



**Moore County Board of Education**

Elizabeth Carter, Chair

Pam Thompson, Vice Chair

Dr. Betty Wells Brown

Stacey Caldwell

Ed Dennison

Helena Wallin-Miller

John Weaver

Dr. Robert Grimesey, Superintendent

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**Moore County Board of Education  
Policy Committee Meeting  
Wednesday, January 29, 2020  
3:15 pm – Central Office Conference Room**

**MINUTES**

The Moore County Board of Education's Policy Committee met on Wednesday, January 29, 2020, with Committee Chair Dr. Betty Wells Brown calling the meeting to order at 3:20 p.m. Also in attendance were committee members Stacey Caldwell and Helena Wallin-Miller and committee liaison Anita Alpenfels.

The committee reviewed the new and revised policies below. The committee elected to table consideration of two policies: recommended new Policy 3255/4255 – Use of Personal Technology to Conduct School Business and revisions to Policy 6300 – Student Records.

The committee unanimously approved for the remaining policy revisions to be presented for first reading at the February 3, 2020, Board work session.

The committee adjourned at 4:35 p.m.

1. **Policy 1326 – PUBLIC ADDRESS TO THE BOARD**..... page 4  
*This policy is amended to remove the expectation that speakers during the public address section of Board of Education meetings receive a written acknowledgement.*
  
2. **Policy 3008/4008/8308 – DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS** ..... page 6  
*Adjustments to this policy align it with new federal regulations set to take effect on January 6, 2020.*
  
3. **Policy 3020/4020 – RECRUITMENT AND SELECTION OF PERSONNEL**..... page 10  
*An addition to this policy clarifies the meaning of criminal conviction.*
  
4. **Policy 3036/4036/8336 – STAFF-STUDENT RELATIONS**..... page 16  
*Additions to this policy clarify this policy’s applicability to volunteers.*
  
5. **Policy 3100 – LICENSURE**..... page 20  
*Adjustments to this policy align it with changes in state law.*
  
6. **Policy 3255/4255 – USE OF PERSONAL TECHNOLOGY TO CONDUCT SCHOOL BUSINESS**..... page 24  
*This new policy addresses concerns with records retention.*
  
7. **Policy 3260/4260 – ADMINISTERING MEDICINES TO STUDENTS** ..... page 27  
*Adjustments to this policy update medication definitions and align it to NCSBA’s sample policy.*
  
8. **Policy 3421 – TEACHER CONTRACTS** ..... page 32  
*Additions to this policy clarify the number of days that constitute a year for employment contract purposes.*

- 9. **Policy 6000 – ATTENDANCE** ..... page 35  
*Revisions to this policy align language to state law and clarify the conditions under which children of military members may be excused per a change in state law.*
  
- 10. **Policy 6300 – STUDENT RECORDS**..... page 39  
*Revisions to this policy align it with NCSBA’s sample policy.*
  
- 11. **Policy 6820 – SELLING OR SOLICITING**..... page 52  
*Additions to this policy clarify that crowdfunding is fundraising.*
  
- 12. **Policy 7150 – SAFETY AND STUDENT TRANSPORTATION SERVICES** ..... page 53  
*Additional language is provided for clarity.*
  
- 13. **Policy 8420 – DISTRIBUTION AND DISPLAY OF NON-SCHOOL MATERIAL** ..... page 56  
*Additions to this policy clarify the placement of political signs in the right-of-way.*

**The following policies have updates to legal and/or other references:**

- 14. **Policy 2425 – GIFTS AND BEQUESTS** ..... page 61
- 15. **Policy 3231/4231 – PERSONNEL FILES**..... page 63
- 16. **Policy 5060 – STUDENT WELLNESS** ..... page 69
- 17. **Policy 5453 – ONLINE INSTRUCTION**..... page 76
- 18. **Policy 6730 – CHILD ABUSE – REPORTS AND INVESTIGATIONS** .....page 77
- 19. **Policy 6751 – STUDENT HEALTH SERVICES** ..... page 80
- 20. **Policy 6930 – CONCUSSION AND HEAD INJURY** ..... page 82
- 21. **Policy 7040 – OPERATION OF SCHOOL NUTRITION SERVICES**..... page 85

## 1326 PUBLIC ADDRESS TO THE BOARD

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

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

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

Adopted: August 23, 1993

Revised: February 27, 1995; May 12, 2008; May 9, 2016; January 17, 2017; June 12, 2017;

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## 3008/4008/8308 DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS

The purposes of this policy ~~is~~ are to help ensure safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program ~~of~~ for the drug and alcohol testing ~~for of~~ school bus drivers and all other commercial motor vehicle operators employed by the Board of Education.

### A. Applicability

~~Persons subject to this policy include anyone who operates a commercial motor vehicle in the course of their duties for the Board of Education, including~~ This policy applies to any driver which, for purposes of this policy, is defined as any employee, volunteer, or independent contractor whose duties for the Board of Education require a commercial driver's license under federal law. This includes anyone who regularly or intermittently drives a school bus, an activity bus, ~~or other~~ a vehicle designed to transport ~~sixteen~~ 16 or more people; ~~(including the driver), or~~ any other vehicle that meets the definition of commercial motor vehicle under 49 C.F.R. 382.107.

### B. Prohibited Acts

~~No person who is subject to this policy, or any supervisor of such persons, may commit any act prohibited by 49 C.F.R. Part 382, or by Board policy 3008/4008/8308. In addition, commercial motor vehicle operators employed by the Board shall not be impaired by alcohol or by any prescription or non-prescription drug while on duty or while operating any motor vehicle. Employees found in violation of this policy or Part 382 will be subject to dismissal~~ driver may:-

1. Operate any school bus or school activity bus while consuming alcohol or while alcohol remains in the driver's body, in violation of G.S. 20-138.2B;
2. use alcohol while performing safety-sensitive functions;
3. perform safety-sensitive functions within four hours after using alcohol;
4. use alcohol following an accident while operating a commercial motor vehicle.
5. Report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any Schedule I drug or substance; or
6. Report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other federal schedules of controlled drugs, unless such use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that use of the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Safety-sensitive functions include, but are not limited to, inspecting, servicing or conditioning any commercial motor vehicle; operating any commercial motor vehicle; participating in or supervising the loading or unloading of a commercial motor vehicle; and repairing, obtaining assistance for or remaining in attendance upon a disabled vehicle.

In addition, drivers and anyone who supervises drivers must not commit any act prohibited by federal law, including the federal regulation entitled “Controlled Substances and Alcohol Use and Testing” (49 C.F.R. pt. 382, hereinafter referred to as Part 382), or by Policy 3007-4007-8307 – Drug-Free Workplace.

### Procedures

~~The administration shall ensure that the collection procedures outlined in 49 C.F.R. Part 40 are met, and that testing, reporting, record retention, training, confidentiality, and other requirements of 49 C.F.R. Part 382 are met.~~

### C. Testing

The ~~administration~~ human resources office shall will carry out pre-employment, post-accident, random, reasonable suspicion, return to duty, and follow-up testing for drugs and alcohol as required by ~~49 C.F.R.~~ Part 382.

Federal regulations prohibit a driver who is tested under the provisions of this section and found to have an alcohol concentration of at least .02 from performing safety-sensitive functions for at least 24 hours following administration of the test. Drivers who are tested under the provisions of this section and found to have any alcohol in their system are subject to additional discipline under this policy, including dismissal.

~~School bus drivers and others employed by the Board for the primary purpose of operating a commercial motor vehicle shall undergo pre-employment testing. Employees whose duties include intermittent driving will not be subject to pre-employment testing but must undergo pre-duty testing before operating a commercial motor vehicle, and must undergo all other testing required by Part 382. Refusal of any test required pursuant to this policy or Part 382 shall be cause for dismissal.~~

### D. ~~Pre-employment Inquiry~~ Employee and Applicant Inquiries

All employees subject to this policy, all employees who would become subject to this policy by virtue of a change or expansion of duties, and all applicants who would be subject to this policy if employed by the Board shall must consent in writing to the release of any information gathered pursuant to 49 C.F.R. Part 382 by any ~~of the applicant's~~ previous employers and must give written or electronic consent to any query by school officials of the federal Commercial Driver’s License Drug and Alcohol Clearinghouse (“Clearinghouse”). ~~Before employing any applicant covered by this policy or Part 382, the administration shall obtain, pursuant to written consent, all records~~

~~maintained by the applicant's previous employer of prohibited acts taking place during the previous two years.~~

#### 1. Pre-Employment Inquiry

~~Before employing any applicant subject to this policy, school officials shall obtain, pursuant to the applicant's written consent, all records maintained by the applicant's previous employer regarding violations of Part 382 in the three years prior to the inquiry date. School officials shall also conduct a query of the Clearinghouse, pursuant to the applicant's electronic consent submitted through the Clearinghouse, to obtain any information regarding the applicant's violations of Part 382.~~

~~If school officials obtain information from the applicant's previous employer or from the Clearinghouse that the applicant committed a violation of Part 382 and has not subsequently completed the return-to-duty process required under federal law, the applicant may be disqualified from employment.~~

#### 2. Annual Query

~~School officials shall conduct a limited query of the Clearinghouse at least once per year for each employee subject to this policy, pursuant to the employee's written or electronic consent, to determine whether information exists about the employee regarding violations of Part 382. If information exists about the employee, school officials shall obtain the information in the Clearinghouse within 24 hours of conducting the limited query, subject to the employee's electronic consent submitted through the Clearinghouse.~~

#### E. Training and Education

Each ~~commercial motor vehicle operator driver~~ and supervisory employee, including principals and assistant principals, ~~shall~~ must be provided with educational materials that inform the employees of drug testing procedures, prohibited acts, consequences, and other aspects of ~~49 C.F.R., Part 382,~~ and this policy and any accompanying administrative procedures. The information also ~~shall~~ will identify a school system employee who ~~will be~~ is responsible for providing information on substance abuse. Each employee shall sign a statement certifying receipt of these materials.

Each supervisor responsible for overseeing the performance of ~~commercial motor vehicle operators drivers~~ shall must undergo at least one hour of training concerning alcohol misuse and an additional hour of training concerning drug abuse.

#### F. Referrals

Each ~~motor vehicle operator driver~~ who ~~violates~~ commits acts prohibited by ~~49 C.F.R., Part 382~~ or G.S. 20-138.2B, other than provisions governing pre-employment testing, ~~shall~~ will be provided with information concerning resources available for evaluating and resolving drug or alcohol



misuse. This information shall include names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. ~~Before allowing anyone who has committed a prohibited act under 49 C.F.R. Part 382 to drive again, that employee shall be evaluated by a substance abuse professional and must undergo any appropriate treatment designated by the substance abuse professional.~~

#### G. Consequences

Employees who have committed a prohibited act; refused any test required by this policy; or otherwise violated this policy, G.S. 20-138.2B or Part 382 will be subject to disciplinary action, up to and including dismissal.

Any employee who has committed a violation of Part 382 will not be allowed to perform any safety-sensitive functions until the employee has completed the return-to-duty process, including an evaluation by a substance abuse professional, completion of any appropriate treatment designated by the substance abuse professional and achievement of a negative return-to-duty test. Moreover, if the employee's violation of Part 382 has been reported to the Clearinghouse, the employee may not resume safety-sensitive functions until a query of the Clearinghouse demonstrates that the employee completed the return-to-duty process.

#### H. Procedures

All procedures for collection and testing provided in the Federal Highway Administration's "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" (49 C.F.R. pt. 40) and all requirements in Part 382, including testing, reporting, record retention, training and confidentiality, will be followed. Copies of these federal regulations will be readily available. The Superintendent or designee shall develop any other procedures necessary to carry out these regulations.

Legal Reference: 49 U.S.C. ~~App. 2717~~ 31306; 49 C.F.R. Parts pts. 40, & 382; G.S. 20-138.2B

Adopted: November 28, 1994

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

## **3020/4020 RECRUITMENT AND SELECTION OF PERSONNEL**

### **A. General Principles**

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

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

### **B. Recruitment**

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

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

### **C. Criminal History**

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

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be conducted in accordance with state law and any procedures established by the Superintendent or designee.

School officials shall not require candidates to disclose expunged arrests, charges or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The Superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy. Special requirements are described in Section D of this policy for criminal history checks of candidates for certain positions working with pre-school children or working in afterschool or developmental day programs.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted (including entering a plea of guilty or nolo contendere) of a criminal offense, other than a minor traffic violation, the Superintendent or designee shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the Superintendent or designee may exclude a final candidate based on his or past criminal convictions, the Superintendent or designee must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. The requirements of this paragraph do not apply to a child care provider who is determined to be disqualified by the Division of Child Development and Early Education on the basis of a criminal history check conducted pursuant to G.S. 110-90.2, 42 U.S.C. 9858f and 45 C.F.R. 98.43 (see Section D of this policy).

The Board has determined that every position with the school system, regardless of whether the position is located in a school or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender subject to the provisions of policy 3025/4038/5415/6620/8570, Registered Sex Offenders, will be hired for any position with the school system.

In addition, each contract executed by the Board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries as specified in policy 3025/4038/5415/6620/8570, Registered Sex Offenders.

#### **D. Criminal History Checks of Child Care Providers**

For purposes of this section, a “child care provider” is

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

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

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

After September 30, 2019, no person shall (1) be employed, continue to be employed or be permitted to volunteer as a child care provider, or to otherwise have unsupervised contact with students enrolled in a licensed classroom or program operated by the school system or (2) be counted in the staff/child ratio of such classroom or program, unless the person holds a current valid qualification letter issued by DCDEE. However, a child care provider with provisional status may be employed pending final results of the criminal background check but shall be subject to the restrictions established by 10A N.C.A.C. 09.2703(f).

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

A child care provider who has incurred any pending charges, indictments or convictions (other than minor traffic offenses which does not include DWI) since the last qualification letter was issued by DCDEE shall notify the Executive Officer for Human Resources in writing of such charges within five business days or before returning to work, whichever comes first. The Executive Officer for Human Resources shall notify DCDEE within one business day of being notified.

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

## **E. Selection**

### **1. Qualifications**

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

- a. application;
- b. education and training;

- c. licensure and certification (when applicable);
- d. relevant experience;
- e. personal interviews;
- f. references and/or background checks; and
- g. other relevant information related to the applicant's performance and conduct.

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

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

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

## 2. Nepotism

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

- i. "Immediate family" means spouse, parent, child, brother, sister, grandparent or grandchild. The term includes the step, half and in-law relationships.

- ii. "Central office staff administrator" includes all central services administrators including, but not limited to, directors, supervisors, specialists, executive and chief officers and superintendents.

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

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

ii. Notification by the employee to the Executive Officer for Human Resources will be deemed disclosure to the Board. The Executive Officer for Human Resources is responsible for conveying the disclosure to the Board before the Board takes action on the prospective employment or engagement.

c. When making recommendations for the selection and assignment of personnel, the Superintendent or designee shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the employment status, including hiring, salary and promotion, of another employee who is a member of the first employee's immediate family; a cousin, aunt/uncle, niece/nephew; anyone living in the employee's household and/or romantic partner.

d. No administrative or supervisory personnel may directly supervise or evaluate a member of his or her immediate family; a cousin, aunt/uncle, niece/nephew; anyone living in the employee's household and/or romantic partner.

In the event of a dismissal, demotion or other disciplinary or grievance proceeding involving an immediate family member of a Board member or other hearing panel member, the Board member or hearing panel member shall recuse himself/herself from participating in any such proceeding.

### 3. Employment Procedures

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

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

The Superintendent shall develop procedures for verifying new employees' legal status or authorization to work in the United States as required by law.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq.; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Equal Pay Act of 1963, 29 U.S.C. 206; Fair Credit Reporting Act, 15 U.S.C. 1681 et seq.; Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff et seq.; Military Selective Service Act, 50 U.S.C. Appx. 453; Rehabilitation Act of 1973, 29 U.S.C. 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq.; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 et seq.; 8 U.S.C. 1101 et seq.; 42 U.S.C. 9858f; 45 C.F.R. 98.43; *Green v. Missouri Pacific Railroad* (8<sup>th</sup> Cir. 1975); *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission

(April 25, 2012), available at [http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm); G.S. 14-208.18; 15A-153; 110-90.2; 115C-12.2, -36, -47, -276(j), -332; 126-7.1(i), -16; 127A-202.1 *et seq.*; 127B-10, -12, -14; 143B-421.1, -931; *Leandro v. State*, 346 N.C. 336 (1997); 10A N.C.A.C. 09.0102, -.2701, -.2702, -.2703; 16 N.C.A.C. 6C .0313; State Board of Education ~~Policy Policies BENF-009 and NCAC-019; State Board of Education Regulation EVAL-017-R(1) NCAC-6C.0313-~~

Adopted: July 30, 1990

Revised: February 8, 2010; February 10, 2014; January 12, 2015; July 17, 2017; August 13, 2018; August 5, 2019; \_\_\_\_\_

## 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.

### 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 Networking Sites, 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), and (3) occurs after the employee has given prior notice to his or her supervisor or designee that such communications 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 [3037/4037/6640/8337](#) - Discrimination/Harassment/Bullying.

### 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 – Social Services.

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-~~0396C-0312~~

Adopted: January 31, 1994

Revised: June 11, 2007; November 17, 2008; March 12, 2012; January 17, 2017; July 17, 2017; January 16, 2018; \_\_\_\_\_

## 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 ~~10~~ 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.

#### **D. 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.

#### **E. Equitable Distribution of Teachers**

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

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 et seq., 34 C.F.R. 200.55-57, 200.61; G.S. 115C art. 17E; 115C-270.21, -284, -295, -298.5, -325(e)(1)(m) (applicable to career status teachers), -324.4(a)(12) (applicable to non-career status teachers) - 333, -333.1; State Board of Education Policies DRIV-003, DRIV-004, EVAL-004, EVAL-023, EVAL-034, LICN-001, LICN-005, LICN-021, LICN-022, NCAC-028, NCAC-035, NCAC-037, TCED-016; ~~State Board of Education Regulations LICN-000-R(1), LICN-016-R(1), LICN-018-R(1), LICN-021-R(1)~~; Beginning Teacher Support Program Handbook, available at <https://docs.google.com/document/d/1Ssiewc7pZAUAaHW133pWMFdYOkb1ZYKtlWRFU>

[QHR4/edit?ts=57aa2e78#heading=h.gjdxs https://sites.google.com/dpi.nc.gov/ncref/bt-support-program-resources](https://sites.google.com/dpi.nc.gov/ncref/bt-support-program-resources)

Adopted: July 30, 1990

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

## **3255/4255 USE OF PERSONAL TECHNOLOGY TO CONDUCT SCHOOL BUSINESS**

The Board recognizes that employees may use a variety of personal technology devices and accounts in their personal lives. At times, it may be convenient for employees to use their personal technology devices and accounts to conduct school business. Although such use of personal technology devices and accounts may be convenient, it is likely to produce a conflict between employees' interests and the school's obligations: employees ordinarily expect privacy in their personal technology devices and accounts, but the school is legally obligated to preserve certain school business-related electronically stored information ("ESI").

School business-related ESI (including text messages and e-mails) sent and/or received by an employee using a personal technology device or account may constitute public records or student education records, and as a result may require retention and disclosure by the school system. In the event of litigation, school business-related ESI located on a personal technology device or account may be subject to discovery and a litigation hold.

### **A. Limitations on Use**

Employees are expected to use school-controlled technology devices and accounts for conducting school business and storing school business-related ESI when such devices and accounts are readily available. Any use of personal technology devices and accounts is subject to this policy and all other relevant board policies, including but not limited to Policy 3253/4253/5451, Acceptable Use of Technology and Electronic Media, and Policy 3252/4252/5452, Employee Use of Social Media.

#### **1. Personal Technology Devices**

For purposes of this policy, "personal technology device" means a technology device that is not under the control of the school system and which the school system does not have the ability to access without the employee's assistance. This definition includes, but is not limited to, computers, phones, tablets, and other technological devices that are owned or leased by an employee.

Use of personal technology devices to conduct school business or to store school business-related ESI is authorized only when (1) the use is occasional and incidental to the regular use of school-controlled technology devices; or (2) the Superintendent or designee has pre-approved in writing the employee's regular use of personal technology for conducting school business and/or storing school business-related ESI.

For purposes of this policy, "personal external storage device" means a device that has a primary purpose of storing data, is not under the control of the school system, and which the school system does not have the ability to access without the employee's assistance. Personal external storage devices constitute personal technology devices for purposes of this policy, but are subject to the following additional limitation: employees are prohibited from storing school business-related ESI on personal



external storage devices, including, but not limited to, external hard drives, USB flash drives, flash memory cards, DVDs, compact discs, or magnetic tape, unless specifically authorized to do so by the superintendent or designee in writing.

## 2. Personal Accounts

For purposes of this policy, “personal account” means an account that is not under the control of the school system and which the school system does not have the ability to access without the employee’s assistance. This definition includes, but is not limited to, personal email accounts, social media sites, and online file storage services (e.g., file hosting services, cloud storage services, or online file storage providers that host user files via the Internet).

Employees are prohibited from using personal accounts to conduct school business or to store school business-related ESI unless specifically authorized to do so by the superintendent or designee in writing.

### **B. School System Access to School Business-Related ESI on Employees’ Personal Technology Devices and Accounts**

Any school business-related ESI stored on an employee’s personal technology devices or accounts is property of the school system. Employees shall transfer to an appropriate custodian all school business-related ESI upon request of the superintendent or designee and upon leaving employment. Employees shall cooperate with school officials in accessing any school business-related ESI stored on personal technology devices or accounts.

Employees are cautioned that using personal technology devices or accounts to conduct school business or to store school business-related ESI will significantly reduce their expectation of privacy in those devices or accounts. If an employee uses a personal technology device or account to conduct school business or to store school business-related ESI, an inspection of the employee’s device or account may be necessary to ensure that all public records and education records are preserved.

By using personal technology devices or accounts to conduct school business or to store school business-related ESI, employees are deemed to consent to the school system accessing and inspecting such devices or accounts to gather school business-related ESI and ensure that all public records and education records are preserved. If school officials have a reasonable basis to conclude that school business-related ESI is stored on an employee’s personal technology device or account, a reasonable inspection of the employee’s device or account may be performed in order to retain any public records or education records required to be retained by law and/or board policy. Such an inspection shall be made only after consultation with the board attorney.

### **C. Required Notices and Consent**

All employees must be informed annually of the terms of this policy and the methods by which

they may obtain a copy of this policy. Employees must sign a statement indicating that they understand and will comply with the requirements of this policy.

Legal References: U.S. Const. amend IV; Stored Communications Act, 18 U.S.C. 2701, *et seq.*;  
Computer Fraud and Abuse Act, 18 U.S.C. 1030; G.S. 14-454, -458

Adopted:

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

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

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

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

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

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

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

- a. Parental Consent: The student's parent must make a signed, written request that authorizes school personnel to administer the medication to the student.
- b. Medication Authorization/Order: A health care practitioner must prescribe the medication for use by the student and provide explicit written instructions for administering the medication.
- c. Certification of Necessity: The student's health care practitioner must certify that administration of the medication to the student during the school day is necessary to maintain and support the student's continued presence in school.

d. Proper Container/Labeling: If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with directions for how and when the medicine is to be given. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student's name.

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

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

## 2. Procedures for Administering Medications

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

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

b. Procedures for medication administration must be consistent with recommendations of the School Health Unit of the Children & Youth Branch of the N.C. Division of Public Health, as described in the *North Carolina School Health Program Manual*.

c. Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also are to be afforded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

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

e. The Board generally encourages school personnel to administer medication from a centralized location. However, in all instances, whether administered from a centralized location or multiple locations, any medications kept at school for a student must be kept in a locked and secure place. An exception to the

requirement for locked storage may be made for emergency medications that must be immediately accessible.

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

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

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

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

## **B. Emergency Medication**

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

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

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

Students are prohibited from self-administering medication at school unless (1) As used in this section of the policy, "medication" refers to a the medicine has been prescribed for the treatment of diabetes, asthma, or anaphylactic reactions, including and includes insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine auto-injector.

(2) the medicine is administered in accordance with the student's individualized health care plan or emergency health care plan and any relevant administrative regulations; and (3) the requirements of this section are met. The Superintendent shall develop procedures for the possession and self-administration of such medication by students on school property during the school day, at school-sponsored activities, and/or while in transit to or from school or school-sponsored events.

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

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

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

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

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

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

## 2. Responsibilities of the Student

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

## 3. Consequences for Improper Use

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

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

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

Adopted: July 30, 1990

Revised: May 18, 1998; Revised: May 23, 2005; January 12, 2009; January 7, 2010; June 10, 2013; January 12, 2015; September 14, 2015; June 29, 2016; July 17, 2017; January 16, 2018; November 5, 2018; \_\_\_\_\_

## **3421 TEACHER CONTRACTS**

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

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

### **A. Teacher Performance Expectations**

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

### **B. Superintendent’s Recommendation**

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

### **C. Determination of Contract Length**

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



For purposes of determining a teacher's years of employment by the Board in this section, a year is at least 120 workdays performed as a teacher in a full-time permanent position. If a teacher in a full-time permanent position did not work for at least 120 workdays as a teacher in a year for any reason, including because the teacher was on approved or legally entitled leave, that year will not be deemed to constitute a year of employment for the teacher unless required by law. Furthermore, a year in which a teacher in a full-time permanent position did not work for at least 120 workdays as a teacher because the teacher was on approved or legally entitled leave will not be considered a break in the continuity of employment for the teacher. A suspension will not constitute approved or legally entitled leave for purposes of this policy.

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

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

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

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

#### **D. Dismissal and Nonrenewal**

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

[Legal References: G.S. 115C-36, -47\(18\), -325.1, -325.3 through -325.13; S.L. 2013-360; State Board of Education Policy BENF-009](#)

Adopted: January 16, 2018

Revised: August 13, 2018; August 5, 2019; \_\_\_\_\_

## 6000 ATTENDANCE

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

### A. Attendance Records

School officials shall keep accurate attendance records, including accurate attendance records in each class where appropriate. Attendance records will be used to enforce the Compulsory Attendance Law of North Carolina.

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

### B. Excused Absences

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

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

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

### **C. School-Related Activities**

All classroom activities are important and difficult, if not impossible, to replace if missed. Principals shall ensure that classes missed by students due to school-related activities are kept to an absolute minimum.

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

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

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

### **D. Unexcused Absences**

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

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

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

### **E. Excessive Absences**

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

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

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

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

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

Students in grades K-8 who are absent more than twenty (20) days during a year shall be referred to an interdisciplinary attendance committee which shall determine if the student should be

retained. The committee may substitute summer school experiences for retention if it determines them to be of greater educational benefit to the child than retention. The committee will also review any additional educational experiences that the child might have received during the absences as it makes its determinations.

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

Excessive absences may impact eligibility for participation in interscholastic athletics.

Legal Reference: [McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq.](#); G.S. [115C-47, -84.2, -288\(a\), -375.5, -378 through -383, -390.2\(d\), -390.2\(l\), -390.5, -407.5; 130A-440; 16 N.C.A.C. 6E .0102, -.0103](#); State Board of Education Policies [ATND-000, -003, NCAC-6E.0104007](#)

Adopted: November 29, 1990

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

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## 6300 STUDENT RECORDS

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

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

### A. Annual Notification of Rights

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

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

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

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

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

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

### **1. Parent**

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

### **2. Eligible Student**

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

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

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



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

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

1. ~~Cumulative Records~~ Student Education Records

a. Cumulative Records

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

~~2.~~ b. Records of Students with Disabilities

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

~~3.~~ c. Records Received from the Department of Social Services

The Department of Social Services may disclose confidential information to the school system in order to protect a juvenile from abuse or neglect. Any confidential information disclosed under these circumstances must remain confidential and may only be redisclosed for purposes directly connected with carrying out the school system's mandated educational responsibilities.

~~4.~~ d. Juvenile Records

Juvenile records include documentation or information regarding students who are under the jurisdiction of the juvenile court. These records may be received

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

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

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

e. Other Student Records

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

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

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

- a. records that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute;

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

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

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

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

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

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

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

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

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

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

1. For Students Leaving the School System

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

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

2. For Students Enrolling in the School System

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

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

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

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

A parent or eligible student has the right under this policy to challenge an item in the student record believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, but not challenge a grade, opinion, or substantive decision. The principal shall examine a request to amend a student record item and respond in writing within ten (10) school days to the person who challenges the item. Subsequent steps, if necessary, will follow the student grievance

procedures (outlined in the Student and Parent Grievance Procedure policy). If the final decision is that the information in the record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student ~~and therefore the record will not be amended,~~ the principal shall inform the parent or eligible student ~~shall be informed~~ of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school system.

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

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

### 1. Release/Disclosure with Parental Consent

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

~~If a parent or eligible student refuses to consent to the release of student records, the school system may disclose, in response to a request for records, that the parent or eligible student has not consented to release the records.~~

### 2. Release/Disclosure without Parental Consent

School system officials shall promptly release student records when a student transfers to another school. The records custodian may release or disclose records with personally identifiable information without parental permission to the extent permitted by law, including to other school officials who have a legitimate educational interest in the records.

~~When p~~Personally identifiable information from a student's record ~~is~~ may be released or disclosed to someone other than a parent or eligible student without prior written consent of the parent or eligible student only as specifically provided by federal law. Except as otherwise permitted by federal law, when personally identifiable information from a student's record is released or disclosed to someone other than a parent or eligible student without their written consent, the party to whom the information is released must agree not to disclose the information to any other party without the prior consent of the parent or eligible student. ~~This restriction does not apply to the release of directory information, release of information to parents of non-eligible students, release of information to parents of dependent students, or release of information in accordance with a court order or subpoena.~~

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

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

- a. To officials within the school system who have a legitimate educational need to review the student's records. A school official is a person employed by the school system as an administrator, supervisor, instructor, or support staff member (including health or medical staff, school security, and school resource officers); a school board member; or a person or company with whom the school system has contracted to perform a special task that would otherwise be performed by an employee (such as an attorney, auditor, medical consultant, or therapist). A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- b. To officials of other schools and school systems in which the student has enrolled or intends to enroll, provided that the parent or eligible student receive notice of the disclosure, either through the annual notice provided in the parent/student handbook or through specific individual notice. The school system shall give the parent or eligible student, upon request, (i) a copy of the record that was disclosed and/or (ii) an opportunity to challenge the contents of the record.
- c. To federal government representatives and state and local educational authorities, for the purposes of auditing, evaluating, enforcing or complying with federal or state-supported educational programs.
- d. In connection with a student's application for or receipt of financial aid, if the information is necessary to (i) determine eligibility for the aid; (ii) determine the amount of the aid; (iii) determine the conditions of the aid; or (iv) enforce the terms and conditions of the aid.
- e. To representatives of the juvenile justice system for students under juvenile court jurisdiction, prior to adjudication, when the release of records concerns the system's ability to effectively serve the student whose records are released.
- f. To organizations conducting educational studies, provided the purpose of the study is to develop, validate or administer predictive tests, to administer student aid programs, or to improve instruction. The study must be conducted in such a way that there is no personal identification of parents and students to individuals outside the organization conducting the study. In addition, student record information must be destroyed when no longer needed for purposes of the study.
- g. To accrediting organizations, to the extent necessary to allow them to carry out their accrediting functions.

- h. To parents of an eligible student, if the student is classified as a dependent of the parent for income tax purposes.
- i. To persons acting under a court order or lawfully-issued subpoena. Before releasing records under this provision, the principal should attempt to verify that the subpoena is lawful. The principal or his or her designee must make a reasonable effort to notify the parent or eligible student of the request for release prior to release of the records under this exception.
- j. To the court, without a court order or subpoena, when a parent or eligible student initiates legal action against the school system or when the school system initiates legal action against a parent or eligible student. In such circumstances, the school system may disclose to the court the student's education records that are relevant for the school system to proceed as a plaintiff or defend itself.
- k. To appropriate persons in connection with an emergency, if the release of the information is necessary to protect the health or safety of the student or other persons.
- l. Directory information, in accordance with Section I.4.a, below.
- m. To military recruiters and institutions of higher education, in accordance with Section I.4.e, below.
- n. To a contractor, consultant, volunteer, or other party to whom the school system has outsourced institutional services or functions, but only to the extent authorized by law.

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

### 3. Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the Board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out (see Parent and Family Engagement Policy). ~~not opted out of such disclosures in writing and such disclosures are otherwise consistent with this policy.~~

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

- (1) name;
- (2) address;
- (3) telephone listing;
- (4) date and place of birth;
- (5) dates of attendance (in years, semesters, or other academic periods);
- (6) grade level;
- (7) diplomas (including graduation awards and honors earned); and
- (8) most recent previous school or education institution attended by the student.

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

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

c. The Board further designates the following information as directory information that may, at the discretion of the Communications Department, be released to the media in response to specific inquiries to confirm or deny facts that may be subject to public reporting when the Communications Department determines that release of



such information is in the best interests of the school system and is not likely to compromise student safety or disrupt the educational environment:

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

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

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

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

e.g. As required by law, the names, addresses, and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of higher learning, whether or not such information is designated directory information by the school system. Students or their parents, however, may request that the student's name, address, and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made. ~~In addition, directory information shall be made available to military recruiters for the purpose of informing students of educational and career opportunities available in the military to the same extent that such information is made available to persons or organizations that inform students of occupational or educational options.~~

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

#### ~~(g)4.~~ Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act. ~~The rights of parents and eligible students concerning a student's special education records are explained in the Handbook on Parents' Rights~~

~~and in the North Carolina Procedures Governing Programs and Services for Children with Disabilities.~~

#### ~~(h)~~5. Disclosure of De-Identified Information

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

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

#### ~~J.~~ I. Withholding Records

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

#### ~~K.~~ J. Record of Access and Disclosure

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

#### ~~L.~~ K. Destruction of Student Records

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

## **M.L. Longitudinal Data System**

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

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

Adopted: November 29, 1990

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

## 6820 SELLING OR SOLICITING

The Moore County Board of Education recognizes the need for school-sponsored organizations to have adequate financial support for their programs. Even though the Board discourages the door-to-door sales of merchandise, it also realizes the necessity of having some fund-raising sales. For the purposes of this policy, crowdfunding shall be considered a fundraiser and shall require the same approval as other fundraising activities outlined in this policy. Crowdfunding is the practice of using online sites to solicit donations, whether monetary or in-kind, on behalf of the school-system. Crowdfunding shall be considered to be conducted on behalf of the school system if the campaign uses imagery that would lead a reasonable person to believe that (1) the school system is associated with the campaign or (2) the campaign has the purpose or effect of providing resources or a benefit to the school system.

In order to keep these fund-raising activities at a minimum, each school that participates in fund-raising shall establish a fund-raising committee composed of at least five (5) staff members for the purpose of reviewing, approving and overseeing all fund-raising activities. Each school committee shall coordinate all fund-raising activities. Projects classified as service activities such as bake sales, car washes and yard work are not considered sales but shall also come under the supervision of the fund-raising committee.

Any such activity should be undertaken only after careful consideration of such factors as the disrupting influence upon the individual pupil and the reputation of the school within the community.

PTA sponsored fund-raising activities are encouraged as an expression of community support of its schools and may, but do not necessarily, come under the above stated committee. PTA's are encouraged to be creative in the types of projects they choose, in an attempt to avoid door-to-door sales.

Legal Reference: G.S. 115C-47

Adopted: November 29, 1990

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

## **7150 SAFETY AND STUDENT TRANSPORTATION SERVICES**

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

### **A. Student Behavior**

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

### **B. Transportation Safety Assistants and Bus Monitors**

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

### **C. Maintenance**

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

### **D. Safety Practices on School Buses and Activity Buses**

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

1. All school bus drivers must utilize the North Carolina crossing signal to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus.

2. The number of students transported on any school bus, activity bus, commercial bus or contracted vehicle will not exceed the official rated capacity for the specific vehicle being used.
3. All riders must be seated while the vehicle is in motion.
4. No person will be permitted to stand or sit in the aisle or stepwell when the vehicle is in motion.
5. All school bus drivers are expected to use good judgment in determining whether it is safe to operate a school vehicle and to permit students to enter or leave the bus at particular locations.
6. Bus drivers must report immediately any suspected mechanical defects or other unsafe conditions, including road or traffic conditions that affect the safeness of the bus route or bus stops.
7. All school bus and activity bus drivers will refrain from the use of mobile devices while in operation of a school vehicle except in cases of emergency.

## **E. Training**

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

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

## **F. Accident Reporting**

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

Legal References: G.S. 115C-239, -240, -245, -248, -249.1; *Preventive Maintenance and Vehicle Replacement Manual (NC Bus Fleet Manual)*, State Board of Education Policy TRAN-005, available at [www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf](http://www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf); State Board of Education Policies TRAN-006, TRAN-011; *North Carolina School Bus Driver Handout*, Department of Transportation, Division of Motor Vehicles, available at <https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/School%20Bus%20Handbook.pdf>

<https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/school-bus-handbook.pdf>

Adopted: November 29, 1990

Revised: July 28, 2008; January 7, 2010; August 13, 2018; November 5, 2018; \_\_\_\_\_

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

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

This policy applies to the distribution and display of non-school material by students and school-related groups (as defined in ~~§~~Section ~~FF~~ below) and by governmental agencies, educational institutions, and non-profit entities as permitted in ~~§~~Section ~~BC~~ below. Except as provided in Section A below, this policy will not be construed as applying to or prohibiting the display of compliant political signs permitted by G.S. 136-32.

### A. Display of Compliant Political Signs in the Right-of-Way During Designated Periods

Any person may display compliant political signs in the right-of-way of the state highway system or in municipal street rights-of-way in accordance with the standards established in G.S. 136-32, even if such right-of-way constitutes school grounds. Compliant political signs may be displayed in such right-of-way from 30 days before the first day of "one-stop" early voting to 10 days after the primary or election day. School officials may remove and dispose of any political sign remaining in the right-of-way more than 40 days after the primary or election day. School officials shall observe any different rules established by applicable local ordinance for placement and removal of political signs on municipal street rights-of-way.

School officials shall not remove any political sign lawfully placed except as provided in this section but may request the Department of Transportation to remove a sign that is not in compliance with G.S. 136-32.

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

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

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

1. Distribution and display of "school-sponsored or curriculum-related publications and materials" as defined in ~~§~~Section ~~FF~~ are permitted during the school day, on school grounds and at school activities.



2. Distribution and display of publications and materials from school-related groups that have received prior approval of the principal or Superintendent or designee pursuant to the standards in ~~§~~Section ~~€D~~ below and the standards for review of the decision in ~~§~~Section ~~DE~~ below are permitted at reasonable times and places as designated by the principal or Superintendent or designee. The term "school-related group" is defined in ~~§~~Section ~~EE~~. The principal or Superintendent or designee shall not discriminate on the basis of viewpoint in granting or denying permitted school-related groups permission to distribute or display non-school material.
3. The following agencies and organizations are permitted to distribute or display educational information or information about programs and activities of interest to students:
  - a. local, state and federal government agencies and departments;
  - b. non-profit organizations that offer educational, recreational, cultural or character development activities or programs for school-aged children, including but not limited to scouts, YMCA or YWCA, organized youth sport leagues, etc.);
  - c. school/business partnerships or incentive programs that directly enhance or support the school's educational program; and
  - d. community colleges, universities, and other non-profit institutions of higher education.

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

4. The principal or Superintendent or designee shall not discriminate on the basis of viewpoint in granting or denying permitted agencies and organizations permission to distribute or display non-school materials.
5. The Superintendent is authorized to adopt regulations regarding approval forms, how many times a year groups may distribute or display publications or materials, delivery and bundling requirements, etc.
6. Nothing in this policy will be construed to create a public forum that would allow non-students unrestricted access to school property for the purpose of distributing or displaying publications or materials.

7.

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

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

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

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

2. The distribution of non-school material must not interfere with instructional time.
3. Non-school publications and materials distributed or displayed to students must be clearly identified, through the method of distribution or otherwise, as non-school materials that are neither endorsed nor necessarily reflective of the views of the school board or the school system.
4. In order to minimize disruption to the learning environment, political campaign materials may not be distributed to students or employees (including through employee mailboxes and e-mail) or made available on school grounds during school time or at school events. However, on election days, posters and printed materials are permitted for viewing and distribution to the public at school buildings used as polling places in accordance with state law and board of elections requirements.

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

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

1. Any individual or organization wishing to distribute or display non-school-sponsored publications or materials must first submit for approval a copy of the publication or material to the principal or Superintendent or designee at least five school days in advance of the distribution or display time, along with the following information: (a) the name and phone number of the individual submitting the request; (b) the date(s) and time(s) of day of intended distribution or display; (c) the desired location for distribution or display of material; and (d) if the distribution or display is intended for students, the grade(s) of students for whom the distribution or display is intended.
2. Within five school days, the principal or Superintendent or designee shall review the request and render a decision. In the event permission to distribute or display the material is denied or restricted, the individual submitting the request will be informed in writing of the reasons for the denial or restriction.
3. Any request denied or restricted by the principal or Superintendent or designee may be appealed in writing to the Superintendent or designee or Board, depending on who made the initial decision. If the principal made the initial decision, the Superintendent or designee shall review the decision and render a decision within 10 school days. Any request denied by the Superintendent or designee may be appealed to the Board of Education. The Board will review the request at its next regularly scheduled meeting. As appropriate, the Superintendent or the board will consult with the board attorney concerning a request to distribute or display non-school literature.
4. Permission or denial of permission to distribute or display material does not imply approval or disapproval of its contents by school system administrators, the school board or the individual reviewing the material submitted.

### **E.F. Definitions**

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

1. Obscene

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

2. Libelous Statement

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

3. Non-School Material

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

#### 4. Material and Substantial Disruption

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

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

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

#### 6. School-Related Group

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

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

Legal Reference: U.S. Constitution, Amendment I; *Peck v. Upshur*, 155 F.3d 274 (1998); G.S. 115C-36, -47; 136-32; 163A-1046; 163A-1134

Adopted: November 29, 1990

Revised: November 17, 2008; October 21, 2013; \_\_\_\_\_

## **2425 GIFTS AND BEQUESTS**

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

### **A. Suitability of Donations**

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

Donations of real or personal property will be accepted only if the donor can demonstrate that he or she has clear and free title to the property. The Superintendent or designee also must consider any safety hazards associated with gifts of real or personal property. Donations must not impose any undue financial burden or obligation on the school system. Any donation that includes advertisements must be consistent with the Board's Advertising in the Schools policy, and the food and beverage marketing requirements of the Board's Student Wellness policy. For computer equipment or other technological resources, the Superintendent or designee shall ensure that such items are compatible with minimum hardware and software standards set by the director for technology. Any donation from an E-rate service provider must comply with gift rules applicable to federal agencies.

### **B. Accepting Donations**

Upon receiving an offer of a donation to the school, a principal must give the Superintendent or designee written notification that states the nature of the donation and the purpose for which it is donated. Upon approval, the principal may accept donations to the school. The Superintendent may accept donations up to \$75,000 on behalf of the Board. The Superintendent or designee shall report any accepted donations of more than a nominal value at the next Board meeting. The Board reserves the right to determine in each particular case the appropriateness of a donation and may accept or reject a donation as the Board sees fit. The Superintendent or designee shall make a recommendation to the Board on the suitability of any donation with a value that exceeds \$75,000. After considering the Superintendent or designee's recommendation, the Board will decide whether to accept the donation.

### **C. Use of a Donation**

Unless otherwise specified in a written agreement approved by the Board, any accepted donation becomes the permanent property of the school system. Anything purchased with donated funds,

including funds raised through a crowdfunding campaign, project, or platform, become the property of the school system, and the title to such property vests in the Board. If the Board at any time determines that property donated, or acquired with donated funds, is unnecessary or undesirable for public school purposes, the Board may dispose of such property in accordance with state law.

A donor may request that a donation be designated for a particular purpose. However, the Board reserves the right to utilize the donation as it deems appropriate. Any donation constituting revenues will be deposited in the proper account. The specific manner in which donated funds are expended for a designated purpose will be determined under the direction of the Superintendent or designee. The Board has no responsibility and makes no promises to continue any program initiated with donor contributions once the donated funds are expended. Before installation of major donations that will become a permanent part of the school facility or grounds, such as playground equipment, bleachers, scoreboards, outdoor lights, or fences, the Superintendent or designee must approve the design, location, and construction material.

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

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

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

Adopted: April 30, 1990

Revised: November 5, 2018; \_\_\_\_\_

## **3231/4231 PERSONNEL FILES**

Personnel files, which may consist of paper or electronic records, will be maintained in the human resources office for all employees as provided by law.

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

### **A. Records Maintained**

The following records must be maintained in the personnel file:

1. evaluation reports made by the administration;
2. commendations for and complaints against the employee (see Section C);
3. written suggestions for corrections and improvements made by the administration;
4. certificates;
5. employee's standard test scores;
6. employee's academic records;
7. application forms;
8. any request to the State Board of Education to revoke the employee's teaching license;  
and
9. other pertinent records or reports.

### **B. Certain Employee Records Maintained Separately**

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

#### **1. Pre-Employment Information**

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

#### **2. Criminal Record Check**

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

### 3. Medical Information

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

- a. health certificates (see Policy 3030/4030 - Health Certificate Required);
- b. drug test results, except that drug use or alcohol use contrary to Board policy or law also may be documented in the employee's personnel file (see Policy 3008/4008/8308 - Drug and Alcohol Testing of Commercial Motor Vehicle Operators);
- c. information related to an employee's communicable disease/condition or possible occupational exposure to bloodborne pathogens (see Policies 3033/4033/8333 - Compliance with Bloodborne Pathogens Regulations and 3031/4031 - Communicable Diseases – Employees);
- d. medical information related to leave under the Family and Medical Leave Act (FMLA, see policy 3802/4802 - FMLA Local Supplement to Benefits and Employment Manual); and
- e. genetic information, as defined by the Genetic Information Nondiscrimination Act of 2008.

### 4. Complaints/Reports of Harassment or Discrimination

The Superintendent or designee shall maintain records of all reports and complaints of harassment and discrimination and the resolution of such complaints. Allegations of harassment or discrimination must be kept confidential to the extent possible. Employees involved in the allegations will be identified only to individuals who need the information to investigate or resolve the matter, or to ensure that due process is provided to the accused employee.

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

## **C. Placement of Records in Personnel File**



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

1. the comment is signed and dated by the person who made the evaluation, commendation, complaint, or suggestion;
2. if the comment is a complaint, the employee's supervisor has attempted to resolve the issue raised therein and documentation of such efforts is attached with the supervisor's recommendation to the Superintendent as to whether the complaint contains any invalid, irrelevant, outdated, or false information; and
3. the employee has received a copy of the evaluation, commendation, complaint, or suggestion five days before it is placed in the file.

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

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

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

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

If a career employee who has been recommended for dismissal under the applicable state law resigns without the written consent of the Superintendent, then: (1) the Superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the Superintendent's intention to recommend dismissal in the employee's personnel file; and (3) the employee shall be deemed to have consented to the release to prospective employers, upon request, of the fact that the Superintendent has reported this employee to the State Board of Education. For purposes of this provision, "career employee" means (1) a teacher or an administrator with career status, or (2) an administrator or a non-career status teacher during the term of his or her contract.

#### **D. Access to Personnel File**

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

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

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

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

c. the Board attorney;

d. the Superintendent and other supervisory personnel;

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

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

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

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

b. pursuant to a subpoena or court order;

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

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

employee who filed the claim and only to the extent necessary for the defense of the Board.

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

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

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

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

### **E. Public Information**

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

a. name;

b. age;

c. the date of original employment or appointment;

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

e. current position;

f. title;

g. current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee);

h. the date and amount of each increase or decrease in salary with the Board;

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

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

k. the date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the Board, and if the disciplinary action was a dismissal, a copy of

the written notice of the final decision of the Board setting forth the specific acts or omissions that are the basis of the dismissal; and

1. the office or station to which the employee is currently assigned.
2. The name of a participant in the North Carolina Address Confidentiality Program is not a public record, is not open to inspection, and must be redacted from any records released.
3. Volunteer records are not considered public records.

## **F. Removal of Records**

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

## **G. Charges for Copies**

Employees may be charged 25 cents per page for requested copies, in alignment with the fee imposed for public records requests in Policy 1411 – Retention, Release and Disposition.

Legal References: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff et seq.; ~~Educational Rights and Privacy Act, 20 U.S.C. §1232g~~; Elementary and Secondary Education Act, 20 U.S.C. 6312(e)(1)(A); 34 C.F.R. 200.61; G.S. 115C-36, -47(18), -209.1, -288(g), -319 to -321, -325(b) and (o) (applicable to career status teachers), -325.2 and -325.9 (applicable to non-career status teachers); 143B-931; 16 N.C.A.C. 6C .0313

Adopted: July 30, 1990

Revised: May 22, 2006; May 12, 2008; April 11, 2011; March 12, 2012; October 21, 2013; April 10, 2017; \_\_\_\_\_

## **5060 STUDENT WELLNESS**

The Moore County Board of Education recognizes the importance of students maintaining physical health and proper nutrition in order to take advantage of educational opportunities. The Board further recognizes that student wellness and proper nutrition are related to a student's physical and mental well-being, growth, development and readiness to learn. The Board is committed to providing a school environment that promotes student wellness, proper nutrition, nutrition education and regular physical activity as part of the total learning experience.

### **A. SCHOOL HEALTH ADVISORY COUNCIL**

The Board will work collaboratively with the School Health Advisory Council (SHAC) to help plan, implement, promote and monitor this policy as well as other health and nutrition issues within the school district. The Council serves as an advisory committee regarding student health issues and works in conjunction with the Superintendent or designee charged with oversight of this policy and the school system's efforts to promote student and employee health and wellness in compliance with state and federal requirements. The Council may examine related research and law, assess student needs and the current school environment, review existing Board policies and administrative regulations, collaborate with appropriate community agencies and organizations, and help raise awareness about student health issues. The Council also may make policy recommendations to the Board related to student wellness, including participating in periodic review and revision of the policy. In addition, the Council may assist in the development of a plan of measuring and assessing implementation of this policy and in developing methods to inform and update the public about the content and implementation of this policy.

The Council will be composed of representatives from the school district, the local health department and the community. The council must include members of each of the following groups: the School Board, school district administrators, school district food service representatives, physical education teachers, school health professionals, students, parents or guardians and the public. The council will provide information to the Board about the following areas or concerns: (1) physical activity, (2) health education, (3) employee wellness, (4) health services, (5) social and emotional climate, (6) nutrition environment and services, (7) counseling, psychological and social services, (8) physical environment (9) family engagement and (10) community involvement.

The Council shall provide periodic reports to the Board and public regarding the status of its work. In addition, the council shall assist the lead wellness official in creating an annual report that includes the minutes of the physical activity and the minutes of physical education and/or healthful living education received by students in the district each school year, as well as any other information required by the State Board of Education or NCDPI.

### **B. NUTRITION PROMOTION AND EDUCATION**

The Board believes that promoting student health and nutrition enhances readiness for learning and increases student achievement. The goals of nutrition promotion and education are (1) to

provide appropriate instruction for the acquisition of behaviors which contribute to a healthy lifestyle for students and (2) to teach, encourage and support healthy eating by students.

The District will provide nutrition education consistent with standards adopted by the State Board of Education. Nutrition education and promotion will provide all students with the knowledge and skills needed to lead healthy lives. Students should learn to address nutrition-related health concerns through age-appropriate nutrition education lessons and activities.

Nutrition education should extend beyond the school environment by engaging and involving families and communities. School district personnel may coordinate with agencies and community organizations to provide opportunities for appropriate student projects related to nutrition. School district personnel will work to disseminate consistent nutrition messages throughout the school district, schools, classrooms, cafeterias, homes, community and media.

### C. PHYSICAL EDUCATION AND PHYSICAL ACTIVITY

The goal of the physical education program is to promote lifelong physical activity and provide instruction in the skills and knowledge necessary for lifelong participation in physical activity. To address issues such as overweight, obesity, cardiovascular disease and Type II diabetes, students enrolled in kindergarten through eighth grades must have the opportunity to participate in physical activity as part of the district's physical education curriculum. The goal for elementary schools is to provide 150 minutes weekly of quality physical education with a certified physical education teacher. The goal for middle schools is to provide 225 minutes weekly of Healthful Living Education, divided equally between health and physical education with certified health and physical education teachers.

The physical education course should be designed to foster support and guidance for being physically active, help students know and understand the value of being physically fit, and teach students the types of activities that contribute to total fitness. The course is to be taught in an environment where students can learn, practice and receive assessment on age developmentally appropriate skills and knowledge as defined in the North Carolina Healthful Living Standards Course of Study. Students should be engaged in moderate to vigorous physical activity for 50 percent or more of class time. Class for physical education should be equivalent in size to those of other academic classes.

Schools personnel should strive to provide opportunities for age- and developmentally-appropriate physical activity during the day for all students, so that students can learn how to maintain a physically active lifestyle. Schools must provide a minimum of 30 minutes of moderate to vigorous physical activity daily for kindergarten through eighth-grade students. Such activity may be achieved through a regular physical education class as described above, or through recess, dance, classroom energizers and/or other curriculum-based physical activity programs of at least 10 minutes duration, that, when combined, total 30 minutes of daily physical activity. Principals shall work with teachers to ensure that students meet the minimum physical activity requirement. The Board will periodically measure and report progress toward meeting these goals.

To ensure that students have ongoing opportunities for physical activity and maintain a positive attitude towards physical activity, structured/unstructured recess and other physical activity shall not be taken away from students as a form of punishment. In addition, severe and inappropriate exercise may not be used as a form of punishment for students.

#### D. NUTRITION GUIDELINES FOR ALL FOODS AND BEVERAGES ON SCHOOL CAMPUS

All foods and beverages available in the District's schools during the school day will be offered to students with consideration for promoting student health, reducing childhood obesity, providing a variety of nutritional meals and promoting life-long healthy eating habits.

##### **School Lunch, Breakfast and Supplemental Sales**

All foods and beverages provided through the National School Lunch, School Breakfast Programs, or sold to students during Child Nutrition hours will comply with all federal and state regulations. The director for child nutrition shall ensure that school system guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law.

##### **Other Foods and Beverages Available on the School Campus During the School Day and After**

No food or beverage may be sold in competition with school nutrition program between the hours of 12:01 a.m. and the time that the cafeteria closes for the day.

Elementary schools are not permitted to sell any snacks or beverages outside of the Child Nutrition program during the school day. Middle and high schools are permitted to sell snacks and beverages outside of the Child Nutrition program during the school day provided these sales are after the cafeteria closes for the day.

From the time the cafeteria closes for the day until 30 minutes after the end of the official school day all food and beverage sales on campus must comply with the federal Smart Snacks in Schools Standards.

Although the federal regulation provides a special exemption for infrequent fundraisers, there will be no exemptions to the requirement for food and beverage fundraisers to meet the nutrition standards during school hours, as doing so sends mixed messages to students.

School principals shall establish rules for foods and beverages brought from home for classroom events or parties during the school day or for extracurricular activities after the school day. The Board encourages principals to establish rules that are consistent with the federal Smart Snacks in Schools standards.

School principals may establish standards for fund-raising activities conducted after the school day, 31 minutes after the dismissal bell rings that involves the sale of food and/or beverages. The Board encourages alternative fundraising activities such as non-food items or physical activity.

### **Standards for Foods**

Foods must be a whole grain rich product or have as the first ingredient a fruit, vegetable, dairy product or protein food. Foods may be combination foods that contain at least one-fourth cup of fruit and/or vegetable.

Foods must also meet nutrition requirements:

- Calorie limit – snack items:  $\leq 200$  calories, entrée items:  $\leq 350$  calories.
- Sodium limit – snack item:  $\leq 230$  mg, entrée items:  $\leq 480$  mg
- Fat limit – total fat  $\leq 35\%$  of calories, saturated fat  $< 10\%$  of calories, trans fat zero grams
- Sugar limit -  $\leq 35\%$  of weight from total sugars

### **Standards for Beverages**

Elementary Schools:

- Plain Water (with or without carbonation), no portion size limit
- Unflavored low fat milk, 8 ounces or less portion
- Unflavored or flavored fat free milk and milk alternatives , 8 ounces or less portion
- 100% fruit or vegetable juice, 8 ounces or less portion
- 100% fruit or vegetable juice diluted with water and no added sweeteners , 8 ounces or less portion

Middle Schools:

- Plain Water(with or without carbonation) no portion size limit
- Unflavored low fat milk, 12 ounces or less portion
- Unflavored or flavored fat free milk and milk alternatives , 12 ounces or less portion
- 100% fruit or vegetable juice, 12 ounces or less portion
- 100% fruit or vegetable juice diluted with water and no added sweeteners , 12 ounces or less portion

High Schools:

- Plain Water (with or without carbonation) no portion size limit
- Flavored Water, Calorie Free (with or without carbonation) 20 ounces or less portion
- Unflavored low fat milk, 12 ounces or less portion



- Unflavored or flavored fat free milk and milk alternatives , 12 ounces or less portion
- 100% fruit or vegetable juice, 12 ounces or less portion
- 100% fruit or vegetable juice diluted with water and no added sweeteners , 12 ounces or less portion
- Calories –Free Beverages, no more than 20 ounce portion that are labeled to contain ,5 calories per 8 ounces or 10 calories per 20 ounces
- Lower-Calorie Beverages, no more than 12 ounce portion with  $\leq 40$  calories per 8 ounces or  $\leq 60$  calories per 12 ounces.

#### E. OTHER SCHOOL-BASED ACTIVITIES TO PROMOTE WELLNESS

In addition to the aforementioned standards, the Board adopts the following standards for school-based activities to promote wellness:

- District schools will provide a clean and safe meal environment.
- Students will have adequate time to eat meals.
- Drinking water will be available at all meal periods and throughout the school day.
- Food should not be used as reward or punishment.
- Teachers should not use unhealthy foods in the classroom.
- Professional development will be provided for district nutrition staff
- To the extent possible, the district will utilize funding and outside programs to enhance student wellness.
- As appropriate, the standards of the student wellness policy will be considered in planning school-based activities.
- Administrators, teachers, food service personnel, students, and parents/guardians are encouraged to serve as positive role models to promote student wellness.

#### F. IMPLEMENTATION AND REVIEW OF POLICY

The Superintendent or his/her designee will be responsible for overseeing implementation of this policy and monitoring district schools, programs and curriculum to ensure compliance with this policy, related policies and established guidelines or administrative regulations. Each principal shall be responsible for and will report to the Superintendent or designee regarding compliance in his/her school. Staff members responsible for programs related to wellness also will report to the Superintendent or designee regarding the status of such programs. Members of the School Health Advisory Council will be invited to participate in the implementation and periodic review and updating of this policy.

The lead wellness official shall prepare annual written reports to the Superintendent and NCDPI/State Board of Education that provide all information required by the Superintendent and/or the state pertaining to the school district's efforts to comply with this policy and SBE policy SHLT-000.

Beginning with school year 2017-18, and at least once every three years thereafter, the Superintendent or designee shall report to the Board and public on the district's compliance with laws and policies related to student wellness, the implementation of this policy and progress toward meeting the goals of the policy. At a minimum, the Superintendent shall measure and report the following:

- the extent to which individual schools are in compliance with this policy,
- the extent to which the Board's wellness policy compares to model local school wellness policies and meets state and federal requirements, and
- a description of the progress made in attaining the goals of this policy.

The report also may include the following:

- a summary of each school's activities undertaken in support of the policy goals,
- an assessment of the school environment regarding student wellness issues,
- an evaluation of school nutrition services programs,
- a review of guidelines for foods and beverages available, but not sold in schools for compliance with established nutrition guidelines,
- information provided in the report from the School Health Advisory Council, as provided in section A, above, and
- suggestions for improvement to this policy or other policies or programs.

#### G. PUBLIC NOTIFICATION

1. The school district will publish contact information for the lead wellness official on the school district website.
2. The lead wellness official shall assist the school health advisory council with annually informing and updating the public about this policy and its implementation and State Board policy SHLT-000.
3. The Superintendent or designee shall make public the results of the triennial assessment described in section F of this policy.
4. All information required to be reported under this section and any additional information required by the state to be reported publicly shall be widely disseminated to students, parents and the community in an accessible and easily understood manner, which may include by posting on the school district web site.

Legal References: The Child Nutrition and WIC Reauthorization Act of 2004, U.S.C. 1751; Healthy, Hunger-Free Kids Act of 2010, P.L. 11-296; National School Lunch Act, 42 U.S.C. §1751, et seq.; 7 C.F.R. 210.11, 210.12 and 210.31; G.S. 115C-264.2, -264.3; 16 N.C.A.C. 6H.0104; State Board of Education Policies SHLT-000, ~~CHNU-000~~, CHNU-002; NCAC-016;

*Eat Smart: North Carolina's Recommended Standards for All Foods in Schools*, NC Department of Health and Human Services, NC Division of Public Health, (2004) <http://www.nutritionnc.com/TeamNutrition/Supporting%20materials/eatSmart/SchoolFoodsStandards.pdf>

Adopted: May 22, 2006

Revised: January 7, 2010; October 21, 2013; January 12, 2015; January 16, 2018;

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## 5453 ONLINE INSTRUCTION

The Board recognizes that online instruction is a valuable tool for affording students extended educational options. The Board will provide opportunities for students to participate in online instruction to the extent that it is academically and financially prudent.

School guidance counselors shall advise students on North Carolina Virtual Public School (NCVPS) courses and other online courses available for credit. Enrollment in an online for credit course will count toward satisfying Board requirements related to minimum instructional days, seat time policies, student attendance and athletic and/or extracurricular obligations.

A student, with the principal's prior approval, may enroll in an online course with assistance from the school e-learning advisor. The principal shall designate a guidance counselor at the school to serve as the e-learning advisor, who will be responsible for coordinating the enrollment of students in online courses, monitoring students' progress in those courses and supervising any required testing. In addition, the principal shall ensure that the e-learning advisor implements a plan for supporting credit recovery students throughout the semester.

Legal References: [S.L. 2017-173](#) [G.S. 115C-238.79](#); State Board of Education Policy [CCRE-001](#)

Adopted: June 10, 2013

Revised: February 10, 2014; July 17, 2017; January 16, 2018; \_\_\_\_\_

## **6730 CHILD ABUSE – REPORTS AND INVESTIGATIONS**

North Carolina has two separate systems that mandate reports of suspected child abuse, neglect, dependency, or maltreatment. Suspected child abuse, neglect, dependency or death as a result of maltreatment by parents or other caretakers must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude and sexual servitude of a child are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services, Division of Child Development and Early Education. Where the source of the child abuse, neglect, dependency or maltreatment is uncertain, a report should be made to both the county child welfare agency and the Department of Health and Human Services, Division of Child Development and Early Education.

The Board of Education supports all employees who, in good faith, make a report under either of North Carolina's mandated reporting laws.

### **A. Duty to Report Child Abuse, Neglect, Dependency, or Death as a Result of Maltreatment to the County Child Welfare Agency**

A school employee who knows or has cause to suspect (1) child abuse, neglect, dependency, or death as a result of maltreatment by a parent, guardian, custodian, or caretaker of the child or (2) that a child has been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the director of social services. The employee also shall immediately report the case to the principal. Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately.

A school employee is immune by statute from any civil and/or criminal liability when reporting in good faith suspected child trafficking, involuntary servitude, sexual servitude or child abuse, neglect, dependency or death as a result of maltreatment by a parent, guardian, custodian or caretaker of the child. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system or civil or criminal action under the law.

### **B. Duty to Report Child Maltreatment in a Child Care Facility to the Division of Child Development and Early Education**

A school employee who has cause to suspect that a child in a child care facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a child care facility is legally required to report the case to the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE).

A “child care facility” includes any DHHS-licensed classroom or program operated by the school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child’s care is being provided in a child care facility must be resolved in favor of reporting, and the report should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by the Board, the principal shall immediately notify the Superintendent of the suspected maltreatment. No reprisals of any kind may be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed classroom or program operated by the Board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the Board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry.

### **C. Cooperation with State Agencies**

1. The principal may establish a contact person in the school to act as a liaison with state agencies charged with investigating reports of child abuse and neglect or child maltreatment. The contact person may assist an employee in making the report, but the employee with direct knowledge of the situation should be the one who makes the report. Collaboration with the contact person should never result in a delay of reporting.
2. Employees shall cooperate fully with agency personnel conducting an investigation of suspected child abuse, neglect, dependency, death as a result of maltreatment or maltreatment occurring in a child care facility.
3. In the case of suspected abuse, neglect, dependency or death due to maltreatment under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.
4. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.
5. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.
6. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly

connected with carrying out the responsibilities of the school system or the employee.

#### **D. Sharing Information with Other Agencies**

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any assessment of a report of child abuse, neglect, dependency or death as a result of maltreatment by the department of social services; (2) the provision or arrangement of protective services in a child abuse, neglect or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined or delinquent. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court.

The Superintendent shall develop any necessary procedures for reporting suspected child abuse, neglect, dependency or death as a result of maltreatment, for sharing information with designated agencies and for cooperating with investigations by the department of social services. The Board encourages school officials to provide staff development opportunities related to identifying and reporting child abuse, neglect, dependency or death as a result of maltreatment.

In addition to the requirement of this policy, any administrator 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 in accordance with subsection C.4 of Policy 3036/4036/8336 – Staff-Student Relations.

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100, 8-53.4; 14-318.2; 110-90.2, -105.3, -105.4, -105.5; 115C-400, -402; 126-5; 16 N.C.A.C. 6C.0312; State Board of Education Policy Policies LICN-007 and NCAC-039, State Board of Education Regulation LICN-020-R(1)

Adopted: November 20, 1990

Revised: May 20, 1996; March 12, 2007; January 16, 2018; August 5, 2019;

## 6751 STUDENT HEALTH SERVICES

The Board will provide health services to students as required by law. School employees may administer drugs or medication prescribed by a doctor only upon the written request of the parents; give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the student; and perform any other first aid or life saving technique in which training has been provided to school employees. A registered nurse also will be available to provide assessment, care planning and ongoing evaluation of students with special health care service needs in the school setting.

The Superintendent may develop procedures or delegate the development of procedures to each school principal for providing these health services and meeting the Board requirements listed below.

1. The principal shall determine at the beginning of each school year prior to the beginning of classes, and thereafter as circumstances require, which employees will be selected to participate in the health services program. The principal shall inform his or her staff about which health services duties are delegated to which employees.
2. Any employee designated to provide health care services must receive appropriate training.
3. Health manuals prepared by the governing state agencies must be followed in developing appropriate procedures and for determining which tasks must be performed by registered nurses.
4. Procedures must be consistent with all related Board policies, including policy 6910 - Communicable Diseases – Students, and policy 3260/4260 - Administration of Medication.
5. Procedures must be consistent with state and federal law for students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The *Policies Governing Services for Children with Disabilities* will be followed, as applicable.
6. Procedures must be consistent with guidelines adopted by the State Board of Education under G.S. 115C-12(31) to serve students with diabetes, including developing and implementing individual diabetes care plans for such students and providing information and training to school personnel to appropriately support and assist such students, in accordance with their individual diabetes care plans
7. Written information maintained by the school or school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act (FERPA) and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.



8. School personnel must obtain parental consent for medical services as required by law. Parents will be notified of their rights in accordance with Policy 5414, Parental Involvement.

9. Health professionals will be consulted in the development of health services. Opportunities also will be provided for input from staff, parents and students on the health services provided.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), -794, 34 C.F.R. pt. 104; G.S. 115C-12(12), -12(31), -36, -307(c), -375.1, -375.3; 16 N.C.A.C. 6D.0402; 21 N.C.A.C. 36.0221, ~~36~~.0224; *Policies Governing Services for Children with Disabilities*, State Board of Education Policies NCAC-~~015~~ ~~6D.0402~~, EXCP-000

Adopted: December 14, 2015

Revised: May 9, 2016; July 17, 2017; January 16, 2018; \_\_\_\_\_

## **6930 CONCUSSION AND HEAD INJURY**

The Board recognizes that concussions and other head injuries may be serious and potentially life threatening and that such injuries may result in serious consequences later in life if managed improperly. The Board is committed to practices that reduce the potential for short-term or long-term effects from such injuries. In support of this commitment, the Board directs school employees to comply with the concussion safety requirements for interscholastic athletic competition established by G.S. 115C-12(23) as amended in the Gfeller-Waller Concussion Awareness Act of 2011, and to implement and follow all concussion safety requirements set forth in State Board of Education rules and policies. The Superintendent or designee shall develop plans consistent with state requirements and shall implement and monitor compliance with this policy. The Superintendent is authorized to investigate the use of baseline testing for student-athletes and require that student-athletes undergo such testing prior to their participation in any interscholastic athletic competition.

### **A. Definition of Concussion**

A concussion is a traumatic brain injury caused by a direct or indirect impact to the head that results in disruption of normal brain function, which may or may not result in a loss of consciousness.

### **B. School Head Injury Information Sheet**

Each year, all coaches, school nurses, athletic directors, first responders, volunteers, student-athletes, and parents of student-athletes must be provided with a concussion and head injury information sheet that meets the requirements of the State Board. Before any student, school employee, volunteer, or first responder will be allowed to participate in interscholastic athletic activities, including tryouts, practices, or competitions, he or she must sign the head injury information sheet and return it to the coach. Parents also must sign the sheet and return it to the coach before their children may participate in any interscholastic athletic activity. The principal of each school shall ensure that a complete and accurate record of the returned signed sheets is maintained in accordance with law and State Board policy.

### **C. Removal from and Return to Play**

Any student-athlete who is exhibiting signs or symptoms consistent with a concussion must be removed from athletic activity immediately. Further, the student-athlete must not be allowed to return to play or practice that day or on any subsequent day until he or she has been evaluated and has received written clearance for participation that complies with the requirements of G.S. 115C-12(23) and any other applicable law or State Board policy.

### **D. Return to Learning**

The Superintendent or designee shall develop a plan that meets all the requirements of the State Board of Education for addressing the needs of students in pre-K through 12 who suffer concussions. Parents and students must be offered the opportunity annually to provide information related to any head injury or concussion the student may have incurred during the past year on the health history and emergency medical information update form.

### **E. Emergency Action Plans**

Each principal or designee shall develop a venue-specific emergency action plan to respond to serious medical injuries and acute medical conditions in which the condition of the injured student may deteriorate rapidly. All such plans must include a delineation of roles, methods of communication, available emergency equipment, and a plan for emergency transport. The plans must be (1) in writing, (2) reviewed by an athletic trainer who is licensed in North Carolina, (3) approved by the principal if developed by a designee, (4) distributed, posted, reviewed, and rehearsed in accordance with G.S. 115C-12(23), and (5) compliant with any other requirements of state law and State Board policy.

### **F. Athletic Trainers and First Responders**

Each high school principal shall designate at least one licensed athletic trainer or first responder who meets the requirements of state law and State Board of Education policy. The principal shall monitor each athletic trainer's or first responder's compliance with the duties assigned to the position by the State Board and any additional duties assigned by the Superintendent or designee, including, but not limited to, attendance at all football games and practices and compliance with all applicable training and certification requirements.

To the extent funding and resources are available, the Superintendent shall work toward having a licensed athletic trainer or first responder available for all school practices and games of all high school and middle school sports.

### **G. Record Keeping**

The Superintendent shall require each principal to maintain complete and accurate records of actions taken in his or her school to comply with this policy and applicable legal authority. Records shall include accounts of any education or training as may be required by law or State Board of Education policy.

The Superintendent's annual report to the Board on compliance with laws and policies related to student wellness shall include a report on the system's compliance with laws and policies related to concussions and head injuries. (See Section G of policy 5060 - Student Wellness.)

Legal References: G.S. 115C-12(23); S.L. 2011-147; Article 34 Chapter 90; State Board of Education Policies ATHL-000, ATHLH-003, SHLT-001

Other Resources: Matthew Gfeller Sport-Related TBI Research Center at UNC website [http://tbicenter.unc.edu/MAG\\_Center/Home.html](http://tbicenter.unc.edu/MAG_Center/Home.html); *Report to the North Carolina General Assembly: Study of Sports Injuries at Middle School and High School Levels*, N.C. Department of Public Instruction (2011), available at <http://www.ncleg.net/documentsites/committees/JLEOC/Reports%20Received/2011%20Reports%20Received/Study%20of%20Sports%20Injuries%20at%20Middle%20and%20High%20School%20Levels.pdf>

Adopted: February 10, 2014

Revised: May 9, 2016; July 17, 2017; \_\_\_\_\_

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

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

### **A. Operational Standards**

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

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

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

## **B. Meal Charges**

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

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

Legal References: Child Nutrition Act of 1966, *as amended*, 42 U.S.C. § 1771, *et seq.*; National School Lunch Act, ~~*as amended*~~, 42 U.S.C. § 1751, *et seq.*; 2 C.F.R. pt. 200; 7 C.F.R. pt. §210.11(a); 7 C.F.R. pt. 215; 7 C.F.R. pt. 220; United States Department of Agriculture Policy Memos SP 46-2016 and 23-2017 available at <https://childnutrition.ncpublicschools.gov/regulations-policies/usda-policy-memos>; G.S. ~~143-~~

~~64~~; ~~115C-47(7)~~, ~~-47(22)~~, ~~-263~~, ~~-264~~, ~~-264.1~~, ~~-426~~, ~~-450~~, ~~-522~~; ~~147~~ art. ~~6E~~, art. ~~6G~~; ~~115C-31~~; ~~16~~  
N.C.A.C. 6H.0104; State Board of Education Policy ~~EEO-S-000~~ NCAC-016

Adopted: November 29, 1990

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

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