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**Moore County Board of Education**  
**Policy Committee Meeting Minutes**  
**Monday, October 22, 2018**  
**2:00 pm – Central Office Conference Room**

The Moore County Board of Education's Policy Committee met on October 22, 2018, with Committee Chair Dr. Betty Wells Brown calling the meeting to order at 2:00 p.m. Also in attendance were committee members Libby Carter and Stacey Caldwell, Board member Ed Dennison and committee liaison Anita Alpenfels.

The committee reviewed the new and revised policies below and unanimously approved for them to be presented for first reading at the October 29, 2018, Board work session (motion – Ms. Caldwell; second – Ms. Carter).

The committee discussed the need to review the Board's professional development and travel reimbursement and expense allowances (Policy 1620) at the next meeting of the Policy Committee, likely to be scheduled in mid-December after the Board's reorganization meeting in early December.

The committee adjourned at 3:02 p.m.

1. **Policy 1420/3240/4240/8263 – CONFLICT OF INTEREST/UNETHICAL INFLUENCE** ..... page 4  
*Revisions to this policy clarify responsibilities for administering federal contracts and align remaining content with the North Carolina School Boards Association (NCSBA’s) sample policy.*
  
2. **Policy 2422 – SALE, DISPOSAL AND LEASE OF BOARD-OWNED REAL PROPERTY AND GRANTING EASEMENTS** ..... page 8  
*This policy is simplified to align with NCSBA’s sample policy.*
  
3. **Policy 2425 – GIFTS AND BEQUESTS** ..... page 10  
*This policy, tabled by the full Board in September, is expanded to incorporate NCSBA’s sample policy language. An additional paragraph also is added to address gifts to employees.*
  
4. **Policy 2510 – FEDERAL GRANT ADMINISTRATION** ..... page 12  
*This new policy is recommended by counsel.*
  
5. **Policy 3026/4026/6603 – SCHOOL SAFETY** ..... page 17  
*This policy is amended to reflect NCSBA’s sample policy. It is also updated to include the new requirement that the Board have an anonymous safety tip line.*
  
6. **Policy 3100 – LICENSURE** ..... page 21  
*This policy is amended to reflect changes in State Board policy and federal law.*
  
7. **Policy 3219 – JOB DESCRIPTION FOR TEACHERS AND OTHER LICENSED EMPLOYEES** ..... page 25  
*This policy has a legal reference update.*
  
8. **Policy 3260/4260 – ADMINISTERING MEDICINES TO STUDENTS**..... page 28  
*This policy adds clarifying language to protect employees from liability.*
  
9. **Policy 3430 – ~~LICENSED PERSONNEL~~ REDUCTION IN FORCE; LICENSED PERSONNEL** ..... page 33  
*Updates to this policy remove outdated references and align it with NCSBA’s sample policy.*

10. **Policy 5312 – ALTERNATIVE LEARNING PROGRAMS/  
SCHOOLS** ..... page 37  
*Updates to this policy streamline the language and align it with NCSBA's sample policy.*
11. **Policy 5600 – TESTING AND ASSESSMENT  
PROGRAM** ..... page 45  
*Updates to this policy reflect changes in State Board policy.*
12. **Policy 5910 – SCHOOL IMPROVEMENT PLAN** ..... page 48  
*Legal references are updated.*
13. **Policy 7150 – SAFETY AND STUDENT  
TRANSPORTATION SERVICES** ..... page 51  
*Legal references are updated.*

**The following policies are updated to reflect the incorporation of "sexual harassment" into Policy 3037/4037/6640/8337 – PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING.**

14. **Policy 3038/4039/8338 – REPORTING INFORMATION TO  
ADMINISTRATORS AND EXTERNAL AGENCIES** ..... page 54
15. **Policy 3900/4800 – GRIEVANCE PROCEDURE FOR  
EMPLOYEES** ..... page 57
16. **Policy 6401 – Student Code of Conduct** ..... page 60
17. **Policy 6902 – Student Grievances** ..... page 61
18. **Policy 6903 – Sex Discrimination/Title IX** ..... page 64
19. **Policy 8450 – Complaints** ..... page 65

## 1420/3240/4240/8263 CONFLICT OF INTEREST/UNETHICAL INFLUENCE

Employees and members of the Board of Education are expected to avoid engaging in any conduct that creates or gives the appearance to the public of creating a conflict of interest or unethical influence with their job responsibilities ~~with the school system~~. Employees and members of the Board of Education shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system. ~~While there may be other~~ Although conflicts of interests are not limited to those described in this policy, at a minimum, Board members and employees shall must comply with the ~~following~~ restrictions Board directives established below.

### **A. Financial Interests-Contracts with the Board**

~~Employees and members of the Board shall not sell goods or services to the district and shall not have a direct or indirect financial interest in any activity that conflicts with the individual's duties and responsibilities in the school system.~~

#### ~~1. ——— Contracts with the Board~~

An employee or member of the Board of Education shall not do any of the following:

- ~~a~~1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the Board, unless an exception is allowed pursuant to G.S. 14-234 or other law;
2. participate in the selection, award, or administration of a contract supported in whole or in part by federal funds if the employee has a real or apparent conflict of interest;
- ~~b~~3. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the Board when the Board member or employee will obtain a direct benefit from the contract; or
- ~~e~~4. solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract. This includes trips or meals from contractors, subcontractors or suppliers, except gifts or favors of nominal value or meals furnished at banquets.

A Board member or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A Board member or employee is involved in making a contract if he or she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract.

A Board member or employee derives a direct benefit from a contract if the Board member or employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the Board of Education and the spouse of a Board member. However, the Board member involved will not deliberate or vote on the spouse's employment contract or attempt to influence any other person who is involved in making or administering the contract. An exception also is allowed for employment contracts between the Board and the spouse of the Superintendent if approved by the Board in an open session meeting in accordance with the requirements of state law and Policy 3020/4020 – Recruitment, Selection and Retention.

### **B. Misuse of Information**

A Board of Education member or employee shall not use knowledge of contemplated Board action or information known to the member or employee in his or her official capacity and not made public to:

1. acquire a financial interest in any property, transaction or enterprise or gain any financial benefit which may be affected by the information or contemplated action; or
2. intentionally aid another to acquire a financial interest or gain a financial benefit.

### **2C. Non-School Employment**

The Board recognizes that some employees may, in their own time, pursue additional compensation. An employee shall not engage in the following:

- a1. non-school employment that adversely affects the employee's availability or effectiveness in fulfilling job responsibilities;
- b2. work of any type in which the sources of information concerning customer, client or employer originate from any information obtained through the school system;
- e3. work of any type that materially and negatively affects the educational integrity program of the school system;
- d4. any type of private work using system facilities, equipment or materials, unless prior approval is provided by the Superintendent;
- e5. providing through private enterprise the same type of services to the same recipients as the employee provides in his/her employment with the school system, unless the Superintendent has given prior approval;

¶6. any type of private work during school time or on school property, unless prior approval is provided by the Superintendent; or

¶7. tutoring or instruction of students for a fee on school property or with school supplies. Any teacher who accepts pay for privately tutoring students shall provide such tutoring off school property and shall limit his/her practice to students other than those in a school in which he/she teaches.

The Superintendent may grant prior approval for work performed under subsections C.4 and C.5 above if such work enhances the employee's professional ability or professional growth for school-related work. The Superintendent may establish reporting procedures that require employees to notify the school system of any non-school employment.

Except as otherwise provided in the Superintendent's contract, the Superintendent is subject to the provisions of this section on non-school employment and shall seek prior approval from the Board before engaging in consulting or other employment activities outside the school system. The Board expects the Superintendent to comply with all sections of this policy and all state and federal laws regarding conflicts of interest in his or her position as Superintendent.

#### **BD. Receipt of Gifts**

No Board of Education member or employee may solicit or accept any gifts from any potential or current provider of E-rate services or products in violation of federal E-rate program gifting rules.

No gifts from any person or group desiring or doing business with the school system shall be accepted by a school employee or Board member except for nominally valued instructional products or advertising items that are widely distributed. No Board member or employee may solicit or accept trips, meals, gratuities, gifts, favors or anything of monetary value from (1) current contractors, subcontractors or suppliers; (2) any contractor, subcontractor or supplier that has performed under a contract with the Board within the past year; or (3) any contractor, subcontractor or supplier that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value (\$50 or less) and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other item that is clearly permitted by state and federal law.

Multiple permitted items from a single contractor, subcontractor or supplier may not exceed an aggregate value of \$100 in a 12-month period.

#### **CE. Unethical Influence**

All school employees and Board members are expected to refrain from the use of their positions or assignments in ways that could be construed to influence students unfairly or unduly in matters such as

1. Receiving fees from educational institutions for the recruitment of students;
2. Recruiting students to participate in private business-type activities operated by the employee apart and separate from the school system;
3. Causing students to feel it necessary or advisable to participate in activities or events which require more than nominal costs for such activities as lunches, dinner, admissions, transportation, and entertainment;
4. Receiving fees or other considerations for the recruitment, enlistment, or chaperoning of students for private promotions;
5. Encouraging student athletes to circumvent the Board-approved pupil assignment plan in order to participate in athletics in a school outside the student's appropriate school assignment.

Legal References: 2 C.F.R. 200.318(c)(1); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, and -234.1; 133-32, -33; G.S. 115C-36, -47, -47(18); -523, -524 Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Adopted: July 30, 1990

Revised: May 11, 2009; January 7, 2010; April 11, 2011; September 8, 2014; \_\_\_\_\_

## **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.

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.

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.

#### **D. Gifts to Employees**

School employees shall not accept any cash gifts. School employees shall not accept any other gifts, except token gifts of insubstantial value. School employees shall comply with Policy 1420/3240/4240/8263 – Conflict of Interest/Unethical Influence with respect to any trips, meals, gratuities, gifts, favors or anything of monetary value offered by actual or potential contractors, subcontractors or suppliers for Moore County Schools.

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: \_\_\_\_\_

## **2510 FEDERAL GRANT ADMINISTRATION**

The Board shall administer federal grant awards efficiently, effectively, and in compliance with all requirements imposed by law, the awarding agency, and the North Carolina Department of Public Instruction or other applicable pass-through entity.

### **A. Financial Management Systems and Internal Controls**

The Executive Officer for Budget and Finance shall be responsible to the Superintendent to develop, monitor and enforce effective financial management systems and other internal controls over federal awards that provide reasonable assurance that the school system is managing the awards in compliance with all requirements for federal grants and awards. Systems and controls must meet all requirements of federal law and regulation, including the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Uniform Guidance”) issued by the U.S. Office of Budget and Management and any applicable state requirements, and shall be based on best practices.

The financial management and internal controls must provide for (1) identification of all federal funds received and expended and their program source; (2) accurate, current, and complete disclosure of financial data in accordance with federal requirements; (3) records sufficient to track the receipt and use of funds; (4) effective control and accountability over assets to assure they are used only for authorized purposes; and (5) comparison of expenditures against budget. In addition, written procedures must be established for cash management and for determining the allowability of costs, as required by the Uniform Guidance.

At a minimum, the systems and controls shall address the following areas.

#### **1. Allowability**

Costs charged by the school system to a federal grant must be allowed under the individual program and be in accordance with the cost principles established in the Uniform Guidance, including how charges made to the grant for personnel are to be determined. Costs will be charged to a federal grant only when the cost is (1) reasonable and necessary for the program; (2) in compliance with applicable laws, regulations, and grant terms; (3) allocable to the grant; (4) adequately documented; and (5) consistent with school system policies and administrative regulations that apply to both federally-funded and non-federally funded activities. Internal controls shall be sufficient to provide reasonable assurance that charges to federal awards for personnel expenses are accurate, allowable, and properly allocated and documented. Prior written approval for certain cost charges must be obtained as required by the awarding agency in order to avoid subsequent disallowances.

#### **2. Cash Management and Fund Control**

Payment methods must be established in writing that minimize the time elapsed between the draw of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments.

### **3. Procurement**

All purchases for property and services made using federal funds must be conducted in accordance with all applicable federal, state and local laws and regulations, the Uniform Guidance, and the school system's written policies and procedures. The district shall avoid situations that unnecessarily restrict competition, as defined in 2 C.F.R. 200.319, and shall avoid acquisition of unnecessary or duplicative items. Noncompetitive procurement will be used only in the circumstances allowed by 2 C.F.R. 200.320. Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, requests for proposals, or invitations to negotiate, must be excluded from competing for such purchases.

Contracts are to be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract shall be awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities.

Purchasing records must be sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and verification that the contractor is not suspended or debarred.

The requirements for conflicts of interest established below in subsection A.4 are applicable to all procurements.

### **4. Conflict of Interest**

In addition to the prohibitions against self-benefitting from a public contract under G.S. 14-234 and accepting gifts and favors from vendors under G.S. 133-32 (see Policy 1420/3240/4240/8263, Conflict of Interest/Unethical Influence), the following standards of conduct apply when an employee, Board member, or agent of the school system engages in the procurement of goods, services, or construction or repair projects funded in whole or part with federal financial assistance.

- a. No employee, Board member, or agent of the school system may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal grant or award if he or she has a real or apparent conflict of interest.

A real or apparent conflict of interest exists when (1) the employee, Board member, or agent of the school system, (2) any member of his or her immediate family, (3) his or her partner, or (4) an organization which employs or is about to employ any of those parties, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this paragraph, “financial interest” means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. “Financial interest” does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual’s employer has no control over the selection of holdings.

Any employee, Board member, or agent of the school system who has a potential conflict of interest shall disclose that conflict in writing to the Superintendent. The Superintendent shall disclose in writing the potential conflict of interest to the federal awarding agency in accordance with 2 C.F.R. 200.112.

b. No employee, Board member, or agent of the school system may solicit or accept any trips, meals, gratuities, favors, gifts, or other items of monetary value from a contractor, supplier, or a party to a subcontract except that (1) a single unsolicited item with a nominal value (\$50 or less) or (2) multiple unsolicited items from a single contractor or subcontractor having an aggregate monetary value of \$100 or less in a 12-month period may be accepted. Violations of this rule are subject to disciplinary action.

## **5. Mandatory Disclosures**

The Superintendent shall disclose in writing to the federal awarding agency in a timely manner all violations of federal criminal law involving fraud, bribery, or gratuities potentially affecting any federal award. The Superintendent shall fully address any such violations promptly and shall notify the Board accordingly. The Board may request the Superintendent to develop a plan of correction for Board approval in appropriate situations as determined by the Board.

## **6. Equipment and Supplies Purchased with Federal Funds**

Equipment and supplies acquired with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements. Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds.

## **7. Accountability and Certifications**

All fiscal transactions must be approved by the Executive Officer for Finance and by the program manager or other person who can attest that the expenditure is allowable and approved under the federal program.

The Executive Officer for Finance shall submit all required certifications and is authorized to sign them on behalf of the Board.

## **8. Monitoring and Reporting Performance**

The Superintendent shall establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved. Performance reports, including reports of significant developments that arise between scheduled performance reporting dates, must be submitted as required by federal or state authorities.

## **B. Audits and Corrective Action**

1. An annual independent audit will be conducted as provided in Policy 2201 - Annual Independent Audit. The Executive Officer for Budget and Finance will prepare all financial statements, schedules of expenditures, and other documents required for the audit.

2. At the completion of the audit, the Superintendent or designee shall prepare a corrective action plan to address any audit findings. The plan must identify the responsible party and the anticipated completion date for each corrective action to be taken. The Superintendent shall present the plan to the Board for approval.

3. Compliance deficiencies discovered internally through administrative supervision must be addressed promptly with the goal of improving processes to encourage future compliance and reduce audit findings.

## **C. Training**

All individuals responsible for the administration of a federal grant or award shall be provided sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant or award.

## **D. Other Applicable Board Policies**

Other Board policies may provide additional controls over the administration of federal grants.

The Board shall comply with all requirements applicable to the use of federal funds. To the extent that any provision of a Board policy is contrary to a federal law, regulation, term, or

condition applicable to a federal award, employees must follow the applicable federal requirement.

### **E. Reporting Mismanagement of Federal Funds**

Any employee who reasonably believes that federal funds have been misused or that the school system is otherwise in violation of any requirement applicable to the receipt and use of federal funds should report the matter as provided in policy 1760/7280, Prohibition Against Retaliation.

Legal References: 2. C.F.R. Part 200; G.S. 14-234; 133-32

Other References: *Standards for Internal Control in the Federal Government* (“*The Green Book*”) (GAO), available at <http://www.gao.gov/greenbook/overview>; *Internal Control Framework* (Committee of Sponsoring Organizations of the Treadway Commission (COSO)), executive summary, available at <http://www.coso.org/ic.htm>; *Compliance Supplement, Part 6, Internal Control* (Office of Management and Budget), available at [https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A133/2017/Compliance\\_Supplement\\_2017.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A133/2017/Compliance_Supplement_2017.pdf)

Adopted: \_\_\_\_\_



## **3026/4026/6603 SCHOOL SAFETY**

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

### **A. Supervision of Students**

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

Students who are subject to Policy 3025/4038/5415/6620/8570, Registered Sex Offenders, and are receiving educational services on school property must be supervised by school personnel at all times.

### **B. Supervision of Visitors**

School administrators shall strictly enforce Policies 5422, School Volunteers, and 7403, Visitors to the Schools.

### **C. Safety of School Buildings and Grounds**

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

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

The principal must notify the Superintendent or designee immediately of repairs needed in order to meet safety standards.

All warning systems must meet building and equipment codes required by law and must be properly maintained. When necessary, Proper signs indicating potential danger are to be posted.

### **D. Establishing Processes to Address Potential Safety Concerns**

#### **1. Responding to Student Altercations and Other Threats to Safety**

All school system employees ~~should strive~~ have a duty to be alert at all times to situations that may pose a threat to the safety of students, employees, or visitors on school property, at school events, or in other situations in which the students are under the authority of school employees. Even an employee who does not have responsibility for supervising students is expected to make an immediate report if the employee observes or has reason to suspect that a situation poses a threat to safety and no administrator, teacher, or other supervisory employee is present and aware of the potential threat.

Teachers, teacher assistants, coaches, and other employees with responsibility for supervising students will use appropriate student behavior management techniques to maintain order and discipline on school property, at school events, and anywhere that students are under the employees' authority. Such employees must enforce the Code of Student Conduct and address student behavior in accordance with the school plan for management of student behavior (see policy 6501 - Management and Placement of Disruptive Students).

When employees with responsibility for supervising students have personal knowledge or actual notice of a student altercation or other situation that poses an immediate threat to safety, they shall use their professional judgment to determine how best to address the situation to protect the safety of everyone in the vicinity. Depending on the circumstances, reasonable measures may include, but are not limited to, issuing verbal directives to end the altercation, immediately reporting the situation to the administration or other appropriate authority, using reasonable force and/or removing bystanders from the immediate area. For purposes of this policy, reasonable force is the use of limited physical contact or restraint to the extent necessary to re-establish a safe environment. Employees shall follow any additional instructions or guidance from supervisors in implementing this policy and shall comply at all times with Board Policy – Use of Reasonable Force and Seclusion and Restraint. To the extent possible under the circumstances, any emergency procedures identified in a student's Behavior Intervention Plan, ~~if any,~~ should also be followed to the maximum extent possible under the circumstances.

## 2. School Rules

~~The principal or designee is encouraged to develop R~~ rules are to be made in each school to help prevent accidents in buildings, on school grounds or on the playgrounds.

## 3. Training for Staff and Students

Staff training must include detailed instruction on how to respond to a variety of emergency situations. ~~In addition, s~~ Staff should also be able to recognize and respond to behavior, information and related indicators which warn of impending problems. In addition, middle and high school employees must receive adequate training on the operation of the school's anonymous safety tip line.

School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety. ~~Each school shall practice emergency drills on a~~

~~regular basis and as required by law.~~ Middle and high school students must also be informed of the anonymous safety tip line and its purpose and function.

#### 4. Safety Equipment

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

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

The Board, in coordination with local law enforcement and emergency management agencies, will adopt a school risk management plan relating to incidents of school violence for each school in the school system. The Superintendent or designee must provide the Department of Public Safety's Division of Emergency Management with emergency response information it requests for the School Risk Management Plan and updated School Emergency Response Plan information when such updates are made. The Superintendent or designee must also provide the Division and local law enforcement with schematic diagrams, including digital schematic diagrams, of all school facilities and updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams must meet any standards established by the Department of Public Instruction for the preparation and content of the diagrams. In addition, the Superintendent shall provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) with updated access to school buildings key storage devices when changes are made to the locks of the main entrances or to the key storage devices.

As appropriate, the Superintendent shall consult with local law enforcement agencies and emergency responders to plan for and conduct emergency drills. Principals, with the assistance of both law enforcement and emergency responders as appropriate, shall conduct fire drills as required by law and shall conduct other emergency drills in accordance with school system emergency plans and procedures. At least one school-wide tabletop exercise and drill that meets the requirements of state law and is based on the procedures documented in the school risk management plan will be had annually at each school.

#### 6. Reporting ~~Suspicious Behavior~~ Risks to the School Population

Students should notify any staff member of any acts of violence, harassment or bullying or any unusual or suspicious behavior that may endanger safety. Middle and high school students may also use the anonymous safety tip line to report any risks to the school population or buildings. Ongoing student education efforts will aim at minimizing any fear, peer pressure, embarrassment or other impediments to students reporting potential problems.

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

Every principal is required to investigate and act upon any reports of such behavior including, when appropriate, reporting criminal activities to law enforcement, ~~and~~ the Superintendent or designee and the State Board.

#### 7. Potential Threats of Registered Sex Offenders

The principal of each school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the school.

#### 8. Student Behavior Standards

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

Legal Reference: G.S. 14-208.18; 115C-36, -47, -105.49, -105.53, -105.54, -166, -167, -288, -289.1, -307, -390.3, -391.1, -521, -524, 525; State Board of Education Policies SSCH-000, SCFC-005

Adopted: June 12, 1998

Revised: May 22, 2006; January 12, 2009; May 10, 2010; March 12, 2012; February 10, 2014; September 8, 2014; January 12, 2015; May 9, 2016; July 17, 2017; January 16, 2018;

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## 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~~ may employ candidates entering the teaching profession ~~by skilled individuals from the private sector~~ other fields who ~~meet state~~ hold a residency licensure requirements or an emergency license.
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 ~~employee for up to one year~~ an individual who holds ~~an emergency license~~ a permit to teach issued by the State Board of Education.

### 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.

### 4. Cherokee Language and Culture Instructors

An individual approved to teach in accordance with an MOU entered into pursuant to G.S. 115C-270.21 will be authorized to teach Cherokee language and culture classes without a license.

### 5. Driver Education Instructors

An individual, who is not licensed in driver education, is authorized to work as a driver education instructor if the individual holds Certified Driver Training Instructor status according to minimum standards established by State Board of Education policy DRIV-003.

## **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.

## **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.

## **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-270.30(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 professional 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 system officials will shall~~ 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 qualification and licensing requirements criteria for the subject or grade level and subject area(s) they are teaching in which the teacher provides instruction; whether the teacher ~~has had any licensure requirements~~ is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived; whether the teacher is teaching in the field of discipline 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~~ within 10 school days to the parents of children who have been assigned or, after four consecutive weeks, have been taught a core academic subject by a teacher who is not highly qualified does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

#### **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 art. 17E; 115C-270.21, -284, -295, -298.5, -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 DRIV-003, DRIV-004, EVAAL-004, EVAL-023, LICN-001, -004, -005, -018, -021, -022; NCAC-6C.0102, NCAC-6C.0307, TCED-016

Adopted: July 30, 1990

Revised: June 11, 2007; March 12, 2012; October 21, 2013; April 10, 2017; July 17, 2017; August 13, 2018; \_\_\_\_\_



## **3219 JOB DESCRIPTION FOR TEACHERS AND OTHER LICENSED EMPLOYEES**

**QUALIFICATIONS:** North Carolina Educator's Licensure in the assigned area

**REPORTS TO:** Principal

**SUPERVISES:** May coordinate and direct the activities of teacher assistants

The Teacher/Licensed Employee is required to follow all Board Policies and procedures and to comply with the instructions and/or directives from his/her supervisor(s).

In addition, the licensed employee shall perform in a manner that meets or exceeds each of the Standards and Elements for the applicable North Carolina evaluation process.

Further, the licensed employee will ensure the following.

1. Arrival at school each day at an appropriate time designated by the principal ready and prepared to complete all assigned duties.
2. Completion of all assigned and/or accepted extracurricular and non-instructional such as the following duties in a timely and professional manner:
  - A. Bus duty;
  - B. Cafeteria supervision;
  - C. Playground duty;
  - D. Supervision of extra-curricular activities; except that no such assignments may be made to initially licensed teachers unless they request such assignment in writing, or unless the Board makes a finding that there is a compelling reason to suspend this policy for an individual school;
  - E. Service on committees; and
  - F. All other duties as may be assigned by the Superintendent, principal, or other supervisor(s).
3. When the employee is absent, completion of detailed plans for all classes/assigned duties during the period of absence. If an absence can be anticipated, plans should be left the day before the absence occurs. Because absences cannot always be anticipated, emergency lesson plans should be kept on file in a location designated by the principal.

4. Delivery of instruction that will ensure attainment of educational goals and objectives. Each teacher will prepare daily well-prepared lesson plans (see Policy 3226 – Lesson Planning) to help ensure superior delivery of the curriculum program.
5. Teachers and other licensed employees will participate in all required staff meetings and student academic meetings, including required meetings for students with special needs, in a professional manner.
6. Teachers and other licensed employees will complete and transmit all required reports and other documentation in a timely and professional manner.
7. Teachers and other licensed employees will respond to all parent inquiries, complaints and/or concerns in a timely and professional manner.
8. Teachers and other licensed employees should direct complaints regarding the work environment to the appropriate supervisor(s). Further, they should avoid confrontations with co-workers, including but not limited to, engaging in actions or conversations which the employee knows or should know will result in an actual disruption.
9. Teachers and other licensed employees will manage students' behavior to minimize disruption to the educational environment and refer students, as necessary, to the administration for disciplinary action.
10. Teachers and other licensed employees are responsible for seeking clarification whenever unsure about any of the requirements of this policy.

The failure or unwillingness of a teacher to comply with professional standards of conduct and performance may result in contract non-renewal or disciplinary action up to and including dismissal from employment. In all matters concerning a teacher's compliance with this policy, consideration shall be given to the impact on the education of a student or group of students and on the overall educational environment of the school.

The major physical and cognitive requirements listed below are applicable.

Work for licensed positions is considered light physical work requiring the exertion of up to 20 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects.

Must be able to:

- walk, lift, reach, stoop, stand, grasp, kneel, crouch, or perform repetitive motions;
- use visual acuity in preparing and analyzing written or computer data;
- visually inspect small defects and/or small parts;

- operate a variety of machines, motor vehicles, hand, and job specific equipment and tools;
- determine the accuracy and thoroughness of work;
- observe general surroundings and activities;
- communicate by spoken word to express or exchange ideas and convey detailed or important instructions to others accurately, loudly, or quickly;
- safely work in situations of exposure to blood borne pathogens which may require specialized personal protective equipment;
- communicate effectively orally and in writing;
- establish positive relationships with students;
- deal with people beyond giving and receiving instructions;
- perform under stress, deal with persons acting under stress and adapt when confronted with emergency situations;
- work with both children and adults with disabilities;
- talk, i.e., express or exchange ideas by means of spoken words; and
- hear, i.e., perceive nature of sounds by ear.

Legal Reference: G.S. 115C-47(18a), -105.47, -301.1, -307, State Board of Education Policy ~~LICN-004-TCED-016~~

Adopted: July 30, 1990

Revised: June 12, 1998; June 14, 2010; June 10, 2013; December 14, 2015; July 17, 2017;

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## **3260/4260 ADMINISTERING MEDICINES TO STUDENTS**

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

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

### **A. Medication Administration by School Employees**

#### **1. Conditions for Administering Medication**

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

- a. **Parental Consent:** The student's parent must make a signed, written request that authorizes school personnel to administer the medication to the student.
- b. **Medication Authorization/Order:** A health care practitioner must prescribe the medication for use by the student and provide explicit written instructions for administering the medication.
- c. **Certification of Necessity:** The student's health care practitioner must certify that administration of the medication to the student during the school day is necessary to maintain and support the student's continued presence in school.
- d. **Proper Container/Labeling:** If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with directions for how and when the medicine is to be given. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student's name.

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

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

## 2. Procedures for Administering Medications

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

- a. The health and welfare of the student must be of paramount concern in all decisions regarding the administration of medication.
- b. Procedures for medication administration must be consistent with recommendations of the School Health Unit of the Children & Youth Branch of the N.C. Division of Public Health, as described in the *North Carolina School Health Program Manual*.
- c. Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also are to be afforded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
- d. No student may possess, use, or transmit any drug or counterfeit drug prohibited by policy 4325, Drugs and Alcohol.
- e. The Board generally encourages school personnel to administer medication from a centralized location. However, in all instances, whether administered from a centralized location or multiple locations, any medications kept at school for a student must be kept in a locked and secure place. An exception to the requirement for locked storage may be made for emergency medications that must be immediately accessible.
- f. All school personnel who will be administering medications must receive appropriate training.
- g. Only medications clearly prescribed for the student may be administered by school personnel. At the time a parent brings a medication to school for administration, if school personnel have concerns regarding the

appropriateness of the medication or dosage for a student, a confirmation should be obtained from the student's health care practitioner or another health care practitioner prior to administering the medication or allowing a student to self-administer the medication.

- h. Although efforts should be made not to disrupt instructional time, a parent has the right to administer medication to his or her child at any time while the child is on school property.
- i. Written information maintained by school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.

## **B. Emergency Medication**

Students who are at risk for medical emergencies, such as those with diabetes, asthma, or severe allergies, must have an emergency health care plan developed for them to address emergency administration of medication. Students must meet the requirements of subsection A.1, above, including providing authorization and instructions from the health care practitioner and written consent of the parent, in order for emergency medication to be administered by school personnel while the student is at school, at a school sponsored activity, and/or while in transit to or from school or a school-sponsored event.

## **C. Student Self-Administering Medications**

The Board recognizes that students with certain health conditions like diabetes or asthma, or an allergy that could result in an anaphylactic reaction, may need to possess and self-administer medication on school property in accordance with their individualized health care plan or emergency health care plan. As used in this section of the policy, "medication" refers to a medicine prescribed for the treatment of diabetes, asthma, or anaphylactic reactions and includes insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine auto-injector. The Superintendent shall develop procedures for the possession and self-administration of such medication by students on school property during the school day, at school-sponsored activities, and/or while in transit to or from school or school-sponsored events.

### **1. Authorization to Self-Administer Medication**

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

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

administer the medication;

- b. a written statement from the student's health care practitioner verifying that:
  - 1) the student has diabetes or asthma, or an allergy that could result in anaphylactic reaction;
  - 2) the health care practitioner prescribed the medication for use on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events; and
  - 3) the student understands, has been instructed in self-administration of the medication, and has demonstrated the skill level necessary to use the medication and any accompanying device;
- c. a written treatment plan and written emergency protocol formulated by the prescribing health care practitioner for managing the student's diabetes, asthma, or anaphylaxis episodes and for medication use by the student;
- d. a statement provided by the school system and signed by the student's parent acknowledging that the Board of Education and its employees and agents are not liable for injury arising from the student's possession and self-administration of the medication; and
- e. any other documents or items necessary to comply with state and federal laws.

Prior to being permitted to self-administer medication at school, the student also must demonstrate to the school nurse, or the nurse's designee, the skill level necessary to use the medication and any accompanying device.

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

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

## 2. Responsibilities of the Student

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

### 3. Consequences for Improper Use

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

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

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

Adopted: July 30, 1990

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### 3430 ~~LICENSED PERSONNEL~~ REDUCTION IN FORCE: LICENSED PERSONNEL

The purpose of this policy is to establish an orderly procedure for the reduction of licensed, professional employees of the school system. This policy applies to ~~teachers as defined by G.S. 115C-325(a)(6) and school administrators as defined by G.S. 115C-287.1(a)(3). Reductions in force shall be determined according to the definition and procedures established in G.S. 115C-325 and by this policy~~ (1) employees with career status and (2) all other teachers, school administrators and other employees with professional educator licenses.

#### 1A. Grounds for Reduction in Force

A ~~R~~eduction in force may be implemented when the Board determines that any of the following circumstances ~~exist~~ have resulted in the need to decrease the number of positions held by employees to whom this policy applies.:

##### (a) 1. District-System Reorganization defined as:

~~1. declining enrollment, financial exigency, or other cause(s) warrant closing, consolidation or reorganization of schools, school buildings or facilities and the number of existing licensed employees exceeds the number required to staff the school, school buildings or facility as reorganized; or~~

~~2.any elimination, curtailment, or reorganization of a curriculum offering, program or school operation or a reorganization or consolidation of two or more individual schools or school districts that is unrelated to financial exigency.~~

System reorganization is defined as (a) the closing, consolidation, or reorganization of schools, school buildings or facilities; (b) the elimination, curtailment or reorganization of a curriculum offering, program or school operation; or (c) the merger of two or more school systems.

##### (b)2. ~~Decreased-Declining~~ Enrollment

Declining enrollment ~~shall~~ exists (a) when the enrollment or projected enrollment for the next succeeding school year causes a decrease in the number of teaching or administrative positions allocated by the state or any other funding source; or (b) when the enrollment or projected enrollment for the next succeeding school year of a curriculum offering or program is inadequate to justify continuation of the course or program.

##### (c)3. ~~Decreased Funding~~ Financial Exigency

Financial exigency ~~shall~~ means (a) any significant decline in the Board of Education's financial resources that is ~~brought about by the decline in enrollment or by other actions or events that~~ compels a change reduction in the school system's current operational budget; ~~or~~ (b) any significant decrease or elimination in funding for a particular

program; or (c) any insufficiency in funding that would render the Board unable to continue existing programs at current levels.

## B. Preliminary Determination

~~(a)~~1. The Superintendent shall determine whether or not a reduction in force is necessary, appropriate, or in the best interests of the school system. The Superintendent is authorized to limit or narrow the scope of any reduction in force to those employees who work in the school, facility, program, grade level or department subject to the reduction in positions.

~~(b)~~2. If the Superintendent decides to recommend to the Board a reduction in force, he or she shall first determine which positions shall be subject to the reduction. In making that determination, the Superintendent shall account for both:

- a. ~~In determining which positions shall be subject to a reduction in force, the Superintendent shall consider~~ structural considerations, such as identifying positions, departments, courses, programs, operations and other areas where there are (1) less essential, duplicative or excess personnel; (2) job responsibility and/or position inefficiencies; (3) opportunities for combined work functions; and/or (4) decreased student or other demands for curriculum, programs, operations or other services, and
- b. organizational considerations, such as anticipated organizational needs of the school system and program/school enrollment.

~~(c)~~3. ~~When the Superintendent believes that grounds exist for a reduction in force, t~~The Superintendent shall then present a recommendation to the Board of Education. The recommendation ~~shall~~ must include:

1. ~~The~~ grounds for reduction in force;
2. ~~The number or estimated number of licensed employees to be reduced by area(s) of certification positions to be reduced, categorized by area(s) of licensure and/or program responsibility; and~~
3. ~~The~~ background information, data, and rationale for the recommendation.

~~(d)~~4. The Board of Education ~~shall will~~ review the Superintendent's recommendation and ~~shall will~~ determine whether to reduce the number of licensed employees or to reduce their terms of employment.

~~(e)~~5. If the Board, after exploring, considering, and discussing a variety of ways to avoid a reduction in force, determines that ~~the number of licensed employees is to be reduced a~~ reduction in force of employees subject to this policy is necessary, the Superintendent shall recommend to the Board which individuals are to be dismissed, demoted, or reduced to part-time employment, based on the criteria set forth below. ~~Prior to submitting the~~

~~recommendation to the Board, the Superintendent shall give written notice to the affected career employees by certified mail or personal delivery of his/her intention to make the recommendation and the grounds upon which he/she believes such dismissal or action is justified. The written notice shall inform the affected employees of their right to request a hearing before the Board, as provided by G.S. 115C-325.~~

### ~~3~~C. Criteria

The primary consideration in any reduction in force shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. The Superintendent will consider the following factors in determining which employees shall be included in the recommendation to the Board for reduction in force,

- ~~(a)~~1. Work performance and evaluation ratings;
- ~~(b)~~2. Joint areas of licensure;
- ~~(c)~~3. Program enrollment;
- ~~(d)~~4. Service in extra duty positions and ability to fill such positions;
- ~~(e)~~5. Length of service, with higher priority given to service in the Moore County Schools;
- ~~(f)~~6. degree level, and
- ~~(g)~~7. Other beneficial services provided by the employee to the school system.

The Board will consider these same factors along with the recommendations and advice from the Superintendent. Among these factors primary consideration will be given to work performance and the recommendations and advice from the Superintendent.

In assessing an employee's work performance for purposes of this policy, the school system may consider performance evaluations, improvement plans, past disciplinary actions and other relevant factors as determined by the Superintendent.

### 4. Exclusions

The Superintendent may recommend to the Board the exclusions of specifically identified employees in an area of licensure or administration from a reduction in force for specifically stated special or exceptional circumstances. Special or exceptional circumstances include:

- (a) A need or desire to retain those employees whose performances are deemed outstanding based upon regular evaluation reports and other indicators of excellence;

- (b) A need or desire to retain those employees who are specifically qualified to coach or sponsor an extracurricular activity; and
- (c) Any other special or exceptional circumstances as recommended by the Superintendent and approved by the Board of Education.

#### 5. Procedure for Termination

The Board will consider the Superintendent's recommendation and may, by resolution, order dismissal of an individual or reduce an individual to part-time employment. All requirements of G.S. 115C-325 (for teachers with career status) and 115C-325.6 (for non-career status teachers) will be met, including time limits and procedures for notice and opportunity for a hearing, when any career teacher (as defined in G.S. 115C-325) or teacher or administrator (as defined in G.S. 115C-325.1) is terminated, demoted, or reduced to part-time employment due to reduction in force or any non-career teacher (as defined in G.S. 115C-325.4, 325.6 to 325.9) is terminated, demoted, or reduced to part-time employment during the contract term due to a reduction in force.

#### 6. Termination/Reemployment of a Career Employee

When a career teacher is dismissed in accordance with this policy, his/her name shall be placed on a list of available employees to be maintained by the Board.

#### 7. Nonrenewal of an Employee.

The Board, upon recommendation of the Superintendent, may refuse to renew the contract of a non-career status teacher; or to offer a new, renewed or extended contract to a school administrator; or to reemploy any non-career status teacher who is not under contract for any cause it deems sufficient. A decision (1) not to renew a non-career status teacher's contract, (2) not to renew, extend or offer a new contract to a school administrator, or (3) to not reemploy any non-career status teacher who is not under contract is not considered a "termination" under this policy for any reason permitted by law, including, but not limited to, district reorganization, decreased enrollment or decreased funding. In such cases circumstances, the procedures set forth in this policy shall not apply are not required to be followed before the Board's decision.

Legal Reference: G.S. 115C-287.1, -325 (applicable to career status teachers), -325.4, -325.6 to -325.9 (applicable to non-career status teachers)

Adopted: July 30, 1990

Revised: July 29, 1991, July 18, 2011; September 14, 2015; \_\_\_\_\_

## **5312 ALTERNATIVE LEARNING PROGRAMS/SCHOOLS**

### **A. Purposes**

The Board is committed to the goal of providing a safe, orderly and inviting learning environment at each school. The educational program, ~~and the school student behavior management plans developed at each school,~~ school improvement plans, and as well as numerous other strategies identified in Board policies, are intended to create such an environment and help each student be a contributing and successful member of the school community. As used in this policy and context, an alternative learning program or school may serve as the site to: (1) deliver educational services required by G.S. 115C-390.9 or -390.10 to a student who is serving a long-term or 365-day suspension; (2) provide concentrated support for students at risk of academic failure; and/or (3) deliver educational and other services to students who are or may be disruptive to a safe and orderly learning environment in the regular educational setting.

~~Alternative learning programs or schools are provided as an option for when a student's behavior management or academic performance needs cannot be met in a regular education setting. The purposes of the alternative school learning program or school are to (1) intervene and address problems that prevent a student from successfully achieving in the regular educational setting; (2) reduce the risk of a student dropping out of school by directing resources to help the student resolve issues affecting his or her performance at school; (3) return a student to the regular educational setting as soon as practical with the skills necessary to succeed in that environment; and (4) preserve a safe, orderly and inviting learning environment in the regular educational setting.~~

### **B. Standards for Alternative Learning Programs/Schools**

~~Alternative school learning programs and schools should serve the purposes described above. Such alternative education programs are expected to meet all Board policy and state requirements. In addition, the alternative education program and supporting services should be designed to facilitate the transition of students back into the regular educational setting.~~

~~Staff of alternative learning programs or schools should receive training to assist them in successfully meeting their requirements.~~

~~Prior to the implementation of a new alternative learning program or school, the Board will develop an implementation proposal that is consistent with the State Board of Education standards for alternative learning programs. The Board will then submit the proposal to the State Board for its review. Upon review by the State Board, the Board will consider any recommendations to modify the proposal made by the State Board before implementing the alternative learning program or school.~~

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

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

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

## **C. Transfer to Alternative Learning Programs or Schools**

### **1. Basis for Transfer**

Students generally are assigned to a school based upon attendance area. However, as provided by law, the Board may assign any student to a school outside the attendance area in order for the student to attend a specialized school or for any reason the Board, in its sole discretion, deems sufficient. In all cases, the assignment or transfer of a student with a disability will comply with applicable federal and/or state requirements for students with disabilities.

Students may be transferred to an alternative learning program or school on a voluntary or involuntary basis ~~or pursuant to a disciplinary suspension. The process for transfer is provided below~~ under any of the following circumstances.

- a. The student's parent or guardian and the principal agree, and a multi-disciplinary team agrees, that the transfer would be in the best interest of the student and the efficient administration of the public schools,
- b. the student has been recommended for long-term suspension or expulsion;
- c. the student poses a significant disruption to the educational environment in the regular educational setting due to continuing social/behavioral problems;
- d. the student is at risk of dropping out or not meeting standards for promotion due to academic, developmental and/or behavioral problems, and resources in addition to or different from those available in the regular educational setting are needed to address the issue.
- e. the student is a clear threat to the safety of other students or personnel; or
- f. the student has been charged with a felony or with any crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the student's continued presence will significantly disrupt the regular educational environment.

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

## **12. Responsibilities of Personnel at Referring School Staff**

In addition to any other procedures required by this policy, prior to referring a student to an alternative learning program or school, the principal of the referring school must:

- a. document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly;
- b. provide the reasons for referring the student to an alternative learning program or school; and
- c. provide to the alternative learning program or school all relevant student records, including anecdotal information.

## **~~2. Responsibilities of Alternative Learning Program or School Staff~~**

~~In addition to any other procedures required by this policy, once a student is placed in an alternative learning program or school, the appropriate staff of the alternative program or school must meet to review the student's records and any other documentation forwarded by the referring school. Based upon the student's records and any input provided by the parent(s) concerning the student's needs, the alternative program or school staff is to determine what support services and intervention strategies are recommended for the students.~~

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

## **3. Voluntary Referral**

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

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

## **4. Involuntary Referral**

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

- ~~a. the student presents a clear threat to the safety of other students or personnel;~~
  - ~~b. the student is a significant disruption to the educational environment at the regular educational setting;~~
  - ~~c. the student is at risk of dropping out or not meeting standards for promotion and additional or different resources from what is available at the regular educational setting are needed to address the issue;~~
  - ~~d. the student has been charged with a felony or a crime that allegedly endangered the safety of others and it is reasonably foreseeable that the educational environment at the regular educational setting will be significantly disrupted if the student remains; or~~
  - ~~e. if the Student Code of Conduct provides for a transfer as a consequence of the student's behavior.~~
1. Students who are recommended for long-term suspension or expulsion and who receive due process through the disciplinary process for violations of the Code of Student Conduct do not require additional referral procedures prior to transfer.
  2. Prior to an involuntary a transfer in circumstances where a student is experiencing academic or developmental difficulties or chronic continuing social/behavioral problems, the principal or disciplinary school-based committee of the referring school shall document the student's behavior and academic performance and efforts to assist the student in the regular educational setting as provided in Section C.1 environment. School administrators are encouraged to meet with the student's parents or guardians to try to reach a consensus on how to address the student's difficulties at school.

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

3. In all cases where a basis for transfer exists, other than where the student has received due process pursuant to a recommendation for long-term suspension or expulsion. If an agreement for voluntary transfer is not reached and a basis for involuntary transfer exists, the principal ~~may~~ must refer the student to a multi-disciplinary team to determine whether the student should be transferred to an alternative school. The principal must provide in writing (1) an explanation of the student's behavior or academic performance ~~which~~ that is at issue, (2)



documentation or a summary of the documentation of the efforts to assist the student in the student's regular educational setting, if applicable, and (3) ~~other existing documentation of the circumstances which that~~ support the referral. A copy of the referral and other documentation must be provided to the parents or guardians by certified mail or in person.

The multi-disciplinary team shall consist of the student's parent or guardian and at least three school system employees who are informed about the student's needs. The team shall meet to consider the principal's referral and determine whether the student will be assigned to an alternative school and shall perform all other duties assigned to it by State Board of Education policy. The student's parent or guardian shall be provided written notice of the time, place and date of the meeting.

At the meeting, the multi-disciplinary team shall determine whether the student will be transferred to the alternative school. The student's parent or guardian shall be provided written notice of the team's decision, as well as notice of the parent or guardian's appeal and due process rights. If the student's parent or guardian attended the team meeting, such notice shall be provided at the end of the meeting. If the student's parent or guardian did not attend the meeting, such notice shall be provided by certified mail within one business day of the meeting. If the multi-disciplinary team approves the transfer, the principals of the regular educational setting and alternative school are to make all necessary arrangements.

#### **54. Responsibilities of School Personnel at the Alternative Learning Program or School**

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

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

#### **65. Assignment of Student with Disabilities to Alternative Programs/Schools**

~~If the principal intends to refer for an involuntary transfer to the alternative school a student who is eligible for services~~ Students who receive services under the Individuals with Disabilities Education Act (IDEA), ~~the principal shall first convene the student's Individual Education Program (IEP) team to determine whether such a transfer constitutes a change in placement for the student. All decisions regarding changes in a student's placement or service delivery must be made by the student's IEP team. If the~~

~~IEP team determines that the proposed transfer would not constitute a change in placement, the principal shall refer the proposed transfer to the multidisciplinary team for consideration in accordance with the process described in subsection C.4, above are entitled to all of the processes and protections pursuant to the IDEA. All additional requirements specific to the assignment of students with disabilities to an alternative program or school established by the State Board of Education policy shall be observed.~~

## **6D. Appeals Process**

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

In all other cases, within three business days of receiving written notice of the ~~multi-disciplinary team's~~ decision to assign the student to an alternative program or school, the parent or guardian may appeal the decision in writing to the Superintendent, who shall review the documentation and render a decision within five business days, absent extraordinary circumstances that require additional response time. Parents and guardians who are dissatisfied with the Superintendent's decision may appeal to the Board. The Board will hear the appeal in closed session and will follow its procedures as provided in Policy 1316 – Hearings Before the Board. During the period of the appeal, the student may be transferred to the alternative learning program or school, except as prohibited by the IDEA.

## **E. Administrative Assignments**

### **71. Assignment During a Long-Term or 365-Day Suspension**

~~A student who receives a long-term or 365-day suspension may be offered services in the alternative learning program or school for a portion or the full duration of the suspension (see Policy 6515 – Due Process). Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the Superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.~~

### **82. Assignment of Student Sex Offenders**

The Board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student who is subject to G.S. 14-208.18 to an alternative learning program or school.

## **DE. Transition from Alternative Learning Programs or Schools**

In most instances, the goal of the alternative school learning program or school will be to return the student to the regular educational setting as soon as practicable with the skills necessary to

succeed in that environment as soon as practicable. The personnel of the alternative learning program or school and those of the regular educational setting ~~will~~ shall work together to help create successful transition for the student.

If the student is not or will not be returned to the regular educational setting, the alternative learning program or school will assist in the student's transition of the student to other educational settings, including any other programs offered by the school ~~district~~, system or a community colleges or vocational schools.

For students identified as eligible under the IDEA, the student's IEP team shall make all transition decisions that would result in a change in placement.

### **EG. Assignment of Professional Staff Personnel to Alternative Learning Programs or Schools**

~~In~~ When assigning professional staff to the alternative learning program or school, the Superintendent ~~will~~ shall consider the experience and evaluation ratings of professional ~~staff employees who may be assigned to the program or school~~. As district resources allow, the Superintendent shall strive to avoid assigning to the alternative school or program less experienced professional ~~staff personnel~~ and professional ~~staff personnel~~ who have received ~~an unfavorable evaluations~~. Additionally, all school personnel at alternative learning programs or schools should receive training so that students enrolled in such programs or schools receive appropriate educational services.

### **FH. Evaluation of Alternative Learning Programs or Schools**

#### **1.State Accountability**

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

#### **2. Information to be Reported to the Board of Education**

Each year, ~~the~~ Board will periodically review ~~its~~ each alternative learning programs or schools-based upon ~~information reports~~ provided by the Superintendent or designee and any other information the Board wishes to consider. ~~In addition to any other considerations the Board deems important, the Board will evaluate the alternative learning programs or schools in light of whether:~~

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

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

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

~~d. staff at the alternative learning program or school is well trained and are provided appropriate staff development;~~

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

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

~~g. the alternative learning program or school assists students with transition back to the regular education setting or to other educational settings.~~

Legal Reference: G.S. 14-208.18; 115C-47(32a), -105.27, -105.47A, -105.48, ~~-247~~, -276(r), -288, -367, -369, -390.7, -390.9, 390.10, 370.11, ~~-391~~; State Board of Education Policy ~~GCS-Q-002~~ACCT-038, ALTP-002, DROP-001, EXCP-001000; *Policies Governing Services for Children with Disabilities*, as amended (Public Schools of North Carolina); *Policies and Procedures for Alternative Learning Programs and Schools* (North Carolina Department of Public Instruction, October 2014), available at <https://eboard.eboardsolutions.com/Meetings/Attachment.aspx?S=10399&AID=31595&MID=1590>

Adopted: May 22, 2006

Revised: May 12, 2008; July 18, 2011; March 12, 2012; September 14, 2015; June 12, 2017;

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## **5600 TESTING AND ASSESSMENT PROGRAM**

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

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

### **Administration of Tests, Screenings and Other Assessments**

The Superintendent shall provide for the proper administration of all state-required tests, screenings and other assessments, and any state-required remedial instruction and/or retesting in accordance with all requirements established by law or the State Board of Education.

The Superintendent, in consultation with the school principals, shall determine how results from such measures will be used in determining students' final grades, provided that the requirements described below and any other applicable state requirements are met.

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

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

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

### **High School Final Exams and End-of-Course Testing**

High school students must take all end-of-course (EOC) tests, NC Final Exams and Career and Technical Education State Assessments (CTE Post-Assessments) required by the State Board of Education. For all students, including English Learner students in their first year in a U.S. school and students following the Occupational Course of Study Pathway, the results of EOC tests,

NC Final Exams, and CTE Post-Assessments will count as ~~a minimum of~~ 20 percent of a student's final grade in each high school course for which there is an EOC test, NC Final Exam or CTE Post-Assessment. ~~This requirement does not apply to~~ However, the results of such assessments will not factor into a student's final grade in a course during the initial implementation year of a new assessment for that course where scores are not immediately available due to standard setting ~~EOC tests for students following the Occupational Course of Study Pathway.~~ Further, CTE students who earn a credential that is approved under Department of Public Instruction guidelines as evidence of technical skill attainment will not be required to take the CTE Post-Assessment in the course.

### **Minimizing Time Spent Testing**

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

1. Schools will devote no more than two days of instructional time per year to the taking of practice tests that do not have the primary purpose of assessing current student learning.
2. Students will not be subject to field tests or national tests during the two-week period preceding their school's administration of end-of-grade tests, end-of-course tests, or regularly scheduled final exams.
3. No school will participate in more than two field tests at any one grade level during a school year.
4. All annual assessments of student achievement adopted by the State Board of Education pursuant to G.S. 115C-174.11(c)(1) or other applicable law and all final exams for courses will be administered within the final ten instructional days of the school year for year-long courses and within the final five instructional days of the semester for semester courses. Exceptions will be permitted on an individual basis to accommodate a student's individualized education program or Section 504 plans; for the administration of final exams for courses with national or international curricula required to be held at designated times; for make-up testing; and as otherwise permitted by the Department of Public Instruction.

Legal Reference: The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, -h; 34 C.F.R. pt. 99; G.S. 115C art. 10A; G.S. 115C-47, -83.5, -83.6, -174.11, -174.12(a), -174.13, -174.22, -174.25, -276, -288, -307, -402.5; State Board of Education Policy Series TEST and GRAD; EVAL-006; EVAL-025 through -031

Other References: *NC Final Exams Test Administrators' Guides*, available at <http://www.dpi.state.nc.us/accountability/testing/common-exams/>; *North Carolina Test Coordinators' Policies and Procedures Handbook*, available at <http://www.dpi.state.nc.us/accountability/policies/generalinfo>

Adopted: November 26, 1990

Revised: January 12, 2009; February 8, 2010; February 10, 2014; September 8, 2014; January 12, 2015; April 10, 2017; June 12, 2017; January 16, 2018; \_\_\_\_\_

## **5910 SCHOOL IMPROVEMENT PLAN**

### **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).

#### 1. 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), -81.15, -84.2, -98, -105.20, -105.21, -105.25, -105.26, -105.27, -105.32, -105.35, -105.37. -105.41(b), -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; August 13, 2018; \_\_\_\_\_

## **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](http://www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf); State Board of Education Policies TRAN-006, TRAN-011; ~~North Carolina School Bus Driver Handbook~~, Department of Transportation, Division of Motor Vehicles, available at

<http://www.ncdot.gov/dmv/driver/schoolbus/><https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/School%20Bus%20Handbook.pdf>

Adopted: November 29, 1990

Revised: July 28, 2008; January 7, 2010; August 13, 2018; \_\_\_\_\_

## **3038/4039/8338 REPORTING INFORMATION TO ADMINISTRATORS AND EXTERNAL AGENCIES**

It is the policy of the Moore County Board of Education in serious matters relating to the safety and welfare of the students and employees that certain actions and information be reported to external agencies as required by law or regulation.

### **Administrators**

All personnel, including, but not limited to, substitute teachers, student teachers, and volunteers, must immediately report to the principal or designee any act of violence in school, on school property, or at school-sponsored events. This includes, but is not limited to, all acts reportable by the principal to law enforcement under this policy.

The principal or designee shall notify the Superintendent or designee in writing or by e-mail regarding any report made to law enforcement involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law on school property. The Superintendent shall provide the information to the Board of Education.

Any employee who has reason to believe that another employee is involved in an inappropriate relationship with a student shall report this information to the Executive Officer for Human Resources as provided in Policy 3036/4036/8336, Prohibited Relationships with Students. Any employee who becomes aware of or receives a report of possible ~~sexual discrimination,~~ harassment or bullying of a student or employee shall immediately report this information using the procedure provided in ~~the Sexual Harassment Policy (3035/4035/6630/8335)~~ 3037/4037/6640/8337.

~~Any 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 to the principal or immediate supervisor of the employee according to the procedure provided in the Harassment/Bullying Policy (3037/4037/6640/8337).~~

### **Department of Public Instruction**

Any administrator, including the Superintendent, Chief Officer for Academics and Student Support Services, Executive Officer for Academics and Student Support Services, Executive Officer for Human Resources, or Principal, who knows or has substantial reason to believe that a certified employee has engaged in illegal or immoral behavior amounting to physical or sexual abuse of a child, shall report the information to the Superintendent of Public Instruction. Failure to report such information constitutes grounds for certificate revocation or suspension.

For purposes of this requirement, “physical abuse” means the infliction of serious physical injury other than by accidental means or other than self-defense. The term “sexual abuse” means the

commission of any sexual act upon a student or causing a student to commit a sexual act regardless of the age of the student and regardless of the presence or absence of consent.

Principals shall provide annual reports to the State Board of Education regarding criminal acts occurring on campus through the State-approved discipline reporting system.

### **State Board of Education**

The Superintendent or designee 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. Additionally, upon inquiry from a North Carolina local Board of Education, charter school or regional school as to the reason for a teacher's resignation, the Superintendent or designee shall indicate if the teacher's criminal history was relevant to the resignation.

### **Law Enforcement**

Any principal who has personal knowledge or actual notice that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm or other weapon in violation of the law, possession of a controlled substance in violation of the law, death by other than natural causes, robbery with or without a dangerous weapon, or assault on a school official, employee or volunteer not resulting in serious injury on school property shall immediately report the act to the appropriate law enforcement agency. Criminal offenses other than those required to be reported by law may be reported to law enforcement at the principal's discretion. "Immediately" means without undue delay and as soon as possible after the act has occurred.

For purposes of this requirement, "school property" shall include any school building, bus, public school campus, grounds, recreation area, or athletic field in the charge of the principal. Designated crimes that occur on school property shall be reported without regard to whether they occur before, during, or after normal operating hours.

The report must be made without regard to the age of the victim or the perpetrator. Student offenders and victims should be identified by age, grade, sex, race, and educational status (i.e., regular or exceptional education).

The principal shall designate persons who shall report the acts to law enforcement in his/her absence.

If the principal reports a crime committed by a child with a disability, the principal must ensure that copies of the child's special education and disciplinary records are transmitted to the appropriate authorities for consideration, to the extent that transmission is permitted by the Family Educational Rights and Privacy Act (FERPA). Where necessary to comply with FERPA, the principal shall obtain the written consent of the parent or student (if the student is at least

eighteen (18) years of age) before transmitting the records. If consent is refused, the records will not be transmitted unless pursuant to a subpoena, court order or as otherwise authorized under FERPA and with proper notice to the parent as may be required by that law.

The principal or designee shall provide prompt notice to the parents or legal guardians of any student alleged to be a victim of any act required to be reported to law enforcement under this policy.

### **Department of Social Services**

Any employee who has cause to suspect that a child is abused, neglected, dependent, or has died as a result of suspected maltreatment has a duty to report the situation to the Moore County Department of Social Services. Employees should refer to the district's written procedures for making reports to Social Services, which are attached to Policy 6730, Social Services.

### **Department of Health**

Principals shall report suspected cases of reportable communicable diseases or conditions of any person in the school setting to the Moore County Health Director for investigation. Suspected cases of reportable communicable diseases shall be handled according to Policy 6910 (Students) or 3031/4031 (Employees)."

The Superintendent may develop procedures necessary for the implementation of this policy.

Legal Reference: G.S. 115C-47, 325(e) and -325(o) (applicable to career status teachers), -325.4 and -325.9 (applicable to non-career status employees, -332,-400, -288, -307; G.S. 7B-301; G.S. 130A-136; 10A N.C.A.C. 41A.0101; 16 N.C.A.C. 6C.0312; 20 U.S.C. 1415(k)(9); 34 CFR 300.529(b)

Adopted: February 8, 2010

Revised: June 14, 2010; July 18, 2011; June 10, 2013; June 12, 2017; January 16, 2018;



## 3900/4800 GRIEVANCE PROCEDURE FOR EMPLOYEES

The Board of Education encourages employees and their supervisors to work together to informally resolve issues that may arise. Should informal processes fail to satisfy the employee, he or she may invoke the grievance process as provided in section C below.

### A. General Provisions

1. A grievance is a written complaint by an employee(s) about a final administrative decision that involves: a) an alleged violation of specified state or federal law or regulation, State Board of Education policy, State rule, or School Board policy or b) the terms or conditions of employment or the employment status of the school employee.

A grievance does not include any matter for which the method of review is prescribed by law, regulation, or policy, and does not include any matter in which the Board of Education lacks authority to act. In addition, administrative recommendations and employee performance evaluations are not final administrative decisions and thus are not grievable.

2. Any employee who believes he/she has been aggrieved by a decision not covered by the definition of grievance in this policy has the right to appeal to the Superintendent/designee by following Steps 1 and 2 of this policy. Following this review, the employee may petition the Board for a hearing, which the Board may grant in its discretion, as outlined in Section 7 of this policy.
3. ~~This policy does not apply to~~ In the case of alleged sexual discrimination, harassment or bullying, where policy ~~3035/4035/8335~~ 3037/4037/6640/8337 applies.
4. All proceedings under this policy shall be confidential, except as required by law and this policy.
5. The Board specifically prohibits retaliation against any individual who files a grievance or who participates in an investigation or proceeding initiated under this policy.
6. The grievance and any responses shall be provided in writing.
7. As used in this policy, “days” include work days and exclude Saturdays, Sundays, and holidays. In counting days, the first day shall be the first full working day following the act after which the designated period of time begins to run.
8. A grievance may be voluntarily withdrawn at any level. Once a grievance is withdrawn it cannot be re-opened. If at any time during the grievance process the school system grants the grievant the relief requested, the grievance shall be terminated at that time.

9. If the school system fails to comply with the time periods or other procedures outlined in this policy, the grievant may advance the grievance to the next level. If the grievant fails to comply with the time periods or other procedures outlined in this policy, the grievant waives any further rights of appeal and the grievance will be considered resolved.

## B. Procedure

### Step I — Invoking the Grievance Procedure

An employee wishing to invoke the grievance procedure shall provide a formal written grievance to his or her supervisor or the supervisor's designee, who shall arrange for a grievance file number to be assigned by the Personnel Office. The written grievance shall (1) name the employee(s) against whom the grievance is filed, (2) set forth the facts constituting the grievance, (3) name any policy, rule or law believed to have been violated, and (4) specify the relief being sought. The following additional guidelines shall be observed in Step I.

1. No grievance shall be heard unless it has been filed in writing within thirty (30) calendar days after the act or condition giving rise to the grievance.
2. The supervisor or designee shall grant the conference within five (5) school days following receipt of the request. The supervisor shall state in writing his/her position on the grievance to the employee within five (5) working days following the conference.

In the event the immediate supervisor or his designee determines at the outset that a Step I review is inappropriate, the grievance procedure may originate at Step II.

### Step II — Appeal to the Superintendent

If the grievance is not resolved at Step I the employee may appeal the supervisor's decision in writing to the Superintendent. The appeal must be made within five (5) school days following receipt of the supervisor's written response in Step I. The Superintendent or his/her designee shall review the grievance within five (5) working days following receipt of the appeal. If the Superintendent or his/her designee determines that additional time is needed to investigate the grievance, the Superintendent or his/her designee may take fifteen (15) additional working days (or longer if by mutual agreement) to complete the investigation. A written response shall be made to the employee from the Superintendent or his/her designee within ten (10) school days following the completion of the review.

### Step III — Appeal to the Board of Education

If the grievance is not resolved at Step II, it may be appealed in writing to the Board of Education. This written appeal must be made within ten (10) school days following the written response from the Superintendent at Step II. A panel appointed by the Chair and composed of not fewer than two Board members shall hear such grievances in closed session. The hearing shall be limited to the written record and oral presentations by the grievant and administration, unless the Board determines that additional information is necessary. Both parties are entitled to have an attorney or other representative participate in the hearing on their behalf. The Board panel may affirm, reverse, or modify the decision of the Superintendent. In reaching its decision, the Board panel shall determine whether there has been a material violation of Board policy or

state or federal law or regulation. The Board panel shall offer a final written decision within thirty (30) days.

### C. Discretionary Appeals

A grievant who is not entitled to appeal to the Board may seek discretionary review by submitting a written appeal to the Superintendent's office within ten (10) school days following the written response from the Superintendent at Step II. The Board Chair and Vice-Chair shall review the request and notify the grievant within ten (10) school days from receipt of the request whether the Board will grant a hearing. If the Chair and Vice-Chair do not agree on whether to grant the request, a Board hearing will be allowed. The procedures outlined in Step III of section B above will be followed in any hearing granted under this section.

Legal Reference: G.S. 115C-45(c), -47

Adopted: July 30, 1990

Revised: February 9, 2009; \_\_\_\_\_

**6401 STUDENT CODE OF CONDUCT**

**Rule 14: Sexual Harassment**

Students shall not engage in sexual harassment as defined in Policy 3037/4037/6640/8337.

**Consequences**

Elementary

Middle School

High School

In -school disciplinary action up to 5 days OSS      Up to 10 days OSS or recommendation for long-term suspension. Law enforcement may be contacted. Up to 10 days OSS or recommendation for long-term suspension. Law enforcement may be contacted.

## **6902 STUDENT GRIEVANCES**

A student, parent or guardian may initiate the grievance procedure to appeal any final decision of school personnel within the school system, except as provided in section 6902.1 below. Students and their parents are encouraged to discuss their concerns informally with the person(s) involved before invoking formal grievance procedures.

Grievances that involve an alleged violation of Board policy or state or federal law or regulation by a final administrative decision may be appealed to the Board of Education. All other grievances may be appealed to the Superintendent/Designee, but are only appealable to the Board in its discretion as outlined in 6902.5 below.

### **6902.1 Application of Policy**

This policy does not apply in the case of long-term suspensions and expulsions, where Policy 6515 – Due Process applies or in the case of alleged ~~sexual discrimination, harassment or bullying~~ by employees, where Policy ~~3035/4035/8335~~ 3037/4037/6640/8337 applies.

### **6902.2 Step I – Principal Conference**

A student, parent or guardian wishing to invoke the grievance procedure shall make a written request for a conference with the principal to discuss the grievance and seek resolution. The request shall detail the basis for the grievance, name any policy, rule or law believed to have been violated, and specify the relief being sought. The following additional guidelines shall be observed in Step I.

1. No grievance shall be heard unless it has been filed in writing within thirty (30) calendar days after the act or condition giving rise to the grievance.
2. The principal shall grant the conference within five (5) school days following receipt of the request. The principal shall state in writing his/her position on the question to the student or parent within five (5) school days following the conference.
3. Only the parent, guardian or someone acting in *loco parentis* shall be permitted to join or represent the student in the conference with the principal.

### **6902.3 Step II – Appeal to the Superintendent**

If the grievance is not resolved at Step I, the student, parent or guardian may appeal the principal's decision in writing to the Superintendent. The appeal must be made within five (5) school days following receipt of the principal's written response in Step I. The Superintendent or his/her designee shall review the grievance within five (5) school days following receipt of the appeal. If the Superintendent or his/her designee determines that additional time is needed to investigate the grievance, the Superintendent or his/her designee may take fifteen (15) additional school days (or longer if by mutual agreement) to complete the investigation. A written response

shall be made to the student, parent, guardian and principal from the Superintendent or his/her designee within ten (10) school days following the completion of the review.

### **6902.4 Step III – Appeal to the Board of Education**

If the grievance is not resolved at Step II, and it involves an alleged violation of state or local Board policy or state or federal law or state rule by a final administrative decision, it may be appealed in writing to the Board of Education. This written appeal must be made within ten (10) school days following the written response from the Superintendent at Step II. A panel appointed by the Chair and composed of not fewer than two Board members shall hear such grievances in closed session. The hearing shall be limited to the written record and oral presentations by the grievant and administration, unless the Board determines that additional information is necessary. The Board panel may affirm, reverse or modify the decision of the Superintendent. In reaching its decision, the Board panel shall determine whether there has been a material violation of Board policy or state or federal law or regulation. The Board panel shall offer a final written decision within thirty (30) days.

### **6902.5 Discretionary Appeals**

A grievant who is not entitled to appeal to the Board may seek discretionary review by submitting a written appeal to the Superintendent's office within ten (10) school days following the written response from the Superintendent at Step II. The Board Chair and Vice-Chair shall review the request and notify the grievant within ten (10) school days from receipt of the request whether the Board will grant a hearing. If the Chair and Vice-Chair do not agree on whether to grant the request, a Board hearing will be allowed. The procedures outlined in section 6902.4 will be followed in any hearing granted under this section.

### **6902.6 Policy Dissemination**

The Superintendent shall disseminate Policy 6902 to students at the beginning of each school year. The policy shall also be on file in the principals' offices and the office of the Coordinators of Title IX and the Individuals with Disabilities Education Act.

### **6902.7 Failure to Comply with Timelines**

If the school system fails to comply with the time periods or other procedures outlined in this policy, the grievant may advance the grievance to the next level. If the grievant fails to comply with the time periods or other procedures outlined in this policy, the grievant waives any further rights of appeal and the grievance will be considered resolved.

### **6902.8 Withdrawal of Grievance**

The grievance may be voluntarily withdrawn at any level. Once a grievance is withdrawn it cannot be re-opened. If at any time during the grievance process the school system grants the grievant the relief requested, the grievance shall be terminated at that time.

Legal Reference: G.S. 115C-45, -47; Title IX of the Education Amendments of 1972, as amended; 20 U.S.C. §§ 1400 et seq.

Adopted: November 29, 1990

Revised: January 31, 1994; May 12, 2008; April 10, 2017; \_\_\_\_\_

## **6903 SEX DISCRIMINATION/TITLE IX**

It is the policy of the Moore County Schools not to discriminate against anyone on the basis of sex in its educational programs, activities, or employment policies, in accordance with Title IX of the Education Amendments of 1972 (see Policy ~~3035/4035/8335~~ 3037/4037/6640/8337).  
Inquiries regarding compliance with Title IX may be directed to:

Title IX Coordinator  
Moore County Schools  
Post Office Box 1180  
Hwy 15-501-S  
Carthage, NC 28327

or to:

Regional Civil Rights Director  
U.S. Department of Education  
Office for Civil Rights, Region IV  
101 Marietta Tower, 27th Floor  
Post Office Box 1705  
Atlanta, GA 30301

Legal Reference: Title IX of the Education Amendments of 1972, as amended

Adopted: July 29, 1991

Revised: May 12, 2008; \_\_\_\_\_



## 8450 COMPLAINTS

### A. General Process

Complaints that are not specifically included in other policies, including third party complaints against employees, should be addressed in the following manner:

1. The complaint should be received and addressed at the level closest to which the complaint originated. For example, a complaint regarding a classroom should be heard first by the teacher. A complaint regarding the school should be addressed first by the principal.
2. Any Board member or staff member receiving a complaint should assist the complainant by identifying appropriate personnel to address the issue.

### B. Opportunities to Address Concerns and Complaints

The Board is committed to providing an effective means for parents and the community to voice concerns and complaints. The Board also strives to resolve concerns and complaints whenever possible. To this end, the Board has established the following processes:

1. informal resolutions of specific concerns;
2. public hearings and public comments at Board meetings on subjects of concern to parents and the community (Policy 1326, Public Address to the Board);
3. a procedure for parental concerns regarding the curriculum (Policy 5410, Selection and Procurement of Media);
4. specific processes for addressing disciplinary consequences (policies in the 6000 series);
5. processes as provided by law for students with disabilities (Policy 6220 Provisions for Students with Disabilities; and
6. grievance procedures for addressing concerns regarding specific decisions, especially when there are concerns that Board policy or law has been misapplied, misinterpreted or violated, including discrimination claims on the basis of sex or disability (Policy 6902, Student Grievances; ~~Policy 3035/4035/6630/8335, Sexual Harassment~~; Policy 3037/4037/6640/8337, Discrimination/Harassment/Bullying).

Numerous other policies provide opportunities for parental input, including Policy 5414, Parental Involvement.

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

Adopted: November 29, 1990

Revised: May 11, 2009; May 10, 2010; January 12, 2015; December 14, 2015; \_\_\_\_\_