Superintendent shall provide guidance and establish any other standards necessary for effective implementation of the Board's policies. Principals shall lead each school in implementing the policies. The school improvement plan is one tool that school administrators should use to draw upon the creativity and innovation of the staff and the community. The school improvement plan should identify the school's efforts to improve student performance and reach the educational goals of the Board.

B. School Improvement

The Board endorses the principles set forth by the State Board of Education that all children need to master basic skills and knowledge and build upon this foundation for lifelong learning. Therefore, in developing their school improvement plans, all schools should ensure, to the extent possible, that sufficient resources and curricula are directed toward meeting the goal of having all students performing at grade level or higher in the basic subject and skill areas identified by the State Board.

1. School Improvement Team

Each school shall create a school improvement team to develop a school improvement plan in accordance with state law, State Board of Education policy, and Department of Public Instruction guidelines. The school improvement team will consist of the principal, assistant principals, teachers, instructional support personnel and teacher assistants assigned to the school building, and parents of students attending the school. Each group of school personnel shall elect by secret ballot representatives from their respective groups to serve on the school improvement team. Schools shall encourage parental participation so that parent representatives reflect the racial and socioeconomic composition of the students enrolled in the school. Likewise, schools shall make every effort to ensure that the staff members elected to the school improvement team represent a variety of grade levels and/or subject areas.

The Superintendent and/or designee shall provide guidance to principals to ensure that the principals establish and work together with school improvement teams to develop, review, and amend school improvement plans. The school improvement team shall assess the current program and needs at the school, identify and design strategies for improving student performance, and continually evaluate the results of the school improvement work and effectiveness of the plan.

The school improvement team shall follow all legal requirements in developing and obtaining school approval of the school improvement plan. School improvement team meetings will be held at a convenient time to facilitate parent participation. The principal

shall ensure that the school improvement team, as a public body, complies with the Open Meetings Law in regard to its meetings.

Deliberations on the school safety components of the plan must be in closed session in accordance with G.S. 143-318.11(a)(8).

2. Development of the School Improvement Plan

- a. The plan shall specify effective instructional practices and methods to be used to increase proficiency and growth rates across all student groups and eliminate predictability of achievement.
- b. The school improvement plan shall follow all statutory requirements as well as all local Board/district requirements. The plan shall align with the district's Strategic Plan. Furthermore, the plan shall take into consideration the minimum annual performance goals established by the State Board and the goals set out in the mission statement for public schools adopted by the State Board of Education.
- c. The plan shall be, to the greatest extent possible, data driven. As part of the Comprehensive Needs Assessment, school improvement teams should review student performance data from one to three preceding school years in developing the school improvement plan and its goals. The team shall use the Education Value Added Assessment System (EVAAS) or a compatible and comparable system approved by the State Board of Education to analyze student data to identify root causes for problems and determine actions to address them. Other data sources will include perception, demographic, and process data points. The plan must contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting measurement standards.
- d. The proposed school improvement plan shall be presented to the school staff for a vote. The principal of the school shall present the proposed school improvement plan to all of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote by secret ballot. A majority vote of the staff who voted on the plan is required to approve the plan at the school level. Once the school improvement plan has been approved at the school level, it shall be submitted to the Superintendent and Board for acceptance or rejection as provided by statute.
- e. The school improvement plan shall remain in effect for no longer than two years and may be revised as often as necessary. The school improvement team shall have a process in place for reviewing and monitoring the progress of the plan on a quarterly basis and modifying the plan as needed in response to data collected.

A. Posting the School Improvement Plan Online

The school improvement plan, except for its school safety components which are not public record, must be posted on the school's website. The names and positions of the members of the school improvement team, along with the date of each member's election to the team, must also be posted on the website.

Legal References: U.S. Department of Education approval of Elementary and Secondary Education Act (ESEA) Flexibility Request (May 29, 2012); G.S. 115C-47(38), -81, -84.2, -98, -105.20, -105.21, -105.25, -105.26, -105.27, -105.32, -105.35, -301.1, -307(g); 143 art. 33C

Adopted: August 25, 1997

Revised: June 8, 2009; April 12, 2010; April 11, 2011; March 12, 2012; June 10, 2013; February 10, 2014; July 17, 2017; _____

6000 ATTENDANCE

Attendance in school is central to educational achievement and school success. Attendance and participation in class is an integral part of the teaching-learning process, and thereby a part of the grade earned. Additionally, regular attendance develops patterns of behavior essential to success in later life, both personal and business. While there are times when students must be absent from school due to physical inability to attend, it must be understood that parents or legal guardians have the responsibility for ensuring that students attend and remain at school daily. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school. Parents and legal guardians are responsible for ensuring that students attend and remain at school daily.

A. Attendance Records

~~A. Teachers~~ School officials shall ~~maintain~~ keep accurate attendance records, both daily and by class where appropriate. Attendance records will be used to enforce the Compulsory Attendance Law of North Carolina.

~~B. Principals shall adhere to all conditions of the North Carolina Compulsory Attendance Law, and shall notify parents or guardians of their responsibility under the same law.~~

~~C.~~ To be counted present, a student shall be in attendance at least one-half of the student school day.

B. Excused Absences

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the teacher on the day the student returns after an absence. An absence may be excused for the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;
2. isolation ordered by the State Board of Health;
3. death in the immediate family;
4. medical or dental appointment;
- ~~5. absences due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent;~~
- ~~6.~~5. participation under subpoena as a witness in a court proceeding;

~~76. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent(s) with written prior approval from the principal for a minimum of two days each academic year. The student shall have the opportunity to make up any tests or other work missed due to the excused absence for a religious observance;~~

~~87. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval by the principal;~~

~~98. absence due to pregnancy and pregnancy-related conditions or parenting, when for the length of time the student's physician finds medically necessary. Extended illnesses generally require a statement from a physician; or~~

~~109. visitation with the student's parent or legal guardian, at the discretion of the Superintendent or designee, if the parent or legal guardian (a) is an active duty member of the uniformed services as defined by Policy 6024 – Military Children Enrollment and Placement, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.~~

In the case of any short-term out-of-school suspensions and absences, including those under G.S. 130A-440 for failure to submit a school health assessment form within 30 days of entering school (see Policy 6021 – Immunization and Health Requirements for School Admission), the student will be permitted to make up his or her work (see Policy 6021 – Immunization and Health Requirements for School Admission, and Policy 6515 – Due Process). The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period, ~~as determined by the teacher.~~

A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting shall be granted additional excused absences at the discretion of the Superintendent or designee to visit with his or her parent or guardian relative to such leave or deployment.

C. School-Related Activities

All classroom activities are important and difficult, if not impossible, to replace if missed. ~~School-related activities as outlined below, however, shall not be counted as absences from either class or school. It is the intention of the Board of Education Principals shall ensure that classes missed for such reasons be by students due to school-related activities are kept to an absolute minimum through close scrutiny and a monitoring system on the part of the principal. Assignments missed for these reasons are eligible for makeup by the student. The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.~~

The following school-related activities will not be counted as absences for either class or school:

1. ~~F~~field trips sponsored by the school;
2. ~~J~~job shadows and other work-based learning opportunities, as described in G.S. 115C-47(34a);
3. ~~S~~school-initiated and -scheduled activities;
4. ~~A~~athletic events requiring early dismissal from school;
5. Career and Technical Education student organization activities approved in advance by the principal; and
6. ~~I~~n-school suspension.

Absences missed for these reasons are eligible for makeup by the student. The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

D.Unexcused Absences

Any absence not meeting the requirements of an excused absence shall be an unexcused absence. This includes, but is not limited to:

1. ~~A~~ny absence not classified as excused above.
2. ~~A~~ny absence as excused above for which proper and timely notification is not furnished to the principal.

Any absence of a student that results from a suspension of that student for misconduct pursuant to G.S. 115C-391 shall not be considered an unexcused absence for purposes of the Compulsory Attendance Law. A student who has been suspended pursuant to G.S. 115C-391 shall be provided an opportunity to make up any work missed during the suspension.

E. Excessive Absences

The principal or his/her designee shall notify the parent, guardian, or custodian after the child has accumulated three (3) unexcused absences in a school year. After not more than six (6) unexcused absences, the principal shall notify the parent, guardian or custodian by mail that he/she may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified. Once the parents are notified, the school social worker shall work

with the child and his family to analyze the causes of the absences and determine steps, including adjustment of the school program or obtaining supplemental services, to eliminate the problem.

After ten (10) accumulated unexcused absences in a school year, the principal shall review any report or investigation prepared by the school social worker in accordance with N.C. Gen. Stat. § 115C-381 and shall confer with the student and his/her parent, guardian, or custodian if possible to determine whether the parent, guardian, or custodian has received notification pursuant to this section and made a good faith effort to comply with the law. If the principal determines that the parent, guardian or custodian has not made a good faith effort to comply with the law, he/she shall notify the district attorney and the director of social services of the county where the child resides. If the principal determines that the parent, guardian, or custodian has not made a good faith effort to comply with the law, he/she may file a complaint with the juvenile intake counselor pursuant to Chapter 7B of the North Carolina General Statutes that the child is habitually absent from school without a valid excuse. Upon receiving notification by the principal, the director of social services shall determine whether to undertake an investigation pursuant to N.C. Gen. Stat. § 7B-302.

Teachers shall follow the process for notifying the principal when student absences, excused or unexcused, from either homeroom or an individual class, reach five (5) in a semester or eleven (11) in a year in grades 9-12, or fifteen (15) in a year in grades K-8. The principal shall in turn notify parents or guardians of the absences in writing and by such other means as the principal deems appropriate. The notice to parents or guardians shall include a warning of the possible consequences of additional absences and/or a copy of this policy. Students at any age who accumulate excessive absences may experience consequences ranging from extra make-up work to grade retention.

Students in grades 9-12 who are absent from a class more than eight (8) days during a semester course shall not receive credit for the semester or year where applicable. The maximum numerical grade recorded for such a student for the semester or for the year shall be fifty (50).

At the end of each semester, the principal shall appoint an interdisciplinary attendance committee to advise him/her whether circumstances for each student who has exceeded the requisite number of days warrant waiver of the no-credit or retention provisions of this policy. Such hearings for each student shall be mandatory. The principal shall notify the student and his/her parents or guardians concerning the time and place of such hearings and indicate that their presence is required. The principal shall have authority to waive the no-credit or retention provisions of the policy before or after a hearing by the committee.

Students in grades K-8 who are absent more than twenty (20) days during a year shall be referred to an interdisciplinary attendance committee which shall determine if the student should be retained. The committee may substitute summer school experiences for retention if it determines them to be of greater educational benefit to the child than retention. The committee will also review any additional educational experiences that the child might have received during the absences as it makes its determinations.

Excessive absences may impact eligibility for participation in interscholastic athletics.

For student experiencing homelessness (see Board policy 6023 – Homeless Children), school officials must consider issues related to the student’s homelessness, such as a change of caregivers or nighttime residence, before imposing other barriers to school attendance based on excessive absences or tardies.

Legal Reference: G.S. 115C-47, -84.2, -288(a), -375.5, -378 through -383, -390.2(d), -390.2(l), -390.5, -407.5; 130A-440; 16 N.C.A.C. 6E .0102-.0103; State Board of Education Policies ATND-000, -003, NCAC-6E.0104

Adopted: November 29, 1990

Revised: October 24, 1994; October 25, 2004; January 12, 2009; April 11, 2011; July 18, 2011; September 14, 2015; June 13, 2016; July 17, 2017; _____

6024 MILITARY CHILDREN ENROLLMENT AND PLACEMENT

The children of military families face barriers to educational success because of frequent moves and deployment of their parents. To that end, the Board adopts the Interstate Compact on Educational Opportunity for Military Children as follows.

Applicability

This policy applies to children of:

- Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after the medical discharge or retirement of the service member; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after the death of the service member.

Eligibility and Enrollment

A student who is not a domiciliary of the district may attend school tuition free if the student resides with an adult who is a domiciliary of Moore County as a result of that student's parent or legal guardian being on active military duty and deploying out of the local school administrative unit in which the student resides. Active duty does not include training for less than 30 days, and assignment to school is only available if some evidence of the deployment is tendered with the affidavits generally required under the school enrollment statutes.

Educational Records/Immunizations

In the event that official records cannot be released to parents for the purpose of transfer, the custodian of records in the sending state shall prepare a complete set of unofficial records containing information as determined by the Interstate Commission on Educational Opportunity for Military Children ("the Interstate Commission"). Upon receipt of the unofficial records, Moore County Schools shall enroll and appropriately place the child based on the unofficial records pending validation by the official records.

Upon enrollment and the conditional placement of the student, Moore County Schools shall request the student's official records. The school in the sending state shall process and furnish the records within ten days or within such time as determined by rules of the Interstate Commission.

Students shall have 30 days from the date of enrollment (or within such time as determined by Rules of the Interstate Commission) to obtain any immunizations required by the receiving state.

Grade Placement

Students shall be allowed to continue their enrollment at the grade level in Moore County Schools commensurate with their grade level (including Kindergarten) in the sending state at the time of transition, regardless of age.

A student who has satisfactorily completed the prerequisite grade level in the sending state shall be eligible for enrollment in the next highest grade level in Moore County Schools, regardless of age.

A student transferring after the start of the school year shall enter school in Moore County Schools on their validated level from an accredited school in the sending state.

Academic Program/Course Placement

Moore County Schools will seek to continue the military student's academic program from the previous school and promote placement in academically and career challenging courses. Moore County Schools shall initially honor placement of the student in courses based on enrollment in the sending state and/or assessment conducted in the sending state, including Honors, ~~International Baccalaureate~~, Advanced Placement and career and technical education (CTE) pathway courses. This does not preclude the receiving school from performing subsequent evaluations to ensure appropriate placement.

Moore County Schools shall initially honor placement of the student in programs based on enrollment in the sending state and/or assessment conducted in the sending state, including academically or intellectually gifted (AIG) programs and English as a second language. This does not preclude the receiving school from performing subsequent evaluations to ensure appropriate placement.

The receiving school shall initially provide services to a student with a disability based on his/her current Individualized Education Plan (IEP) from the sending state. This does not preclude the receiving school from performing subsequent evaluations to ensure appropriate placement.

School officials shall have flexibility in waiving course/program prerequisites for placement in courses/programs.

Attendance

~~A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting shall be granted additional excused absences at the discretion of the Superintendent to visit with his or her parent or guardian relative to such leave or deployment.~~

Extracurricular Activities

Moore County Schools shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

Graduation

The Board strives to facilitate the on-time graduation of children of military families. Officials in Moore County Schools shall waive specific courses required for graduation if similar work has been satisfactorily completed in another district or shall provide reasonable justification for denial. Should a waiver not be granted, the district shall provide an alternative means of acquiring required course work so that graduation may occur on time.

Moore County Schools shall accept: a) exit or end-of-course exams required for graduation from the sending state; or b) national norm-referenced achievement tests; or 3) alternative testing in lieu of testing requirements for graduation in the receiving state.

Should a military student transferring at the beginning of or during his or her senior year be ineligible to graduate from Moore County Schools after all alternatives have been considered, Moore County Schools will work with the sending district to ensure the receipt of a diploma from the sending district if the student meets graduation requirements of the sending district.

Legal References: G.S. 115C-407.5; G.S. 115C-366(a3)

Adopted: June 8, 2009

Revised: June 12, 2017; _____

6225 STUDENTS AT RISK OF ACADEMIC FAILURE

The principal or designee is responsible for ensuring that teachers identify students at each school who are at risk of academic failure and who are not successfully progressing toward grade promotion and graduation in compliance with G.S. 115C-105.41.

Such identification shall occur as early as reasonably may be done, beginning in kindergarten. Identification may be based on grades, observations, diagnostic and formative assessments, State assessments, and other factors, including reading on grade level, that impact student performance that teachers and administrators consider appropriate, without having to await the results of end-of-grade or end-of-course tests. In addition, no later than the end of the first quarter or after the teacher has had up to nine weeks of instructional time with a student, an ~~personal education~~ intervention plan for academic improvement with focused intervention and performance benchmarks shall be developed or updated for each student at risk of academic failure who is not performing at least at grade level.

The principal or designee shall notify the student's parent or guardian that the student has an ~~personal education~~ intervention plan ~~and provide the parent or guardian with a copy of the plan~~. Parents should be included in the implementation and ongoing review of personal education intervention plans.

Transition Plans

Transitions in the school environment can be stressful experiences that pose academic, social, and emotional challenges for students. Addressing students' academic, social, and emotional needs to create successful transitions provides students with a better chance of academic success. A comprehensive and coordinated transition plan will be implemented for students who are at risk of academic failure in order to facilitate their educational transitions between elementary school and middle school and between middle school and high school.

School improvement teams shall develop transition plans for students at risk, as defined by the State Board of Education, to assist them in making a successful transition between elementary school and middle school years and between middle school and high school years. Such plans shall be submitted for formal approval by the Moore County Board of Education as part of the school improvement team process.

Legal References: G.S. 115C-105.41; State Board of Education Policy DROP-001

Adopted: May 10, 2010

Revised: April 11, 2011; June 10, 2013; February 10, 2014; July 17, 2017; _____

6842 STUDENT VOTER REGISTRATION AND PREREGISTRATION

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

The principal of each high school is encouraged to make the application forms described in G.S. ~~163-82.3~~ 163A-862 available to all students and others who are eligible to register or preregister to vote.

Legal References: G.S. 115C-47(59), -81.45(c)(1)(b); ~~163-82.1, -82.3, -82.23~~ 163A-860, -862, -888

Adopted: June 12, 2017

Revised: January 16, 2018; _____

7040 OPERATION OF STUDENT FOOD SERVICES

All schools will participate in the National Child Nutrition Program, ~~school breakfast program~~ and will receive commodities donated by the United States Department of Agriculture. All federal and state revenues will be accepted and applied so as to maximize the use of such funds for the purposes of providing nutritional meals to students at the lowest possible price. The Superintendent or designee shall develop procedures as necessary to implement the operational standards established in this policy.

~~The Moore County Board of Education will accept all federal and state revenues available for its child nutrition programs and will maximize the use of these funds for the purposes of providing nutritionally adequate meals to all students at the lowest possible price. Realizing the need for adequate income for each category of meals, this Board of Education fully intends to use all federal, state and local resources in order to provide adequate income in all categories of meals, whether they be free, reduced or paid, in order to fully support maximum federal reimbursement, so long as the uses of federal, state and local revenues are in harmony with local, state and federal policies. In no way does this policy statement indicate that this Board of Education will be required to provide any additional support, but simply directs the financial support that is presently being provided. This document will serve as a basis for the Board of Education to direct its financial support (presently being provided) to that category of meals that operates at a deficit.~~

A. Operational Standards

The ~~student food~~ school nutrition services program will be operated in a manner consistent with Board goals and Board policy. The program also will be operated in compliance with all applicable state and federal law, including requirements of the National School Lunch Program and all federal guidelines established by the Child Nutrition Division of the United States Department of Agriculture. Specific legal requirements which must be met include, but are not limited to, the following.

~~1. no child will be~~ School officials may not discriminated against because of based on race, sex, color, national origin, disability, age, or eligibility status for free and reduced price meals. School officials also are prohibited from retaliating against an individual for prior civil rights activity.

~~2. safety and sanitation~~ The school nutrition services program will meet safety and sanitation standards requirements established in local, state and federal rules and guidelines for school ~~food~~ nutrition services programs.

3. The school nutrition services program will have a written food safety program that includes a hazard analysis critical control point plan for each school.

4.m Menu preparation, ~~and purchasing and related record keeping~~ will be consistent with established applicable state and federal rules and guidelines for programs which receive special revenue funds;

5.b Banking, financial record keeping, budgeting and accounting will be conducted in accordance with generally accepted practices and procedures, as dictated by the School Budget and Fiscal Control Act and in accordance with state and federal guidelines.

6.e Commodity foods donated by the United States Department of Agriculture will be used and accounted for in accordance with federal regulations;

7.p Preference will be given in purchasing contracts to high-calcium foods and beverages, as defined in G.S. 115C-264.1 and to foods grown or raised within North Carolina;

~~contracts involving the sale of juice or bottled water will be competitively bid as required by G.S. 143-64;~~

8. Child Nutrition Program (CNP) funds will be used only for the purposes authorized by law. Indirect costs, as defined by law, will not be assessed to the CNP unless the program has a minimum of one month's operating balance.

9. The price for meals will be determined in accordance with federal law.

10.a Nonprogram foods will be priced to generate sufficient revenues to cover the cost of those items. A nonprogram food is defined as a food or beverage, other than a reimbursable meal or snack, that is sold at the school and is purchased using funds from the child nutrition account.

11.a All school food services will be operated on a non-profit basis for the benefit of the CNP; school food services are those that are operated from 12:01 a.m. until the end of the last established lunch period; ~~and~~ Competitive food sales are those which may occur during these times.

12. a All income from the sale of food and beverages that is required by law or regulation to be retained by the CNP will be deposited to the CNP account and will be used only for the purposes of the school's non-profit lunch and breakfast programs; a All funds from food and beverage sales not otherwise required by law to be deposited to the CNP account will be deposited into the proper school account in accordance with guidelines developed by the Superintendent or designee. The CNP will retain income from the sale of all foods and beverages, including competitive food sales, sold to students from 12:01 a.m. until the end of the last established lunch period.

13. All competitive foods sold on campuses will meet federal and state standards for nutrient content.

~~Bidding and purchasing requirements in G.S. 115C-522(a) and G.S. 143-129 do not apply to service contracts; however, the Board encourages competitive selection processes whenever possible.~~

~~A. Child Nutrition Program~~

~~The Board will ensure that all school food services are operated on a nonprofit basis for the benefit of the Child Nutrition Program (CNP). School food services are those which are operated from 12:01 a.m. until the last student is served lunch. Competitive food sales are those which may occur during these times. The CNP will retain income from the sale of all foods and beverages, including competitive food sales, sold to students during the school day until the last student is served lunch~~

~~Pursuant to federal law and State Board of Education Policy, the CNP may not sell foods of minimal nutritional value, and all profits from "competitive food sales" must be used for the school's nonprofit lunch and breakfast programs~~

~~B. Supplemental Food Sales~~

~~Supplemental food sales are those which may occur during these times or otherwise. Any profits from supplemental sales sold to students during the school day until the last student is served lunch must be used for the school's nonprofit lunch and breakfast programs. All funds generated from supplemental food sales must be deposited either in the school account or in the CNP account.~~

~~B. Meal Charges~~

~~Student who are required to pay for meals are expected to provide payment in a timely manner. The Board recognizes, however, that students occasionally may forget or lose their meal money. The Board therefore directs the Superintendent to develop a procedure to manage situations in which students are unable to pay for a meal on a particular day. The Superintendent shall ensure that federal child nutrition funds are not used to offset the cost of unpaid meals and that the CNP is reimbursed for uncollected student meal charges prior to the end of the year.~~

~~The Superintendent or designee will establish procedures as appropriate to help ensure compliance with board policy and legal requirements.~~

~~Legal References: National School Lunch Act, *as amended*, 42 U.S.C. § 1751, et seq.; Child Nutrition Act of 1966, *as amended*, 42 U.S.C. § 1771, et seq.; 7 C.F.R. §210.11(a); G.S. 143-64; 115C-47(7), -47(22), -263, -264, -264.1, -426, -450, -522; art. 115C-31; 16 N.C.A.C. 6H.0104; State Board of Education Policy EEO-S-000~~

~~Adopted: November 29, 1990~~

~~Revised: March 12, 2007; February 10, 2014; _____~~

7100 USE OF STUDENT TRANSPORTATION SERVICES

School System Transportation Services

The first priority of the school system transportation services is to provide eligible students transportation to and from school. The school system may make other transportation services available as funding permits and in accordance with legal requirements Board policy and the following standards:

- Yellow state-operated school buses may be used for instructional programs directly related to the curriculum when the trip and use of the bus are approved in accordance with Board policy;
- Yellow state-operated school buses may be used only for purposes expressly allowed by G.S. 115C-242;
- Yellow state-operated school buses may not be used for athletic activities or extracurricular activities; and
- As local funding permits, activity buses and other vehicles meeting federal safety standards may be used for travel to athletic activities and travel to other approved school-related activities. In addition to students receiving regular school bus safety training, safety instruction will be provided to students traveling on activity buses or commercial buses as needed.

Special Use of School Buses

The Board may authorize special uses of school buses as provided by G.S. 115C-242 and 115C-254 and of activity and yellow school buses as provided by G.S. 115C-243 and 115C-247. The Board also may authorize the special use of activity buses for the purposes described in G.S. 66-58(c)(9b). The Superintendent shall present to the Board any requests for special uses and the statutory support for allowing such authorization.

Transportation for Special Needs Students

A student who is identified as having a disability following procedures in the North Carolina *Procedures Governing Services for Children with Disabilities* will be provided with transportation services as required by law. When the school system's transportation services are unable to provide transportation for a student with a disability, the Board may contract with public or private carriers to provide this service, pursuant to policy 7160, Contract Transportation.

The Board prohibits the use of 12-15 passenger vans for any school system purpose.

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; 49 U.S.C. §30125, -30165; G.S. 115C-239, -242, -243, -247, -254; G.S. 66-58(c)(9a) and (9b); *Policies Governing Services for Children with Disabilities*, State Board of Education Policy ~~EXCP-000~~ GCS-D-000 ; State Board of Education policies TRAN-000, -006; Memorandum to All Superintendents from Eddie M. Speas, Jr., Special Deputy Attorney General, January 14, 1988, available at <http://www.ncsba.org/wp-content/uploads/2017/03/AG-Memo-1988.pdf>

Adopted: November 29, 1990

Revised: March 12, 2007; January 12, 2009; January 7, 2010; June 12, 2017; _____

7101 SCHOOL BUS IDLING

The Board recognizes that emissions that accumulate from school buses can be harmful to students and bus drivers. The Board further recognizes that unnecessary bus idling wastes fuel and financial resources. The Board is committed to transporting students on school buses in a manner that is safe and consistent with the Board's goal of resource conservation. To this end, the Board prohibits all unnecessary school bus idling. In addition, the Board prohibits the warming up of buses for longer than five (5) minutes, except in extraordinary circumstances or circumstances beyond the bus driver's control.

This policy applies to school buses and activity buses when used to transport students to/from school, extracurricular activities, field trips and other school-related activities.

The Superintendent shall develop procedures consistent with this policy. The Superintendent shall ensure that school bus drivers and appropriate school personnel receive training to implement this policy.

Legal References: G.S. 115C-12(34)(b), -36, -47(50); State Board of Education Policy Number TCS-MALOT-003; *N.C. Public School Allotment Policy Manual*, State Allotment Formulas - Transportation of Pupils, Program Report Code 056, available at <http://www.ncpublicschools.org/fbs/allotments/general/>

Adopted: November 28, 2005

Revised: January 7, 2010; January 17, 2017; _____

7102 BUS ROUTES

The Superintendent or designee shall develop school bus routes in accordance with state law and regulations. All bus routes will be kept on file in the Superintendent's office, and all changes will be filed within 10 days after such change becomes effective.

Students will be assigned to a bus that passes within one mile of the student's residence. Parents will be informed of students' scheduled school bus arrival times. It is the parent's responsibility to ensure that a student is present at a bus stop prior to the scheduled arrival time.

A. Transportation to Locations Other Than Home

Upon request, the Superintendent or designee may, but is not required to, assign a student to a bus to transport the student to and/or from a location other than home if the following conditions are met.

1. The student's parent or guardian submits a written, signed request to the principal that states the specific location other than home to which the student is to be transported and acknowledges that the parent or guardian and not the school system is responsible for the student's safety once the child has departed from the bus.
2. The request for such transportation does not require a bus to deviate in any significant way from an established route.
3. There is capacity on the bus if the request would necessitate the student's riding a different bus from the regularly assigned bus.
4. The student's residence and requested bus stop are within the zone eligible for transportation service.
5. The request for such transportation does not cause the school system to incur any additional cost.
6. The proposed bus stop meets safety standards established by law, the Board, the Superintendent or the designee.

Any changes in bus stops must be approved by the superintendent or designee.

B. Bus Routes in Hazardous Conditions

School buses will not be allowed to operate if there is a serious threat to the safety of students or drivers. The Superintendent may develop a more limited bus route for hazardous weather conditions in order to operate only on roads that are safe. To the extent possible, parents will

be notified in advance of the bus route that will be used in hazardous conditions. The hazardous conditions bus route will be on file in the Superintendent's office.

A student who is identified as having special needs following procedures in the North Carolina Policies Governing Services for Children with Disabilities will be provided with transportation services as required by law.

Legal References: Individuals with Disabilities Education Act Amendments of 1997, 20 U.S.C. 1400 et seq.; G.S. 115C-240(d), -246; Policies Governing Services for Children with Disabilities, State Board of Education Policy EXCP-000; State Board of Education Policies TRAN-000, -002, -006

Adopted: _____

7103 STUDENT ASSIGNMENT TO BUSES

A. Eligibility

Any student assigned to a school that is one and a half miles or more from his or her residence is eligible for transportation services to and from school. In addition, a student identified as having special needs will be provided with transportation services if entitled to such by federal and state laws and regulations. Also, the Superintendent or designee shall consider applications for transportation services in the following situations:

1. when factors are present that may endanger the safety of students walking to the school and
2. when the student is medically certified as temporarily incapacitated.

B. Applications

The parent or guardian of any child enrolled in the school system may request bus services. The request should be made to the principal of the assigned school or designee. The principal or designee shall forward the application to the superintendent or designee. If the application is denied by the Superintendent or designee, the parent may seek review of the decision in accordance with policy 6902 - Student Grievances.

The Board will direct that the student be provided transportation services if either (1) the Board finds that the student is entitled to be transported to and from school on the school bus designated in the application; or (2) the Board finds that the transportation of the student on the requested bus to and from such school is in the best interest of the student, will not interfere with the proper administration of the school or with the safe and efficient transportation by school bus of other students enrolled in the school, and will not endanger the health or safety of the children enrolled at the school.

Legal References: G.S. 115C-239, -240, -241, -244; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Adopted: _____

~~7110 APPOINTMENT OF TRANSPORTATION DIRECTOR~~

~~The transportation director shall be appointed by the Board upon the recommendation of the Superintendent.~~

~~Legal Reference: G.S. 115C 239 through 242, 248~~

~~Adopted: November 29, 1990~~

~~7111 DUTIES OF TRANSPORTATION DIRECTOR~~

~~The transportation director shall be responsible to the Superintendent for the conduct of those duties and responsibilities as set forth in the job description.~~

~~Legal Reference: G.S. 115C 240(c), 248; 20-218~~

~~Adopted: November 29, 1990~~

7120 DAMAGING SCHOOL BUSES

Any willful or careless damage to a school bus shall be paid for by the person responsible for such damage. The ~~principal and the~~ Executive Officer for Operations and/or designee in charge of transportation will inspect all school buses and assess fair and reasonable damage fees.

All persons should be aware that, in addition to violating Board policy, it is unlawful to willfully demolish, destroy, deface, injure, burn or damage any public school bus or public school activity bus, punishable by a fine and/or imprisonment.

Legal Reference: G.S. 14-132.2; 115C-399

Adopted: November 29, 1990

Revised: August 26, 2002; June 12, 2017; _____

~~7130 DUTIES OF SUPERINTENDENT IN TRANSPORTATION PROGRAM~~

~~The Superintendent or his designee shall be responsible for the school transportation system. The responsibilities of the Superintendent or designee shall include:~~

- ~~• Assigning buses to the respective schools~~
- ~~• Assigning pupils to buses~~
- ~~• Assigning drivers, other employees and volunteer safety monitors to school buses~~
- ~~• Assigning the employees who may be transported to and from school on school buses~~
- ~~• Preparing, implementing and enforcing the plan for school bus routes.~~

~~In the cases where buses serve more than one school, the principals of the respective schools shall implement and enforce the assignment of pupils made by the Superintendent or his designee.~~

~~Legal Reference: G.S. 115C-244 through 246, 288~~

~~Adopted: November 29, 1990~~

~~Revised: March 22, 1999~~

~~7131 DUTIES AND RESPONSIBILITIES OF SCHOOL BUS DRIVERS~~

~~The school bus driver shall keep informed of all laws, rules, and regulations pertaining to operating the school bus and shall cooperate with the superintendent, the principal, and other school officials in compliance.~~

~~**7131.1** A bus driver shall possess proper certification to operate the vehicle to which he is assigned.~~

~~**7131.2** A bus driver will not operate a school bus on a public street, highway or public vehicular area while using a mobile telephone or related technology while the school bus is in motion unless such use is for the sole purpose of communicating in an emergency situation.~~

~~Legal Reference: G.S. 20-137.4; G.S. 20-218; 115C-245(b) and (e)~~

~~Adopted: November 29, 1990~~

~~Revised: March 22, 1999; July 28, 2008~~

~~7132 DUTIES AND RESPONSIBILITIES OF SCHOOL BUS MONITORS~~

~~The superintendent or his designee may, in his discretion, appoint a bus monitor to assist the bus driver. The monitor shall possess all essential leadership characteristics and abilities.~~

~~All monitors shall be given instruction as to the performance of their duties and responsibilities.~~

~~Legal Reference: G.S. 115C-245(d)~~

~~Adopted: November 29, 1990~~

~~Revised: March 22, 1999~~

7133 DUTIES AND RESPONSIBILITIES OF SCHOOL BUS PASSENGERS

The principal shall make certain that all passengers assigned to a school bus for transportation are informed and cautioned, through class instruction, supervision, and otherwise, of the responsibility of the individual passenger for conduct and safety. The principal shall also inform parents of each bus passenger as to the responsibilities of bus passengers. Each bus passenger shall cooperate with the sSuperintendent, principal, teacher, bus driver, and bus monitor.

Legal Reference: G.S. 115C-245(b)

Adopted: November 29, 1990

Revised: March 22, 1999

7140 STUDENT TRANSPORTATION INSURANCE FOR STUDENT TRANSPORTATION SERVICES

Student transportation insurance entitlements shall be administered in accordance with general statutes. No school bus, activity bus or other school-owned vehicle will be operated without state or locally purchased insurance to cover bodily injury and property damage unless the vehicle is operating under the State Tort Claims Act. School buses will not be used for any purpose or any circumstance not covered by the State Tort Claims Act unless liability insurance has been purchased to cover such purpose or circumstance. Only activity buses and other vehicles meeting federal safety standards may be used for approved school-related activities. The Superintendent or designee and principals shall monitor compliance with this policy.

In order to be covered by the State Tort Claims Act, school bus drivers will be paid at least in part from state funds. If no state funds are used, insurance will be purchased to cover bodily injury and property damage.

Legal References: 49 U.S.C. 30125, 30165; G.S. 115C-42, -47(25), -239, -242, -257, -258, -259; G.S. 143 art. 31; Memorandum to All Superintendents from Eddie M. Speas, Jr., Special Deputy Attorney General, January 14, 1988

Adopted: November 29, 1990

Revised: _____

7150 SAFETY AND STUDENT TRANSPORTATION SERVICES

Safety is of paramount concern in providing student transportation services. The Board recognizes that providing safe transportation requires the cooperation of students, parents, volunteers, personnel and other governmental agencies. The Board further recognizes that student transportation service is a privilege. Student transportation privileges may be revoked as a consequence for bus misbehavior as outlined in the Student Code of Conduct, Policy 6401. The Superintendent or designee shall make reasonable efforts to inform affected individuals or entities about safety issues and monitor compliance with legal requirements and this policy.

A. Student Behavior

A safe and orderly environment is critical whenever transporting students. The Code of Student Conduct and board policies on student behavior apply as provided in policy 4300, Student Behavior Policies. All students will receive training on school bus safety as required by law regardless of whether they regularly ride a school bus to and from school.

B. Transportation Safety Assistants and Bus Monitors

Upon recommendation of a building principal and the superintendent, the board may employ transportation safety assistants to assist bus drivers with the safety, movement, management, and care of students. In addition, the Superintendent, principal or designee may appoint a volunteer monitor to assist a bus driver with maintaining order and student safety for any bus assigned to a school. As necessary, the Superintendent or designee shall designate in administrative guidelines the responsibilities of school bus transportation safety assistants and bus monitors in accordance with state law.

C. Maintenance

The Superintendent or designee and principals shall fulfill all duties prescribed by state law and regulations for maintaining, inspecting and repairing school buses and other vehicles used to transport students.

D. Safety Practices on School Buses and Activity Buses

In addition to any rules established by the Superintendent or designee for the safe operation of the student transportation services, the Board expects school employees to observe the following practices.

1. All school bus drivers must utilize the North Carolina crossing signal to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus.
2. The number of students transported on any school bus, activity bus, commercial bus or contracted vehicle will not exceed the official rated capacity for the specific vehicle being used.

3. All riders must be seated while the vehicle is in motion.
4. No person will be permitted to stand or sit in the aisle or stepwell when the vehicle is in motion.
5. All school bus drivers are expected to use good judgment in determining whether it is safe to operate a school vehicle and to permit students to enter or leave the bus at particular locations.
6. Bus drivers must report immediately any suspected mechanical defects or other unsafe conditions, including road or traffic conditions that affect the safeness of the bus route or bus stops.
7. All school bus and activity bus drivers will refrain from the use of mobile devices while in operation of a school vehicle except in cases of emergency.

E. Training

It is the responsibility of the Superintendent or designee to see that:

1. students and bus drivers receive training as required by law, including training on the use of the North Carolina crossing signal;
2. students taking trips on activity buses or commercial buses receive safety instruction as needed, including, but not limited to, instruction on and demonstration of emergency exit operation for the vehicle on which they are riding for any specific trip; and
3. records of student training are made as required by the State Board of Education.

F. Accident Reporting

The driver of any school bus or other school vehicle must report immediately to the Superintendent or designee any accident involving death, injury or property.

Legal References: G.S. 20-137.4, 115C-239, -240, -245, -248, -249.1; *Preventive Maintenance and Vehicle Replacement Manual (NC Bus Fleet Manual)*, State Board of Education Policy TRAN-005, available at www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf; State Board of Education Policies TRAN-006, -011; *N.C. School Bus Handbook*, Department of Transportation, Division of Motor Vehicles, available at <http://www.ncdot.gov/dmv/driver/schoolbus/>

Adopted: November 29, 1990

Revised: July 28, 2008; January 7, 2010; _____

7160 CONTRACT TRANSPORTATION

~~In cases where Board or State-owned vehicles cannot serve the transportation requirements efficiently, private contracts shall be negotiated~~ 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 2500 – Contract Administration.

The Superintendent or designee shall develop safety standards for contracted 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 student transportation services only with companies or individuals who are on the approved list.

~~The Board may purchase or lease student transportation vehicles in accordance with law and Board policy. 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.~~

Legal References: 49 U.S.C. 30125, 30165; G.S. 115C-42, -47(25), -239, -240, -247, -249, -249.1, -253, -255; Preventive Maintenance and Vehicle Replacement North Carolina School Transportation Fleet Manual, State Board of Education Policy Policies TCS-HTRAN-005, ; State Board of Education Policies TCS-H-009, TCS-H-010, TCS-H-011; School Charter Transportation Recommended Guidelines and Procedures, available at <http://www.ncbussafety.org/motorcoach/Motoreoach04Jan2005.pdf>index.html.

Adopted: November 29, 1990

Revised: April 11, 2011; September 8, 2014; _____

~~7170 PURCHASE OF SYSTEM-OWNED VEHICLES~~

~~All buses and other system-owned vehicles shall be titled in the name of the Board and purchased in accordance with law and relevant Board policies.~~

~~Legal Reference: G.S. 115C 239, 240~~

~~Adopted: November 29, 1990~~

7171 SCHOOL VEHICLES

Vehicles may be purchased and used for school purposes only, out of individual local school funds, with the title of any such vehicle placed in the name of the Moore County Board of Education. Any such vehicle must meet federal safety standards and state requirements. The insurance coverage for property damage shall be sufficient to cover the fair market value of the individual vehicle insured, and the insurance coverage for personal liability shall not be less than \$100,000.

All buses and other system-owned vehicles shall be titled in the name of the Board and purchased in accordance with law and relevant Board policies.

Legal Reference: G.S. 115C-42, -47(25), -239, -247, -249, -255

Adopted: November 29, 1990

7172 ACTIVITY BUSES

The Moore County Board of Education recognizes the value of activity buses. Student transportation for school activities is an integral part of the school program.

These rules and regulations will apply to activity buses:

- (a) The principal is responsible for carrying out all regulations.
- (b) The bus must have minimum insurance coverage as provided in Policy 7171.
- (c) The expenses of maintenance and repair of all activity buses must be paid from sources other than the county.
- (d) The bus may be driven only by a driver who is at least age 18 and has been approved by the principal and holds a valid driver's license of Class "A", or Class "B", or a Class "C" license and a school bus driver's certificate, or a commercial driver's license and a school bus driver's certificate.
- (e) Activity buses must be used only for school related activities as approved by the principal and/or Board of Education.
- (f) A member of the school staff or a person designated by the principal must accompany all trips.
- (g) Permanent licenses and gas without tax may be purchased for activity buses whose title are in the name of the Moore County Board of Education.
- (h) Passenger capacity shall be limited to the number of persons who can be properly seated.
- (i) The fee for the use of the activity bus shall be in keeping with the cost of operation as suggested by the Division of School Bus Transportation, State Department of Public Instruction.
- (j) Activity buses shall be inspected at least once each thirty days during the school year for defects which may affect the safe operation of the buses.
- (k) Other uses of activity buses, in accordance with state law, must be approved by the Board.

Legal Reference: G.S. 20-218; 115C-47, -243, -247, -248, -288; 66-58(c); State Board of Education ~~Policies~~ Policy TRAN-010

Adopted: November 29, 1990

Revised: March 22, 1999; _____

7401 COMMUNITY USE OF SCHOOL FACILITIES

~~The Moore County Board of Education endorses community use of school facilities for appropriate purposes. Since school facilities represent an investment of the citizenry for the education of students and for the general benefit of the community and its citizens, their proper use and enjoyment shall be encouraged and permitted when such use does not interfere with school activities.~~

~~The Superintendent or his/her designee shall prepare and administer regulations and procedures otherwise necessary for the general use of school facilities. A fee schedule for facility use shall be prepared annually by the Administration and approved by the Board. Principals shall have the authority to enter into community use facilities agreements pursuant to the rules and regulations promulgated by the Superintendent (see Policy 4900 for classified employee rate of pay as necessary).~~

~~The Superintendent shall have the authority to approve the use of school facilities as alternate assembly facilities for United States and North Carolina military organizations.~~

~~Per G.S. 163-129, the county board of elections shall be entitled to use any school or a part thereof, for the purpose of conducting registration and voting for any primary or election, and it may be required that the requisitioned premises, or a part thereof, be vacated for the purposes.~~

~~Per G.S. 163-99, the Superintendent is authorized and directed to permit the use of schools buildings without charge, except custodial and utility fees, by political parties, as defined in G.S. 163-96 for the express purpose of annual or biennial precinct meetings and county and district conventions. Provided, that the use of such buildings by political parties shall not be permitted at times when school is in session or which would interfere with normal school activities or functions normally carried on in such school buildings.~~

~~Per G.S. 115C-524(b), no liability shall attach to the Board of Education, individually or collectively, for personal injury suffered by reason of the use of school property pursuant to this policy.~~

The Board endorses the goals of the Community Schools Act. The Board will make specified indoor and outdoor school facilities available for use by eligible community groups under agreements developed in accordance with this policy. The Board also will make some outdoor school facilities available for limited recreational use by the general public when not inconsistent with the Board's use of the facilities. Public use is subject to Section H of this policy.

A. General Principles

The use of school facilities by community groups should be consistent with the educational program and the goals and objectives of the Board and school system.

Priority for facility use will be given to community groups as outlined below in Section B. For-profit groups as identified in the Facility Use Application are permitted to use school facilities. Use of school facilities will not be approved for activities that do any of the following:

1. violate federal, state, or local laws;
2. violate board of education policies or regulations;
3. advocate imminent violence;
4. damage or have the potential to damage school buildings, grounds, or equipment; or
5. are in conflict with scheduled school activities.

B. Priority in Use/Fee Structure

School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations permitted to meet under the Equal Access Act, will have first priority in the use of school facilities.

Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with law and the following user categories. Priority in use among groups within the same user category will not be based upon the viewpoints of the groups (see Policy 3037/4037/6640/8337 – Discrimination/Harassment/Bullying). All groups within the same user category will be charged for facility use according to the uniform fee structure.

1. In accordance with G.S. 163A-1046, as a polling place on election days
2. School-related groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers' and principals' organizations and booster clubs)
Fees: Fees for use of kitchens will be charged to cover costs. Custodial or other supervisory services may be charged.
3. In accordance with G.S. 115C-527, political parties for the express purpose of annual or biennial precinct meetings and county and district conventions
Fees: Custodial and utility fees may be charged.
4. Local government and youth organizations, including, but not limited to, scouts and 4-H

Fees: Utility fees for the use of facilities may be charged. Custodial, kitchen, and/or supervisory fees will be charged.

5. All other non-profit groups (all groups not included in the other categories as well as political parties when meeting for purposes other than precinct meetings or county or district conventions)

Fees: Rental, kitchen, utility, custodial, and supervisory fees will be charged.

6. For-profit groups as identified in the Facility Use Application.

Fees: Rental, kitchen, utility, custodial, and supervisory fees will be charged.

Prior to the beginning of each school year, the Superintendent shall submit for board approval a fee structure that lists the amount or method of calculating rent and fees to be charged for facility use.

C. Requests for Use of Facilities

An eligible individual or group that wishes to apply for permission to use a school facility must submit a written application to the principal of the school in which the facility is located. Facility use request forms will be available in the school administrative office and on the school district's website.

D. Facilities Available for Use

The Board permits eligible individuals or groups to use the facilities of those schools designated by the Board as "community schools." A list of facilities available for community use is available to the public at the Superintendent's office, at each principal's office and on the school district's website.

The Superintendent is authorized to develop a list of school facilities available for community use. Among the types of facilities that may be available for community use are auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers, and playgrounds.

Other school facilities may be used only in exceptional circumstances based on a justified need and as approved by the Superintendent or designee. The Superintendent is authorized to determine the fees for the use of facilities in such circumstances.

E. Rules Governing Use of School Facilities

The Superintendent shall develop regulations consistent with this policy. The regulations will include an application process and provisions regarding the supervision of groups using facilities, the care of facilities, prohibited conduct, and other issues deemed appropriate by the

Superintendent. A copy of the regulations will be provided to all applicants at the time they receive the facilities use application form. In addition to the regulations established by the Superintendent, users of school facilities must comply with the following rules:

1. Users must comply with all federal, state and local laws and all rules established by the Board, the Superintendent or designee and the principal.
2. Users must comply with the requirements of the Americans with Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulations that have been adopted for the implementation of the ADA.
3. Users must comply with board policy and legal requirements forbidding the use of tobacco products in school facilities and on school grounds (see Policy 3032/4032/6610/8555 - Smoking and Tobacco Products).
4. Users must not consume or possess alcohol or drugs on school grounds.
5. Users must not possess weapons or explosives while on school grounds, except in the limited circumstances permitted by state law and Policy 3045/4045/6605/8565 - Weapons and Explosives Prohibited.
6. Users are responsible for supervising their activity and the people present at their activity. Users are responsible for maintaining order and safety during their activity.

A user's violation of the provisions of this policy or any applicable regulations is grounds for suspending the user's privilege to use school facilities for a period of time deemed appropriate by the principal, subject to the review of the Superintendent and the Board of Education.

F. Damages and Liability Insurance

Users of school facilities are responsible for all damage to school facilities, property or equipment that occurs while the facility is being used by the group, regardless of who caused the damage. Users also are responsible for the conduct of all persons involved in the users' activities while on school property.

All user groups, except school-sponsored groups, must furnish a certificate of insurance for general liability coverage with a total limit coverage of \$1,000,000 for each claim made.

G. Term and Acceptance of Lease

The Superintendent is authorized to enter into agreements with community groups for the lease of school property for terms of one year or less. All such leases must be reviewed and approved in advance by the board attorney. The Superintendent shall inform the Board of the execution of

any lease at its next regularly scheduled meeting. Leases may be renewed following the same process.

Absent unusual circumstances, leases will not be granted for a term longer than one year. A lease for more than one year must be approved in advance by the Board. Long-term exclusive leases are subject to the provisions of Policy 2422 – Sale, Disposal and Lease of Board-Owned Real Property.

H. Use of Outdoor School Facilities by the General Public

Outdoor property and facilities of the school system will be open to limited use by members of the general public in accordance with rules to be established by the Superintendent or designee. Public use will be permitted only to the extent that it 1) is not inconsistent with the proper preservation and care of the outdoor school property; 2) does not interfere with the safe and efficient operation of the schools and school activities; and 3) does not conflict with use by any community group operating under a facility use agreement described in this policy. The Superintendent is authorized to restrict use during operating hours and to establish all terms, conditions, and rules necessary to regulate the use of outdoor facilities by members of the general public consistent with these requirements.

I. Review of Decisions Concerning Use of School Facilities

Any person or organization may request a review of any decision made by a school employee pursuant to this policy in accordance with Policy 6902, Student Grievances.

Legal Reference: Americans with Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; 36 U.S.C. 20101 et seq.; G.S. 14-269.2; Community Schools Act, G.S. §§ 18B-301(f)(7); 115C-203 et seq. to 209.1; 115C-524(b), 527; 163-99; 163-129 160A-274; 163A-1046

Adopted: November 29, 1990

Revised: May 23, 2005; April 14, 2008; _____

7500 FACILITY CONSTRUCTION AND DESIGN

School building construction will be undertaken in accordance with the master plan for each school adopted by the Moore County Board of Education. The Board will not be involved in substandard construction. In the event of insufficient funding for a project, the Board will defer parts of the master plan to later phases.

The Board is committed to designing new and renovated facilities in a manner that maximizes the use of space, conserves environmental resources, has effective energy management, implements sustainable systems and produces structurally sound and safe buildings. All school buildings should be designed to create safe, orderly and inviting learning environments.

The Superintendent is responsible for the design of facilities that have been identified in the long-range facility needs plan and have been approved for funding. The Superintendent will ensure that all legal requirements are met in the design of new or renovated buildings. The Superintendent may utilize services of outside professionals, including architects and other consultants, in the facility design and construction. Any contract for professional services related to facility design exceeding \$50,000 must be reviewed by the Board attorney and approved by the Board.

Plans for science facilities in middle and high schools are subject to approval by the State Board of Education in accordance with G.S. 115C-521(c1) and State Board of Education policy.

The Superintendent will report periodically to the Board on the development of facility plans. The Superintendent also will report on the State Board's review of facility plans conducted pursuant to G.S. 115C-521(c) and will specifically address any concerns noted by the State Board. The Board will give final approval of facility plans before investing money into new buildings or renovations.

Change Orders

After a contract for construction or repair work has been awarded, the need may arise to amend the terms, conditions or specifications of the contract. The contract may be amended by a change order, but change orders may not be used to evade bidding requirements.

When amendments to a contract are necessary, the contractor shall submit a proposed change order in writing to the Superintendent or designee. Any request for expedited review also must be in writing and accompany the proposed change order.

Unless otherwise prohibited by statute or regulation, the Superintendent or designee is authorized to approve or deny change orders involving sums up to \$50,000 so long as funding for the change order is available within the established project budget. The Superintendent shall report to the Board all such change order requests and whether they were approved or denied.

Change orders which involve amounts over \$50,000 or are in excess of the remaining funds in the project budget require Board approval. The Superintendent shall report to the Board at the next regular Board meeting all such proposed change orders, along with the Superintendent's recommendation whether to approve each change order. However, the Superintendent shall report to the Board Chair within 48 hours any change orders that include a request by the contractor for expedited review or that, in the Superintendent's opinion, require expedited review. The Board Chair then will decide whether a special meeting must be called to address the proposed change order before the next regular Board meeting.

Legal Reference: 29 U.S.C. 794(b); 34 C.F.R. pt. 104 (subpt. C); 42 U.S.C. 120101 *et seq.*; 28 C.F.R. pt. 35 (subpt. D); G.S. 115C-204, -521, -524; 133, arts. 1 and 3; State Board of Education Policy SCFC-005; State Board of Education Policies SCFC-003, *North Carolina Public Schools Facilities Guidelines*, and SCFC-006, *Procedures Manual: Public School Building Capital Fund*, both available at www.schoolclearninghouse.org/

Adopted: November 29, 1990

Revised: February 10, 1997; February 10, 2014; June 12, 2017; _____

After discussion of the policies as noted above, Ms. Carter made a motion for the policies to be presented to the full Board for first reading at the Board of Education's regular meeting scheduled for Monday, August 6, 2018. Ms. Caldwell seconded the motion, and the motion was approved unanimously.

Further discussion indicated several policies to be reviewed when the Policy Committee convenes again, including the following.


- The Policy Committee would like to align the regulations that accompany Policy 1620 - Expenses for Members of the Board of Education to reflect current reimbursement rates as reflected on the school district's travel reimbursement form.
- Mr. Dennison raised a question about Policy 5060 – Student Wellness and the year that reporting will be required. Dr. Alpenfels agreed to research the question.
- Board Chair Helena Wallin-Miller requested that the committee review possible conflict in policy language that outlines whether parent groups may distribute campaign literature. Dr. Alpenfels will confer with counsel about the particular language that may need to be clarified.
- Committee Liaison Anita Alpenfels informed the Board that she will be working with the North Carolina Schools Board Association (NCSBA) to align Moore County Schools' policy numbering with NCSBA's over the coming year.

III. ADJOURNMENT

There being no further business, Ms. Carter made a motion to adjourn. Ms. Caldwell, seconded, and the motion carried unanimously.

The Board adjourned the meeting at 4:00 p.m.


Dr. Betty Wells Brown, Chair, Policy Committee
Moore County Board of Education


Dr. Anita Alpenfels
Executive Officer for Human Resources