



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

Robert Levy, Chair

Elizabeth Carter

Ed Dennison

Thursday, January 28, 2021

9:30 a.m.

Meeting Held Virtually

Members of Moore County Board of Education's Policy Committee met virtually on January 28, 2021, with Committee Chair Robert Levy calling the meeting to order at 9:32 a.m. Also in attendance were committee members Libby Carter and Ed Dennison.

After the Pledge of Allegiance and the observation of a moment of silence, the committee unanimously approved the agenda (Motion by Mr. Dennison; second by Ms. Carter and approved unanimously).

The committee unanimously approved the policy additions, revisions and deletions cited below to be presented for approval on first reading at the March 1, 2021, Board of Education work session, with the exception of the policy proposed by Mr Levy (Motion by Mr. Dennison; second by Ms. Carter and approved unanimously). Adjustments to the recommended policies from the posted agenda are highlighted in yellow below.

The committee plans to review other existing policies that contain references to speech that are addressed in Mr. Levy's proposed policy. Then, they will consider how/whether to amend existing policies or to generate a standalone policy. Mr. Levy will notice the full Board on this plan when policies are presented for first reading on March 1, 2021.

The meeting adjourned at 11:40 a.m. (Motion by Mr. Dennison; second by Ms. Carter and approved unanimously)

1. **Policy 1411 – PUBLIC RECORDS – RETENTION, RELEASE AND DISPOSITION** page 4
 An addition to this policy reflects a clarification in law about the confidential nature of retirement information.

2. **Policy 1419 – CODE OF ETHICS FOR SCHOOL BOARD MEMBERS** page 7
Policy 1420 – BOARD MEMBER CONFLICT OF INTEREST..... page 10
Revisions to these policies align them with the North Carolina School Boards Association’s (NCSBA’s) sample policies.

3. **Policy 3021/4021 – EMPLOYMENT AND COMPENSATION**..... page 13
Policy 3022 – HIRING PROCEDURE
These policies are recommended for elimination, because their contents are included in Policy 3020/4020 – RECRUITMENT AND SELECTION OF PERSONNEL.

4. **Policy 3036/4036/8336– STAFF-STUDENT RELATIONS**..... page 14
This policy is revised to include consideration of virtual instruction.

5. **Policy 3051/4051 – PROHIBITION AGAINST RETALIATION**..... page 18
This policy is adjusted to provide clarity that employees should use the complaint procedure specific to the circumstances.

6. **Policy 3060/4060/6060– DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW**..... page 20
Policy 3085/4085– DISCRIMINATION AND HARASSMENT IN THE WORKPLACE page 30
Revisions to these policies clarify that a false statement may not comprise retaliation.

7. **Policy 5540 – GRADUATION REQUIREMENTS**..... page 33
Revisions to this policy update Social Studies requirements and aligns the policy with NCSBA’s sample policy.

8. **Policy 5600 – TESTING AND ASSESSMENT PROGRAM**..... page 45

Revisions to this policy include removal of references to NC Final Exams.

- 9. **Policy 6805 – STUDENT FEES ~~AND CHARGES~~** page 48
Language is added to clarify that the school district will post student fees on the school district website as required by law.
- 10. **Policy 6900 – EQUAL EDUCATIONAL OPPORTUNITIES**..... page 50
Revisions to this policy update references to new revisions around Title IX.
- 11. **Policy 7403 – VISITORS TO THE SCHOOLS** page 51
Revisions to this policy add detail and align with NCSBA’s sample policy.
- 12. **Policy 8450 – COMPLAINTS**..... page 54
Revisions to this policy update references to other policies.
- 13. Proposed Policy from Mr. Levy page 56

THE FOLLOWING POLICIES HAVE MINOR CHANGES, SUCH AS CHANGES TO LEGAL REFERENCES.

- 14. **Policy 3070/4070/6070 – TITLE IX SEXUAL HARASSMENT – PROHIBITED CONDUCT AND REPORTING PROCESS**..... page 57
- 15. **Policy 3075/4075/6075 – TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS**..... page 68
- 16. **Policy 3100 – LICENSURE** page 86
- 17. **Policy 5414 – PARENT AND FAMILY ENGAGEMENT** page 90
- 18. **Policy 6901– EDUCATION FOR PREGNANT AND PARENTING STUDENTS**..... page 97

1411 PUBLIC RECORDS - RETENTION, RELEASE AND DISPOSITION

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

A. PUBLIC RECORD DEFINED

Any record, in any form, that is made or received by the Board or its employees in connection with the transaction of public business is a public record that must be made available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from the public records law.

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

The official records of students are not public records subject to inspection and examination. (For additional information regarding the release of information about students, see policy 6300, Student Records.) Further, any written material containing the identifiable scores of individual students on any test taken pursuant to the state testing program described in Chapter 115C, Article 10A of the North Carolina General Statutes is not a public record. Any test that is developed, adopted, or provided as part of the state testing program is not a public record until the State Board of Education designates that the test is released.

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

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

1. Name.
2. Age.
3. The date of original employment or appointment.
4. The terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the Board has the written contract or a record of the oral contract in its possession.
5. Current position.
6. Title.

7. Current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee).
8. The date and amount of each increase or decrease in salary with the Board.
9. The date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the Board.
10. The date and general description of the reasons for each promotion with the Board.
11. The date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the Board. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the Board setting forth the specific acts or omissions that are the basis of the dismissal.
12. The school or site to which the employee is currently assigned.

The identity of participants in the North Carolina Address Confidentiality Program is not a matter of public record.

Minutes and general accounts of closed sessions are confidential and will not be released to the public so long as public disclosure would frustrate the purpose of the closed session.

B. REQUESTS FOR PUBLIC RECORDS

All requests for examining or obtaining copies of public records should be made in writing or recorded in writing by school system personnel. The school system will respond as promptly as possible in light of the nature of each request.

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

C. FEES FOR COPIES OF PUBLIC RECORDS

Persons requesting copies of public records may be charged 25 cents per page for paper copies and the actual cost, as determined by the Superintendent or designee, for public records requested in any other format. In addition, the Superintendent or designee may assess a special service charge for any public record requests that require the extensive use of information technology resources or extensive clerical or supervisory assistance by school system personnel. Any such special service charge shall be reasonable and based on the actual costs incurred for such extensive use of information technology resources and/or the actual labor costs of the personnel providing the services, not including any costs associated with the redaction of privileged or confidential information. For purposes of this policy, the Board considers four (4) hours or more

to be "extensive" clerical or supervisory assistance. The school system will provide an estimate off any such special service charge before making the records available and will give the requester the option of paying the charge or narrowing the scope of the request.

D. DESTRUCTION OF PUBLIC RECORDS

School personnel shall comply with the *Records Retention and Disposition Schedule for Local Education Agencies* adopted by the N.C. Department of Cultural Resources, Division of Archives and History, including any applicable amendments, unless otherwise required by statute, regulation, or other legal authority. The Superintendent may establish regulations for the destruction of records in accordance with the approved schedule.

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-3, -4, -47, -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1 to -9; 135—(f)(2)(f); *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Cultural Resources, Division of Archives and History (1999), available at <http://www.ncdcr.gov/Portals/26/PDF/schedules/schoolschedulefinal.pdf>

Adopted: February 27, 1995

Revised: October 25, 2004; March 9, 2015; _____

1419 CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

The Board recognizes that, collectively and individually, all members of the Board must adhere to a code of ethics as required by G.S. 160A-8386 and G.S. 115C-47(57).

A. Board Member Ethical Requirements

The following considerations standards will guide each Board member in the performance of his or her official duties:

1. the need to obey all applicable state and federal laws regarding official actions taken as a board member;
2. the need to uphold the integrity and independence of the Board member's office;
3. the need to avoid impropriety in the exercise of the Board's and Board member's official duties;
4. the need to perform faithfully the duties of the office; and
5. the need to conduct the affairs of the Board in an open and public manner, complying with all applicable laws governing open meetings and public records.

B. Additional Board Member Commitments

In order to implement the above standards, Each member of the Board commits to the following:

1. attend all regularly scheduled Board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
2. endeavor to make policy decisions while always keeping in mind the objective of providing students the opportunity to receive a sound basic education and only after full discussion at publicly held Board meetings;
3. render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;
4. model civility to students, employees and all elements of the community by encourage encouraging the free expression of opinion by all Board members and seek systematic communications between the Board and students, staff and all elements of the community engaging in respectful dialogue with fellow Board members on matters being considered by the Board;

5. respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of confidential and/or privileged matters discussed in closed session.

56. work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent;

67. communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;

78. learn about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national school boards associations;

89. comply with North Carolina General Statute 115C-50 by earning the required 12 hours of training every two years;

910. comply with G.S. 160A-84 by earning two hours of ethics education within 12 months of election or appointment to the Board;

1011. support the employment of those persons best qualified to serve as school employees and ~~insist upon a regular and impartial evaluation of all employees~~ avoid allowing personal relationships and biases to influence decision making;

12. refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to follow the Board's complaint or grievance process to resolve concerns; however, nothing herein should discourage a board member from bringing to the attention of the Superintendent or appropriate designee problems which constituents encounter;

113. avoid being placed in a position of conflict of interest and refrain from using the Board member's position on the Board for personal or partisan gain;

14. as stated in Board Policy 1420 – Board Member Conflict of Interest, refrain from participating in, deliberating on, voting on, or attempting to influence any person with respect to any matter pertaining to the employment with the Board of the Board member's spouse, romantic partner or other immediate family member (parent, child, brother, sister, grandparent or grandchild, including step, half and in-law relationships), including, but not limited to, hiring, transfer, promotion, demotion, suspension, discipline, performance evaluation or review or investigation of a complaint of any kind;

12. take no private action that will compromise the Board or administration and respect the confidentiality of information that is privileged under applicable law; and

13. remember always that a Board member's first and greatest concern must be the educational welfare of the students attending the public schools.

Legal References: G.S. 115C-36, ~~-47(1), -47(57), -50~~; 160A-~~8386, -8487~~; *Leandro v. State*, 346 N.C. 336 (1997)

Adopted: January 7, 2010

Revised: June 12, 2017; _____

1420 BOARD MEMBER CONFLICT OF INTEREST

The Board and each member of the Board recognize that they are subject to North Carolina's criminal laws related to conflicts of interest in public office and that a Board member may not use his or her office for personal benefit. The Board and each member of the Board further recognize that they are subject to the standards established by the federal government for recipients of federal grants as specified in Policy 2510, Federal Grant Administration. The Board and each member of the Board understand that violation of state and federal laws and regulations on conflicts of interest may result in conviction of a crime, may render a contract of the Board void, or may result in loss of federal funds. In keeping with the ethical duties specified in Policy 1419, Code of Ethics for School Board Members, Board members will not let any personal or business interest interfere with their duties as public officials.

All Board members will abide by the following conflict of interest rules.

1. A Board member will not derive a personal benefit from a contract with the school system in violation of state law G.S. 14-234. Specifically, a Board member will not:
 - a. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the Board, unless an exception is allowed pursuant to G.S. 14-234 or other law;
 - b. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the Board when the Board member will obtain a direct benefit from the contract; or
 - c. solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract.

For purposes of G.S. 14-234, a Board member is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A Board member is involved in making a contract if he or she participates in the development of the specifications or terms of the contract or participates in the preparation or award of the contract. A Board member is also involved in making a contract if the Board takes action on the contract, even if the specific Board member did not actually participate in that action, unless the contract is approved under an exception to the law under which the Board member is allowed to benefit and is prohibited from voting.

A Board member derives a direct benefit from a contract if the Board member or his or her spouse, romantic partner or other immediate family member (parent, child, brother, sister, grandparent or grandchild, including step, half and in-law relationships) does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or

(3) acquires property under the contract. An exception is allowed for employment contracts between the Board and the spouse, romantic partner or other immediate family member as defined above of a Board member. However, the Board member involved will not (1) deliberate or vote on the ~~spouse's~~ employment contract; ~~or (2)~~ attempt to influence any other person who is involved in making or administering the contract; or (3) participate in, deliberate on, vote on or attempt to influence any person with respect to any other matter pertaining to the Board member's spouse, romantic partner or other immediate family member's employment with the school system, including, but not limited to, hiring, contract renewal, transfer, promotion, demotion, suspension, discipline, performance evaluation or review or investigation of a complaint of any kind.

2. A Board member will not deliberate on, vote on, or otherwise engage in the selection, award, or administration of a contract supported in whole or part by federal funds when he or she has a real or apparent conflict of interest under federal rules as provided in 2 C.F.R. 200.318(c)(1) and Policy 2510, Federal Grant Administration. For purposes of this paragraph, a conflict of interest arises when a Board member or his or her spouse, immediate family member, or partner, or the employer or pending employer of any of those persons, has a financial or other interest in or receives a tangible personal benefit from a firm considered for the contract. Any such conflict must be disclosed to the awarding agency.

For purposes of the previous paragraph, a “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. It 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.

3. A Board member will not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from (i) current contractors, subcontractors, or suppliers; (ii) any contractor, subcontractor or supplier that has performed under a contract with the Board within the past year; or (iii) any contractor, subcontractor, or supplier that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value (\$50 or less) and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other item that is clearly permitted by state and federal law.

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

4. A Board member will not solicit or accept any gifts from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.

5. A Board member will not misuse information in violation of G.S. 14-234.1. Specifically, a Board member will not use knowledge of contemplated Board action, or information known to the member in his or her official capacity and not made public, to:

~~3021/4021 EMPLOYMENT AND COMPENSATION~~

~~All employees shall be hired on the recommendation of the Superintendent and approval of the Board of Education in an open session meeting. Where required or deemed appropriate, the Board shall enter into written contracts with employees. Any increases in compensation or length of employment shall be approved by the Board in an open session meeting.~~

~~Legal References: G.S. 115C 47(13), 47(15), 47(16), 271 to 275, 276(j)~~

~~Adopted: January 12, 2015~~

~~3022 HIRING PROCEDURE~~

~~The Board shall hire instructional personnel only upon the recommendation of the Superintendent. The Superintendent or his designee shall have the authority to hire instructional personnel on an interim basis subject to later approval by the Board.~~

~~Legal Reference: G.S. 115C 47, 276~~

~~Adopted: July 30, 1990~~

~~Revised: October 26, 1992~~

3036/4036/8336 STAFF-STUDENT RELATIONS

The Board expects all employees to maintain the highest professional, moral and ethical standards in their interactions with students. Employees are required to provide an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries. Employees are expected to motivate each student to perform to his or her capacity while modeling the behavior expected of students in staff-student relationships.

The interactions and relationships between staff and students must be based upon cooperation, mutual respect and an understanding of the appropriate boundaries between adults and students inside and outside of the educational setting. Employees are expected to demonstrate good judgment and to avoid the appearance of impropriety in their interactions with students. Employees must consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other Board policy.

For the purposes of this policy, the terms “staff” and “employees” include independent contractors and volunteers, but do not include student employees or student volunteers. **The term “parent” includes, parent, legal guardian or legal custodian.**

A. Romantic Relationships and Sexual Contact Prohibited

All volunteers and employees, including student teachers, substitutes and contractors hired to perform instructional or professional services are prohibited from dating, courting, or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student’s age, regardless of whether the involvement is consensual and regardless of the nature of the relationship, whether face-to-face or via electronic means such as telephone, texting or social media. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.32. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

B. Restrictions on Electronic Communications

1. In accordance with Policy 3252/4252/5452 - Employee Use of Social Media, employees are prohibited from communicating with current students through non-school-controlled social media without parental permission except to the extent that the employee and student have an appropriate relationship which originated outside of the school setting. Any communication through social media authorized under Policy 3252/4252/5452 must meet the professional standards established in this policy and must otherwise be consistent with law and all other Board policy.
2. Instant messages will be treated as a form of communication through social media subject to the terms of Policy 3252/4252/5452 and subsection B.1 above, regardless

of whether the messaging service is actually provided through a social media service or otherwise.

3. Employees are prohibited from engaging in other forms of one-to-one electronic communications (e.g., voice, voice mail, email, texting, and photo or video transmission) with students without written prior approval of the employee's supervisor and the student's parent. This rule shall not apply, however, if one or more of the following circumstances exist:

a. the communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years, (this requirement does not apply to telephone or voice mail communications), or is conducted via an electronic video-conferencing platform (e.g., Zoom, Webex, Google Meet) that has been approved by the Superintendent or designee for instructional use, and (3) occurs after the employee has given prior notice to his or her supervisor or designee that such communications will occur and when they will occur;

b. the communication serves an educational purpose and is simultaneously copied or transmitted to the employee's supervisor or designee and, upon request, to the parent or guardian;

c. the communication is necessary in a bona fide emergency, provided the communication is disclosed to the supervisor and parent or guardian as soon as reasonably possible; or

d. the communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other Board policy.

Any one-to-one electronic communication permitted by this subsection must meet the professional standards established in this policy and must otherwise be consistent with law and all other Board policies.

4. It is the duty of every employee to notify his or her supervisor of any unsolicited one-to-one communication, in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.

5. Violations of this section will be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:

- a. the content, frequency, subject, and timing of the communication(s);
- b. whether the communication(s) was appropriate to the student's age and maturity level;
- c. whether the communication(s) could reasonably be viewed as a solicitation of sexual contact or the courting of a romantic relationship, including sexual grooming;
- d. whether there was an attempt to conceal the communication(s) from the employee's supervisor and/or the student's parent or guardian;
- e. whether the communication(s) created a disruption of the educational environment; and
- f. whether the communication(s) harmed the student in any manner.

C. Reporting Inappropriate Conduct

1. Reporting by Employees

Any employee who has reason to believe any of the following shall immediately report that information to the Superintendent or designee:

- a. that another employee is involved in a romantic or other inappropriate relationship or has had sexual contact with a student;
- b. that another employee has engaged in other behavior prohibited by this policy; or
- c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid purpose.

An employee who fails to inform the Superintendent or designee as provided in this section may be subject to disciplinary action, up to and including dismissal.

2. Reporting by Students

Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in Policy 3065/4065/6065 - Title IX Nondiscrimination on the Basis of Sex.

3. Report of Criminal Misconduct

Any principal who has reason to believe that a student has been the victim of criminal conduct shall immediately report the incident in accordance with Policy 3038/4039/8338 – Reporting Information to Administrators and External Agencies.

4. Report to State Superintendent of Public Instruction

Any administrator, including the Superintendent, chief/executive officer or principal, who knows or has reason to believe that a licensed employee has engaged in conduct which involves physical or sexual abuse of a child, shall report that information to the State Superintendent of Public Instruction within five working days of any disciplinary action, dismissal or resignation based on the conduct. For purposes of this subsection, physical abuse is the infliction of physical injury other than by accidental means or in self-defense, and sexual abuse is the commission of any sexual act upon a child or causing a child to commit a sexual act, regardless of consent and the age of the child. Failure to report such conduct may result in the suspension or revocation of an administrator’s license by the State Board of Education.

This reporting requirement applies in addition to any duty to report suspected child abuse in accordance with state law and Policy 6730 –Child Abuse and Related Threats to Child Safety.

Legal Reference: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; G.S. 14-27.32, -202.4; 115C-47(18), 16 NCAC 6C.0601, .0602; State Board of Education Policies EVAL-014, LICN-007, NCAC-039

Adopted: January 31, 1994

Revised: June 11, 2007; November 17, 2008; March 12, 2012; January 17, 2017; July 17, 2017; January 16, 2018; February 10, 2020; July 13, 2020; September 14, 2020; _____

3051/4051 PROHIBITION AGAINST RETALIATION

Board members and employees are expected to be honest and ethical in the performance of their duties and to comply with applicable federal, state, and local laws, policies, and regulations. The Board encourages employees to report possible financial improprieties, ethical violations, and other illegal practices and intends that employees who report such matters in good faith will not be subject to retaliation or other adverse employment consequences.

If an employee reasonably believes that (1) there has been a violation of federal, state, or local law, policy, or regulation, public policy, or an individual's ethical duties and (2) the violation is due to a practice, policy, act, or omission of the Board of Education, an individual board member, a school system employee, or an entity/person with whom the school system has a business relationship, the employee should report that matter in accordance with Policy 3900/4800, Grievance Procedure for Employees, ~~Policy 3060/4060/6060—Discrimination and Harassment Prohibited by Federal Law or the applicable policies referenced therein unless a policy with a more specific reporting or complaint procedure applies.~~

Any complaint alleging a violation by the Superintendent or the Board should be filed with the Board Chair for investigation. The Board Chair will report the complaint to the Board, and the Board will authorize a prompt and thorough investigation or other action as necessary.

The Board prohibits and will not tolerate any form of reprisal, retaliation, or discrimination against any employee who (1) in good faith, has made or intends to make a report of wrongdoing described in this policy; or (2) has refused to carry out a directive which may constitute a violation of federal, state, or local law, policy, or regulation, or poses a substantial or specific danger to public health and safety.

To be protected by this policy, employees who report violations or suspected violations must be acting in good faith based on a reasonable belief that the reported information represents an unlawful activity, policy or practice. The protection extends to those whose allegations are made in good faith but prove to be mistaken. The Board reserves the right to discipline employees who know or have reason to believe that the report is inaccurate. Further, except as otherwise required by law, the provisions of this policy apply only to those situations in which an employee brings the alleged unlawful activity, policy or practice to the attention of school officials or the Board and provides school officials or the Board with a reasonable opportunity to investigate and correct the alleged unlawful activity. If necessary, school officials or the Board may specify reasonable steps to protect the complaining employee from retaliation.

This policy shall also apply to independent contractors providing services to the Moore County Board of Education.

Legal References: Sarbanes-Oxley Act, 18 U.S.C. 1513(e); G.S. 115C-335.5; 126-5(c5), -84, -85, -86, -87, -88

Adopted: September 25, 2006

Revised: April 10, 2017; September 14, 2020; _____

3060/4060/6060 DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW

The Board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The Board prohibits discrimination on the basis of race, sex, color, national origin, religion, disability, or age (over 40), and will provide equal access to the Boy Scouts and other designated youth groups as required by law.

The Board will not tolerate any form of unlawful discrimination or harassment in any of its education activities or programs. All forms of prohibited discrimination and harassment are subject to this policy except the following, for which the Board has established more specific policies.

- Discrimination and harassment on the basis of sex is addressed in Policy 3065/4065/6065, Title IX Nondiscrimination on the Basis of Sex.
- Discrimination and harassment in employment is addressed in Policy 3085/4085, Discrimination and Harassment in the Workplace.

In addition, the process set out in this policy for bringing complaints does not apply to the following.

- Complaints of sexual harassment will be brought in accordance with the processes established in policies 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 3075/4075/6075, Title IX Sexual Harassment Grievance Process.
- Employee allegations of discrimination or harassment will be addressed using the process established in Policy 3085/4085, Discrimination and Harassment in the Workplace.
- Allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under Policy 3011/4011/6890, Nondiscrimination on the Basis of Disabilities, (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

The Board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The Superintendent or designee, as appropriate, is responsible for providing effective notice of this policy to students, parents, and employees.

The Board encourages students, visitors, and other non-employee individuals who believe that they may have been discriminated against or harassed in violation of this policy, (including on the basis of disability, as specified in Policy 3011/4011/6890, Nondiscrimination on the Basis of Disabilities), to report such conduct as soon as possible through the process provided in Section B

of this policy. Employees who believe that they may have been discriminated against or harassed should report through the process provided in Policy 3085/4085, Discrimination and Harassment in the Workplace. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination or harassment may report the conduct to an individual designated in Section B of this policy.

Any report made through the process established in this policy may be made anonymously, except mandatory employee reports.

A. Prohibited Behavior

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The Board expressly prohibits unlawful discrimination and harassment as defined below 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.

1. Discrimination

Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a legally-protected class so as to interfere with or limit their ability to participate in or benefit from the services, activities, or privileges offered by the school system’s education program. For purposes of this policy, the legally protected classes are race, color, national origin, religion, and disability.

2. Harassment

Prohibited harassment is deliberate unwelcome conduct directed at another person or group of persons based on their membership in a legally protected class that creates a hostile environment. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person’s ability to participate in or benefit from the services, activities, or opportunities offered by the school system.

Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Harassment may occur through electronic means, such as through the Internet, email,

or text message. Legitimate age-appropriate pedagogical techniques are not considered harassment.

3. Application of the Policy

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

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.

B. Reporting Discrimination or Harassment

1. Any person who believes that he or she has been discriminated against or harassed in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination or harassment should inform a school official designated in Section C below. Reports also may be made anonymously through the anonymous tip line.

2. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that a student or other individual may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about whether particular conduct is possible discrimination or harassment under this policy or any other policy of the Board must be resolved in favor of reporting the conduct.

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. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

3. Preliminary Inquiry

School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. Complaints of Discrimination and Harassment

1. A student, visitor, or other non-employee individual who believes he or she is the victim of unlawful discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to unlawful discrimination or harassment under this policy, may make a formal written complaint to any of the following persons:

- a. the principal or assistant principal of the school at which either the alleged victim or alleged perpetrator attends or is employed;
- b. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or
- c. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the Executive Officer for Human Resources official without delay.

2. A written complaint alleging that a student has been discriminated against or harassed will be addressed in accordance with this policy.

A written complaint alleging that an employee has been discriminated against or harassed will be addressed in accordance with Policy 3085/4085, Discrimination and Harassment in the Workplace.

A written complaint alleging that person who is not a student or employee has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in Policy 8450, Complaints, not this policy.

3. Time Period for Making a Complaint

Alleged discrimination or harassment should be reported as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

D. School Officials' Response to Reports and Complaints of Discrimination or Harassment

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated at the discretion of school officials and may be investigated even if the alleged victim does not seek action by school officials.

a. The principal or designee or site supervisor will be the investigator when the alleged perpetrator is a student or third party. The Executive Officer for Human Resources or designee will be the investigator when the alleged perpetrator is an employee. The Superintendent or designee, as appropriate, may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the Executive Officer for Human Resources, the Superintendent will be the investigator, and (2) if the alleged perpetrator is the Superintendent or a member of the Board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. As applicable, the investigator shall immediately notify the Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may request assistance from the coordinator in conducting the investigation.

c. If the investigator, after interviewing the **complaining party complainant** and/or the alleged victim and consulting with the board attorney, if appropriate, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or Policy 3011/4011/6890, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and the process for addressing the complaint will be provided to the **complaining party complainant**.

d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances, and, in consultation with the board attorney, as

appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, Policy 3011/4011/6890, Nondiscrimination on the Basis of Disabilities, and/or any other Board policy or expected standard of student or employee behavior.

e. The complaint and investigation will be kept confidential to the extent possible and consistent with law. 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.

2. Investigator's Findings

a. If the investigator finds that discrimination occurred, the investigator shall take or recommend steps to address the discrimination.

b. If the investigator finds that harassment occurred and created a hostile environment, the investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the hostile environment and prevent its recurrence.

c. If the investigator finds that the conduct did not violate this policy but violated Policy 3080/4080/6080, Bullying and Harassing Behavior Prohibited, or another Board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.

d. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the Superintendent for further action.

e. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

a. The Superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:

i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;

ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and

iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

b. The Superintendent or designee may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The Superintendent or designee also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

c. The Executive Officer for Human Resources shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. Appeals

1. If the alleged victim is dissatisfied with the outcome of the investigation, he or she may appeal the decision to the Superintendent (unless the alleged perpetrator is the Superintendent, in which case the alleged victim may appeal directly to the Board in accordance with the next paragraph). The appeal must be submitted in writing within three school business days of receiving the notice of the outcome of the investigation. The Superintendent may review the documents, conduct any further investigation necessary, or take any other steps the Superintendent determines to be appropriate in order to respond to the complaint. The Superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.

2. Student victims may appeal the Superintendent's decision to the Board in accordance with subsection 6902.4, Step III, of Policy 6902, Student and Parent Grievance Procedure. Employees may appeal the Superintendent's decision to the Board in accordance with subsection B, Step III, of Policy 3900/4800 Grievance Procedure for Employees.

3. Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

F. Retaliation Prohibited

The Board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the Board against a **complainant** or other individual ~~unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information~~ who makes a good faith report of discrimination or harassment. 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.

G. Training and Programs

The Board directs the Superintendent or designee, as appropriate, to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and complaint procedure in this policy and those in policies 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 3075/4075/6075, Title IX Sexual Harassment Grievance Process, must be included in the training plan.

As funds are available, the Board will provide students, employees, and volunteers who have significant contact with students with additional training regarding the Board's efforts to address discrimination and harassment and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination or harassment; (2) teach employees to identify groups that may be the target of discrimination or harassment; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones, and on the Internet.

H. Records

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

I. Contacts for Inquiries

The Superintendent has appointed individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator

and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the designated civil rights coordinators is as follows.

- a. The Section 504 Coordinator is: **Assistant Director for Student Support Services**
Office Address: **P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327**
Email Address: **hrpolicy@ncmcs.org**
Phone Number: **(910) 947-2976**
- b. The ADA Coordinator is: **Executive Officer for Human Resources**
Office Address: **P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327**
Email Address: **hrpolicy@ncmcs.org**
Phone Number: **(910) 947-2976**
- c. The Age Discrimination Coordinator is: **Executive Officer for Human Resources**
Office Address: **P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327**
Email Address: **hrpolicy@ncmcs.org**
Phone Number: **(910) 947-2976**
- d. The Coordinator for Other Non-discrimination Laws is: **Executive Officer for Human Resources**
Office Address: **P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327**
Email Address: **hrpolicy@ncmcs.org**
Phone Number: **(910) 947-2976**

The contact information for the U.S. Department of Education Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020 TDD: 800-877-8339
FAX: 202-453-6021 Email: OCR.DC@ed.gov

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621*et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101*et seq.*, 28 C.F.R. pt. 35; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; Individuals with Disabilities Education Act, 20 U.S.C. 1400*et seq.*; 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; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994), available at <https://www2.ed.gov/about/offices/list/ocr/docs/race394.html>; *Notice of Non-Discrimination*,

U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter* (Harassment and Bullying), U.S. Department of Education, Office for Civil Rights (2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; G.S. 115C-407.15 through -407.18; 126-16; State Board of Education Policy SSCH-000; *Parent Rights & Responsibilities in Special Education*, (N.C. Dept. of Public Instruction, Exceptional Children Division), available at <https://ec.ncpublicschools.gov/parent-resources/parents-rights-handbook>

Adopted: September 14, 2020

Revised: _____

3085/4085 DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

The Board prohibits unlawful discrimination in employment based on race, color, religion, national origin, military affiliation, genetic information, sex, age (40 or older), disability, or other unlawful grounds. Harassment is a form of unlawful employment discrimination. The Board recognizes that all forms of harassment of employees or applicants is harmful behavior that negatively impacts the workplace environment.

Any employee who engages in discrimination or harassment prohibited by this policy or who contributes to the development of a hostile work environment is subject to discipline, up to and including dismissal.

A. Discrimination Prohibited

Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on their membership or that of an associate in a legally-protected class.

Discrimination in employment based on the characteristics listed above is prohibited in all employment-related practices, including hiring, compensation, terms, conditions, and other privileges of employment, except when sex, age, or physical requirements are essential occupational qualifications.

B. Harassment Prohibited

Harassment prohibited by this policy is unwelcome conduct based on race, color, religion, national origin, military affiliation, genetic information, age (40 or older), sex, or disability where:

1. enduring the offensive conduct becomes a condition of continued employment; or
2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive, even if the complaining individual is not the intended target.

A single incident of harassment, if physically threatening or humiliating, can create a hostile work environment. The complaining individual need not be the target of the harassment.

Examples of unwelcome conduct that may violate this policy include, but are not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Petty slights, annoyances, simple teasing, offhand comments, or isolated incidents (unless extremely serious) are not harassment under this policy, nor are reasonable performance management actions taken to direct and control how work is performed or to monitor and give feedback on work performance. The exercise of legitimate authority administered in a professional and constructive manner is not harassment under this policy.

C. Sexual Harassment Prohibited

Sexual harassment is a particular type of workplace harassment. Sexual harassment prohibited by this policy may also violate Policy 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and in such cases school officials must proceed in accordance with the requirements of that policy.

Prohibited sexual harassment is unwelcome conduct which is either of a sexual nature, or is directed at a person because of the person's sex, when:

1. submission to the conduct is made either explicitly or implicitly a term or condition of a person's employment;
2. submission to or rejection of such conduct is made the basis for decisions affecting a person's employment; or
3. the conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal, or physical aggression, intimidation, or hostility that is based on actual or perceived gender and sexual stereotypes, sexual orientation, or gender identity. Consensual conduct between adults that is not directed at a third party is not sexual harassment.

D. Reporting Discrimination and Harassment

Applicants and employees should promptly report orally or in writing any instance of alleged or potential discrimination, including harassment, to their principal or supervisor or the senior human resources official. Upon receiving a written complaint, the principal, supervisor, or senior human resources official shall promptly investigate the written complaint and cause or recommend appropriate corrective action if the written complaint is substantiated. Oral reports of violations may be investigated at the discretion of the school officials designated above. All reports and complaints of harassment under this policy will be investigated in a manner that protects the employee or applicant and maintains confidentiality to the greatest extent possible as permitted by law.

E. Retaliation Prohibited

The Board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the Board against a **complaining party complainant** or other individual ~~unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information~~ who makes a good faith report of discrimination or harassment. 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.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621et seq., 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101et seq., 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title II of the Genetic Information Nondiscrimination Act of 2008; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000eet seq., 29 C.F.R. pt. 1604; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301et seq.; G.S. 143-422.2

Adopted: September 14, 2020

5540 GRADUATION REQUIREMENTS

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

In order to graduate from high school, students are required to meet the following:

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

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

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

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, 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.

CONTENT AREA	Future Ready Core Course of Study	For some Ninth Graders with Cognitive Disabilities 2000-Present Future Ready Occupational Course of Study Requirements (Selected IEP students excluded from EOC-Proficiency Level requirements)
English	Four (4) Credits I, II, III, IV	Four (4) Credits English I, II, III, IV
Mathematics	Four (4) Credits* Math I, II, III and a fourth Math Course Fourth Math Course Options: Honors Pre-Calculus, Advanced Functions and Modeling, SREB College Ready Math, AP Calculus, Dual Math Credit, AP Statistics, Discrete Math or an approved CTE Math to be aligned with the student's post-	Three (3) Credits Mathematics I (Introduction to Mathematics), II (Algebra I Math A), III (Financial Management)

	<p>high school plans. Students seeking to complete minimum course requirements for UNC universities must complete four math courses including a fourth math course with Math 3 as a pre-requisite.</p> <p>*A student, in rare instances, may be able to take an alternative Math course sequence as outlined under State Board of Education policy.</p>	
Science	<p>Three (3) Credits</p> <p>A physical science course, Biology and Earth/Environmental Science</p>	<p>Two (2) Credits</p> <p>Life Skills Science I (Applied Science), II (Biology)</p>
Social Studies	<p>Four (4) Credits</p> <p>For students entering Grade 9 between 2014-15 and 2019-20</p> <ol style="list-style-type: none"> 1. American History: Founding Principles, Civics and Economics 2. American History I 3. American History II 4. World History <p>Students entering Grade 9 in 2020-21</p> <ol style="list-style-type: none"> 1. Founding Principles of the United States of America and North Carolina: Civic Literacy 2. Economics and Personal Finance 3. American History 4. World History 	<p>Two (2) Credits</p> <p>American History: Founding Principles, Civics and Economics</p> <p>American History I or American History II</p>
World Languages	<p>Not required for high school graduation. A two-credit minimum is</p>	<p>Not required</p>

	required for admission to a university in the UNC system:	
Health and Physical Education	One (1) Credit Health/Physical Education	One (1) Credit Health/Physical Education
Electives or other requirements*	Six (6) Credits required Two (2) elective credits of any combination from either: <ul style="list-style-type: none"> • Career and Technical Education (CTE) • Arts Education • World Languages Four (4) elective credits (four-course concentration recommended) from one of the following: <ul style="list-style-type: none"> • Career and Technical (CTE) • JROTC • Arts Education (e.g. dance, music, theater arts, visual arts) • Any other subject area (e.g. Social Studies, Science, Mathematics, English) 	Preparation: Six (6) Credits Preparation I, II, III, IV Including: 300 hours of school-based training; 240 hours of community-based training and 360 hours of paid employment Career Portfolio Required Completion of student's IEP objectives
Career/Technical Education	See "Electives"	Four (4) Credits Career/Technical Education electives
Arts Education (Dance, Music, Theatre Arts, Visual Arts)	See "Electives"	Recommended: at least one credit
MCS Total (subject to change)	22	22
CONTENT AREA	Moore County Schools Distinguished Scholar Endorsement	North Carolina Academic Scholar Endorsement
Standard Diploma	<i>Must also meet content requirements for Standard Diploma</i>	

English	Four (4) Credits I, II, III, IV	Four (4) Credits I, II, III, IV
Mathematics	Four (4) Credits Math I, II, III and a fourth Math Course* Fourth Math Course Options: Honors Pre-Calculus, Advanced Functions and Modeling, SREB College Ready Math, AP Calculus, Dual Math Credit, AP Statistics, Discrete Math or an approved CTE Math to be aligned with the student's post-high school plans *A student, in rare instances, may be able to take an alternative Math course sequence as outlined under State Board of Education policy.	Four (4) Credits Math I, II, III and a fourth higher level Math Course that meets UNC system minimum admission requirements* Fourth Math Course Options: Honors Pre-Calculus, Advanced Functions and Modeling, SREB College Ready Math, AP Calculus, Dual Math Credit, AP Statistics or Discrete Math *A student, in rare instances, may be able to take an alternative Math course sequence as outlined under State Board of Education policy.
Science	Three (3) Credits A physical science course, Biology and Earth/Environmental Science	Three (3) Credits Physics or Chemistry, Biology and Earth/Environmental Science
Social Studies	For students entering Grade 9 between 2014-15 and 2019-20 1. American History: Founding Principles, Civics and Economics 2. American History I 3. American History II 4. World History Students entering Grade 9 in 2020-21 1. Founding Principles of the	For students entering Grade 9 between 2014-15 and 2019-20 1. American History: Founding Principles, Civics and Economics 2. American History I 3. American History II 4. World History Students entering Grade 9 in 2020-21

	<p>United States of America and North Carolina: Civic Literacy</p> <p>2. Economics and Personal Finance</p> <p>3. American History</p> <p>4. World History</p>	<p>1. Founding Principles of the United States of America and North Carolina: Civic Literacy</p> <p>2. Economics and Personal Finance</p> <p>3. American History</p> <p>4. World History</p>
World Languages		Two (2) credits in a second language
Health and Physical Education	<p>One (1) Credit of</p> <p>Health/Physical Education is required as part of meeting the standard diploma prerequisites for the endorsement.</p>	<p>One (1) Credit of</p> <p>Health/Physical Education is required as part of meeting the standard diploma prerequisites for the endorsement.</p>
Electives or other requirements*	<p>13 Credits required consisting of the following:</p> <p>Elective credits of any combination from:</p> <ul style="list-style-type: none"> ● Career and Technical Education (CTE) ● Arts Education ● World Languages <p>Four (4) elective credits strongly recommended (4-course concentration) from one of the following:</p> <ul style="list-style-type: none"> ● Career and Technical (CTE) ● JROTC ● Arts Education (e.g. dance, music, theater arts, visual arts) ● Any other subject area (e.g. Social Studies, Science, Mathematics, English) 	<p>7 Credits consisting of the following:</p> <p>Four (4) elective credits constituting a concentration recommended from one of the following:</p> <ul style="list-style-type: none"> ● Career and Technical Education (CTE) ● JROTC ● Arts Education ● World Languages ● Any other subject area <p>Three (3) elective credits – Higher level courses taken during junior and/or senior years that carry 4.5 or 5 quality points such as AP, IB, Dual or college equivalent course, Advanced CTE/CTE credentialing courses, online courses or other honors or above</p>

		designated courses
		Student shall earn an unweighted grade point average of at least 3.50.
Credits	28 credits	25 credits

1. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time before 2020-2021

Courses Required*	State Requirements
<u>English</u>	<u>4 sequential (English I, II, III and IV)</u>
<u>Mathematics</u>	<u>4 (NC Math 1, 2 and 3 and a fourth math course aligned with the student's post-high school plans.)**</u> <u>(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.)***</u>
<u>Science</u>	<u>3 (a physical science course, Biology and earth/environmental science)</u>
<u>Social Studies</u>	<u>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)</u>
<u>Health/PE</u>	<u>1</u>
<u>Electives</u>	<u>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.)±</u>
Total Credits	22

* 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>.

***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://files.nc.gov/dpi/documents/files/nc-2020-21-mathematics-options-chart-rev-june-2020-1.pdf>

† 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. See SBE Policy 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

Courses Required*	State Requirements
<u>English</u>	<u>4 sequential (English I, II, III and IV)</u>
<u>Mathematics</u>	<u>4 (NC Math 1, 2 and 3 and a fourth math course aligned with the student’s post-high school plans.)**</u> <u>(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.)***</u>
<u>Science</u>	<u>3 (a physical science course, Biology and earth/environmental science)</u>
<u>Social Studies</u>	<u>4 (including: (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy;† (2) an American history course which shall be either (a) American History I, (b) American History II, or (c) American History; (3) World History);‡ and (4) Economics and Personal Finance^</u>
<u>Health/PE</u>	<u>1</u>
<u>Electives</u>	<u>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.)‡</u>
Total Credits	22

* 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>.

***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://files.nc.gov/dpi/documents/files/nc-2020-21-mathematics-options-chart-rev-june-2020-1.pdf>

† 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. See SBE Policy 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 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)

<u>Courses Required*</u>	<u>State Requirements</u>
<u>English</u>	<u>4 sequential (English I, II, III and IV)</u>
<u>Mathematics</u>	<u>3 (including Introduction to Math, NC Math I and Financial Management)</u>
<u>Science</u>	<u>2 (including Applied Science and Biology)</u>
<u>Social Studies</u>	<u>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)**</u>
<u>Health/PE</u>	<u>1</u>
<u>Career/Technical</u>	<u>4 (Career/Technical Education electives)</u>
<u>Occupational Preparation</u>	<u>6 (including Occupational Preparation I, II, III and IV, which require 150 hours of school-based training, 225 hours of community-based training, and 225 hours of paid employment***)</u>
<u>Electives</u>	<u>0</u>
<u>Other Requirements</u>	<ul style="list-style-type: none"> • <u>Completion of IEP objectives</u> • <u>Career Portfolio</u>
<u>Total Credits</u>	<u>22</u>

* 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.

*** Paid employment is the expectation; however, when paid employment is not available, 225 hours of unpaid vocational training, unpaid internship experience, paid employment at community rehabilitation facilities and volunteer and/or community service hours may substitute for 225 hours of paid employment.

4. 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)

<u>Courses Required*</u>	<u>State Requirements</u>
<u>English</u>	4 sequential (English I, II, III and IV)
<u>Mathematics</u>	3 (including Introduction to Math, NC Math I and Financial Management)
<u>Science</u>	2 (including Applied Science and Biology)
<u>Social Studies</u>	2 (including Founding Principles of the United States of America and North Carolina: Civic Literacy and Economics and Personal Finance)
<u>Health/PE</u>	1
<u>Career/Technical</u>	4 (Career/Technical Education electives)
<u>Occupational Preparation</u>	6 (including Occupational Preparation I, II, III and IV, which require 150 hours of school-based training, 225 hours of community-based training, and 225 hours of paid employment*)
<u>Electives</u>	0
<u>Other Requirements</u>	<ul style="list-style-type: none"> • <u>Completion of IEP objectives</u> • <u>Career Portfolio</u>
<u>Total Credits</u>	<u>22</u>

* Paid employment is the expectation; however, when paid employment is not available, 225 hours of unpaid vocational training, unpaid internship experience, paid employment at community rehabilitation facilities and volunteer and/or community service hours may substitute for 225 hours of paid employment.

B. High School End-of-Course and Other Testing

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

C. Special Circumstances

The Board adopts the following policies with regard to graduation.

1. Graduation Exercises

~~B. Graduation exercises may be held within one week of the 180th school day of each school year.~~ The time, date, and location of graduation exercises shall be approved by the Superintendent. The graduation program shall be approved by the principal.

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

~~D. Early g~~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.

7. Diploma Endorsements

E. Students have the opportunity to earn one or more of the following diploma endorsements identifying a particular area of focused study: (1) Career Endorsement, (2) College Endorsement (two options), (3) North Carolina Academic Scholars Endorsement and/or (4) 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; 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; _____

Footnotes

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

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 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 ~~Final Exams and~~ End-of-Course Testing

High school students must take all end-of-course (EOC) tests, ~~NC Final Exams~~ and Career and Technical Education (~~CTE~~) State Assessments (~~CTE Post Assessments~~) required by

the State Board of Education. For all students, including English Learner students in their first year in a U.S. school and students following the Occupational Course of Study Pathway, the results of EOC tests, ~~NC Final Exams~~, and CTE ~~Post-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, ~~NC Final Exam~~ or CTE ~~Post-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. ~~Further, CTE students who earn a credential that is approved under Department of Public Instruction guidelines as evidence of technical skill attainment will not be required to take the CTE Post-Assessment in the course.~~

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, -174.11, -174.12(a), -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: *NC Final Exams Test Administrators' Guides*, available at <http://www.dpi.state.nc.us/accountability/testing/common-exams/>; *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 <http://www.dpi.state.nc.us/accountability/policies/generalinfo> <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; _____

6805 STUDENT FEES ~~AND CHARGES~~

The Board of Education shall establish a schedule of fees and charges which may be charged to students. ~~A listing of approved local school fees and charges shall be filed in the office of the Superintendent and reported to the State Superintendent of Public Instruction. The Superintendent or designee shall ensure that the schedule of fees, charges and solicitations approved by the Board is published on the school system's website by October 15 of each school year, and, if the schedule is subsequently revised, within 30 days following the revision.~~ School personnel shall issue to each student a receipt for the fees and charges collected.

6805.1 Fees and other charges, including meal charges and technology repair/replacement charges, may be waived or reduced in the event of inability to pay. The following procedures shall be used to address unpaid fees. The Superintendent will be responsible for establishing procedures for handling requests for waivers or reductions or privilege denials.

- A. All students/parents shall be notified at the beginning of each school year of the fees appropriate for their individual schools.
- B. All students/parents shall be notified of the possibility of waiver or reduction of fees for persons financially unable to pay.
- C. On appropriate forms made available upon request, students/parents may apply in confidence to the school principal for waiver or reduction of school fees and charges based on demonstrated economic hardship. A student whose family unit has a monthly income from all sources other than from governmental agencies which is less than the official poverty threshold, as shown in tables developed and supplied annually by the U.S. Office of Management and Budget, shall be deemed to have an economic hardship and shall be entitled to a waiver of fees and charges. These income levels are subject to periodic review by the Board of Education in order to make appropriate adjustments to reflect changes in the cost of living and other economic factors.
- C. All applications for waiver or reduction of fees and charges shall be handled in a confidential manner, and no public reference shall be made by any school personnel to the fact that a student has not paid fees or charges or has applied for or received a waiver or reduction.
- D. For students with an unpaid balance in excess of \$50 whose fees and charges have not been waived or reduced, the principal will have the authority to deny participation in extracurricular activities. For purposes of this policy, extracurricular activities include, but are not limited to, athletics and clubs; dances, proms and other social events; and graduation and promotion ceremonies.
- E. Students/parents may appeal the action of the principal to the Superintendent's office. Students/parents may appeal the Superintendent's decision upholding the denial of a fee waiver or reduction request or the denial of privileges to the Board of Education.

6805.2 Once fees and charges have been paid, any student transferring to another school within the county will not be assessed additional fees or charges for the same services in the new school for that school year.

6805.3 If a student transfers from Moore County Schools to another local school administrative unit or is compelled to withdraw because of illness or for any other good and valid reason, then the student/parents shall be entitled to a refund of the fees paid by them prorated in accordance with the schedule established by law.

Legal Reference: G.S. 115C-47(6);-384

Adopted: July 22, 1991

Revised: July 29, 1991; February 10, 1997; January 12, 2015; _____

6900 EQUAL EDUCATIONAL OPPORTUNITIES

The Moore County Board of Education affirms the principle that every student, ~~regardless of race, creed, color, national origin, sex, cultural or economic background, or disability~~ should be given an equal opportunity for a sound basic education. Furthermore, no student, on the basis of ~~sex, marital status, pregnancy, or parenthood,~~ any characteristic protected by state or federal law, will be excluded from participating in, ~~denied the benefits of, the programs and services of the school system~~ or otherwise be subjected to discrimination under any educational program or activity conducted by the school system. The school system will treat its students without discrimination in accordance with applicable law with regard to course offerings, athletics, counseling, employment assistance, ~~and~~ and extracurricular activities and educational resources.

~~It is also the policy of the Moore County Board of Education that when providing training, compensation, promotion, and other attributes of employment it shall provide them without regard to race, color, national origin, sex, age, religion, political affiliation, or disability, except where specific sex, age, or physical or mental requirements constitute bona fide and essential occupational qualification. Further the Moore County Board of Education requires all employees to abstain from any discriminatory practices.~~

Any student, parent or guardian who feels that this policy has been misinterpreted, misapplied or violated may file a grievance complaint in accordance with ~~p~~Policy 3060/4060/6060, Discrimination and Harassment Prohibited by Federal Law; Policy 3065/4065/6065, Title IX Nondiscrimination on the Basis of Sex; Policy 3011/4011/6890, Nondiscrimination on the Basis of Disabilities; or Policy 6902, Student Grievances.

Legal Reference: Americans with Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Educational Opportunities Act of 1974, 20 U.S.C. 1701 et seq.; Individuals with Disabilities Education Act, 20 U.S.C., 1400 et seq.; Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c et seq.; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; Americans with Disabilities Act of 1990, 42 U.S.C., 28 C.F.R. pt. 35.; Civil Rights Act of 1991; Equal Pay Act of 1963, 29 U.S.C. §206(d); Age Discrimination in Employment Act of 1967, 1978, 1986, and 1996, 29 U.S.C. §621 et seq.; Civil Rights Act of 1866, 1870, 1871, and 1964 and 1991; 42 U.S.C. §1983 and 2000e et seq.; U.S. Const. Amend XIV; G.S. 115C-1, -299, -276(j), -315, -330, -367, -375.5, -407.15 through -407.18, -407.30; G.S. 168A-1 et seq. *Leandro v. State*, 346 N.C. 336 (1997); *Parent Rights & Responsibilities in Special Education* (N.C. Dept. of Public Instruction, Exceptional Children Division), available at <https://ec.ncpublicschools.gov/parent-resources/parents-rights-handbook>

Adopted: November 29, 1990

Revised: May 12, 2008; January 12, 2009; May 10, 2010; _____

7403 VISITORS TO THE SCHOOLS

~~The Board encourages parents/guardians and others interested in public education to visit schools. To ensure that school campuses are safe and orderly, the Superintendent or school principals may establish rules governing school visitors, consistent with this policy the community and parents to be involved in and support the schools and the educational program of the schools.~~

~~7403.1. All school visitors shall report to the administrative office for clearance and permission to be in the school. Each principal shall see that signs are posted in each school to notify all visitors to report to the school office.~~

~~7403.2 Principals may delay visits during student testing or at other times when visits may disrupt school activities.~~

~~7403.3 Parents/guardians wishing to discuss individual student progress should request a meeting with the teacher in advance. Such meetings should take place outside of regular classroom hours.~~

~~7403.4 To protect the educational program from being eroded through encroachments upon instructional time, salespersons shall not be permitted to call upon personnel at their school buildings except when given written permission by the Superintendent's Office.~~

~~7403.5 Any person who disrupts school operations, is disorderly, damages school property, threatens students or staff, or otherwise poses a risk to safe and orderly school operations may be asked to leave school property. A school principal may prohibit such persons from attending school events or coming on school property. Unless necessary to ensure school safety, such prohibitions may last for no longer than the remainder of the school year. Unless inconsistent with safe and orderly school operations, a principal shall make reasonable allowances so that a person prohibited from coming onto school property may participate in the education of children for whom the person is legally responsible.~~

A. Opportunities to Visit the Schools

To encourage involvement, the following opportunities are provided to visit the schools. For purposes of this policy, “schools” shall mean Moore County Schools’ facilities and sites, including administrative sites.

1. Visitors are welcome to observe and learn about the educational program at each school subject to reasonable rules developed by school administrators.
2. Visitors are encouraged to use school facilities made available to the public, such as media centers or meeting spaces, as provided in Policy 7401 – Community Use of Facilities.
3. Visitors are invited to attend school events that are open to the public, such as athletic events, musical programs and dramatic productions.

B. Requirements of Visitors to the Schools

While the Board welcomes visitors to the schools, the paramount concern of the Board is to provide a safe and orderly learning environment in which disruptions to instructional time are kept to a minimum. The Superintendent or designee and each principal shall establish and enforce reasonable rules to address this concern.

1. All school visitors during the school day must report immediately to the administrative office at the school to request and receive permission to be in the school. Each principal or site administrator shall ensure that signs are posted in the school to notify visitors of this requirement.
2. School visitors are expected to comply with all school rules and school board policies, including Policy 3007/4007/8307 – Drug-Free Workplace, Policy 3032/4032/6610/8555 – Smoking and Tobacco Products and Policy 3045/4045/6605/8565 – Weapons and Explosives Prohibited.
3. Persons who are subject to Policy 3025/4038/5415/6620/8570 – Registered Sex Offenders must comply with the provisions of that policy.

C. Additional Requirements of Probation Officers

To minimize disruption to student learning and school operations, the Board establishes the following additional requirements for visits by probation officers during the school day:

1. Probation officers may not visit students on school property during school hours unless the visit is conducted through the Section of Community Corrections' School Partnership Program.
2. Visits by probation officers must be authorized in advance by the school principal or designee or be the result of a request for assistance by a guidance counselor or school resource officer. The principal or designee at each school shall coordinate with probation officers to plan and schedule visits to occur at times least disruptive to the student's academic schedule and to school operations.
3. To protect the privacy of students, the principal or designee shall designate a private area for probation officers to meet with students away from contact with the general student population. Initial contact with the student will be made by a designated school employee, who shall direct the student to the private area to meet with the probation officer.
4. Probation officers may not initiate direct contact with any student while the student is in class or between classes.

5. All visits must be conducted in accordance with this policy and any additional guidelines developed by the Superintendent or designee.

D. Unauthorized, Disruptive or Dangerous Visitors

If a school employee becomes aware that an individual is on a school property without having received permission or that an individual is exhibiting unusual, threatening or dangerous behavior, the employee must either direct the individual to the administrative office or notify the principal, designee or school police officer, depending on the circumstances.

If a school employee suspects that an individual is on school property in violation of Policy 3025/4038/5415/6620/8570 – Registered Sex Offenders, the employee must immediately notify the principal, designee or school police officer.

Students will be instructed to notify a school employee of any unusual or suspicious behavior by visitors. School employees shall inform the principal or designee immediately of a student's report of suspicious behavior on the part of a school visitor.

When an individual disrupts the educational environment, acts in a disorderly manner, damages school property or violates board policy or the law, the principal or designee has authority to:

1. order the individual to leave school property;
2. notify law enforcement; or
3. take any other action deemed appropriate under the circumstances.

Failure to comply with a request to leave school grounds may result in the filing of trespass charges or other charges as appropriate against the offending individual.

The Superintendent or school/site administrator may deny an individual permission to come onto school grounds or enter a school facility for up to one school year if the individual is guilty of disruptive or dangerous behavior on school grounds. Consultation with the Chief of Police is encouraged.

Legal Reference: G.S.14-132, -132.2, -159.11, -159.12, -159.13; -208.18; G.S. 115C-47-46.2, 523, -524, -526

Adopted: November 29, 1990

Revised: January 12, 2009; _____

8450 COMPLAINTS

BA. Opportunities to Address Concerns and Complaints

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

1. informal resolutions of specific concerns;
2. public hearings and public comments at Board meetings on subjects of concern to parents and the community (Policy 1326, Public Address to the Board);
3. a procedure for parental concerns regarding the curriculum (Policy 5410, Selection and Procurement of Media);
4. specific processes for addressing disciplinary consequences (policies in the 6000 series);
5. processes as provided by law for students with disabilities (Policies [3011/4011/6890, Nondiscrimination on the Basis of Disabilities](#); [6220, Provisions for Special Education Programs/Rights of Students with Disabilities](#); and
6. ~~a grievance procedure~~s for addressing concerns regarding specific decisions, especially when there are concerns that Board policy or law has been misapplied, misinterpreted or violated, ~~including discrimination claims on the basis of sex or disability~~ (Policy 6902, Student Grievances; ~~Policy 3037/4037/6640/8337, Discrimination/Harassment/Bullying~~).
7. [procedures for reporting and resolving complaints of discrimination, harassment or bullying on the basis of sex, disability or other personal characteristic \(Policies 3060/4060/6060, Discrimination and Harassment Prohibited by Federal Law; 3065/4065/6065, Title IX Nondiscrimination on the Basis of Sex; 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process; 3075/4075/6075, Title IX Sexual Harassment Grievance Process; and 3080/4080/6080, Bullying and Harassing Behavior Prohibited.](#)

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

3011. General Process

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

1. The complaint should be received and addressed at the level closest to which the complaint originated. For example, a complaint regarding a classroom should be heard first by the teacher. A complaint regarding the school should be addressed first by the principal.

2. Any Board member or staff member receiving a complaint should assist the complainant by identifying appropriate personnel to address the issue.

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

Adopted: November 29, 1990

Revised: May 11, 2009; May 10, 2010; January 12, 2015; December 14, 2015; November 5, 2018; _____

It is the policy of the Moore County Board of Education That:

Professional instruction in The Social Studies, including but not limited to History, Civics, Geography, and Economics is an essential part of a meaningful education. It is also well understood that indoctrination of students to favor any political philosophy runs contrary to the notion of professional instruction.

Therefore, when teaching a course which is part of the school curriculum, this board discourages both teachers and administrative staff from seeking to persuade students to adopt one particular point of view as to those matters to which differing points of view are appropriate. It is not the role of a teacher to promote a preferred view within political discourse. Rather, it is the role of the teacher to welcome into class discussions, exercises and instruction, consistent with needed decorum, all points of view to which a reasonable person might subscribe.

Additionally, and within the bounds of reason and necessary classroom decorum, teachers shall allow students to engage in the fullest possible discourse of all aspects of issues which are grade level appropriate and open for class discussion or participation. No student should either be penalized or held up to ridicule or embarrassment based upon a political belief which runs contrary to the belief of a teacher, administrator, classmate or group of classmates. It is expected that classes will be supervised with the notions of both intellectual freedom and tolerance among all who engage in political discourse.

It is the further policy of the Moore County Board of Education to promote the right of every student, within the bounds of reason and necessary classroom decorum, to exercise the rights guaranteed in the North Carolina Constitution, including but not limited to the recognition that "Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse." (NC Constitution, Art. 1, Section 14). Further, the Board through its administrators shall make available and each social studies classroom shall display the above stated excerpt from the Constitution of the State of North Carolina such that students may read it and consider its import.

THE FOLLOWING POLICIES HAVE MINOR CHANGES, SUCH AS CHANGES TO LEGAL REFERENCES.

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 of 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. 1681et seq., 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); G.S. 115C-335.5; *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); *Q&A on Campus Sexual Misconduct*, U.S. Department of Education, Office for Civil Rights (2017), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>; *Dear Colleague Letter (Title IX Coordinator) and Title IX Resource Guide*, U.S. Department of Education, Office for Civil Rights (2015), both available at <https://www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html>; *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001), available at <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

Adopted: September 14, 2020

Revised: _____

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. 1681et 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); ~~*Q&A on Campus Sexual Misconduct*, U.S. Department of Education, Office for Civil Rights (2017), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>; *Dear Colleague Letter (Title IX Coordinator) and Title IX Resource Guide*, U.S. Department of Education, Office for Civil Rights (2015), both available at <https://www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html>; *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001), available at <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>~~

Adopted: September 14, 2020

Revised: _____

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

In accordance with G.S. 115C-298.5, an unlicensed faculty member of a higher education institution who meets the adjunct hiring criteria established by the State Board of Education may be employed as a temporary adjunct instructor for specific core academic subjects, provided the individual first completes preservice training and meets all other statutory and State Board of Education requirements.

3. Interim Principals

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

4. Cherokee Language and Culture Instructors

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

5. Driver Education Instructors

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

C. Beginning Teacher Support Program

The Superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the Board and 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-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>

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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; _____

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. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;
13. 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;

14. 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;

15. supportive services available to students, including guidance, counseling and health services (see Policy 6330 – Counseling Program);

16. 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;

17. 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;

18. how to reach school officials in emergency situations during non-school hours;

19. information about and an application form for free and reduced price meals and/or free milk;

20. information about the school breakfast program;

21. information about the availability and location of free summer food service program meals for students when school is not in session;

22. for parents of children with disabilities, procedural safeguards (see Policy 3011/4011/6890 – Nondiscrimination on the Basis of Disabilities);

23. 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;

24. education rights of homeless students (see Policy 6023 – Homeless Children);

25. the content and implementation of the local school wellness policy (see Policy 5060 – Student Wellness);

26. 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);

27. 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);

28. 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

29. 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. student's 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. student's participation in programs or services providing information about where to obtain contraceptives or abortion referral services;

9. student's 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 student's free and reduced price lunch eligibility information or eligibility status; and

11. student's 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;](#) [Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98;](#) Individuals with Disabilities Education Act, [20 U.S.C. 1400, et seq.;](#) [Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, et seq.;](#) McKinney-Vento Homeless Assistance Act, [42 U.S.C. 11431, et seq., 42 U.S.C. 1758, 7 C.F.R. pt. 245; 42 U.S.C. 1758b;](#) 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. 1681 et seq., 34 C.F.R. pt. 106;](#) [Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9;](#) [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,](#) 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;

6901 EDUCATION FOR PREGNANT AND PARENTING STUDENTS

The Board of Education will provide all pregnant and parenting students with the same educational instruction or its equivalent as other students. Pregnant and parenting students shall not be discriminated against or excluded from school or any program, class, or extracurricular activity because they are pregnant or parenting students.

In accordance with State law, the district shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students. Pregnant and parenting students shall be given excused absences from school for pregnancy and related conditions for the length of time the student's physician finds medically necessary. This includes absences due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent. Homework and make-up work shall be made available to pregnant and parenting students to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school and, to the extent necessary, a homebound teacher shall be assigned.

In addition, school personnel shall annually provide all students in Grades 9 through 12 with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500. A responsible person may include a health care provider, a law enforcement officer, a social services worker, a certified emergency medical service worker or any responsible adult.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; G.S. 115C-375.5

~~Legal Reference: G.S. 115C-109, -111, -113(h), -366; Title IX of the Education Amendments of 1972, as amended; 45 C.F.R. 86.40~~

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