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**Moore County Board of Education  
Policy Committee Meeting**

Robert Levy, Chair

Elizabeth Carter

Ed Dennison

**Friday, October 22, 2021  
1:00 p.m. – Central Office Board Room**

*This is a business meeting of the Moore County Board of Education's Policy Committee. Members of the public are welcome to observe but may not offer comment or participate in the Committee's deliberations. Citizens wishing to offer comments or suggestions on policy issues may share their thoughts during the "public comment" period of the Board's regular monthly business meeting.*

**AGENDA**

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. MOMENT OF SILENCE**

**IV. APPROVAL OF AGENDA**

**V. APPROVAL OF MINUTES FROM JUNE 17, 2021, MEETING (SEPARATE DOCUMENT)**

**VI. REPORTS, INFORMATION AND DISCUSSION**

**VII. PENDING ACTION AND DISCUSSION**

**VIII. BOARD COMMENTS**

**IX. ADJOURNMENT**

1. **Policy 1311 – SPECIAL MEETINGS** ..... page 5
2. **Policy 1312 – EMERGENCY MEETINGS**
3. **NCSBA Model Policy 2300** ..... page 6  
*Policies 1311 and 1312 were tabled from the June 17, 2021, Policy Committee meeting. They are to be reviewed in conjunction with the North Carolina School Boards Association’s (NCSBA’s) model Policy 2300.*
4. **Policy 1326 – PUBLIC ADDRESS TO THE BOARD** ..... page 9  
*Revisions to this policy are brought forward for review at the request of Mrs. Carter.*

The following policies/policy revisions are recommended by Mr. Levy.

5. **Policy 5301 – CLASS SIZE** ..... page 11
6. **Policy 5530 – STUDENT PROMOTION AND ACCOUNTABILITY** ..... page 12
7. **Policy 6831 – NOTICE TO PARENT RE RIGHT TO OPT OUT OF SURVEY**..... page 21

The following policy revisions were recommended by NCSBA as part of the Fall 2021 update.

8. **Policy 2510 – FEDERAL GRANT ADMINISTRATION** .....page 22  
*Revisions reflect changes in applicable federal regulations.*
9. **Policy 3025/4038/5415/6620/8570 – REGISTERED SEX OFFENDERS** ..... page 28  
*Additions to this policy expand requirements for criminal records checks for contractors.*
10. **Policy 3100 – LICENSURE** ..... page 31  
*Revisions reflect changes to the law for adjunct instructors.*
11. **Policy 5530 – STUDENT PROMOTION AND ACCOUNTABILITY** ..... page 35  
*Revisions and additions address changes in state law for literacy instruction.*
12. **Policy 6000 – ATTENDANCE**..... page 42  
*Clarity is added with regard to attendance requirements for remote instruction days.*

13. **Policy 6300 – STUDENT RECORDS**..... page 48  
*Additional language clarifies the requirement under federal law to share students’ school email with military recruiters.*
14. **Policy 7160 – TRANSPORTATION SERVICE/VEHICLE CONTRACTS TRANSPORTATION**..... page 62  
*Revisions merge paragraphs and clarify language.*
15. **Policy 7401 – COMMUNITY USE OF FACILITIES**..... page 63  
*Alignment to NCSBA’s sample policy eliminates redundancy.*
16. **Policy 7510 – PLANNING FOR TO ADDRESS FACILITY NEEDS**..... page 69  
*Revisions align this policy to Policy 2500 – Contract Administration.*
17. **Policy 8420 – DISTRIBUTION AND DISPLAY OF NON-SCHOOL MATERIAL**..... page 71  
*Revisions clarify policy applicability and update terminology.*

The following Child Nutrition Policies have been reviewed for alignment with NCSBA’s sample policies.

18. ~~**Policy 7010 – CHILD NUTRITION SERVICES DIRECTOR**~~..... page 76
19. ~~**Policy 7011 – DUTIES OF CHILD NUTRITION SERVICES DIRECTOR**~~
20. ~~**Policy 7020 – CHILD NUTRITION SERVICES DEPARTMENT –STAFF**~~
21. ~~**Policy 7030 – DUTIES OF PRINCIPALS AND CAFETERIA MANAGERS IN CHILD NUTRITION SERVICES PROGRAM**~~.....page 77
22. ~~**Policy 7031 – SUPERVISION OF STUDENTS**~~
23. ~~**Policy 7042 – COOPERATION WITH OTHER AGENCIES**~~
24. ~~**Policy 7051 – BANKING, RECORDKEEPING, BUDGETING AND ACCOUNTING**~~..... page 78
25. ~~**Policy 7060 – FOOD SERVICE SAFETY AND SANITARY –PRACTICES**~~
26. ~~**Policy 7070 – ELIGIBILITY OF PATRONS**~~
27. **Policy 7040 – OPERATION OF SCHOOL NUTRITION SERVICES**..... page 79
28. **Policy 7041 – FREE AND REDUCED PRICE MEALS**..... page 82

29. **Policy 7050 – ~~MENU PREPARATION AND SCHOOL FOOD SERVICES PURCHASING SCHOOL MEAL AND COMPETITIVE FOODS STANDARDS~~** ..... page 84

The following policies have minor revisions, such as to legal references.

30. **Policy 2201 – ANNUAL INDEPENDENT AUDIT** .....page 88

31. **Policy 3070/4070/6070 – TITLE IX SEXUAL HARASSMENT – PROHIBITED CONDUCT AND REPORTING PROCESS**..... page 89

32. **Policy 3075/4075/6075 – TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS** .....page 101

33. **Policy 3080/4080/6080 – BULLYING AND HARASSING BEHAVIOR PROHIBITED**.....page 119

34. **Policy 5414 – PARENT AND FAMILY ENGAGEMENT** ..... page 126

35. **Policy 5540 – GRADUATION REQUIREMENTS** ..... page 134

36. **Policy 5600 – TESTING AND ASSESSMENT PROGRAM**..... page 145

37. **Policy 7100 – USE OF STUDENT TRANSPORTATION SERVICES** ..... page 148

## **1311 SPECIAL MEETINGS**

The Chairman or any two members of the Board, upon giving at least 48 hours public notice, may call a Special Meeting of the Board and promptly shall notify the Secretary.

Legal Reference: G.S. 115C-41(b); 143-318.12

Adopted: August 29, 1988

## **1312 EMERGENCY MEETINGS**

The Chairman, Vice Chairman or any two members of the Board may call an emergency meeting of the Board to consider any emergency situation created by generally unexpected circumstances that requires immediate consideration by the Board. Board members shall receive notice of an emergency meeting as far in advance as is reasonable under the circumstances of the emergency situation. Each newspaper, wire service, radio station and television station that has filed a written request for notice of special meetings shall be given notice of an emergency meeting, either by telephone or by the same method used to notify Board members, and such notice shall be given immediately after notice has been given to Board members. Only business which is related to the emergency may be considered at an emergency meeting.

Legal Reference: G.S. 115C-36; 143-318.12

Adopted: August 29, 1988

## **Policy Code: 2300 Board Meetings**

The board, as a corporate body, may transact business only at official meetings of the board. An individual board member has no authority to act absent the delegation of authority by the board at an official meeting.

As defined by law, an official meeting of the board includes any meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of the open meetings law.

### **A. Types of Meetings<sup>1</sup>**

While the board is determined to operate efficiently, it also is mindful of the importance of thoughtful planning and discussion prior to taking formal action. Regular meetings will be held at a predetermined time and place to conduct the business of the board. In addition, the board may hold specially-called meetings and emergency meetings as it deems necessary to act in a timely manner and provide its members and executive staff with the opportunity to have an exchange of ideas and receive input from other staff, parents, students, and the community.

### **B. Regular Meetings**

The superintendent shall keep on file the schedule of regular meetings with the predetermined time and place. The schedule will be revised only in accordance with legal requirements for notice.<sup>2</sup>

### **C. Emergency Meetings**

An emergency meeting may be called in order to address generally unexpected circumstances that require immediate consideration by the board. The chairperson, or the vice-chairperson, if the chairperson is unable to act, or the superintendent shall call an emergency meeting when it is determined that the meeting is necessary and cannot be delayed until 48 hours' notice is provided for a special meeting as described below in Section D.

### **D. Specially-Called Meetings**

#### **1. Specially-Called Meetings Generally**

Specially-called meetings may be scheduled in between regular meetings of the board. Work sessions, retreats, and public hearings are specific types of specially-called meetings. The board chairperson (or the vice-chairperson, if the chairperson is not available) or the superintendent may call special meetings when necessary to conduct business that cannot reasonably be handled at regular meetings. The board chairperson or superintendent shall call a special meeting if a majority of the members of the board so requests.

## 2. Retreats and Workshops

Retreats and workshops are specially-called meetings that may be scheduled in order to give the board more time to deliberate or evaluate issues.<sup>3</sup>

## 3. Public Hearings

Public hearings are official proceedings during which members of the public are given an opportunity to be heard. Public hearings may be required by law or deemed advisable by the board. Public hearings that are not required by law may be scheduled when the chairperson or superintendent determines that the public hearing is advisable or when a majority of the members of the board so requests. Notice of all public hearings will be provided as required by law and will include the subject, date, place, and time of the hearing as well as any rules regarding participation, such as the length of time for each speaker. The purpose of a public hearing is to gather information and hear opinions from the community. Generally, board members will respond only to seek clarification.<sup>4</sup> At the appointed time, the chairperson or designee shall call the hearing to order and preside over it in accordance with any rules regarding participation adopted by the board. When the allotted time expires or when no one wishes to speak, the chairperson or designee shall declare the hearing ended.

## **E. Open Meetings Law Compliance**

The board will comply with the open meetings law, including notice of meetings.

Legal References: [G.S. 115C-41](#); [143-318.9](#), [-318.10](#), [-318.12](#), [-318.14](#)

Cross References: Compliance with the Open Meetings Law (policy 2320)

Issued:

Revised: June 30, 2008; November 13, 2015; September 30, 2019

## Footnotes

1. The three types of meetings described here (regular, specially-called, and emergency) are the only types of official meetings of public bodies recognized under state law. See [G.S. 143-318.12](#).
2. The requirement of [G.S. 143-318.12\(a\)](#) may be specified in the policy.
3. The policy may specify whether action may be taken at these meetings.
4. This statement may be modified.

## North Carolina School Boards Association



## 1326 PUBLIC ADDRESS TO THE BOARD

The Board encourages communication with the public and cooperative school-community interactions, believing that an informed public and an informed Board will result in a better system of public education. Accordingly, the Board welcomes and encourages input from any interested citizen who desires to appear before the Board for the purpose of presenting information or raising matters relating to the public schools. In addition to other methods by which members of the public may bring concerns to the attention of the Board, the Board will provide an open forum as part of the Board's regular meeting schedule, during which up to thirty minutes will be set aside early on the agenda for the specific purpose of allowing members of the public to address the Board. Priority will be granted to those who wish to speak about items on the agenda. If additional time for public address is needed, a ~~second thirty-minute comment period~~ additional time will be included at the end of the agenda. In order to facilitate this communication and in order to plan and conduct orderly sessions that will ensure complete, high quality information is available regarding the subject of such appearances, it is necessary that certain guidelines contained in this policy be followed. These guidelines will also guide other public hearings as may be called by the Board.

1. Discussions regarding particular individual employees, student records, or other matters which may be required to be kept confidential may not be discussed in the open forum setting. This prohibition extends to comments about workplace complaints and grievances by or about a school system employee. The Chairman or designee will have the responsibility to determine matters of discussion that may be inappropriate and to rule the speaker out of order, if necessary.
2. Matters of concern will not be responded to by the Board at the time they are addressed. They may be referred to a Board committee, the administration, or held over for further discussion at a subsequent meeting, as appropriate.
3. Any person who desires to appear before the Board to address any other matter may sign up to do so at least five minutes prior to the Board meeting, and supply the following information:
  - a. The name of the person who desires to appear.
  - b. The subject to be presented for the Board's consideration.
  - c. If a group is to appear along with the speaker, the approximate number of persons who will appear and the name of the spokesperson for the group.
4. Presentations will be limited to three minutes.

5. To the extent that the technology can be deployed, comments may be made by telephone. The procedure shall be announced on the Board website along with the meeting publication, including the telephone number used to call in.

All applicable guidelines in this policy shall apply to telephonic comments.

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

Adopted: August 23, 1993

Revised: February 27, 1995; May 12, 2008; May 9, 2016; January 17, 2017; June 12, 2017; July 13, 2020; May 10, 2021; \_\_\_\_\_

## 5301 CLASS SIZE

Within budgetary limitations, class sizes shall be held to optimum levels, and statutes and regulations regarding class sizes shall be followed.

### Goal for Class Size

Notwithstanding the requirements of 5301 above, it is the goal of Moore County Schools to have all classrooms taught with a ratio of 1 classroom teacher per 15 students. This is not dependent on the ratios required by The State of North Carolina. and shall be pursued even if the State permits a greater number of students to be served by a single teacher. Moreover, the preference of The Board of Education and not by a classroom of, for example, 30 students served by two teachers. In order to achieve this goal, the Superintendent shall be free to assign qualifying administrators to classroom duty with no salary reduction .

Preference to this ratio shall first be concentrated in grades 4 and 5, followed by grades K-3, followed by grades 6-8 and then 9-12. Within these grade priorities, preference shall first be given to schools with higher numbers of students eligible for food assistance or free/ reduced cost school meals. The Superintendent has discretion to create this 1:15 ratio in some, but not all classes in a given grade of a given school if funding will not permit lower ratios for all classrooms in that school. However, preference in selecting classrooms shall always be given to students whose class is populated with the most free/reduced cost meal eligible students.

Legal Reference: G.S. 115C-47, -301

Adopted: November 26, 1990; \_\_\_\_\_

## **5530 STUDENT PROMOTION AND ACCOUNTABILITY**

### **A. Purpose**

The Board believes that students should progress to the next level of study only after they are proficient in their knowledge and application of the current curriculum level. To the extent reasonably possible, students should be given as much time or as little time as they need to be proficient at a particular level of study. Students will be promoted to the next level of study as described in this policy.

### **B. Student Promotion Standards**

The Superintendent or designee shall develop (1) promotion standards and (2) a process to be used in determining a student's readiness to progress to the next level of study. The standards will be based, in part, upon proficiency in reading. The standards and process must provide multiple criteria for assessing a student's readiness to progress to the next level of study, such as standardized test scores, formative and diagnostic assessments, grades, a portfolio or anthology of the student's work, and, when appropriate, accepted standards for assessing developmental growth. The standards and process will incorporate all state law and State Board of Education policy requirements, including those for the assessment and promotion of third grade students as described in G.S. 115C-83.6 *et seq.* and State Board of Education Policies KNEC-002 and -003.

Principals shall ensure that the promotion standards are used by teachers and school administrators in assessing each student's readiness to progress to the next level of study. Principals have the authority to promote or retain students based upon the standards approved by the Board and any applicable standards set by the State Board of Education.

To reduce the number of students who do not meet promotion standards, the Board directs school administrators and teachers to address the needs of students who are not making adequate academic progress as required by Policy 6225 – Students at Risk of Academic Failure.

### **C. Diploma Standards**

To receive a North Carolina high school diploma, a student must complete the requirements set forth in Policy 5540 – Graduation Requirements.

### **D. Appeals of Promotion Decisions**

1. Appeal to the Superintendent

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

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

The Superintendent's findings must be in writing and must be provided to the parents.

## **E. Reading Camps**

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

### **1. Right to Reading and Math Camp**

In accordance with GS 115C-83.2 etc., et al., and this policy, at its various schools, Moore County Schools shall conduct Reading and separate Math Camps for at least 72 instructional hours over at least 3 weeks during the break in the academic year. Math Camp entry shall utilize the same or similar entry requirements as those utilized by Reading Camp. However, both reading and math camps shall be open at no fee for those reading or doing math at below grade level in grades 1-5.

For each qualifying student, a communication shall be sent to the parent or guardian which states substantially as follows:

"Your child is reading/doing math teacher circles one or both) at below grade level. Your child is encouraged to attend reading/ math camp from \_\_\_\_\_ to \_\_\_\_\_ (inclusive dates) at no cost. Transportation will be provided as during the regular school year.

Please indicate below whether your child will or will not attend. Your child's attendance or lack of attendance will be noted in the child's cumulative record. The goal of this program is to provide your child the opportunity to read and do math at grade level. We encourage you to enroll your child. Your child's future success may be dependent on your child's ability in these core subjects.

My child will attend/ will not attend (circle one)

\_\_\_\_\_  
Print name of parent or guardian

\_\_\_\_\_  
Signature of parent or guardian"

Teachers shall note the response of each parent in the cumulative record of the student. Teachers and/ or administrators shall make all practical efforts to directly either in person or by telephone contact parents who fail to respond. If a parent continues to fail to respond, then that shall be noted in the child's cumulative record.

2. Implementation of Special Additional Remedial Programs in Reading and Math in Addition to Camps

It is the goal of Moore County Schools that each and every student read and perform math at grade level competency. Any student who fails to read and perform math with grade level competency shall enter into a course of intensive remedial study the goal of which is to bring the student into compliance with this goal within one academic year.

Within 90 days and, in subsequent school years commencing the Fall Semester of 2021, within 90 days of the start of each school year, with the assistance of the Superintendent and his staff, a committee of teachers (whose committee chair shall be a teacher) shall report to the Board of Education on their progress in the above stated goal of grade level math and reading competency and shall outline any request for additional resources the committee deems necessary to make substantial progress in accomplishing that goal.

At least once in each academic semester (twice yearly), each student in grades 1 through 8 shall be tested to determine whether that student performs math and reads with grade level proficiency or higher. Each semester, for all students who fail to perform with grade level proficiency in math, reading or both:

A notice shall be sent to the parent or guardian of the student on a single piece of paper stating in the preferred language of the student's home substantially the following: "Your child \_\_\_\_\_ (name of student) is not performing math/reading [teacher circles one or both] with grade level proficiency. Within one week, please contact (name of teacher, email of teacher) your child's teacher to discuss what additional instruction is necessary to resolve your child's academic deficit. This notice must be signed and returned to your child's teacher immediately."

After parental acknowledgment, this notice shall be placed either on paper or electronically into the student's cumulative folder each time it is sent to a parent and returned. An administrator shall use all practical efforts to contact any parent who fails to sign and return this notice within one week. The teacher shall report to a designated administrator the failure of a parent or guardian to contact the teacher in response to the notice.

The student who is the subject of an above notice shall have placed in his cumulative folder a short description of all remedial instruction given to each student designed to overcome the student's failure to perform math and/ or reading at grade level proficiency.

A principal, assistant principal or other appropriate administrator may exempt any student with learning disabilities from requirements under this policy provided that the administrator obtains the written permission of the student's parent or guardian who must acknowledge in writing that "I agree that my child not be required to attain grade level competency in math/ reading based on my child's substantial learning challenges." Such an acknowledgment shall be placed in the child's cumulative folder. However, no such acknowledgment shall be required nor special matters noted in a child's cumulative folder while the child is assigned to a self-contained classroom designed only for disabled students.

In all grades where the school provides a period of academic enrichment during the instructional day, all students who are not performing math or reading at grade level must be exclusively assigned to a math or reading "enrichment" class designed to overcome their deficit in math and/or reading.

In order to determine whether a student is performing at grade level, schools must first use state standardized testing results whenever possible. To the extent that semi-annual evaluations may require the use of tests in addition to state standardized tests, then testing must be carried out with a rigor as close as possible to the appropriate state test.

Prior to recommending renewal of a teacher's contract in grades 1-8, an administrator shall report to the Board of Education the result of the teacher's performance in maintaining or elevating students to grade level competency in reading and math.

## **F. Promotion Standards for Students with Disabilities**

To the extent possible, students with disabilities must be held to the same student accountability promotion standards as all other students. However, for students who take alternative assessments in lieu of the End-of-Grade (EOG) or the End-of-Course (EOC) tests, promotion decisions must be based on criteria recommended by the IEP team.

## **G. Credit by Demonstrated Mastery**

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

## **H. Credit Recovery**

Students who fail a high school course may retake parts of the course through credit recovery to earn credit for the course. Credit recovery delivers a subset of the blueprint of the original course in order to specifically address deficiencies in a student's mastery of the course and target specific components of a course necessary for completion. A pre-assessment of the student's understanding of the course material will be administered at the beginning of the course and the credit recovery will be tailored to meet the needs of the individual student. The length of a credit recovery course is dictated by the skills and knowledge the student needs to recover and not a fixed length of seat time.

Any EOC exam associated with the credit recovery course will be administered no later than 30 days upon completion of the credit recovery course. The credit recovery will be graded as pass or fail and will not impact the student's grade point average. The original grade for the course will remain on the student's transcript.

The Superintendent or designee shall develop procedures addressing the implementation of credit recovery opportunities across the school system.



## I. Repeating a Course for Credit

### 1. Repeating a Previously Failed Course

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

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

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

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

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

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

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

## **J. Acceleration**

Some students may need less time to learn the curriculum. Teachers are encouraged to challenge these students by expanding the curriculum, providing opportunities to explore the subject in greater detail or providing different types of educational experiences. To challenge a student sufficiently, the principal may reassign the student to a different class or level of study and/or may identify other concurrent enrollment or other curriculum expansion options (see Policy 5541 – Dual Enrollment).

The principal, after consulting with the professional staff and the student's parents, may determine that skipping a grade level is appropriate.

## **K. Reporting Requirements**

### **1. Superintendent's Report to the Board**

At least on an annual basis, the Superintendent or designee shall provide the Board with the following information for each school:

- a. Aggregate student performance scores on state-mandated tests and any other standardized tests used by a school or the school system;
- b. The number and percentage of students retained and/or not meeting the standards for their grade level;
- c. The number and percentage of third grade students exempt from mandatory third grade retention by category of exemption as listed in state law; and
- d. Remedial or additional educational opportunities provided by the school system and the success of these efforts in helping students meet promotion standards.

### **2. Report to the North Carolina State Board of Education and Department of Public Instruction**

Pursuant to statutory requirements and standards established by the Department of Public Instruction, all required information regarding student performance will be provided annually to the State Board of Education and the Department of Public Instruction.

### 3. Publication on the School System Website

Information about the reading performance of first, second and third grade students will be posted on the school system website in accordance with state law.

## **L. Resources**

Consistent with the objective of improving student performance, the Board will provide schools with maximum flexibility in the allocation of state funds. School personnel are expected to budget financial resources in a manner that will meet the standards established in this policy. The Board will consider requests to transfer funds from other funding allotment categories to intervention strategies as part of the school improvement plan submitted by school officials. All funds will be used in a fiscally sound manner in accordance with Policy 2000 – Fiscal Management.

## **M. Notification to Parents**

The Superintendent or designee shall provide information regarding promotion standards to all students and parents. In addition, if a kindergarten, first grade, second grade or third grade student (1) is demonstrating difficulty with reading development or (2) is not reading at grade level, the student's teacher shall provide the student's parents timely written notice advising that, if the student is not demonstrating reading proficiency by the end of third grade, the student will be retained, unless exempt from mandatory retention for good cause. Parents are encouraged to help their children meet the promotion standards and will have opportunities to discuss the promotion standards and procedures with teachers and the principal. Information provided to parents should be in the parents' native language when appropriate foreign language resources are readily available.

The teacher of a student who does not meet promotion standards must notify the student's parents that the student has failed to meet the standards for progression to the next level of study and must provide the parents with information concerning retesting, intervention, review and appeal opportunities. When a student is to be retained, the principal shall provide the student's parents written notice of the retention and, if the student will be retained in accordance with G.S. 115C-83.7(a) for failure to demonstrate reading proficiency, (1) written notice of the reason the student is not eligible for a good cause exemption as provided in G.S. 115C-83.7(b) and (2) a description of proposed reading interventions that will be provided to the student to remediate identified areas of reading deficiency. Teachers shall provide parents of students retained under G.S. 115C-83.7(a) at least monthly written reports on student progress toward reading

proficiency. The evaluation of a student's progress will be based upon the student's classroom work, observations, tests, assessments and other relevant information.

## **N. Children of Military Families**

As required by the Interstate Compact on Educational Opportunities for Military Children (G.S. 115C-407.5) and Policy 5210 – Assignment to Classes, school administrators have the authority to exercise flexibility in waiving course or program prerequisites or other preconditions for the placement of children of military families in courses or programs offered by the school system.

Legal Reference: G.S. 115C-36, -45(c), -47, -81.5, -83.2, -83.3, -83.6, -83.7, -83.8, -83.9, -83.10, -83.11, -105.21, -174.11, -288(a), -407.5, State Board of Education Policies CCRE-001, KNEC-002, KNEC-003

Adopted: November 26, 1990

Revised: June 28, 1999; February 28, 2005; January 23, 2006; May 22, 2006; May 12, 2008; June 10, 2013; October 21, 2013; January 12, 2015; September 14, 2015; July 17, 2017; August 13, 2018; January 14, 2019; \_\_\_\_\_

**6831 Notice to Parent Re Right to Opt Out of Survey**

At least 5 school days prior to the administration of any student survey or interview, a copy of the survey or interview questions shall be sent to the student's parent or guardian. It shall be accompanied by a notice in the parent's preferred language which shall states substantially as follows:

"The accompanying survey or interview is optional. It will be administered to your child unless you decide you do not want your child to participate. Please return this notice if you decide that your child should not participate. If you wish your child to participate, no further action is necessary

I do not want my child to participate.

Date:

Parent/Guardian Signature \_\_\_\_\_"

(A) Further, no child shall be required to participate in or answer any survey questions when the survey is actually administered.

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

## 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 terms and conditions of the awards as well as all requirements of the U.S. Constitution and federal law and regulation, including the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Uniform Guidance”) issued by the U.S. Office of Management and Budget and Management (except to the extent that an exception to the Uniform Guidance has been authorized by the relevant federal agency), and any applicable state requirements, and shall be based on best practices.

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

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

#### 1. Allowability

Costs charged by the school system to a federal grant must be allowed under the individual program and be in accordance with the cost principles established in the Uniform Guidance, including how charges made to the grant for personnel are to be determined. Costs will be charged to a federal grant only when the cost is incurred during the approved budget period and is (1) reasonable and necessary for the program; (2) in compliance with applicable laws, regulations, and grant terms; (3) allocable to the grant; (4) adequately documented; and (5) consistent with school system policies and administrative regulations that apply to both federally-funded and non-federally funded activities. Internal controls shall be sufficient to provide

reasonable assurance that charges to federal awards for personnel expenses are accurate, allowable, and properly allocated and documented. Prior written approval for certain cost charges must be obtained as required by the awarding agency in order to avoid subsequent disallowances.

## **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(c). School officials are encouraged to maximize the purchase and use of goods, products and materials produced in the United States to the extent consistent with law.

Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, 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. Contracts shall contain all provisions required by 2 C.F.R. Part 200.

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

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

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

In addition to the prohibitions against self-benefitting from a public contract under G.S. 14-234 and accepting gifts and favors from vendors under G.S. 133-32 (see 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. Financial and Performance reports, including reports of significant developments that arise between scheduled performance reporting dates, and final closeout reports, must be submitted as required by federal or state authorities.

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

1. An annual independent audit will be conducted as provided in Policy 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 summary schedule of prior audit findings and a corrective action plan to address any prior audit findings. The corrective action plan must identify the responsible party and the anticipated completion date for each corrective action to be taken. The Superintendent shall present the plan to the Board for approval.

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

### **C. Training**

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

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

Other Board policies 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 180; 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: November 5, 2018

Revised: \_\_\_\_\_

## **3025/4038/5415/6620/8570 REGISTERED SEX OFFENDERS**

It is the goal of the Board of Education to provide a safe environment for all students and staff of the district. Accordingly, no registered sex offender may be in school buildings, in school facilities, on school campuses, in or on any other school property owned, leased, or maintained by the district, or in attendance at a school-sponsored event except as provided in this policy.

### **Notification to Principals**

All principals must subscribe to the Sex Offender and Public Protection Registry to receive email notifications when a registered sex offender moves within a one-mile radius of their school. Principals shall notify the Superintendent or designee any time they receive such a notification. Also, principals shall notify the Superintendent or designee any time they become aware that a parent or guardian of a student or a student at the principal's school is a registered sex offender.

### **Parents/Guardians of Students**

A registered sex offender who is the parent or guardian of a student in the district may only be present in school buildings, in school facilities, on school campuses, in or on any other school property owned, leased, or maintained by the district, or in attendance at a school-sponsored event with the prior written permission from the Superintendent or designee. A copy of such written permission also shall be provided to the school principal.

If permission is granted by the Superintendent, the parent or guardian may be on school property only for one of the following purposes:

1. to attend a conference at the school with school personnel to discuss the academic or social progress of the parent/guardian's child; or
2. when the parent/guardian's presence has been requested by the principal or his/her designee for any other reason relating to the welfare or transportation of the parent/guardian's child.

In addition, if permission is granted, the following conditions must be met:

1. the parent/guardian must notify the principal of the nature of the visit and the hours when the visit will occur before he/she enters school system property;
2. the parent/guardian must notify the principal's office upon arrival to and departure from the school system property; and

3. the parent/guardian must remain under the direct supervision of school personnel at all times while on school system property.

If no school personnel are reasonably available to supervise the parent/guardian on a particular occasion, then the parent/guardian may not be permitted on school property at that time even for one of the permitted purposes.

## **Students**

Except as may be limited by state and federal laws governing the education of children with disabilities, the Board, upon the recommendation of the Superintendent/designee and principal, may expel any student who is a registered sex offender based on clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. If the Board chooses not to expel a student who is a registered sex offender and the student receives educational services on school property, then the student must be under the supervision of school personnel at all times.

1. If permitted by the Board, a student who is a registered sex offender and is eligible to attend public school under G.S. 115C-378 may be present on school property subject to any conditions and restrictions imposed by the Board.

2. The Board will hold a hearing to determine whether to expel the student or provide the student with educational services in accordance with Board Policy 6515 - Due Process.

3. Prior to expelling a student pursuant to G.S. 115C-390.11(a)(2), the Board will consider whether there are alternative educational services that may be offered to the student.

4. If a student subject to this policy is a student with disabilities, he/she will be provided with educational services in compliance with federal and state law.

5. If a student subject to this policy violates the conditions and restrictions placed on the student by the Board, school officials will impose disciplinary consequences consistent with the terms of the conditions and restrictions placed on the student's admission or as otherwise provided in any applicable provisions of the Student Code of Conduct - Policy 6401.

## **Voters**

Voters who are subject to the Jessica Lunsford Act (G.S. 14-208.18) and are eligible to vote may be present on school property as follows:

1) the voter may be present for the sole purpose of voting if the school property is being used as a voting place;

- 2) the voter must notify the principal of the school that he or she is registered on the Sex Offender and Public Protection Registry before coming onto school system property to vote;
- 3) the voter must remain at all times in the portion of the school being used as the polling place; and
- 4) the voter must leave school grounds immediately after voting.

### **Contractual Personnel**

If the district contracts with an outside person or entity to perform a job ~~that involves direct interaction with students, such as before- or after-school care workers on a school or school district site or at a school-sponsored event~~, the contract must require the provider to conduct annual checks of contract personnel on the State Sex Offender and Public Protection Registry, the State Sexually Violent Predator Registry, and the National Sex Offender Registry. As a term of any contract, the district must prohibit any contractual personnel listed on any of the registries from having direct interaction with students. This provision does not apply to individuals who are carrying out duties that are customarily performed by school personnel, such as custodians, bus drivers or substitute teachers. Criminal history checks of individuals in these positions are conducted by the school district as required by G.S. 115C-332.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131et seq., 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400et 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. ch. 14, art. 7A, G.S. 14-208.18; -208.19, art. 9; 115C-332; -332.1; -378, -390.2, -390.11(a)(2)

Adopted: May 11, 2009

Revised: July 18, 2011; February 10, 2014; \_\_\_\_\_

## 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 person employed in a professional educator position must hold at all times a valid North Carolina professional educator's 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.
3. The Board may employ candidates entering the teaching profession from other fields who hold a residency license 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 employ an individual who holds 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 20 hours per week or up to five full consecutive months of employment, 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, Fine and Performing Arts and Foreign Languages

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, fine and performing arts and foreign language courses in grades kindergarten

through 12 provided the individual first completes preservice training and meets all other statutory and State Board of Education requirements.

In addition, an individual with a related bachelor's or graduate degree may be employed as a temporary adjunct instructor to teach high school-level courses in core academic subjects, fine and performing arts and foreign language in the individual's area of specialized knowledge or work experience provided the individual first completes preservice training required under G.S. 115C-298.5(a1).

### 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 the Department of Public Instruction and kept on file for review. The plan must be aligned to the State Board of Education's beginning teacher support program standards and, when monitored, must demonstrate proficiency. 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 meet all requirements of the State Board of Education in order to move from an initial professional license or residency license 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 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.

### **F. Parental Notification**

At the beginning of each school year, school system officials 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 criteria for the grade level and subject area(s) in which the teacher provides instruction; whether the teacher 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 within 10 school days to the parents of children who have been assigned or, after four consecutive weeks, have been taught by a

teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

### **G. 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—157.1, -270.15, -270.20, 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 CTED-004, DRIV-003, DRIV-004, EVAL-004, EVAL-023, EVAL-034, LICN-001, LICN-005, LICN-021, LICN-022; NCAC-028, NCAC-035, NCAC-037, TCED-016; Beginning Teacher Support Program Handbook, available at <https://sites.google.com/dpi.nc.gov/ncref/bt-support-program-resources>

Adopted: July 30, 1990

Revised: June 11, 2007; March 12, 2012; October 21, 2013; April 10, 2017; July 17, 2017; August 13, 2018; November 5, 2018; August 5, 2019; February 10, 2020; March 8, 2021; July 12, 2021; \_\_\_\_\_

## **5530 STUDENT PROMOTION AND ACCOUNTABILITY**

### **A. Purpose**

The Board believes that students should progress to the next level of study only after they are proficient in their knowledge and application of the current curriculum level. To the extent reasonably possible, students should be given as much time or as little time as they need to be proficient at a particular level of study. Students will be promoted to the next level of study as described in this policy.

### **B. Student Promotion Standards**

The Superintendent or designee shall develop (1) promotion standards and (2) a process to be used in determining a student's readiness to progress to the next level of study. The standards will be based, in part, upon proficiency in reading. The standards and process must provide multiple criteria for assessing a student's readiness to progress to the next level of study, such as standardized test scores, formative and diagnostic assessments, grades, a portfolio or anthology of the student's work, and, when appropriate, accepted standards for assessing developmental growth. The standards and process will incorporate all state law and State Board of Education policy requirements, including those for the assessment and promotion of third grade students as described in G.S. 115C-83.6*et seq.* and State Board of Education Policies KNEC-002 and -003.

Principals shall ensure that the promotion standards are used by teachers and school administrators in assessing each student's readiness to progress to the next level of study. Principals have the authority to promote or retain students based upon the standards approved by the Board and any applicable standards set by the State Board of Education.

To reduce the number of students who do not meet promotion standards, the Board directs school administrators and teachers to address the needs of students who are not making adequate academic progress as required by Policy 6225 – Students at Risk of Academic Failure.

### **C. Diploma Standards**

To receive a North Carolina high school diploma, a student must complete the requirements set forth in Policy 5540 – Graduation Requirements.

### **D. Appeals of Promotion Decisions**

#### ~~1. Appeal to the Superintendent~~

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

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

~~The Superintendent's findings must be in writing and must be provided to the parents. A principal's promotion decision may be appealed in accordance with Policy 6902 – Student Grievances.~~

## **E. Reading Camps Literacy Interventions**

### **1. Reading Camps**

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

### **2. Individual Reading Plans**

Beginning in the 2022-2023 school year, an Individual Reading Plan (IRP) will be developed in accordance with state law for any student in kindergarten through third grade demonstrating difficulty with reading development based on the results of either (1) the first diagnostic or formative assessment of the school year or (2) the first diagnostic or formative assessment of the second semester of the school year. The student's teacher shall notify the parent or guardian that the student has demonstrated difficulty with reading development and that an IRP has been developed for the student. The notice

provided must include all other information required under G.S. 115C-83.6B(b) and should be in the parents' native language when appropriate foreign language resources are readily available.

3. Digital Children's Reading Initiative

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

4. Approval of Literacy Intervention Plan

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

## **F. Promotion Standards for Students with Disabilities**

To the extent possible, students with disabilities must be held to the same student accountability promotion standards as all other students. However, for students who take alternative assessments in lieu of the End-of-Grade (EOG) or the End-of-Course (EOC) tests, promotion decisions must be based on criteria recommended by the IEP team.

## **G. Credit by Demonstrated Mastery**

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

## **H. Credit Recovery**

Students who fail a high school course may retake parts of the course through credit recovery to earn credit for the course. Credit recovery delivers a subset of the blueprint of the original course in order to specifically address deficiencies in a student's mastery of the course and target specific components of a course necessary for completion. A pre-assessment of the student's understanding of the course material will be

administered at the beginning of the course and the credit recovery will be tailored to meet the needs of the individual student. The length of a credit recovery course is dictated by the skills and knowledge the student needs to recover and not a fixed length of seat time.

Any EOC exam associated with the credit recovery course will be administered no later than 30 days upon completion of the credit recovery course. The credit recovery will be graded as pass or fail and will not impact the student's grade point average. The original grade for the course will remain on the student's transcript.

The Superintendent or designee shall develop procedures addressing the implementation of credit recovery opportunities across the school system.

## **I. Repeating a Course for Credit**

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

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

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

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

- a. the student must have earned a letter grade of C or lower in the course on the first attempt;
- b. the student must make a written request to repeat the course;
- c. the principal or designee must approve the request;

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

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

## **J. Acceleration**

Some students may need less time to learn the curriculum. Teachers are encouraged to challenge these students by expanding the curriculum, providing opportunities to explore the subject in greater detail or providing different types of educational experiences. To challenge a student sufficiently, the principal may reassign the student to a different class or level of study and/or may identify other concurrent enrollment or other curriculum expansion options (see Policy 5541 – Dual Enrollment).

The principal, after consulting with the professional staff and the student's parents, may determine that skipping a grade level is appropriate.

## **K. Reporting Requirements**

### **1. Superintendent's Report to the Board**

At least on an annual basis, the Superintendent or designee shall provide the Board with the following information for each school:

- a. Aggregate student performance scores on state-mandated tests and any other standardized tests used by a school or the school system;

- b. The number and percentage of students retained and/or not meeting the standards for their grade level;
- c. The number and percentage of third grade students exempt from mandatory third grade retention by category of exemption as listed in state law; and
- d. Remedial or additional educational opportunities provided by the school system and the success of these efforts in helping students meet promotion standards.

## 2. Report to the North Carolina State Board of Education and Department of Public Instruction

Pursuant to statutory requirements and standards established by the Department of Public Instruction, all required information regarding student performance will be provided annually to the State Board of Education and the Department of Public Instruction.

## 3. Publication on the School System Website

Information about the reading performance of first, second and third grade students will be posted on the school system website in accordance with state law.

## **L. Resources**

Consistent with the objective of improving student performance, the Board will provide schools with maximum flexibility in the allocation of state funds. School personnel are expected to budget financial resources in a manner that will meet the standards established in this policy. The Board will consider requests to transfer funds from other funding allotment categories to intervention strategies as part of the school improvement plan submitted by school officials. All funds will be used in a fiscally sound manner in accordance with Policy 2000 – Fiscal Management.

## **M. Notification to Parents**

The Superintendent or designee shall provide information regarding promotion standards to all students and parents. In addition, if a kindergarten, first grade, second grade or third grade student (1) is demonstrating difficulty with reading development or (2) is not reading at grade level, the student's teacher shall provide the student's parents timely written notice advising that, if the student is not demonstrating reading proficiency by the end of third grade, the student will be retained, unless exempt from mandatory retention for good cause. Parents are encouraged to help their children meet the promotion standards and will have opportunities to discuss the promotion standards and procedures with teachers and the principal. Information provided to parents should be in



the parents' native language when appropriate foreign language resources are readily available.

The teacher of a student who does not meet promotion standards must notify the student's parents that the student has failed to meet the standards for progression to the next level of study and must provide the parents with information concerning retesting, intervention, review and appeal opportunities. When a student is to be retained, the principal shall provide the student's parents written notice of the retention and, if the student will be retained in accordance with G.S. 115C-83.7(a) for failure to demonstrate reading proficiency, (1) written notice of the reason the student is not eligible for a good cause exemption as provided in G.S. 115C-83.7(b) and (2) a description of proposed reading literacy interventions that will be provided to the student to remediate identified areas of where the student has not demonstrated reading deficiency proficiency. Teachers shall provide parents of students retained under G.S. 115C-83.7(a) at least monthly written reports on student progress toward reading proficiency. The evaluation of a student's progress will be based upon the student's classroom work, observations, tests, assessments and other relevant information.

#### **N. Children of Military Families**

As required by the Interstate Compact on Educational Opportunities for Military Children (G.S. 115C-407.5) and Policy 5210 – Assignment to Classes, school administrators have the authority to exercise flexibility in waiving course or program prerequisites or other preconditions for the placement of children of military families in courses or programs offered by the school system.

Legal Reference: G.S. 115C-36, -45(c), -47, -81.5, -83.2, -83.3, -83.6, -83.6A, -83.6B, -83.7, -83.8, -83.9, -83.10, -83.11, -105.21, -174.11, -288(a), -407.5, State Board of Education Policies CCRE-001, KNEC-002, KNEC-003

Adopted: November 26, 1990

Revised: June 28, 1999; February 28, 2005; January 23, 2006; May 22, 2006; May 12, 2008; June 10, 2013; October 21, 2013; January 12, 2015; September 14, 2015; July 17, 2017; August 13, 2018; January 14, 2019; \_\_\_\_\_

## 6000 ATTENDANCE

School attendance and class participation are integral parts of academic achievement and the teaching-learning process. Through regular attendance, students develop patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school.

Parents and legal guardians are responsible for ensuring that students attend and remain at school daily. School administrators shall communicate attendance expectations to parents and guardians and work with students and their families to overcome barriers to attendance.

### A. Attendance Records

School officials shall keep accurate attendance records, including accurate attendance records in each class. Students will be considered in attendance if present at least half of the instructional day on-site in the school or at a place other than the school attending an authorized school-related activity. To be in attendance during remote instruction days, students must: (1) complete their daily assignments, either online or offline; and/or (2) have a daily check-in through two-way communication with (a) the homeroom teacher for grades K-5 or (b) for all other grade levels, each course teacher as scheduled.

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

To be in attendance during remote instruction days (with the exception of the initial enrollment day), students must: (1) complete their daily assignments, either online or offline; and/or (2) have a daily check-in through two-way communication with (a) the homeroom teacher for grades K-5 or (b) for all other grade levels, each course teacher as scheduled. School officials shall communicate the attendance procedures to students and their families before the first day remote instruction begins.

### B. Late Arrivals and Early Departures

Students are expected to be at school on time and to remain at school until dismissed. During the school day, students are expected to be present at the scheduled starting time for each class and to remain until the class ends.

When a student must be late to school or leave school early, a written excuse signed by a parent or guardian should be presented upon the student's arrival at

school. Tardies or early departures may be excused for any of the reasons listed below in Section C.

### **C. Excused Absences**

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the student's teacher on the day the student returns after an absence. Absences due to extended illnesses may also require a statement from a health care practitioner. An absence may be excused for any of the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;
2. isolation ordered by the local health officer or State Board of Health;
3. death in the immediate family;
4. medical or dental appointment;
5. attendance at the proceedings of a court or administrative tribunal if the student is party to the action or under subpoena as a witness;
6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent or legal guardian;
7. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval by the principal;
8. pregnancy and related conditions or parenting, when medically necessary;  
or
9. a minimum of two days each academic year for visitation with the student's parent or legal guardian if the student is not identified as at risk of academic failure because of unexcused absences and the student's parent or legal guardian (a) is an active duty member of the uniformed services as defined by Policy 6024 – Military Children Enrollment and Placement, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.

### **D. School-Related Activities**

While recognizing the importance of classroom learning, the Board also acknowledges that out-of-classroom, school-related activities can provide students

with valuable experiences not available in the classroom setting. The following school-related activities approved in advance by the principal will not be counted as absences for either class or school:

1. field trips sponsored by the school;
  2. job shadows and other work-based learning opportunities, as described in G.S. 115C-47(34a);
  3. school-initiated and -scheduled activities;
  4. athletic events requiring early dismissal from school; and
  5. Career and Technical Education student organization activities approved in advance by the principal.
6. In addition, students participating in disciplinary techniques categorized as in-school suspensions will not be counted as absent.

### **E. Makeup Work**

In the case of excused absences, short-term out-of-school suspensions and absences under G.S. 130A-440(for failure to submit a school health assessment form within 30 days of entering school), the student will be permitted to make up his or her missed work. (See also Policies 6021 – Immunization and Health Requirements for School Admission and 6515 – Due Process.) Assignments missed due to participation in school-related activities also are eligible for makeup by the student. The teacher shall determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

### **F. Unexcused Absences**

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

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

Any absence of a student that results from a suspension of that student for misconduct pursuant to G.S. 115C-391 shall not be considered an unexcused absence for purposes of the Compulsory Attendance Law. A student who has been

suspended pursuant to G.S. 115C-391 shall be provided an opportunity to make up any work missed during the suspension.

### **G. Excessive Absences**

The principal or his/her designee shall notify the parent, guardian, or custodian after the child has accumulated three (3) unexcused absences in a school year. After not more than six (6) unexcused absences, the principal shall notify the parent, guardian or custodian by mail that he/she may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified. Once the parents are notified, the school social worker shall work with the child and his family to analyze the causes of the absences and determine steps, including adjustment of the school program or obtaining supplemental services, to eliminate the problem.

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

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

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

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

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

Students with excused absences due to documented chronic health problems are exempt from this policy. In addition, for students experiencing homelessness (see Board policy 6023 – Homeless Children), school officials must consider issues related to the student’s homelessness, such as a change of caregivers or nighttime residence, before taking disciplinary action or imposing other barriers to school attendance based on excessive absences or tardies.

Excessive absences may impact eligibility for participation in interscholastic athletics.

## **H. Special Circumstances**

### **1. Students with Chronic Health Problems**

No penalties will be imposed for absences due to documented chronic health problems.

### **2. Students Experiencing Homelessness**

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

### **3. Attendance Requirements for Extracurricular Activities**

Absences may impact eligibility for participation in extracurricular activities. Principals shall inform students and parents of the applicable attendance standards for the various types of extracurricular activities, including interscholastic athletics. See also Policy 6801 – Extracurricular Activities and Student Organizations.

Legal Reference: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq.; G.S. 115C-47, -84.2, -288(a), -375.5, -378 through -383, -390.2(d), -390.2(l), -390.5, -407.5; 130A-440; 16 N.C.A.C. 6E .0102, -.0103, .0106; State Board of Education Policies ATND-000, -003

Adopted: November 29, 1990

Revised: October 24, 1994; October 25, 2004; January 12, 2009; April 11, 2011; July 18, 2011; September 14, 2015; June 13, 2016; July 17, 2017; August 13, 2018; August 5, 2019; February 10, 2020; July 12, 2021; \_\_\_\_\_

## **6300 STUDENT RECORDS**

All student records must be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for complying with all legal requirements pertaining to the maintenance, review, and release of records retained at the school. For purposes of this policy, “student records” or “student education records” are those records, files, documents, and other materials that contain information directly related to the student that are maintained by the school system or by a party acting for the school system.

An employee’s failure to maintain the confidentiality of student records may result in disciplinary action, up to and including dismissal.

### **A. Annual Notification of Rights**

The Superintendent or designee shall provide eligible students and parents with annual notification of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice must contain all information required by federal law and regulations, including the following:

1. the right to inspect and review the student’s educational records and the procedure for exercising this right;
2. the right to request amendment of the student’s educational records that the parent or eligible student believes to be inaccurate, misleading, or in violation of the student’s privacy rights; and the procedure for exercising this right;
3. the right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent;
4. the type of information designated as directory information and the right to opt out of release of directory information;
5. that the school system releases records to other institutions that have requested the information and in which the student seeks or intends to enroll;
6. the right to opt out of releasing the student’s name, address, and phone number to military recruiters or institutions of higher education that request such information;
7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school



official discloses or intends to disclose personally identifiable information to school officials without consent;

8. notification if the school system uses contractors, consultants, volunteers, or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and

9. the right to file complaints with the Family Policy Compliance Office in the U.S. Department of Education.

School officials are not required to individually notify parents or eligible students of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Effective notice must be provided to parents or eligible students with disabilities or those whose primary or home language is not English.

## **B. Definition of Parent and Eligible Student**

### **1. Parent**

For purposes of this policy, the term “parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. If the parents of a student are separated or divorced, both parents have the right to access the student’s records as provided in this policy, unless the school system has been provided with evidence that there is a court order, state statute, or other legally binding document that specifically revokes these rights. If a court order restricts either parent’s access to student records, it is the parents’ responsibility to provide a full, unedited copy to the school principal, who will place a copy in the student’s cumulative file and accommodate the terms of the order to the extent possible.

### **2. Eligible Student**

For purposes of this policy, an eligible student is a student who has reached 18 years of age or is attending an institution of postsecondary education. The rights afforded to parents under this policy transfer to an eligible student. However, parents may still have access to the records as long as the student is claimed as a dependent by the parent for federal income tax purposes. An eligible student who desires to prevent access to records by his or her parents must furnish to the principal information verifying that the student is not a dependent of his or her parents. If a parent of a student who is at least 18 and no longer attending a school within the system wishes to inspect and review the student’s records, he or she must provide information verifying that the student is a dependent for federal income tax purposes.

A student under age 18 may have access to student records only upon the consent of his or her parents.

### **C. Classification and Maintenance of Records**

The principal is the custodian of student records maintained at the school, including but not limited to a student's cumulative file.

Information about students that is collected and stored by school personnel may be separated into several categories, including, but not limited to, the following records.

#### **1. Student Education Records**

##### **a. Cumulative Records**

The cumulative record is the official record for each student. The cumulative record includes student identification information, such as the student's name, address (or a homeless student's living situation), sex, race, birthplace, and birth date; family data including the parents' names, addresses, work and home telephone numbers, and places of employment; academic work completed; grades; standardized test scores; health screenings and immunization documentation; attendance records; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.

##### **b. Records of Students with Disabilities**

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act and Policy 6220, Special Education Programs/Rights of Students with Disabilities. Records for a student identified as a student with a disability are considered part of the student's official records and must be maintained in accordance with all appropriate federal and state regulations. Access to these records will be restricted to personnel having specific responsibility in this area. A list of all approved personnel having access to these restricted files will be updated as needed, and a current, dated list will be posted in the student records location.

##### **c. Records Received from the Department of Social Services**

The Department of Social Services may disclose confidential information to the school system in order to protect a juvenile from abuse or neglect. Any confidential information disclosed under these

circumstances must remain confidential and may only be redisclosed for purposes directly connected with carrying out the school system's mandated educational responsibilities.

#### d. Juvenile Records

Juvenile records include documentation or information regarding students who are under the jurisdiction of the juvenile court. These records may be received from local law enforcement and/or other local agencies authorized to share information concerning juveniles in accordance with G.S. 7B-3100. These records also may include notice from the sheriff to the school system that a student has been required to register with the sheriff because the student has been found to be a danger to the community under G.S. Chapter 14, Part 4. Such documents must not be a part of a student's official records but must be maintained by the principal in a safe, locked storage area that is separate from the student's other records. The principal shall not make a copy of such documents under any circumstances.

Juvenile records will be used only to protect the safety of or to improve the educational opportunities for the student or others. The principal may share juvenile records with individuals who have (a) direct guidance, teaching, or supervisory responsibility for the student and (b) a specific need to know in order to protect the safety of the student and others. Persons provided access to juvenile records must indicate in writing that they have read the document(s) and agree to maintain confidentiality of the records.

The principal or designee must destroy juvenile documents if he or she receives notification that a court no longer has jurisdiction over the student or if the court grants the student's petition for expunction of the records. The principal or designee shall destroy all other information received from an examination of juvenile records when he or she finds that the information is no longer needed to protect the safety of or to improve the educational opportunities for the student or others. If the student graduates, withdraws from school, transfers to another school, is suspended for the remainder of the school year, or is expelled, the principal shall return all documents not destroyed to the juvenile court counselor. If the student is transferring, the principal shall provide the juvenile court counselor with the name and address of the school to which the student is transferring.

#### e. Other Student Records

School system personnel may also keep other student records but must review such records annually and destroy them in accordance with Section K of this policy.

## 2. Records Not Considered Education Records (Sole Possession, Employment, and Law Enforcement Records)

Student records do not include, and release of information under this policy does not apply to:

- a. records that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute;
- b. employment records of student employees if those records relate exclusively to the student in his or her capacity as an employee and are not made available for any other use; and
- c. records created by a law enforcement unit of the school system if created for a law enforcement purpose and maintained solely by the law enforcement unit of the school system. However, a law enforcement record containing information that was obtained from the student's confidential file or other educational records must be treated as an education record and may be released only in accordance with this policy.

### **D. Records of Students Participating in the North Carolina Address Confidentiality Program**

Students or parents enrolled in the North Carolina Address Confidentiality Program (NCACP) must provide a valid NCACP authorization card to the school principal if they wish to keep their home address confidential. The school system will maintain a confidential record of the actual home address for admission and assignment purposes only and will not release that address except as provided by law. With the exception of such specially-maintained records, student records will include only the substitute address provided by the NCACP and not the actual home address of any students or parents for whom a valid NCACP authorization card is on file.

When transferring the record of a student participating in the North Carolina Address Confidentiality Program to a school outside of the system, the transferring school may send the files to the Address Confidentiality Program participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program.

### **E. Records of Missing Children**

Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of the disappearance of a child who is currently or was previously enrolled in the school, school officials shall flag the record of that child. If the missing child's record is requested by another school system, the principal shall provide notice of the request to the Superintendent and the agency that notified the school that the child was missing. The principal shall provide the agency with a copy of any written request for information concerning the missing child's record.

Any information received indicating that a student transferring into the system is a missing child must be reported promptly to the Superintendent and the North Carolina Center for Missing Persons.

## **F. Records of Military Children**

School administrators shall comply with any regulations pertaining to the records of military children developed by the Interstate Commission on Educational Opportunity for Military Children.

In addition, children of military families, as defined by Policy 6024, Military Children Enrollment and Placement, are entitled to the following.

### **1. For Students Leaving the School System**

In the event that official education records cannot be released to the parents of military children who are transferring away from the school system, the custodian of records shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission.

When a request for a student's official record is received from the student's new school, school officials shall process and furnish the official records to the student's new school within 10 days or within such time as is reasonably determined by the Interstate Commission.

### **2. For Students Enrolling in the School System**

Upon receiving an unofficial education record from the student's previous school, school administrators shall enroll the student and place him or her in classes as quickly as possible based on the information in the unofficial records, pending validation by the official records.

Simultaneous with the enrollment and conditional placement of the student, school administrators shall request the student's official record from his or her previous school.

## **G. Review, Release of Records to Parent or Eligible Student**

A parent or eligible student may access the student's records upon proper request. The principal or other authorized personnel of the student's school shall schedule an appointment as soon as possible but no later than 45 days after the request by the parent or eligible student. The parent or eligible student may formally review the student's complete records only in the presence of the principal or designee competent to explain the records. School personnel shall not destroy any educational records if there is an outstanding request to inspect or review the records.

A parent or eligible student has the right under this policy to challenge an item in the student record believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, but not challenge a grade, opinion, or substantive decision. The principal shall examine a request to amend a student record item and respond in writing within ten (10) school days to the person who challenges the item. Subsequent steps, if necessary, will follow the student grievance procedures (outlined in the Student and Parent Grievance Procedure policy). If the final decision is that the information in the record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the principal shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school system.

## **H. Release or Disclosure of Records to Others**

Before releasing or disclosing records as permitted by law, school officials shall use reasonable methods to identify and authenticate the identity of the party to whom the records are disclosed.

### **1. Release/Disclosure with Parental Consent**

School officials shall obtain written permission from a parent or eligible student before releasing or disclosing student records that contain personally identifiable information, except in circumstances where the school system is authorized by law to release the records without such permission. The written permission must specify the records to be released, the purpose of the release, and the party(ies) to whom they are to be released.

### **2. Release/Disclosure without Parental Consent**

School system officials shall promptly release student records when a student transfers to another school. The records custodian may release or disclose records with personally identifiable information without parental permission to

the extent permitted by law, including to other school officials who have a legitimate educational interest in the records.

Personally identifiable information from a student's record may be released or disclosed to someone other than a parent or eligible student without prior written consent of the parent or eligible student only as specifically provided by federal law. Except as otherwise permitted by federal law, when personally identifiable information from a student's record is released or disclosed to someone other than a parent or eligible student without their written consent, the party to whom the information is released must agree not to disclose the information to any other party without the prior consent of the parent or eligible student

The Superintendent shall employ reasonable methods to ensure that teachers and other school officials obtain access only to those education records in which they have legitimate educational interests.

Information may be released in the following circumstances without prior written consent:

- a. To officials within the school system who have a legitimate educational need to review the student's records. A school official is a person employed by the school system as an administrator, supervisor, instructor, or support staff member (including health or medical staff, school security, and school resource officers); a school board member; or a person or company with whom the school system has contracted to perform a special task that would otherwise be performed by an employee (such as an attorney, auditor, medical consultant, or therapist). A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- b. To officials of other schools and school systems in which the student has enrolled or intends to enroll, provided that the parent or eligible student receive notice of the disclosure, either through the annual notice provided in the parent/student handbook or through specific individual notice. The school system shall give the parent or eligible student, upon request, (i) a copy of the record that was disclosed and/or (ii) an opportunity to challenge the contents of the record.
- c. To federal government representatives and state and local educational authorities, for the purposes of auditing, evaluating, enforcing or complying with federal or state-supported educational programs.

- d. In connection with a student's application for or receipt of financial aid, if the information is necessary to (i) determine eligibility for the aid; (ii) determine the amount of the aid; (iii) determine the conditions of the aid; or (iv) enforce the terms and conditions of the aid.
- e. To representatives of the juvenile justice system for students under juvenile court jurisdiction, prior to adjudication, when the release of records concerns the system's ability to effectively serve the student whose records are released.
- f. To organizations conducting educational studies, provided the purpose of the study is to develop, validate or administer predictive tests, to administer student aid programs, or to improve instruction. The study must be conducted in such a way that there is no personal identification of parents and students to individuals outside the organization conducting the study. In addition, student record information must be destroyed when no longer needed for purposes of the study.
- g. To accrediting organizations, to the extent necessary to allow them to carry out their accrediting functions.
- h. To parents of an eligible student, if the student is classified as a dependent of the parent for income tax purposes.
- i. To persons acting under a court order or lawfully-issued subpoena. Before releasing records under this provision, the principal should attempt to verify that the subpoena is lawful. The principal or his or her designee must make a reasonable effort to notify the parent or eligible student of the request for release prior to release of the records under this exception.
- j. To the court, without a court order or subpoena, when a parent or eligible student initiates legal action against the school system or when the school system initiates legal action against a parent or eligible student. In such circumstances, the school system may disclose to the court the student's education records that are relevant for the school system to proceed as a plaintiff or defend itself.
- k. To appropriate persons in connection with an emergency, if the release of the information is necessary to protect the health or safety of the student or other persons.
- l. Directory information, in accordance with Section I.4.a, below.



m. To military recruiters and institutions of higher education, in accordance with Section I.4.e, below.

n. To a contractor, consultant, volunteer, or other party to whom the school system has outsourced institutional services or functions, but only to the extent authorized by law.

The Superintendent shall employ reasonable methods to ensure that teachers and other school officials obtain access only to those educational records in which they have legitimate educational interests.

### 3. Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the Board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out (see Parent and Family Engagement Policy).

a. The Board designates the following student record information as directory information that may be disclosed without parental consent to (1) official representatives of law enforcement; (2) official representatives of Moore County Health and Human Services; and (3) authorized third parties for purposes of administering student award and honor programs:

(1) name;

(2) address;

(3) telephone listing;

(4) date and place of birth;

(5) dates of attendance (in years, semesters, or other academic periods);

(6) grade level;

(7) diplomas (including graduation awards and honors earned);  
and

(8) most recent previous school or education institution attended by the student.

b. Board further designates the following student record information as directory information that may be disclosed without parental consent in official school or district-sponsored publications such as yearbooks; awards or honors programs; athletic, music, or drama programs; and team rosters for athletic teams and other competitive interscholastic clubs:

- (1) name;
- (2) photograph;
- (3) age (in years);
- (4) participation in officially recognized activities and sports;
- (5) height and weight of members of athletic teams;
- (6) official honors or awards received;
- (7) grade level; and
- (8) most recent previous school or education institution attended by the student.

c. The Board further designates the following information as directory information that may, at the discretion of the Communications Department, be released to the media in response to specific inquiries to confirm or deny facts that may be subject to public reporting when the Communications Department determines that release of such information is in the best interests of the school system and is not likely to compromise student safety or disrupt the educational environment:

- (1) name;
- (2) grade level; and
- (3) most recent previous school or education institution attended by the student.

d. Except as expressly provided by this policy, personally identifiable information about students contained in official student records shall not be considered directory information and shall be disclosed only as authorized or required by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, and other applicable law.

e. The telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program is not considered directory information and will not be released except as required by law.

f. Information about a homeless student's living situation is not considered directory information and will not be released.

g. As required by law, the names, addresses, and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of higher learning, whether or not such information is designated directory information by the school system. In addition, secondary school students' email addresses (which will be the email addresses provided by the school, if available) must be provided to military recruiters upon request. Students or their parents, however, may request that the student's name, address, email address and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made.

h. All requests for directory information must be submitted to the Superintendent or designee for approval. The Superintendent is authorized to establish regulations regarding the release of directory information.

#### 4. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act.

#### 5. Disclosure of De-Identified Information

Education records may be released without consent of the parent or eligible student if all personally identifiable information has been removed. Personally identifiable information includes both direct and indirect identifiers that, alone or in combination, would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

Unless specifically permitted by law, records that have been de-identified must not be released without the consent of the parent or eligible student if school officials reasonably believe that the person requesting the information knows the identity of the student to whom the education record relates

## **I. Withholding Records**

School system administrators shall not withhold records upon a valid request by a parent, eligible student, or school to which the student is transferring for any reason, including in order to collect fines assessed to the parent or student.

## **J. Record of Access and Disclosure**

The principal or designee shall maintain a record in each student's file indicating all persons who have requested or received personally identifiable information from a student's record and the legitimate reason(s) for requesting or obtaining the information. This requirement does not apply to requests by or disclosure to parents, eligible students, school officials, parties seeking directory information, a party seeking or receiving the records under a court order or subpoena that prohibits disclosure, or those individuals with written parental consent.

## **K. Destruction of Student Records**

To the extent required by law, school officials shall maintain student records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. After notifying parents, school officials may destroy student records when the records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials must destroy student records if the parent or eligible student requests their destruction and if such records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

## **L. Longitudinal Data System**

School system administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer designated student record data to the system in accordance with the NCLDS data security and safeguarding plan and all other requirements of state law, provided that doing so does not conflict with the requirements of FERPA.

Legal Reference: Family Education Rights and Privacy Act, 20 U.S.C. § 1232g, h, 34 C.F.R. Part 99, Individuals with Disabilities Education Act, 20 U.S.C. 1411 et seq.; Elementary and Secondary Education Act, 20 U.S.C. 7908; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq.; 10 U.S.C. 503(c)(1); G.S. 7B-302, -3100, -3101; 14-208.29; G.S. 115C-47(26), -109.3, -402, -403, -404; -407.5, 116E-6

Adopted: November 29, 1990

Revised: May 20, 1996; June 12, 1998; August 26, 2002; May 12, 2008; February 8, 2010; February 10, 2014; August 5, 2019; July 13, 2020; \_\_\_\_\_

## **7160 TRANSPORTATION SERVICE/VEHICLE CONTRACTS TRANSPORTATION**

The Board may enter into contracts with public or private carriers in accordance with G.S. 115C-253, State Board of Education policy, any other applicable law, and this policy. Any contracts also must comply with Policy 2500– Contract Administration.

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

The Superintendent shall ensure that the school system contracts for student transportation services only with companies or individuals who are on the approved list.

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

Adopted: November 29, 1990

Revised: April 11, 2011; September 8, 2014; August 13, 2018; \_\_\_\_\_

## 7401 COMMUNITY USE OF FACILITIES

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

### ~~A. General Principles~~

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

~~Priority for facility use will be given to community groups as outlined below in Section B. For-profit groups as identified in the Facility Use Application are permitted to use school facilities.~~

~~Use of school facilities will not be approved for activities that do any of the following:~~

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

### **BA. Priority in Use/Fee Structure**

In accordance with G.S. 163-129, the county board of elections is entitled to use school facilities as a polling place on election days. School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations permitted to meet under the Equal Access Act, will have first priority in the use of school facilities.

Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with law and the following user categories. Priority in use among groups within the same user category will not be based upon the viewpoints of the groups (~~see Policy 3060/4060/6060—Discrimination and~~

~~Harassment Prohibited by Federal Law~~). All groups within the same user category will be charged for facility use according to the uniform fee structure.

~~1. In accordance with G.S. 163-129, as a polling place on election days~~

~~21.~~ School-related groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers' and principals' organizations and booster clubs)

Fees: Fees for use of kitchens will be charged, as applicable, to cover costs. Custodial or ~~other~~ supervisory ~~services fees~~ may be charged.

~~32.~~ In accordance with G.S. 115C-527, political parties for the express purpose of annual or biennial precinct meetings and county and district conventions

Fees: Custodial and utility fees may be charged.

~~43.~~ Local government and youth organizations, including, but not limited to, scouts and 4-H

Fees: ~~Utility fees for the use of facilities may be charged.~~ Custodial, ~~kitchen,~~ and/or supervisory fees will be charged. Fees for use of kitchens will be charged, as applicable, to cover costs. Utility fees may be charged.

~~54.~~ All other ~~non-not-for~~-profit groups (all groups not included in the other categories as well as political parties when meeting for purposes other than precinct meetings or county or district conventions)

Fees: Rental, ~~kitchen,~~ utility, ~~and~~ custodial, and/or supervisory fees will be charged. Fees for use of kitchens will be charged, as applicable, to cover costs.

~~65.~~ For-profit groups as identified in the Facility Use Application.

Fees: Rental, ~~kitchen,~~ utility, ~~and~~ custodial, and/or supervisory fees will be charged. Fees for use of kitchens will be charged, as applicable, to cover costs.

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

### **C. Requests for Use of Facilities**



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

## **DB. Facilities Available for Use**

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

The Superintendent or designee ~~is authorized to~~ shall develop and make accessible to the public a list of school facilities available for community use. Among the types of facilities that may be available for community use are auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers, and playgrounds. School facilities not listed as available for community use may be used only in exceptional circumstances based on a justified need and in accordance with terms approved by the Superintendent or designee.

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

## **EC. Rules Governing Use of School Facilities**

The Superintendent or designee shall develop regulations consistent with this policy. The regulations will include an application process and provisions regarding the supervision of groups using facilities, the care of facilities, prohibited conduct, and other issues deemed appropriate by the Superintendent. ~~A copy of t~~The regulations will be provided to all applicants at the time they receive made available to the public along with the facilities use application form. In addition to the regulations established by the Superintendent, users of school facilities must comply with the following rules:

1. Users must comply with all federal, state and local laws and all rules established by the Board, the Superintendent or designee and the principal.
2. Users must comply with the requirements of the Americans with Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulations that have been adopted for the implementation of the ADA.

3. Users must comply with board policy and legal requirements forbidding the use of tobacco products in school facilities and on school grounds (see Policy 3032/4032/6610/8555 - Smoking and Tobacco Products).

4. Users must not consume or possess alcohol or drugs on school grounds.

5. Users must not possess weapons or explosives while on school grounds, except in the limited circumstances permitted by state law and Policy 3045/4045/6605/8565 - Weapons and Explosives Prohibited.

6. Users must not make any modifications, improvements or alterations to school facilities without the prior written approval of the Superintendent or designee.

7. Users must not display or distribute materials that are vulgar, indecent or obscene or use vulgar, indecent or obscene language while on school grounds.

68. Users are responsible for supervising their activities and the people present at their activities. Users are responsible for maintaining order and safety during their activities.

9. Upon departure, users must remove any materials or equipment they brought onto school grounds.

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

#### **D. Facility Use Agreements**

A group that wishes to apply for permission to use a school facility must submit an application to the principal of the school at which the facility is located. If a facility use request is approved, the user will enter into a written agreement signed by the user and the Superintendent or designee. Absent unusual circumstances, facility use agreements will not be granted for a term longer than one year. An agreement to span more than one year must be approved in advance by the Board.

Long-term leases are subject to the provisions of Policy 2422 – Sale, Disposal and Lease of Board-owned Real Property.

#### **FE. Damages and Liability Insurance**

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

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

### **G. Term and Acceptance of Lease**

The Superintendent is authorized to enter into agreements with community groups for the lease of school property for terms of one year or less. All such leases must be reviewed and approved in advance by the board attorney. The Superintendent shall inform the Board of the execution of any lease at its next regularly scheduled meeting. Leases may be renewed following the same process.

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

### **HF. Use of Outdoor School Facilities by the General Public**

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

### **IG. Review of Decisions Concerning Use of School Facilities**

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

Legal Reference: Americans with Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America

Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; 36 U.S.C. 20101 et seq.; G.S. 14-269.2; Community Schools Act, G.S. 18B-301(f)(7); 115C-203 to 209.1; 115C-524, -527; 160A-274; 163-129

Adopted: November 29, 1990

Revised: May 23, 2005; April 14, 2008; August 13, 2018; September 14, 2020; July 12, 2021; \_\_\_\_\_

## 7510 PLANNING ~~FOR~~ TO ADDRESS FACILITY NEEDS

### **A. Principles**

The Board strives to provide safe, orderly and inviting schools for students and staff. The Board also strives to provide other facilities needed to support the educational program. Long-range planning by the Board and Superintendent is essential for providing an educational environment where students can succeed.

### **B. Long-Range Plan**

The long-range plan will identify facility needs of the school district. The plan will consider whether to renovate existing facilities or build new facilities. The plan also will consider creative options for meeting the needs of the educational program such as expansion or reduction through modular construction, future alternative uses of space, the availability of community facilities, the use of temporary facilities or leasing arrangements, opportunities for capital lease financing of facilities through public/private partnerships, and sharing facilities with other school districts.

### **C. Process**

The following information will be considered in long-range planning efforts.

1. data which reflect the possibility of enrollment declines or increases as well as other demographic changes in the population of students that is or may be served;
2. a facilities inventory which includes the size of sites, building capacities, age of buildings, energy consumption, ability to utilize technology, the suitability of the space for its current or future purpose, and accessibility by the community; and
3. the availability or anticipated availability of innovations in construction or design that would allow existing buildings to be renovated or new facilities constructed at a lower cost, in a more energy efficient manner, or in a way which will better meet the needs of the educational program.

The Superintendent may utilize the services of consultants to obtain information necessary for the long-range planning process. ~~All professional contracts must be approved by the Board.~~ School staffs, students and parents will be involved in considering the needs for new and renovated facilities.

The Board will work with the Board of County Commissioners when possible in developing a five-year capital outlay plan. The Board and Superintendent will communicate in a positive and persuasive manner the need for school construction to the public and other governmental bodies in order to receive necessary funding.

Legal References: G.S. 115C-47, -204, -276, -426.2, -521, -524, -530, -531, -532; 143-129; 153A-164

Adopted: November 29, 1990

Revised: March 12, 2007; \_\_\_\_\_

## **8420 DISTRIBUTION AND DISPLAY OF NON-SCHOOL MATERIAL**

Students and the educational program must be the focus of the school system. In order to maintain an educational environment conducive to learning and to minimize intrusions upon instructional time, distribution and display of non-school material will be limited in accordance with this policy and policy 8422, Advertising in the Schools. School officials shall screen and approve the distribution or display of non-school material on school property. (The term "non-school material" is defined in Section F below.)

This policy applies to the distribution and display of non-school material by students and school-related groups (as defined in Section F below) and by governmental agencies, educational institutions, and non-profit entities as permitted in Section C below. [This policy does not apply to the distribution and display of materials by individuals or groups that are on school property in accordance with Policy 7401 – Community Use of Facilities.](#) This policy will not be construed as applying to or prohibiting the display of compliant political signs permitted by [G.S. 136-32](#).

### **A. Distribution and Display by Students**

Students wishing to distribute or display on campus any publication, leaflet or other written material that is not school-sponsored must submit the publication or material to the principal for review prior to distribution. The principal shall prohibit distribution or display when the publication or material contains speech that is prohibited as specified in Section D below but otherwise shall not discriminate on the basis of viewpoint in granting or denying a student permission to distribute or display non-school publications or materials. If permission to distribute or display a publication or material is denied, the student may request review of the principal's decision as specified in Section E below.

### **B. Distribution and Display by Non-Students**

1. Distribution and display of "school-sponsored or curriculum-related publications and materials" as defined in Section F are permitted during the school day, on school grounds and at school activities.
2. Distribution and display of publications and materials from school-related groups that have received prior approval of the principal or Superintendent or designee pursuant to the standards in Section D below and the standards for review of the decision in Section E below are permitted at reasonable times and places as designated by the principal or Superintendent or designee. The term "school-related group" is defined in Section F. The principal or Superintendent or designee shall not discriminate on the basis of viewpoint in granting or denying permitted school-related groups permission to distribute or display non-school material.

3. The following agencies and organizations are permitted to distribute or display educational information or information about programs and activities of interest to students:

- a. local, state and federal government agencies and departments;
- b. non-profit organizations that offer educational, recreational, cultural or character development activities or programs for school-aged children, including but not limited to scouts, YMCA or YWCA, organized youth sport leagues, etc.);
- c. school/business partnerships or incentive programs that directly enhance or support the school's educational program; and
- d. community colleges, universities, and other non-profit institutions of higher education.

All publications and materials that one of the permitted agencies or organizations would like to distribute or display must be submitted to the principal or Superintendent or designee for approval prior to distribution or display. Approval for distribution or display will be granted pursuant to the standards in Section D below and the standards for review of decisions in Section E below. If approved, the publications and materials will be distributed or displayed at reasonable times and places as designated by the principal or Superintendent or designee.

4. The principal or Superintendent or designee shall not discriminate on the basis of viewpoint in granting or denying permitted agencies and organizations permission to distribute or display non-school materials.

5. The Superintendent is authorized to adopt regulations regarding approval forms, how many times a year groups may distribute or display publications or materials, delivery and bundling requirements, etc.

6. Nothing in this policy will be construed to create a public forum that would allow non-students unrestricted access to school property for the purpose of distributing or displaying publications or materials.

### **C. Distribution and Display Standards for Non-School Materials**

School officials shall apply the following standards to approve the distribution or display of all non-school material by individuals or groups authorized by this policy on school property:



1. While materials will not be screened for viewpoint, the reviewer shall prohibit the distribution or display of any publication or material that (a) is vulgar, indecent or obscene; (b) contains libelous statements, personal attacks or abusive language such as language defaming a person's character, race, religion, ethnic origin, gender-sex, family status, or disability; (c) causes or clearly threatens to cause a material and substantial disruption of a school activity; (d) encourages the commission of unlawful acts or the violation of lawful school regulations; (e) is inappropriate considering the age of the students in the school; (f) contains information that is inaccurate, misleading or false; or (g) advertises any product or service not permitted to minors by law.

The principal or Superintendent's designee shall notify the Superintendent before approving or prohibiting distribution or display of any publications or materials that raise a question as to whether a specific action by school officials might violate the Establishment of Religion Clause, the Free Exercise of Religion Clause, or the free speech rights guaranteed by the First Amendment of the U.S. Constitution. The Superintendent shall consult with the board attorney to determine the legally appropriate course of action.

2. The distribution of non-school material must not interfere with instructional time.

3. Non-school publications and materials distributed or displayed to students must be clearly identified, through the method of distribution or otherwise, as non-school materials that are neither endorsed nor necessarily reflective of the views of the school board or the school system.

4. In order to minimize disruption to the learning environment, political campaign materials may not be distributed to students or employees (including through employee mailboxes and e-mail) or made available on school grounds during school time or at school events. However, on election days, posters and printed materials are permitted for viewing and distribution to the public at school buildings used as polling places in accordance with state law and board of elections requirements.

This provision does not prohibit a teacher from using political literature or campaign material for instructional purposes. However, any teacher using these materials for instructional purposes shall not use his or her position to promote a particular candidate, party or position on a specific issue. The teacher also shall attempt to use a variety of materials that represent balanced and diverse viewpoints on the political spectrum.

#### **D. Procedures for Requesting Distribution or Display of Non-school Materials**

1. Any individual or organization wishing to distribute or display non-school-sponsored publications or materials must first submit for approval a copy of the publication or material to the principal or Superintendent or designee at least five school days in advance of the distribution or display time, along with the following information: (a) the name and phone number of the individual submitting the request; (b) the date(s) and time(s) of day of intended distribution or display; (c) the desired location for distribution or display of material; and (d) if the distribution or display is intended for students, the grade(s) of students for whom the distribution or display is intended.

2. Within five school days, the principal or Superintendent or designee shall review the request and render a decision. In the event permission to distribute or display the material is denied or restricted, the individual submitting the request will be informed in writing of the reasons for the denial or restriction.

3. Any request denied or restricted by the principal or Superintendent or designee may be appealed in writing to the Superintendent or designee or Board, depending on who made the initial decision. If the principal made the initial decision, the Superintendent or designee shall review the decision and render a decision within 10 school days. Any request denied by the Superintendent or designee may be appealed to the Board of Education. The Board will review the request at its next regularly scheduled meeting. As appropriate, the Superintendent or the board will consult with the board attorney concerning a request to distribute or display non-school literature.

4. Permission or denial of permission to distribute or display material does not imply approval or disapproval of its contents by school system administrators, the school board or the individual reviewing the material submitted.

## **E. Definitions**

The following terms used in this policy are defined as follows:

### **1. Obscene**

"Obscene" describes any speech or work that the average person, applying contemporary community standards (as opposed to "national standards"), would find, taken as a whole, appeals to prurient interest; or that depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and that, taken as a whole, lacks serious literary, artistic, political or scientific value.

### **2. Libelous Statement**

Libelous statements are false and unprivileged statements about a specific person that injure that person's reputation in the community.

### 3. Non-School Material

Non-school material includes any publication or other written information that is not a school-sponsored or curriculum-related publication or material.

### 4. Material and Substantial Disruption

A material and substantial disruption is any conduct that for any reason, including inappropriateness of time, place or type of behavior, significantly interferes with school functions, classroom instruction, or the rights of other students or school employees. Examples of material and substantial disruption include, but are not limited to, demonstrations, destruction of property, injury to students or other persons, shouting or boisterous conduct, and anything that significantly distracts students from instruction or prevents school personnel from performing their educational responsibilities.

### 5. School-Sponsored or Curriculum-Related Publications and Materials

School-related materials or publications are: (a) materials published by the school system for distribution (i.e. school calendars, menus, school newsletters, etc.); (b) materials that are approved by school officials and related to activities or events that are officially sponsored by the school (i.e. announcements for sports teams, clubs, field trips, school plays and concerts); or (c) materials that are directly related to instruction.

### 6. School-Related Group

School-related groups are organizations formed to support the school in an area of recognized need, such as the PTA, the PTO, teachers' and principals' organizations, and booster clubs.

The Superintendent shall adopt necessary regulations to ensure that this policy is implemented throughout the school system.

Legal Reference: U.S. Constitution, Amendment I; *Peck v. Upshur*, 155 F.3d 274 (1998); G.S. 115C-36, -47; 136-32; 163-129, -166

Adopted: November 29, 1990

Revised: November 17, 2008; October 21, 2013; February 10, 2020; July 12, 2021;

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## ~~7010 CHILD NUTRITION SERVICES DIRECTOR~~

~~The Child Nutrition Services Director shall be appointed by the Board upon the recommendation of the Superintendent.~~

~~Legal Reference: G.S. 115C-47~~

~~Adopted: November 29, 1990~~

## ~~7011 DUTIES OF CHILD NUTRITION SERVICES DIRECTOR~~

~~The Child Nutrition Services Director shall be responsible to the Chief Finance Officer and Superintendent for the conduct of those duties and responsibilities as set forth in the job description.~~

~~Legal Reference: G.S. 115C-47~~

~~Adopted: November 29, 1990~~

## ~~7020 CHILD NUTRITION SERVICES DEPARTMENT STAFF~~

~~A staff shall be provided for the administration and operation of the child nutrition services program in accordance with the recommendations of the State Department of Public Instruction, Division of Child Nutrition.~~

~~Legal Reference: G.S. 115C-47, 263, 264~~

~~Adopted: November 29, 1990~~

## ~~7030 DUTIES OF PRINCIPALS AND CAFETERIA MANAGERS IN CHILD NUTRITION SERVICES PROGRAM~~

~~The principal and cafeteria manager shall be responsible for the child nutrition services program in their school.~~

~~Legal Reference: G.S. 115C-47~~

~~Adopted: November 29, 1990~~

## ~~7031 SUPERVISION OF STUDENTS~~

~~All responsibilities for supervision of students in the cafeteria should be designated by the principal. Cafeteria managers and teachers should work toward needed student behavior change.~~

~~Legal Reference: G.S. 115C-288(e), 307~~

~~Adopted: November 29, 1990~~

## ~~7042 COOPERATION WITH OTHER AGENCIES~~

~~The Moore County School Food Services Program will abide by the rules and regulations of and cooperate with the North Carolina Department of Agriculture and the U.S. Department of Agriculture.~~

~~Legal Reference: G.S. 115C-47(7), (22); 263, 264; National School Lunch Act, as amended, 42 U.S.C. §§1751, *et seq.*; Child Nutrition Act of 1966, as amended, 42 U.S.C. §§1771, *et seq.*~~

~~Adopted: November 29, 1990~~

## **~~7051 BANKING, RECORDKEEPING, BUDGETING AND ACCOUNTING~~**

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

~~Legal Reference: G.S. 115C-47(7), (22); 426, 450; Art. 31; National School Lunch Act, as amended, 42 U.S.C. §§1751, et seq.; Child Nutrition Act of 1966, as amended, 42 U.S.C. §§1771, et seq.~~

~~Adopted: November 29, 1990~~

## **~~7060 FOOD SERVICE SAFETY AND SANITARY PRACTICES~~**

~~The School Food Services Department will comply with all local, state, and federal rules and regulations to establish and maintain high standards of safety and sanitation.~~

~~Legal Reference: G.S. 115C-47(7), (22); 263, 264; National School Lunch Act, as amended, 42 U.S.C. §§1751, et seq.; Child Nutrition Act of 1966, as amended, 42 U.S.C. §§1771, et seq.~~

~~Adopted: November 29, 1990~~

## **~~7070 ELIGIBILITY OF PATRONS~~**

~~Adults eligible to eat in the School Food Service Department shall be school employees and personnel on official business and local patrons on invitation only. The adult price will be charged.~~

~~Legal Reference: G.S. 115C-47(7), (22); 263, 264~~

~~Adopted: November 29, 1990~~

## **7040 OPERATION OF SCHOOL NUTRITION SERVICES**

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

### **A. Operational Standards**

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

1. School officials may not discriminate based on race, sex, color, national origin, disability, age, or eligibility status for free and reduced price meals. School officials also are prohibited from retaliating against an individual for prior civil rights activity.
2. The school nutrition services program will meet safety and sanitation requirements established in local, state and federal rules and guidelines for school nutrition services programs.
3. The school nutrition services program will have a written food safety program that includes a hazard analysis critical control point plan for each school.
4. Menu preparation, purchasing and related record keeping will be consistent with applicable state and federal rules and guidelines.
5. Banking, financial record keeping, budgeting and accounting will be conducted in accordance with generally accepted practices and procedures, as dictated by the School Budget and Fiscal Control Act and in accordance with state and federal guidelines.
6. Commodity foods donated by the United States Department of Agriculture will be used and accounted for in accordance with federal regulations.
7. Preference will be given in purchasing contracts to high-calcium foods and beverages, as defined in G.S. 115C-264.1 and to foods grown or raised within North Carolina.

8. Child Nutrition Program (CNP) funds will be used only for the purposes authorized by law. Indirect costs, as defined by law, will not be assessed to the CNP unless the program has a minimum of one month's operating balance.
9. The price for meals will be determined in accordance with federal law.
10. Nonprogram foods will be priced to generate sufficient revenues to cover the cost of those items. A nonprogram food is defined as a food or beverage, other than a reimbursable meal or snack, that is sold at the school and is purchased using funds from the child nutrition account.
11. All school nutrition services will be operated on a non-profit basis for the benefit of the CNP. School nutrition services are those that are operated from 12:01 a.m. until the end of the last established lunch period.
12. All income from the sale of food and beverages that is required by law or regulation to be retained by the CNP will be deposited to the CNP account and will be used only for the purposes of the school's non-profit lunch and breakfast programs. All funds from food and beverage sales not otherwise required by law to be deposited to the CNP account will be deposited into the proper school account in accordance with guidelines developed by the Superintendent or designee.
13. All competitive foods sold on campuses will meet federal and state standards for nutrient content.
14. All employees whose job duties include procurement activities for the Child Nutrition Program shall adhere to the conflict of interest rules and standards for ethical conduct established by the Board in Policies [1420/3240/4240/8263—Conflict of Interest/Unethical Influence 2520/7513 – Ethics and the Purchasing Function](#), and 2510 – Federal Grant Administration. Failure to comply with these requirements will result in disciplinary action.

## **B. Meal Charges**

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



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

Legal References: Child Nutrition Act of 1966, *as amended*, 42 U.S.C. § 1771, et seq.; National School Lunch Act 42 U.S.C. § 1751, et seq.; 2 C.F.R. pt. 200; 7 C.F.R. pt. 210 7 C.F.R. pt. 215; 7 C.F.R. pt. 220; United States Department of Agriculture Policy Memos SP 46-2016, 47-2016 and 23-2017 available at <https://childnutrition.ncpublicschools.gov/regulations-policies/usda-policy-memos>; G.S. 115C-47(7), -47(22), -263, -264, -264.1, -426, -450, -522; 147 art. 6E, art. 6G; 16 N.C.A.C. 6H.0104; ~~State Board of Education Policy NCAC-016~~

Adopted: November 29, 1990

Revised: March 12, 2007; February 10, 2014; August 13, 2018; January 14, 2019; February 10, 2020; \_\_\_\_\_

## 7041 FREE AND REDUCED PRICE MEALS

~~The child nutrition services program shall participate in the national school lunch program, school breakfast program, and shall receive commodities donated by the United States Department of Agriculture; and it shall accept responsibility for providing free meals and reduced price meals to eligible children in the schools.~~

~~Free and reduced applications are sent to every household that has an enrolled student prior to the start of the new school year, along with an explanatory letter to parents. Additional copies are available from the principal's office and the cafeteria in each school. The information provided on each application is confidential, and it will be used only for the purpose of determining eligibility. Applications may be submitted at any time during the school year. In certain cases, foster children may also be eligible for these benefits. If a family has foster children living with them and wishes to apply for such meals, the family should contact the Child Nutrition office.~~

~~In the operation of these programs, no child will be discriminated against because of race, sex, color, or national origin. School cafeteria managers will review the applications and forward them to the Child Nutrition office processing. The Child Nutrition office will process the application using approved software. The program will determine eligibility. The Child Nutrition Director will verify each application, and each application will be kept on file for three years and three months. In the event that a parent should be dissatisfied with the verifying official's decision, the parent may request, either orally or in writing, a hearing to appeal the decision. A hearing officer will be designated for the program. The hearing officer, as well as the verifying official, have a copy of the hearing procedure, which may be reviewed by any interested party.~~

The school system will provide free meals and reduced price meals to eligible students in the schools.

The principal shall make applications for free or reduced price meals readily available to parents or guardians and shall accept completed applications at any time during the school year.

In accordance with the guidelines for participation in these programs, and in accordance with the wishes of the Board, no student who meets the criteria for eligibility for free and reduced meal benefits will be denied a free lunch, milk or other food simply because the proper application has not been received from his or her parent or guardian. The principal may complete an application, based on the best household size and income information available, for a student known to be needy if the parent or guardian fails to apply. The source of the information must be noted on the application. The principal shall ensure that school rules and procedures are implemented in ways that do not impede eligible students from participating fully in these programs.

The information provided on each application is confidential. Employees with access to this confidential information must make reasonable efforts to maintain the anonymity of students participating in the free or reduced priced meal program.

Each year, the Superintendent or designee shall ensure that the school system has met all federal requirements to verify the eligibility of applicants. When school personnel become aware of information that raises concerns about the integrity of an application, the Superintendent or designee must verify the questionable information by following the verification for cause procedures set forth in federal regulations.

The Superintendent is authorized to apply for community eligibility as an alternative to collecting individual household applications for free and reduced price meals for any school or group of schools that meet the eligibility requirements for community eligibility established by federal law. In schools approved for participation pursuant to the community eligibility requirements, the Board will serve free lunches and breakfasts to all students in the school without regard to income and will cover with non-federal funds any costs of providing the free meals above the amounts provided by federal assistance. Participating schools will not collect free and reduced price applications from households.

The Superintendent shall establish procedures that conform to state and federal requirements regarding participation in programs for free and reduced price meal benefits.

Legal Reference: Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.; 7 C.F.R. Parts 210, 215, 220 and 245; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Healthy, Hunger Free Kids Act of 2010, P.L. 111-296; National School Lunch Act, 42 U.S.C. 1751, et seq.; G.S. 115C-~~47~~, ~~-263~~, ~~-264~~

Adopted: November 29, 1990

Revised: January 7, 2010; \_\_\_\_\_

## **7050 MENU PREPARATION AND SCHOOL FOOD SERVICE PURCHASING SCHOOL MEAL AND COMPETITIVE FOODS STANDARDS**

~~Menu preparation and purchasing by School Food Services will be consistent with established state and federal guidelines for programs which receive special revenue funds and shall comply with any related procedures required by law. It shall not be mandatory that the provisions of G.S. 115C-522(a) and §143-129 be complied with in the purchase of supplies and food for such school food services. However, the Board prefers and encourages using the bidding process to the extent it is possible and reasonable to do so.~~

~~Food selection will be consistent with statewide nutrition standards for school meals, a la carte foods and beverages, and items served in the after school snack program.~~

~~Competitive food sales, including food and beverages from vending machines, outside suppliers, or any other items sold separately from the school lunch program will be controlled to ensure that they do not encourage poor eating habits or negatively affect the ability of the school to provide a nutritious lunch at the lowest possible cost.~~

~~The Superintendent or designee will establish nutritional standards for non-cafeteria or competitive foods to protect the health of students. Middle schools and high schools may sell soft drinks to students at times other than during child nutritional operational hours (12:01 AM until the end of the last established lunch period), so long as the practice is consistent with the requirements of the National School Lunch Program. G.S. 115C-264.2, including limitations on the sale of sugared carbonated soft drinks. Bottled water will be available in every school that has beverage vending. The Superintendent will ensure that any snack vending meets the applicable requirements of Eat Smart: North Carolina's Recommended Standards for All Foods Available in School.~~

~~All employees or other individuals who select foods or beverages to be sold to students on a school campus during the school day shall select and procure such foods and beverages in a manner consistent with the goals established by the Board in Policy 5060 - Student Wellness and with all state and federal laws and regulations. Additionally, in furtherance of the Board's goals, the Board establishes the following standards for school meals and other foods sold or available on school campuses.~~

### **A. School Meal Requirements**

~~Meals and snacks provided through the National School Lunch, School Breakfast, and After School Snack Programs<sup>1</sup> must comply with all federal nutrition standards applicable to the respective program, including meal component requirements and dietary standards.~~

### **B. Foods Other Than School Meals**

## 1. Definitions

### a. School day

As used in this policy, “school day” means the period from midnight through **30 minutes after the dismissal bell rings.**

### b. Competitive foods

Competitive foods are all foods and beverages, other than meals reimbursed through the federally-funded school nutrition programs, available for sale to students on campus during the school day.

## 2. Foods Sold from Midnight Until the End of the Last Lunch Period

The sale of food and beverages between midnight and the end of the last lunch period is the responsibility of the Child Nutrition Program (CNP), and the CNP will retain the proceeds. No foods or beverages may be sold to students on any school campus during that time period except through the Child Nutrition Program. The school principal and CNP personnel shall ensure that all competitive foods, including vended *a la carte* and all other *a la carte* or supplemental food and beverages, sold during that time period meet the federal Smart Snacks nutrition standards.

## 3. Foods Sold Between the Last Lunch Period and the End of the School Day

Each year, through its School Nutrition Program Annual Agreement, the board will establish accountability for the sale of competitive foods during the period between the end of the last lunch period and the end of the school day. All foods sold during that period must comply with the federal Smart Snacks nutrition standards. This includes foods sold in vending machines (see subsection B.4, below), in school stores, and in other sales venues on the school campus.

## 4. Foods Sold After the School Day

Foods sold after the school day are not subject to the federal Smart Snacks standards but are subject to any school rules established pursuant to Policy 5060 - Student Wellness.

## 5. Vending Sales During the School Day

In elementary schools, no beverage or snack vending to students is permitted outside of the School Nutrition Program.

In middle and high schools, all vended snack foods and beverages sold during the school day must meet the federal Smart Snacks standards and any more restrictive state requirements.

Bottled water must be available in every school that has beverage vending.

#### 6. Fund-Raising Activities Involving Food or Beverages

All fund-raising activities that involve the sale of food or beverages to students during the school day must comply with the federal Smart Snacks standards. However, no such fund-raising activities are permitted from midnight until the end of the last lunch period. Tokens of exchange for foods or beverages to be delivered later in the day also are prohibited during this time period.

Fund-raising activities that are conducted after the school day are not required to comply with the federal Smart Snacks nutrition standards, but are subject to policy 6140, Student Wellness, and any school rules established pursuant to that policy.

#### 7. Foods Brought from Home for School Events

Each school principal may establish standards for food and beverages brought from home to be shared for classroom events or parties during the school day or for extracurricular activities after school. The board encourages principals to establish rules that are consistent with the Smart Snacks nutrition standards.

#### 8. Responsibility for Compliance with the Limits on the Sale of Competitive Foods

The limitations on the sale of competitive foods during the school day established by law and this policy are intended to encourage students to develop healthy eating habits and to ensure the ability of the schools to provide nutritious meals at the lowest possible cost.

All employees, student groups, volunteers, school support organizations, and other parties within the school environment must comply with the restrictions and conditions on the sale of competitive foods to students during the school day imposed by federal and state law, this policy, and the terms of the board's School Nutrition Program Annual Agreement.

The Superintendent shall hold each principal responsible for consistent enforcement of this policy.

## 9. Consequences for Non-Compliance with the Limits on the Sale of Competitive Foods

Employees will be subject to disciplinary sanctions for violating the requirements pertaining to the sale of competitive foods as described in this or other relevant board policy, the Board's School Nutrition Program Annual Agreement, or federal or state law or regulation. Discipline may include suspension or dismissal for repeated willful violations. The Superintendent may take all reasonable steps necessary to prevent violation of the competitive foods rules by any student or student group, volunteer, school support organization, or other party.

If a school is found by the North Carolina Department of Public Instruction to be in violation of the rules pertaining to the sale of competitive foods as established in federal or state law or regulation and the violations results in a monetary sanction against the Child Nutrition Program, the Superintendent may require the school's principal to reimburse the Child Nutrition Program from the operating account of the school.

Nothing in this policy is intended to regulate or limit foods that students bring from home as part of a bag lunch.

Legal Reference: Child Nutrition Act of 1966, 42 U.S.C. 1771et seq.; Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296, 7 C.F.R. Part 210; National School Lunch Act, 42 U.S.C. 1751, et seq.; G.S. 115C-47(7), -47(22); -263, -264, -264.2, -264.3, -522; G.S. 143-129; 16 N.C.A.C. 6H.0104; National School Lunch Act, as amended, 42 U.S.C. §§1751, et seq.; Child Nutrition Act of 1966, as amended, 42 U.S.C. §§1771, et seq.; 7 C.F.R. 210.11; 7 C.F.R. 3016.36; State Board of Education Policy EEO-S-000, EEO-S-002; Eat Smart: North Carolina's Recommended Standards for All Foods Available in School, NC Department of Health and Human Services, NC Division of Public Health (2004); <http://www.nutritionnc.com/TeamNutrition/Supporting%20materials/eatSmart/SchoolFoodsStandards.pdf>; 16 N.C.A.C. 6H .0104; State Board of Education Policy CHNU-002; *Eat Smart: North Carolina's Recommended Standards for All Foods Available in School*, NC Department of Health and Human Services, NC Division of Public Health (2004)

Adopted: November 29, 1990

Revised: May 22, 2006; January 12, 2009; January 7, 2010; \_\_\_\_\_

## 2201 ANNUAL INDEPENDENT AUDIT

The accounts of the school system and the individual schools will be audited as soon as possible after the close of each fiscal year by an independent, qualified auditor. The auditor will be approved by the Board, and the terms and conditions will be specified in a written contract that complies with the requirements of 20 N.C.A.C. 03.0502(c). The auditor will report directly to the Board.

The Superintendent shall assist the Board in providing for an annual independent audit that meets all requirements as provided by G.S. 115C-447 and any other relevant statute. All employees and agents of the school system having custody of public money or responsibility for keeping records of public financial or fiscal affairs shall produce all books and records requested by the auditor and provide any information relating to fiscal affairs requested by the auditor. Any employee who fails to cooperate may be subject to disciplinary action, up to and including dismissal, and also may be found guilty of criminal conduct.

Legal References: G.S. 115C-447; 20 N.C.A.C. 03.0502, 03.0508

Adopted: February 8, 2010

Revised: July 12, 2021



## **3070/4070/6070 TITLE IX SEXUAL HARASSMENT – PROHIBITED CONDUCT AND REPORTING PROCESS**

The Board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. As provided in Policy 3065/4065/6065, Title IX Nondiscrimination on the Basis of Sex, the Board will not tolerate sexual harassment in the education program and activities of the school system. The Board takes seriously all reports and formal complaints of sexual harassment.

This Title IX sexual harassment policy specifically prohibits sexual harassment as that term is defined under Title IX. It provides a process for students, employees, and others to report such sexual harassment for response by school officials. All incidents of conduct that could constitute sexual harassment under this policy are to be reported and treated in accordance with this policy, whether or not the incidents may also constitute violations of other board policies or standards of conduct.

Individuals who believe they have been subjected to sexual harassment prohibited by this policy or who have witnessed or have reliable information that another person has been subjected to sexual harassment prohibited by this policy should use the process provided in Section C of this policy to report such violations.

The Board also provides a grievance process for those who believe they have been victims of sexual harassment that is designed to achieve prompt and equitable resolution of formal complaints of sexual harassment through a formal investigation and adjudication of the allegations in the complaint or through informal resolution processes. The grievance process is provided in Policy 3075/4075/6075, Title IX Sexual Harassment Grievance Process. Affected individuals are encouraged to report sexual harassment in accordance with the process provided in Section C of this policy before filing a formal complaint to initiate the grievance process.

### **A. Prohibited Behavior**

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The Board expressly prohibits sexual harassment by students, employees, board members, volunteers, or visitors.

“Visitors” includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

Sexual harassment prohibited under Title IX and by this policy is conduct *on the basis of sex* occurring in a school system education program or activity that satisfies one or more of the following:

1. an employee of the school system conditioning the provision of an aid, benefit, or service of the school system on an individual's participation in unwelcome sexual conduct;
2. unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school system's education program or activities. This determination requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and the victim and the number of individuals involved and their authority;
3. sexual assault including rape, statutory rape, fondling, and incest;
4. dating violence;
5. domestic violence; or
6. stalking.

Sexual assault, dating violence, domestic violence, and stalking will be defined in accordance with applicable law and the definitions will be incorporated into an administrative regulation developed by the Superintendent or designee, as appropriate.

Conduct that satisfies this standard is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser and the context in which the harassment occurred.

All references to "sexual harassment" in this policy mean sexual harassment that meets this definition.

Examples of conduct on the basis of sex that would be considered sexual harassment if the conduct satisfies the criteria above include, but are not limited to: unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature, such as deliberate, unwelcome touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; sexual assault; sexual violence; the display of sexually suggestive drawings, objects, pictures, or written materials; posting sexually suggestive pictures of a person without the person's consent; and forwarding pornographic material depicting a classmate or other member of the school

community. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature may also constitute sexual harassment.

Conduct that is determined not to meet the definition above may violate other board policies or established standards of conduct and will be treated accordingly. For example, conduct that does not meet the definition of Title IX sexual harassment above may nevertheless violate other board policies, including:

- Policy 3080/4080/6080, Bullying and Harassing Behavior Prohibited, prohibiting all forms of bullying and harassing conduct, including when it consists of unwelcome conduct of a sexual nature;
- Policy 3085/4085, Discrimination and Harassment in the Workplace, prohibiting harassment in the workplace; or
- Policy 3036/4036/8336, Staff-Student Relations, prohibiting romantic or sexual relationships between employees and students.

Nothing in this policy is intended to limit discipline for violation of other board policies when appropriate and consistent with law.

## **B. Definitions**

The following additional definitions apply in this policy.

### **1. Report**

A report is an oral or written notification that an individual is an alleged or suspected perpetrator or victim of sexual harassment.

Making a report initiates the interactive process with the complainant described in Section D.1, below. No disciplinary action will be taken against a respondent for sexual harassment based on a report alone.

### **2. Formal Complaint**

A formal complaint is a document signed and filed with the Title IX coordinator by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that school officials investigate the allegation(s). Filing a formal complaint initiates the grievance process set forth in Policy 3075/4075/6075, Title IX Sexual Harassment Grievance Process.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activities of the school system.

### 3. Complainant

The complainant is the individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment.

### 4. Respondent

The respondent is the individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

### 5. Grievance Process

Grievance process means the process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The sexual harassment grievance process is set out in Policy 3075/4075/6075.

### 6. Title IX Coordinator

The Title IX coordinator is a school official who is designated to coordinate the school system's response to sexual harassment and allegations of sexual harassment. Contact information for the Title IX coordinator is posted on the school system's website and listed in Policy 3065/4065/6065, Title IX Nondiscrimination on the Basis of Sex.

### 7. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment.

### 8. Days

Days are calendar days unless specified otherwise.

## 9. Student(s)

“Student(s)” means the student and/or the student’s parent or legal guardian unless the context clearly indicates otherwise. When the complainant or respondent is a student, references to those terms also include the student’s parent or legal guardian unless the context clearly indicates otherwise.

## 10. Actual Knowledge

“Actual knowledge” means a school employee has notice of sexual harassment or allegations of sexual harassment.

### **C. Reporting Sexual Harassment**

#### 1. Student Reports

Any student who believes he or she is a victim of sexual harassment occurring in the school system’s education programs or activities is encouraged to report the matter to the student’s principal or to the Title IX coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school employee. Middle and high school students may also report sexual harassment through the anonymous tip line, but school officials may be limited in their ability to respond if the report does not identify the complainant.

#### 2. Mandatory Reporting by School Employees and Board Members

Any employee or member of the Board of Education who has actual knowledge of sexual harassment or allegations of sexual harassment occurring in the education program or any activity of the school system must report that information immediately to the Title IX coordinator.

Any of the following confers “actual knowledge” and must be reported immediately:

- a. a report of sexual harassment from a student or other person;
- b. the employee or board member witnesses conduct that is or reasonably could be sexual harassment; or
- c. the employee or board member discovers evidence of sexual harassment, such as sexualized graffiti on school property, or otherwise has reliable information or reason to believe that a student, employee, or other individual may have been sexually harassed in violation of this policy, even if no one has reported the sexual harassment.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. An employee with actual knowledge of possible sexual harassment in violation of this policy who does not promptly report the conduct and/or take proper action as required by this subsection, or who knowingly provides false information about the incident, will be subject to disciplinary action, up to and including dismissal.

Any doubt about whether particular conduct is possible sexual harassment must be resolved in favor of reporting the conduct.

The mandatory reporting required by this section is in addition to required reporting under policies 3036/4036/8336, Student-Staff Relations, and 6730, Child Abuse and Related Threats to Child Safety, where the conduct at issue requires a report under either of those policies.

### 3. Reporting by Others

All other members of the school community are strongly encouraged to report any act that may constitute an incident of sexual harassment in violation of this policy to the school principal, the Title IX coordinator, or the Superintendent.

### 4. Content of the Report

To the extent possible, reports should be sufficient to put school officials on notice of conduct that could constitute sexual harassment. Employees making mandatory reports should provide as much detail about the alleged sexual harassment as is known, unless such disclosure would violate law or standards of professional ethics. Reports, other than mandatory reports by employees, may be made anonymously, but anonymous reports may limit the school system's ability to respond fully if the alleged victim is not identified.

### 5. Time Period for Making a Report

Reports by students and third parties can be made at any time. During non-business hours, reports can be made by using the contact information for the Title IX coordinator provided on the school system's website and in Policy 3065/4065/6065, Title IX Nondiscrimination on the Basis of Sex. A report should be made as soon as possible after disclosure or discovery of the facts giving rise to the report. Delays in reporting may impair the ability of school officials to investigate and respond to any subsequent formal complaint.

School employees and board members with actual knowledge of sexual harassment must report that information immediately, as provided in subsection C.2 above.

#### **D. School Officials' Response to Actual Knowledge of Sexual Harassment**

As required to meet the school system's obligations under Title IX, school officials shall respond promptly and impartially to actual knowledge of alleged sexual harassment in a manner that is not deliberately indifferent. A response that is not deliberately indifferent is one that is not clearly unreasonable in light of the known circumstances and includes, at a minimum, the provision of supportive measures to the complainant, as described in this section.

Consistent with this duty, school officials shall respond to all reports of conduct that could constitute sexual harassment in accordance with this section. However, a report alleging conduct that is not sexual harassment as defined in this policy is not subject to this policy but may be referred to appropriate school officials as a possible violation of other board policies.

##### **1. Title IX Coordinator Initiates Interactive Process with Complainant**

Upon receiving a report of alleged sexual harassment, the Title IX coordinator shall promptly contact the complainant and the complainant's parent or guardian confidentially unless, in the exercise of good judgment, the coordinator determines that parental involvement is not necessary based on the nature of the offense, the student's age, the wishes or the student and other relevant circumstances. This contact must occur within three days, excluding weekends, absent extenuating circumstances. The Title IX coordinator shall also notify the principal of the report and, if an employee is the complainant or respondent, the Executive Officer for Human Resources or designee.

When contacting the complainant and parent or guardian, the Title IX coordinator shall do all of the following during the contact and shall document the same:

- a. offer supportive measures;
- b. consider the complainant's wishes with respect to supportive measures;
- c. explain that supportive measures are available with or without the filing of a formal complaint; and

d. explain the process for filing a formal complaint with the Title IX coordinator and the response required of the school system when a complaint is filed, including all the following:

i. that a formal complaint will initiate the grievance process described in Policy 3075/4075/6075, Title IX Sexual Harassment Grievance Process;

ii. that a formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail;

iii. the major steps in the grievance process, including (1) a notice of the allegations that will be provided to the respondent that includes identification of the complainant and the allegations made; (2) an investigation of the allegations of sexual harassment in which both parties will have opportunity to have an advisor, present witnesses, review evidence, pose written questions of the other party, and receive a copy of the investigative report; (3) a decision on responsibility in which a decision-maker objectively evaluates all relevant evidence and determines whether the respondent engaged in the alleged sexual harassment in violation of this policy; and (4) the opportunity for either party to appeal the decision;

iv. the approximate time frame for concluding the grievance process;

v. that school officials will treat both parties equitably by (1) providing remedies to the complainant if the respondent is found responsible, and (2) by not imposing disciplinary sanctions on the respondent without first following the grievance process set forth in Policy 3075/4075/6075;

vi. the circumstances under which a formal complaint might be consolidated with other formal complaints or dismissed; and

vii. that the Title IX coordinator may have an obligation to initiate the grievance process in the absence of a formal complaint filed by the complainant and the time frame in which that decision will be made.

## 2. Title IX Coordinator Arranges Implementation of Supportive Measures

After considering the complainant's wishes, the Title IX coordinator shall arrange the effective implementation of appropriate supportive measures



unless, in the exercise of good judgment, the Title IX coordinator determines that supportive measures should not be provided. If supportive measures are not provided to the complainant, the Title IX coordinator shall document why supportive measures were not provided and why not providing supportive measures is not deliberately indifferent to known sexual harassment.

If the complainant is a student with a disability, the Title IX coordinator may need to consult with appropriate school personnel to determine whether adjustments to the student's IEP or Section 504 plan are needed to implement any supportive measures to be provided and/or whether the student's plan necessitates any adjustment to the proposed supportive measures.

### 3. Title IX Coordinator Determines Whether to Sign a Formal Complaint

If the complainant declined to file a formal complaint within the designated time period following the interactive process described above, the Title IX coordinator shall determine on a case-by-case basis whether to sign, i.e., file, a formal complaint to initiate the grievance process.

The Title IX coordinator should file a formal complaint (1) if the respondent is a school employee and the complainant is a student; and (2) in other cases where, in the exercise of good judgment and in consultation with the school attorney as appropriate, the coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment. Credibility or merit of the complaint shall not be considered in making the determination.

A decision by the Title IX coordinator to sign a formal complaint is not to be construed as supportive of the complainant or in opposition to the respondent or as an indication of whether the allegations are credible or have merit, or whether there is evidence sufficient to determine responsibility. Signing a formal complaint does not make the Title IX coordinator a complainant or party to the complaint nor relieve the Title IX coordinator from any responsibilities under this policy.

The Title IX coordinator shall document the decision of whether to sign a complaint and the reasons for that decision.

### 4. Presumption of Non-responsibility of Respondent and Bar on Disciplinary Sanctions without Due Process

The respondent identified in any report alleging sexual harassment under this policy will be presumed not responsible for the alleged conduct until the respondent's responsibility is conclusively established through the grievance

process outlined in Policy 3075/4075/6075, Title IX Sexual Harassment Grievance Process.

No disciplinary sanction or other action that is not a supportive measure, including but not limited to (1) short or long-term suspension, expulsion, or transfer to an alternative school or program for student-respondents and (2) suspension, demotion, or dismissal for employee-respondents, may be imposed for a violation of this policy unless the respondent agrees to a specific disciplinary sanction or action in an informal resolution or has been determined to be responsible for the sexual harassment at the conclusion of a grievance process that complies with the process in Policy 3075/4075/6075. An employee-respondent, however, may be placed on administrative leave during the pendency of the grievance process if consistent with applicable state and federal laws.

Notwithstanding the limitation just described, respondents are subject to emergency removal as described in the next paragraph.

#### 5. Emergency Removal of Respondent from School or Employment

Any respondent is subject to removal from the school system's education program and activities, or any part of the program or activities, on an emergency basis if a school-based threat assessment team conducts an individualized safety and risk analysis and determines that removal is justified because the person poses an immediate health or safety threat to any person arising from the allegations of sexual harassment. A removal under this subsection includes a transfer of a student to an alternative education program consistent with policy 5312, Alternative Learning Programs/Schools. A schedule change, and/or removing a student from an extracurricular activity is also considered a removal under this subsection where such action would not otherwise constitute a supportive measure.

The emergency removal may take place regardless of whether a formal complaint has been filed. However, any such removal must be consistent with federal and state law, including any applicable law protecting the rights of individuals with disabilities. The respondent shall receive notice of the removal and an opportunity to challenge the decision in an informal hearing with the Superintendent or designee, as appropriate, immediately following the removal.

An employee may be placed on administrative leave with or without pay during the pendency of the grievance process set out in Policy 3075/4075/6075, Title IX Sexual Harassment Grievance Process, if consistent with state law and in accordance with any applicable requirements of state law.

The Superintendent or designee shall document all emergency removal decisions under this subsection, including the immediate threat to health or safety that justified the removal.

#### 6. Supportive Measures

Supportive measures will be available to both the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures will remain confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

### **E. Grievance Process for Formal Complaints**

The grievance process for formal complaints of sexual harassment under this policy is set out in Policy 3075/4075/6075, Title IX Sexual Harassment Grievance Process. The policy also provides an informal resolution process for complainants who seek an alternate means of resolution to their complaint.

As described in subsection D.3 above, the Title IX coordinator may also initiate the grievance process, as needed.

### **F. Records**

The Title IX coordinator shall create and maintain for a period of seven years records of all reports and formal complaints of sexual harassment. For each report or formal complaint, the coordinator shall document the following:

1. any actions, including any supportive measures, taken in response to the report or formal complaint;
2. that school officials have taken measures that are designed to restore or preserve equal access to the school system's education program and activities;
3. why school officials believe their response to the report or complaint was not deliberately indifferent; and
4. if supportive measures were not provided to the complainant, why that was not clearly unreasonable in light of the known circumstances.

In conjunction with the Superintendent or designee, as appropriate, the Title IX coordinator shall also maintain for seven years all materials used to train the Title IX coordinator, investigators, decision-makers, and any person who facilitates an

informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-335.5

Other Resources: *Questions and Answers on the Title IX Regulations on Sexual Harassment*, U.S. Department of Education, Office for Civil Rights (July 2021), available at <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>

Adopted: September 14, 2020

Revised: March 8, 2021; \_\_\_\_\_

## **3075/4075/6075 TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS**

The process provided in this policy is designed for those who believe that they have been sexually harassed in violation of Policy 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and wish to file a formal complaint. School officials shall follow the grievance process established in this policy when responding to all formal complaints of sexual harassment.

The Superintendent or designee, as appropriate, is responsible for notifying students and their parents or legal guardians, employees, and applicants for employment of this policy and ensuring that each principal or site supervisor provides a copy of this policy to these persons.

### **A. Definitions**

All definitions in Policy 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, are incorporated by reference and have the same meaning when used in this policy, including all references to “sexual harassment” in this policy.

The following additional definitions apply in this policy.

#### **1. Investigator**

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

#### **2. Decision-Maker**

The decision-maker is the school official responsible for making a determination regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.

#### **3. Investigative Report**

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

#### **4. Remedies**

Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant’s equal access to the education program and activities of the school system when a respondent is found responsible for sexual harassment.

Remedial measures available to a complainant following a determination of responsibility include counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other measures determined by school officials to be necessary to restore or preserve the complainant's equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary in nature.

#### 5. Disciplinary Sanctions

Disciplinary sanctions are consequences imposed on a respondent when the respondent is found responsible for sexual harassment.

### **B. Filing a Formal Complaint to Initiate the Grievance Process**

A formal complaint initiates the grievance process.

#### 1. Individuals Who May File a Formal Complaint

##### a. Eligible Complainants

Eligible individuals who believe that they have been sexually harassed in violation of Policy 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, may initiate the grievance process for alleged sexual harassment by filing a formal written complaint with the Title IX coordinator. To be eligible to file a formal written complaint, the complainant must be participating in or attempting to participate in the education program or activities of the school system at the time of filing.

##### b. The Title IX Coordinator

If the complainant does not wish to file a formal complaint and the matter has not been adequately resolved through the provision of supportive measures, the Title IX coordinator may initiate the grievance process by signing a formal complaint. In accordance with law, only the complainant and the Title IX coordinator may initiate the grievance process; no other individuals or school officials shall have authority to do so.

#### 2. Time Period for Filing a Formal Complaint

There is no deadline for filing a complaint. A complaint should be filed as soon as possible after the conduct occurs, preferably within 30 days after the complainant becomes aware of the alleged sexual harassment, unless the conduct forming the basis for the complaint is ongoing. School officials will initiate the grievance process regardless of when the formal complaint is submitted, but delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

In addition, in some circumstances it may be necessary for the Title IX coordinator to sign a formal complaint to initiate the grievance process in order to meet the school system's legal obligations when the coordinator is aware of sexual harassment or alleged sexual harassment and the complainant has not yet filed a formal complaint. The Title IX coordinator can do so at any time.

### 3. Contents of the Formal Complaint

The complaint should (1) contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student, (2) describe the alleged sexual harassment, (3) request an investigation of the matter, and (4) be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

### 4. How to File the Formal Complaint

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX coordinator or on the school system website.

### 5. School System's Response to Receipt of the Formal Complaint

a. Upon receipt of a formal complaint of sexual harassment, the Title IX coordinator shall engage in an interactive process with the complainant, consider the provision of supportive measures in light of the complainant's wishes, provide supportive measures as appropriate, and otherwise fulfill the requirements of Section D of Policy 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, unless the Title IX coordinator has already done so in response to an initial report of the same allegation of sexual harassment.

b. School officials reserve the right to consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same

facts or circumstances. The Title IX coordinator shall advise the complainant if the formal complaint will be consolidated with others.

c. The formal complaint initiates the grievance process as described below.

### **C. General Principles of the Grievance Process for Formal Complaints**

To ensure a complete, thorough, and fair grievance process for formal complaints of sexual harassment, school officials responsible for the investigation, adjudication, or appeal of a formal complaint of sexual harassment shall comply with the following requirements. Failure by any school official to comply with these requirements or other standards or procedures established in this policy is cause for disciplinary action.

#### **1. Equitable Treatment**

Complainants and respondents must be treated equitably throughout the grievance process. Relevant evidence collected in the investigation of a formal complaint must be evaluated objectively. No individual designated as a Title IX coordinator, investigator, decision-maker, or appeal decision-maker will have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The complainant and respondent shall be provided an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney. If a party elects to be represented by an attorney, the party should notify school officials in advance so that an attorney for the school system may also be present. Any restrictions on advisor participation in any proceeding must be applied equally to both parties.

The complainant and respondent will both be provided a description of the range of supportive measures available to them.

#### **2. Adequate Training**

The Title IX coordinator, and all persons serving as Title IX investigators, decision-makers, or appeal decision-makers shall receive training on what constitutes sexual harassment, the scope of the school system's education program and activities, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of



the facts at issue, conflicts of interest, and bias. Decision-makers will be trained on any technology to be used at a live hearing and on issues of relevance of questions and evidence.

Materials used to train coordinators, investigators, decision-makers, and appeal decision-makers will not rely on sex stereotypes and shall promote impartial investigations and adjudications of sexual harassment. Copyright restrictions will be taken into consideration in selecting training materials in order to comply with the school system's legal obligation to make all training materials available on the school system's website.

### 3. Presumption of Non-Responsibility/Innocence

At all times prior to a determination regarding responsibility by the decision-maker, there will be a presumption that the respondent is not responsible for the alleged conduct.

### 4. Burden of Proof and Production of Evidence

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will at all times rest on the school system and not on the complainant or respondent. Formal rules of evidence shall not apply in the grievance process.

### 5. Written Notice of Meetings and Other Proceedings

Parties whose participation is invited or expected at any hearing, investigative interview, or other meeting will be provided written notice of the event's date, time, location, participants, and purpose with sufficient time for the party to prepare to participate.

### 6. Confidentiality and Privacy

The school system will keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment, any complainant, any respondent, and any witness, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. A violation of this provision may constitute retaliation.

All meetings, hearings, or other proceeding conducted pursuant to this policy will be private except to the extent that the parties are permitted to be accompanied by others as provided in subsection C.1 above.

School officials shall not access, consider, disclose, or otherwise use a party's medical, mental health, or other records that are made or maintained

by a professional or paraprofessional in connection with the provision of treatment to the party without the party's voluntary written consent.

#### 7. No Disclosure of Privileged Information

No person acting on behalf of the school system shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

#### 8. Timeliness of Process

School officials shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through the adjudication phase within 90 days after filing the formal complaint. The Board reserves the right to extend this time frame or any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include but is not limited to the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

The Title IX coordinator or other responsible school official shall make reasonable efforts to keep the complainant and respondent apprised of progress being made during any period of delay.

### **D. The Grievance Process for Formal Complaints: Part I – Investigation**

#### 1. Step 1 – Notice of Allegations

a. Upon the filing of a formal complaint, the Title IX coordinator shall, within five school business days, provide the known parties written notice of the allegations that includes:

i. notice of the allegations of sexual harassment in sufficient detail to permit the parties to prepare a response before any initial interview, including:

- a) the identities of the parties involved, if known;
- b) the conduct allegedly constituting sexual harassment; and
- c) the date and location of the alleged incident, if known;

- ii. a copy of this policy to give notice of the school system's grievance process, including the investigative and adjudication procedures, and any informal resolution process available;
- iii. notice that the parties may have an advisor of their choice and that either party may inspect and review any evidence;
- iv. notice that students and employees are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process; and
- v. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.

b. If during the investigation, the investigator decides to investigate allegations of sexual harassment not included in the initial notice provided above, notice of the additional allegations will be provided to the parties.

## 2. Step 2 – Review Grounds for Dismissal of the Formal Complaint

The Title IX coordinator shall review the allegations and determine whether the formal complaint must be dismissed without further investigation because the conduct alleged in the formal complaint, even if assumed true, would not constitute sexual harassment as defined in this policy, did not occur in the school system's education program or activities, or did not occur against a person in the United States. Such a dismissal does not preclude action under another provision of the Code of Student Conduct, board policy, or expected standards of employee behavior. The complaint will not be dismissed at this stage on the basis that the allegations are frivolous, without merit, or otherwise unfounded.

Upon a dismissal, the Title IX coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The Title IX coordinator shall refer the matter that was the subject of the dismissed complaint to the principal for further action as warranted.

## 3. Step 3 – Initiating the Investigation

If the complaint may proceed, the Title IX coordinator shall notify the appropriate investigator, who shall investigate the formal complaint.

a. In order to provide a neutral and objective investigation, the investigator shall not be a party to the complaint under investigation. The investigator of a formal complaint is ordinarily determined as described below; however, the Title IX coordinator, in consultation with the Superintendent or designee, as appropriate, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.

i. If the respondent is a student, the investigator is the principal or designee of the school with jurisdiction over the incident.

ii. If the respondent is an employee or applicant for employment, the investigator is the Executive Officer for Human Resources or designee.

iii. If the respondent is neither a student nor an employee/applicant for employment, the principal of the school/site supervisor at which the complainant is enrolled or employed shall be the investigator.

iv. Notwithstanding the above designations, (1) if the respondent is the Executive Officer for Human Resources, the Superintendent shall investigate the complaint; (2) if the respondent is the Superintendent or a member of the Board, the Title IX coordinator shall immediately notify the board chair who shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. The investigator may request assistance from the Title IX coordinator to conduct the investigation.

c. The Title IX coordinator and the investigator shall jointly assess the need for supportive measures for either party, including assessing the effectiveness of any supportive measures currently being provided to the complainant, and, as necessary, will implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation and prior to a final determination regarding responsibility. Supportive measures provided to the complainant or respondent will be maintained as confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures.

d. The investigator shall explain the process of the investigation to the complainant and respondent.

#### 4. Step 4 – Conducting the Investigation

The investigator is responsible for gathering evidence sufficient to reach a determination of whether the allegations in the formal complaint are true and whether the facts as determined by the investigator establish that sexual harassment as defined in this policy occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.

- a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting in accordance with subsection C.5 above. The investigator shall provide the complainant and respondent an equal opportunity to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.
- b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.
- c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.
- d. The formal complaint and the investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for further confidentiality will be evaluated within the context of the legal responsibilities of the school system.

The investigator may, with approval of the Title IX coordinator, dismiss the formal complaint or any allegations therein if at any time during the investigation or decision-making process: (1) the complainant notifies the Title IX coordinator in writing that he or she would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the school system; or (3) specific circumstances prevent school officials from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon dismissal, the Title IX coordinator shall promptly send written notice of the dismissal and reason(s)

therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The investigator may consider the matter that was the subject of the dismissed complaint for action in accordance with board policy for violation of other expected standards of student or employee behavior.

#### 5. Step 5 – Investigative Report and Opportunity to Review Evidence

a. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.

b. Before completing the final report, the investigator shall send to each party and the party's advisor, if any, in hard copy or electronically, all the evidence collected which is directly related to the allegations raised in the formal complaint. The parties shall have 10 days to submit a written response for the investigator's consideration before the investigator finalizes the investigative report.

c. Following the parties' opportunity to respond to the written evidence, the investigator shall finalize the written investigative report, including a recommendation on the question of responsibility and any recommended discipline sanction.

d. The investigator shall provide a copy of the report to each party and the party's advisor, if any, for their review and written response. The investigator shall also notify the parties of the opportunity to submit written questions to the other party and witnesses as provided in subsection E.2 below. The parties shall have 10 days to provide a written response to the investigative report, along with the party's initial set of written questions.

e. The investigator shall provide to the decision-maker a copy of the investigative report, the relevant evidence, and the parties' written responses to the report and initial sets of written questions.

The investigator shall also provide a description of the procedural steps taken, starting with the receipt of the formal complaint and continuing through the preparation of the investigative report, and including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

### **E. The Grievance Process for Formal Complaints: Part II – Adjudication**

The Superintendent or designee, as appropriate, (hereinafter “Superintendent”) shall serve as the decision-maker. In his or her role as decision-maker, the Superintendent shall provide for the exchange of questions between the parties and a decision on responsibility in a manner consistent with state law and as provided below.

### 1. Step 1 – Student’s Opportunity to Request a Hearing

In cases where the respondent is a student, after the investigative report has been sent to the parties, both parties shall have three school business days to request a hearing. If either party requests a hearing, the long-term suspension hearing procedures described in Policy 6515, Due Process, shall be followed, except that (1) both parties shall have the right to participate in the hearing to the extent required by Title IX; (2) all the evidence sent to the parties pursuant to subsection D.5.b above will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing; and (3) prior to the hearing, both parties shall have a limited opportunity to submit and respond to written questions and follow-up questions as provided below.

### 2. Step 2 – Exchange of Questions and Answers

Whether or not there will be a hearing and regardless of whether the respondent is a student, after the parties are sent the investigative report, the Superintendent shall provide the parties an opportunity to submit written, relevant questions that the party wants asked of any other party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party in accordance with a reasonably prompt time frame established by the Superintendent. The parties shall submit their initial set of written questions at the time they submit their response to the investigative report as described in subsection D.5.d above.

a. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior will be considered not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s sexual behavior with respect to the respondent and is offered to prove consent.

b. The Superintendent must explain to the party proposing the questions any decision to exclude questions as not relevant.

### 3. Step 3 – Decision on the Question Regarding Responsibility

Following the exchange of questions and/or hearing as described above, the Superintendent shall decide the question regarding responsibility, any disciplinary action, and any other measures the Superintendent deems appropriate. The Superintendent shall consider all the relevant evidence objectively, including evidence in the investigative report, any testimony of witnesses at the hearing, if one was held, and any additional information provided by the parties through the exchange of questions and responses as provided in subsection E.2 above.

Based on an objective evaluation of the evidence, the Superintendent shall determine whether the preponderance of the evidence supports a finding that the respondent is responsible for sexual harassment in violation of board policy, and if so, what disciplinary sanction will be imposed. Remedies will be provided to the complainant if the respondent is found responsible.

#### 4. Step 4 – Written Determination Regarding Responsibility

The Superintendent shall issue a written determination regarding responsibility simultaneously to both parties that includes:

- a. identification of the allegations potentially constituting sexual harassment under board policy;
- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of board policy and/or the Code of Student Conduct or expected standards of employee behavior to the facts including whether, the respondent engaged in prohibited sexual harassment or other proscribed conduct;
- e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent (which may be a recommendation to the board for discipline that is beyond the authority of the Superintendent or other decision-maker), and whether remedies designed to restore or preserve equal access to the school system's education program and activities will be provided to the complainant;
- f. the procedures and permissible bases for the complainant and respondent to appeal; and



g. any other notices that are required to accompany the decision under state law, such as when the Superintendent imposes a long-term suspension or recommends dismissal of an employee.

## **F. Grievance Process for Formal Complaints: Part III – Appeal**

The parties shall have the right to appeal to the Board of Education the determination regarding responsibility, the outcome of any disciplinary proceeding, and any dismissal of a formal complaint or any allegations therein. If a party appeals both the determination regarding responsibility and the outcome of a disciplinary proceeding, both matters will be heard by the Board at the same time. If both parties appeal, the appeals will be heard at the same time.

### **1. Deadline and Grounds for Appeal**

Either party may appeal by submitting a request in writing to the Superintendent within three school business days of receiving the determination regarding responsibility, unless the party is entitled to a longer appeal period under state law or board policy. Any longer appeal period applicable to one party shall apply equally to the other party. The grounds for appeal may be any of the following:

- a. procedural irregularity that affected the outcome of the matter;
- b. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. the Title IX coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- d. the disciplinary sanction is inappropriate or unreasonable; or
- e. any other basis provided by law or board policy governing appeals to the board.

### **2. Notice of the Appeal**

In all appeals, the other party will be notified in writing when an appeal is filed and be provided a copy of the appeal.

### **3. Appeal Procedures**

a. The Board will hear the appeal. Unless otherwise required by law, the Board may designate a panel of two or more board members to hear and act on behalf of the board.

b. Appeal procedures will be implemented equally for both parties and will follow the procedures in Policy 1316, Hearings Before the Board, modified as necessary to allow equal participation of the parties.

If the appeal includes an appeal of a disciplinary sanction, the procedures in Policy 6515, Due Process; Policy 3420, Teacher Dismissal, Demotion and Nonrenewal; or Policy 4022, Classified Personnel: Suspension and Dismissal, shall also apply as applicable.

c. After the notice of appeal is provided, both parties will be given 10 days to submit a written statement in support of, or challenging, the outcome. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's written statement.

d. The Board will review the record and the written argument of the parties submitted on appeal, determine whether additional information is needed from any party, and take any other steps that the Board determines to be appropriate in order to respond to the appeal.

#### 4. Decision on Appeal

a. After considering the record and written statements of the parties, the Board will determine whether the grounds for the appeal have been substantiated.

b. If substantiated, the Board will determine the appropriate response, which may include a remand for a new investigation, a new decision, or both, or such other action as the board determines is needed to correct the error in the original proceedings.

c. The Board will provide a written decision describing the results of the appeal and rationale for the result within thirty days after receiving the appeal unless the decision is delayed for good cause. The written decision will be provided simultaneously to both parties.

#### 5. When the Decision Becomes Final

If an appeal is timely filed, the determination regarding responsibility becomes final at the conclusion of the appeal process. However, if the decision on appeal is remand, the determination regarding responsibility does

not become final until that process, including any appeal of the proceedings on remand, is concluded. If an appeal is not filed, the determination regarding responsibility becomes final after the three-day appeal period.

The Superintendent shall ensure that a copy of the final decision is provided to the Title IX coordinator and shall confer with the Title IX coordinator regarding any remedies to be provided to the complainant, as described in subsection G.4 below.

## **G. Disciplinary Consequences, Remedies, and Other Responses for Substantiated Sexual Harassment**

### **1. Disciplinary Consequences for Students**

Disciplinary consequences for substantiated sexual harassment will be assigned in accordance with the Code of Student Conduct. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the conduct also may be reported to law enforcement, as appropriate.

A student recommended for a long-term suspension or expulsion will have all applicable rights accorded by board policy and state law. A student with disabilities will have all rights accorded by law, including the right to a manifestation hearing before the imposition of a suspension exceeding 10 cumulative days in a school year.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint. However, false or malicious complaints of sexual harassment and false statements made in bad faith in the course of any grievance proceeding conducted pursuant to this policy are subject to disciplinary action.

Nothing in this policy will preclude the school system from taking disciplinary action against a student when the evidence does not establish sexual harassment as defined in this policy but the conduct violates other board policy and/or the Code of Student Conduct.

### **2. Disciplinary Consequences for Employees**

Substantiated sexual harassment by employees is subject to discipline up to and including dismissal. In addition, the conduct may also be reported to law enforcement, as appropriate.

An employee recommended for suspension, demotion, or dismissal shall have all applicable rights accorded by board policy and state law.

Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish sexual harassment as defined in this policy, but the conduct violates other board policy or expected standards of employee behavior.

### 3. Consequences for Other Perpetrators

Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, as appropriate, in accordance with Policy 7403, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate. Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law.

### 4. Remedies

At the conclusion of the grievance process, the Superintendent or other decision-maker shall confer with the Title IX coordinator to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX coordinator shall consult with the complainant in determining appropriate remedies.

The Title IX coordinator shall be responsible for the effective implementation of the remedies to be provided to the complainant.

## **H. Informal Resolution**

The Board provides informal resolution processes to resolve some formal complaints of sexual harassment without a full investigation and adjudication. Informal resolution is not available unless a formal complaint is filed and will not be used to resolve formal complaints alleging that an employee sexually harassed a student. Further, school officials shall never condition an individual's enrollment, employment, or other rights on an agreement to waive the individual's right to a formal investigation and adjudication of a formal complaint.

The Title IX coordinator, or other school official in consultation with the Title IX coordinator, may offer the parties an informal process to resolve a formal complaint at any time prior to reaching a final determination regarding responsibility. Before using an informal resolution process, school officials must ensure that both parties have given voluntary, informed, written consent to attempt informal resolution. Accordingly, the Title IX coordinator, investigator, or decision-maker shall:

1. provide the parties (including the parent of a minor) a written notice disclosing:
  - a. the allegations;
  - b. the nature and requirements of the informal resolution process, including that if the parties agree to a resolution of the matter, the agreement precludes either party from resuming a formal complaint process arising from the same allegations; and
  - c. any consequences that could result from participating in the informal resolution process, including whether records will be maintained and could be shared; and
2. obtain the parties' voluntary, written consent to the informal resolution process.

Any agreement reached by the parties through informal resolution may include measures that are designed to restore or preserve the parties' equal access to the education program and activities, including measures that may be punitive or disciplinary in nature.

Any informal process should be completed within a reasonable period of time, not to exceed 60 days from filing the complaint unless special circumstances necessitate more time. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

### **I. Retaliation Prohibited**

Any act of retaliation or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or filed a formal complaint or testified, assisted, or participated or refused to participate in any investigation, proceeding, or hearing involving sexual harassment is prohibited. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 3051/4051, Prohibition Against Retaliation.

Complaints alleging retaliation are to be treated as claims of sex discrimination and may be filed in accordance with Policy 3065/4065/6065, Title IX Nondiscrimination on the Basis of Sex.

## **J. Records**

The Superintendent or designee shall maintain for a period of seven years records of the following:

1. each sexual harassment investigation including:
  - a. any determination regarding responsibility;
  - b. any audio or audiovisual recording or transcript from any live hearing;
  - c. any disciplinary sanctions imposed on the respondent; and
  - d. any remedies provided to the complainant designed to restore or preserve equal access to the school system's education program and activities;
2. any appeal and the result therefrom;
3. any informal resolution and the result therefrom; and
4. in conjunction with the Title IX coordinator, all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999)

[Other Resources: Questions and Answers on the Title IX Regulations on Sexual Harassment, U.S. Department of Education, Office for Civil Rights \(July 2021\), available at https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf](https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf)

Adopted: September 14, 2020

Revised: March 8, 2021; \_\_\_\_\_

## **3080/4080/6080 BULLYING AND HARASSING BEHAVIOR PROHIBITED**

The Board is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. The Board expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. The Board recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, the Board prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

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

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.

### **A. Relationship to Other Policies**

This policy applies to bullying and harassing behavior that is not otherwise prohibited by the following board policies that address discriminatory harassment in violation of federal law:

- Discrimination and Harassment Prohibited by Federal Law, Policy 3060/4060/6060 (prohibiting harassment based on race, color, national origin, disability, or religion)
- Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, Policy 3070/4070/6070 (prohibiting sexual harassment)
- Discrimination and Harassment in the Workplace, Policy 3085/4085 (prohibiting harassment of employees and applicants based on race, color, national origin, sex, age, disability, military affiliation, or genetic information)

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristic

addressed by the policies above should refer to and follow the reporting processes provided in those policies.

Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with the requirements of the applicable policy(ies) listed above. If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy. Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other board policies or school rules.

## **B. Conduct that is Considered Bullying or Harassing Behavior**

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.

2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.

3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student's motivation.

4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and



sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.

5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances or propositions, verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures, or written materials.

6. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.

7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

### **C. When Bullying or Harassing Behavior Violates this Policy**

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or

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

"Hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in G.S. 115C-407.15.

Bullying or harassing behavior based on sex, race, color, national origin, disability, or religion may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

## **D. Reporting Bullying and Harassing Behavior**

### **1. Reports by Students and/or Parents and Guardians**

- a. The Board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.
- b. Reports may be made orally or in writing and may be made anonymously.
- c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.
- d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, or religion, the matter will be investigated in accordance with the applicable policy listed in Section A above.

### **2. Mandatory Reporting by School Employees**

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sexual harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

### **3. Reporting by Other Third Parties**

Other members of the school community may report incidents of bullying or harassment to the school principal or the Superintendent or designee, as appropriate.

### **4. Reporting False Allegations**

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

## **E. Reports of Bullying or Harassing Behavior Based on Sex, Race, Color, National Origin, Disability, or Religion**

Bullying or harassing behavior that is based on sex, race, color, national origin, disability, or religion may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sexual harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other such personal characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in Policy 3060/4060/6060, Discrimination and Harassment Prohibited by Federal Law. Uncertainty as to whether alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion should be resolved by notifying the Title IX Coordinator.

## **F. Response to Reports of Bullying or Harassing Behavior**

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or the principal's designee and addressed in accordance with this policy and other relevant board policies. If the principal is the alleged perpetrator, the Superintendent or designee, as appropriate, will designate an appropriate investigator.
2. If at any time before, during, or after the investigation under this policy, the principal or designee determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the principal or designee shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.
3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

## **G. Consequences**

1. Students

The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The Superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The Superintendent or designee may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

## 2. Employees

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

## 3. Others

Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with Policy 7403, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

## **H. Other Interventions**

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

## **I. Notice**

This policy must be provided to employees, students, and parents, guardians, and caregivers at the beginning of each school year. Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks. Principals are encouraged to post a copy or summary of this policy in each classroom and in a prominent location within the school building and to make an age-appropriate summary of the policy available to elementary students. Information about this policy must also be incorporated into employee training programs.

## **J. Records**

The Superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports.

Legal References: G.S. 14-458.2; 115C-105.51, -366.4, -407.15 through -407.18

Adopted: September 14, 2020

Revised: \_\_\_\_\_

## **5414 PARENT AND FAMILY ENGAGEMENT**

The Moore County Board of Education recognizes the critical role of parents in the education of their children and in the schools. The Board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system and his or her own child's progress. The Board also encourages parents to participate in activities designed by the schools to involve them, such as parent conferences, in order to encourage effective communication.

The Board directs each principal or designee to develop a parental involvement plan as a part of the School Improvement Plan. This plan must include, at a minimum, efforts that meet the requirements established in this policy. In addition, the plan must include ways to enhance parental involvement in the following areas:

1. meaningful two-way communication between home and school;
2. promotion of responsible parenting;
3. involving parents/guardians in student learning;
4. promotion of volunteering;
5. involving parents/guardians in school decisions that affect children and families;
6. parental training;
7. community collaboration; and
8. promotion of student health awareness.

This policy applies to the parents, legal guardians and legal custodians of students who are under 18 years old and are not married.

### **A. Parent Communication and Conferences**

The Board encourages school personnel to have regular contact with parents by school personnel for commendation as well as for notification of concerns. Principals or designees shall plan for periodic communications with parents. Teachers are responsible for scheduling conferences with parents.

The principal or designee shall strive, through oral or written communication or other means, to include the parents of students identified as at-risk in the

implementation and review of academic and/or behavioral interventions for their children in accordance with Policy 6225 - Personal Education Plans for At-Risk Students.

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

The Board encourages the Superintendent to work with local business leaders, including the local Chamber of Commerce, to encourage employers to adopt as part of their stated personnel policies time for employees who are parents or guardians to attend conferences with their child's teachers.

## **B. Parental Notification**

Each principal or designee of a Title I school shall effectively notify parents of all parental rights and other required information regarding Title I schools and programs, in accordance with federal law. Parents of students in Title I schools shall receive a copy of the system-wide Title I parent and family engagement policy (Policy 5417) and the school-wide parent involvement plan.

In addition, annually, every building principal or designee shall effectively notify parents of the following:

1. parental rights related to student records (see Policy 6300 – Student Records);
2. parental rights related to student surveys (see Policy 6830 – Surveys and Interviews with Students for Research Purposes);
3. the approximate dates of any non-emergency, invasive physical examination that is (a) required as a condition of attendance, (b) administered and scheduled in advance by the school administration and (c) not necessary to protect the immediate health and safety of students;
4. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see Policy 8810 – Pest Management);
5. student behavior policies, the Code of Student Conduct and school standards and rules (see policies in the 6000 series);

6. the permissible use of seclusion and restraint in the schools (see Policy 6500 and its accompanying regulations, 6500-R – Employee Use of Reasonable Force and Seclusion and Restraint);
7. Policy 3060/4060/6060 – Discrimination and Harassment Prohibited by Federal Law and the applicable policies referenced therein;
8. Policy 6902 - Student Grievances;
9. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used, and whether each test is required by the State Board of Education or the local Board;
10. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see Policy 5520 – Evaluation of Student Progress, and Policy 5521 – Class Rankings);
11. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;
12. if applicable, that their child will be provided advanced learning opportunities in mathematics or will be placed in an advanced mathematics course;
13. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;
14. a report containing information about the school system and each school, including, but not limited to the following:
  - a. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;
  - b. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;



- c. the percentage and number of students who are
  - i. assessed,
  - ii. assessed using alternate assessments,
  - iii. involved in preschool and accelerated coursework programs, and
  - iv. English learners achieving proficiency;
- d. the per pupil expenditures of federal, state and local funds; and
- e. teacher qualifications;

15. the grade earned by the school on the most recent annual report card issued for it by the State Board of Education if the grade was a D or F;

16. supportive services available to students, including guidance, counseling and health services (see Policy 6330 – Counseling Program);

17. information about meningococcal meningitis and influenza, including the causes, symptoms and vaccines, how the diseases are spread and places where parents and guardians may obtain additional information and vaccinations for their children;

18. for students in grades five through 12, information about cervical cancer, cervical dysplasia, and human papillomavirus, including the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and guardians may obtain additional information and vaccinations for their children;

19. how to reach school officials in emergency situations during non-school hours;

20. information about and an application form for free and reduced price meals and/or free milk;

21. information about the school breakfast program;

22. information about the availability and location of free summer food service program meals for students when school is not in session;

23. for parents of children with disabilities, procedural safeguards (see Policy 3011/4011/6890 – Nondiscrimination on the Basis of Disabilities);
24. information on the availability of the asbestos management plan and planned or in-progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities;
25. education rights of homeless students (see Policy 6023 – Homeless Children);
26. the content and implementation of the local school wellness policy (see Policy 5060 – Student Wellness);
27. their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child’s school as stated in G.S. 95-28.3 (see Policy 5422 – School Volunteers);
28. that the school system does not discriminate on the basis of race, color, national origin, sex, disability, or age (see Policy 3037/4037/6640/8337 – Prohibition Against Discrimination, Harassment and Bullying, and Policy 3011/4011/6890 – Nondiscrimination on the Basis of Disabilities);
29. that the school system provides equal access to its facilities, programs and activities to the Boy Scouts and other designated youth groups (see Policy 3060/4060/6060 – Discrimination and Harassment Prohibited by Federal Law); and
30. the availability of and the process for requesting a waiver or reduction of student fees (see Policy 6805 – Student Fees).

### **C. Opportunities to Withhold Consent**

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

1. release of student directory information about his or her child for school purposes or to outside organizations (see Policy 6300 – Student Records).
2. release of their child’s name, address and telephone listing to military recruiters or institutions of higher education (see Policy 6300 – Student Records).
3. their child’s participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS, (b) avoidance of out-of-wedlock

pregnancy, or (c) reproductive health and safety education as provided in Policy 5050/6750 – School Health Education Program. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office.

4. their child’s participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parental notification and permission are not required for (a) short-duration academic, career, personal or social guidance and counseling and crisis intervention that is needed to maintain order, discipline or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student’s specific concerns or needs; or (c) counseling if child abuse or neglect is suspected (see Policy 6330 – Counseling Program, and Policy 6730 – Child Abuse and Related Threats to Child Safety).

5. their child’s participation in non-Department of Education funded surveys concerning protected topics (see Policy 6830 – Surveys and Interviews of Students for Research Purposes).

6. their child’s participation in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students.

7. the collection, disclosure or use of their child’s personal information for marketing purposes (see Policy 6830 – Surveys and Interviews of Students for Research Purposes).

8. release of their child’s free and reduced-price meal information to State Medicaid or State children’s health insurance program.

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

#### **D. Parental Permission Required**

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school district (see Policy 3260/4260 – Administering Medicines to Students);
2. the release of student records that are not considered directory information, unless the release is allowed or required by law (see Policy 6300 – Student Records);
3. off campus trips;
4. students’ participation in high impact or high risk sports or extracurricular activities, such as football or mountain climbing (see Policy 4220 – Student Insurance Program);
5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (see Policy 6220 – Special Education Programs/Rights of Students with Disabilities);
6. certain health services, as required by law;
7. participation in a mental health assessment or mental health services under circumstances prescribed by federal law;
8. students’ participation in programs or services providing information about where to obtain contraceptives or abortion referral services;
9. students’ participation in surveys funded by the Department of Education that are conducted concerning protected topics (see Policy 6830 – Surveys and Interviews with Students for Research Purposes);
10. disclosure of a students’ free and reduced price lunch eligibility information or eligibility status; and
11. students’ **independent** access to the Internet, as described in Policy 3253/4253/5451 – Acceptable Use of Technology and Electronic Media.

Legal Reference: Americans with Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641 et seq.; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 et seq., 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq.; National School Lunch Program, 42 U.S.C. 1751, et seq.; 7 C.F.R. 210.12; 7 C.F.R. pt. 45; Protection of Pupil Rights Amendment, 20 U.S.C. 1232H, 34 C.F.R. pt. 98; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34

C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681et seq., 34 C.F.R. pt. 106; 20 U.S.C. 7908; G.S. 90-21.1, 95-28.3; 115C-47(47), -47(51), -47(54); -47(58); -81.25, -81.30, -81.36, -105.41; -109.1, -174.26(d), -307(c), -375.4; -390.2, -391.1, -407.16, 16 N.C.A.C. 6D.0307; State Board of Education Policies KNEC-002, PRNT-000, TEST-001

Adopted: May 19, 2003

Revised: July 31, 2006; June 11, 2007; June 9, 2008; January 12, 2009; May 11, 2009; February 8, 2010; May 10, 2010; April 11, 2011; October 21, 2013; February 10, 2014; January 12, 2015; July 17, 2017; January 16, 2018; January 14, 2019; July 13, 2020; September 14, 2020; March 8, 2021; July 12, 2021; \_\_\_\_\_

## 5540 GRADUATION REQUIREMENTS

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

In order to graduate from high school, students are required to meet the following:

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

The principal shall ensure that students and parents are aware of all graduation requirements. School counseling program staff shall assist students in selecting their high school courses to ensure that students are taking all of the required units and selecting electives consistent with their post-graduation plans. For students who have transferred to the school system during high school or who, for other reasons, have completed course work outside of the school system, the principal shall determine what course work will be applied as credit toward graduation. The principal shall consider the requirements of the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5) and the requirements of subsection C.4 of this policy in determining the graduation requirements for children of military families.

### A. Course Units Required

All students must fulfill the course unit requirements of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study. The tables below list the course unit requirements for the Future-Ready Core Course of Study and the Future-Ready Occupational Course of Study based on the student's year of entry into ninth grade for the first time.

In accordance with Board Policy 5541, Dual Enrollment, and State Board of Education requirements, students may earn high school credit for college courses completed. In addition, students may earn credit for certain high school courses in the Future-Ready Core Course of Study completed ~~while in middle school~~ prior to

grade 9, as authorized by the State Board of Education. Students also have the opportunity to meet course unit requirements without completing the regular period of classroom instruction by demonstrating mastery of the course material in accordance with Board Policy 5530, Promotion and Retention of Students, and State Board of Education requirements.

All awards of high school course credit must be consistent with State Board of Education requirements. Any inconsistency between board policy and State Board graduation requirements will be resolved by following the State Board requirements. While the Board endeavors to keep its policy up to date with current State Board of Education graduation requirements, students should verify current requirements with their school counselors when planning course schedules or making other decisions based on graduation requirements.

1. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time before 2020-2021

<b>Courses Required*</b>	<b>State Requirements</b>
English	4 sequential (English I, II, III and IV)
Mathematics	4 (NC Math 1, 2 and 3 and a fourth math course aligned with the student's post-high school plans.) **  (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***
Science	3 (a physical science course, Biology and earth/environmental science)
Social Studies	4 (including: (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy;† (2) two American history courses which shall be either (a) American History I and II, (b) American History I or II and another Social Studies course, or (c) American History and another Social Studies course; and (3) World History)
Health/PE	1
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education or World Language; 4 must be from one of the following: Career and Technical Education, JROTC, Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)‡

<b>Total Credits</b>	<b>22</b>
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\* Certain International Baccalaureate (IB), Advanced Placement (AP) and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy [GRAD-008](#).

\*\*Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016, available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

\*\*\*Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at <https://sites.google.com/dpi.nc.gov/k-12-mathematics/resources/hs-mathematics/math-options-charts?authuser=0>.

† The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses [except as provided in SBE Policy GRAD-008](#). See [also](#) SBE [Policies CCRE-001 and GRAD-004](#).

± Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

## 2. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021

<b>Courses Required*</b>	<b>State Requirements</b>
English	4 sequential (English I, II, III and IV)
Mathematics	4 (NC Math 1, 2 and 3 and a fourth math course aligned with the student's post-high school plans.) **  (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***
Science	3 (a physical science course, Biology and earth/environmental science)
Social	4 (including: (1) a founding principles course which shall be



Studies	either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy; <sup>†</sup> (2) an American history course which shall be either (a) American History I, (b) American History II, or (c) American History; (3) World History; <sup>‡</sup> and (4) Economics and Personal Finance <sup>^</sup>
Health/PE	1
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education or World Language; 4 must be from one of the following: Career and Technical Education, JROTC, Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.) <sup>‡</sup>
<b>Total Credits</b>	<b>22</b>

\* Certain International Baccalaureate (IB), Advanced Placement (AP) and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy [GRAD-008](#).

\*\*Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016, available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

\*\*\*Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at <https://sites.google.com/dpi.nc.gov/k-12-mathematics/resources/hs-mathematics/math-options-charts?authuser=0>.

† The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses [except as provided in SBE Policy GRAD-008](#). See [also](#) SBE [Policiesy CCRE-001](#) and [GRAD-004](#).

‡ It is strongly recommended that students take World History in the first year of their high school Social Studies course sequence due to the nature of the adoption of the new Social Studies Standard Course of Study effective in 2021-2022.

^ This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in

Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

‡ Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

3. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021

<b>Courses Required*</b>	<b>State Requirements</b>
English	4 sequential (English I, II, III and IV)
Mathematics	4 (NC Math 1, 2 and 3 and a fourth math course aligned with the student’s post-high school plans.) **  (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***
Science	3 (a physical science course, Biology and earth/environmental science)
Social Studies	4 (including: Founding Principles of the United States of America and North Carolina: Civic Literacy;† Economics and Personal Finance;‡ American History; and World History)
Health/PE	1
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education or World Language; 4 must be from one of the following: Career and Technical Education, JROTC, Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)‡
<b>Total Credits</b>	<b>22</b>

\* Certain International Baccalaureate (IB), Advanced Placement (AP) and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

\*\*Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016, available at <http://bit.ly/DPIMemo>, and the math options chart linked below.

\*\*\*Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a

fourth math course with Math 3 as a prerequisite. The math options chart is available at <https://sites.google.com/dpi.nc.gov/k-12-mathematics/resources/hs-mathematics/math-options-charts?authuser=0>.

† This course must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses [except as provided in SBE Policy GRAD-008](#). See [also SBE Policies CCRE-001 and GRAD-004](#).

± This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

‡ Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

4. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade prior to 2020-2021 (only available to certain students with disabilities who have an IEP)

<b>Courses Required*</b>	<b>State Requirements</b>
English	4 sequential (English I, II, III and IV)
Mathematics	3 (including Introduction to Math, NC Math I and Financial Management)
Science	2 (including Applied Science and Biology)
Social Studies	2 (including American History I and American History II* OR (1) American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy; and (2) American History I or American History II or American History)**
Health/PE	1
Career/Technical	4 (Career/Technical Education electives)
Occupational Preparation	6 (including: (1) Occupational Preparation or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB; and (4) Occupational Preparation IV or Employment Preparation IV)

Work Hours	600
Electives	0
Other Requirements	<ul style="list-style-type: none"> <li>• Completion of IEP objectives</li> <li>• Career Portfolio</li> </ul>
<b>Total Credits</b>	<b>22</b>

\* Applicable only to students entering the ninth grade for the first time prior to 2017-2018.

\*\*Applicable only to students entering the ninth grade for the first time between 2017-2018 and 2019-2020.

\*\*\*The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

5. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021 (only available to certain students with disabilities who have an IEP)

<b>Courses Required*</b>	<b>State Requirements</b>
English	4 sequential (English I, II, III and IV)
Mathematics	3 (including Introduction to Math, NC Math I and Financial Management)
Science	2 (including Applied Science and Biology)
Social Studies	2 (including (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy and (2) Economics and Personal Finance)
Health/PE	1
Career/Technical	4 (Career/Technical Education electives)
Occupational Preparation	<u>6 (including: (1) Occupational Preparation or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III:</u>

	<u>Citizenship IB; and (4) Occupational Preparation IV or Employment preparation IV</u>
Work Hours	<u>600</u>
Electives	0
Other Requirements	<ul style="list-style-type: none"> <li>• Completion of IEP objectives</li> <li>• Career Portfolio</li> </ul>
<b>Total Credits</b>	<b>22</b>

\* The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student’s post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

6. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2021-2022 (only available to certain students with disabilities who have an IEP)

<b>Courses Required*</b>	<b>State Requirements</b>
English	4 sequential (English I, II, III and IV)
Mathematics	4 (including Introduction to Math, NC Math I, Financial Management, and Employment Preparation IV: Math (to include 150 work hours))
Science	3 (including Applied Science, Biology, and Employment Preparation I: Science (to include 150 work hours))
Social Studies	4 (including Founding Principles of the United States of America and North Carolina: Civic Literacy, Economics and Personal Finance, Employment Preparation II: Citizenship IA (to include 75 work hours), and Employment Preparation II: Citizenship IB (to include 75 work hours))
Health/PE	1
Career/Technical	4 (Career/Technical Education electives)
Additional Employment Preparation*	6 (including: (1) Occupational Preparation or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IB; and (4) Occupational Preparation IV or

	Employment preparation IV
Electives	0
Other Requirements	<ul style="list-style-type: none"> <li>• Completion of IEP objectives</li> <li>• Career Portfolio</li> </ul>
<b>Total Credits</b>	<b>22</b>

\* The work hours included in Employment Preparation I, II, III, and IV are as follows: (1) 150 hours of school-based training with work activities and experiences that align with the student’s post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

### **B. High School End-of-Course and Other Testing**

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

### **C. Special Circumstances**

The Board adopts the following policies with regard to graduation.

#### 1. Graduation Exercises

The time, date, and location of graduation exercises shall be approved by the Superintendent. The graduation program shall be approved by the principal.

#### 2. Honor Graduates

Honor graduates may be designated by the principals on the basis of criteria established by the Superintendent. Recognition of honor graduates may be included in graduation programs.

#### 3. Students with Disabilities

Graduation requirements must be applied to students with disabilities to the extent required by state and federal law and State Board policy.

#### 4. Children of Military Families

In order to facilitate the on-time graduation of children of military families, the Board adopts the following policy provisions for students to whom the Interstate Compact on Educational Opportunity for Military Children applies.

a. Waiver Requirements

Specific coursework required for graduation will be waived if similar coursework has been satisfactorily completed in another school system. If a waiver is not granted, school administrators shall provide the student with reasonable justification for the denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the Superintendent or designee shall provide the student with an alternative means of acquiring the required coursework so that the student may graduate on time.

b. Testing Requirements for Graduation

The Superintendent shall accept the following in lieu of any local testing requirements for graduation: (1) the end-of-course exams required for graduation from the sending state; (2) national norm-referenced achievement tests; or (3) alternative testing. If these alternatives are not feasible for a student who has transferred in his or her senior year, subsection c below will apply.

c. Transfers During Senior Year

If a child of a military family who has transferred at the beginning of or during his or her senior year is ineligible to graduate from the school system after all of the alternatives listed above have been considered and the student meets the graduation requirements at his or her sending school, then school officials from the school system shall collaborate with the sending school system to ensure that the student will receive a diploma from the sending board of education.

5. Early Graduation

Graduation prior to that of one's class may be permitted on the basis of criteria approved by the Board upon recommendation by the Superintendent.

6. Graduation Certificates

Graduation certificates will be awarded to eligible students in accordance with the standards set forth in State Board policy [GRAD-010](#).

7. Diploma Endorsements

Students have the opportunity to earn one or more of the following diploma endorsements identifying a particular area of focused study: (1) Career Endorsement, (2) College Endorsement (two options), (3) North Carolina Academic Scholars Endorsement and/or (4) a Global Languages Endorsement. No endorsement is required to receive a diploma.

Legal Reference: G.S. 115C-12(40), -47, -81.25(c)(10)(c), -81.45(d), -81.65, -174.11, -276, -288, -407.5; 16 N.C.A.C. 6D.0309; State Board of Education Policies CCRE-001, GRAD-004, GRAD-007, GRAD-008, GRAD-010, TEST-003

Adopted: November 26, 1990

Revised: June 24, 1996; June 28, 1999; January 23, 2006; May 12, 2008; January 7, 2013; February 10, 2014; January 12, 2015; September 14, 2015; December 14, 2015; July 17, 2017; August 13, 2018; July 13, 2020; March 8, 2021; July 12, 2021;

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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.

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

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

The Superintendent, in consultation with the school principals, shall determine how results from such measures will be used in determining students' final grades, provided that the requirements described 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.

### **B. High School End-of-Course Testing**

High school students must take all end-of-course (EOC) tests and Career and Technical Education (CTE) State Assessments required by the State Board of Education. 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 and CTE State Assessments will count as 25 percent of a student's final grade in each high school course for which there is an EOC test or CTE State Assessment. 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.

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

Legal 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, -83.6A, -83.6B, -83.7, -83.8, -174.11, -174.12, -174.13, -174.15, -174.22, -174.25, -276, -288, -307, -402.5; S.L. 2019-212, Sec. 1; State Board of Education Policy Series TEST and GRAD; EVAL-006; EVAL-025 through -031

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

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; January 14, 2019; March 8, 2021; \_\_\_\_\_

## 7100 USE OF STUDENT TRANSPORTATION SERVICES

### A. School System Transportation Services

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

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

### B. Special Use of School Buses

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

### C. Transportation for Special Needs Students

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

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

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.; 49 U.S.C. §30125, -30165; G.S. 66-58(c)(9a) and (9b); G.S. 115C-239, -242, -243, -247, -254; 16 N.C.A.C. 6B.0111; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy TRAN-000; Memorandum to All Superintendents from Eddie M. Speas, Jr., Special Deputy Attorney General, January 14, 1988, available at <http://www.ncsba.org/wp-content/uploads/2017/03/AG-Memo-1988.pdf>

Adopted: November 29, 1990

Revised: March 12, 2007; January 12, 2009; January 7, 2010; June 12, 2017; August 13, 2018; July 12, 2021; \_\_\_\_\_