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

Robert Levy, Chair

Elizabeth Carter

Ed Dennison

**Friday, November 19, 2021 • 1:00 p.m. • Central Office Board Room  
MINUTES**

The Moore County Board of Education's Policy Committee met on November 19, 2021, with Committee Chair Robert Levy calling the meeting to order at 1:00 p.m. Also in attendance were committee members Libby Carter (who also chairs the Board of Education) and Ed Dennison (Board of Education Member) along with Board Attorney Jason Weber, Chief Officer for Academics and Student Support Services Tim Locklair and Committee Liaison Anita Alpenfels.

After the Pledge of Allegiance and the observation of a moment of silence, Mr. Dennison made a motion to approve the agenda. After a second by Ms. Carter, the agenda was approved unanimously. After some discussion regarding the status of a policy proposed by Mr. Levy at the October 22, 2021, meeting, the Committee approved the minutes from the October 22, 2021, meeting unanimously (motion: Mr. Dennison; second: Mrs. Carter).

At the request of the Committee, Dr. Locklair attended the meeting to provide context for parental notice for parents of students not reading at grade level or performing at grade level in math. After a preliminary conversation, the Committee determined that a more thorough presentation would be helpful. Dr. Locklair will work with the Superintendent and Board Chair to provide such an opportunity.

The Committee then discussed the policies below. The Committee elected to leave policies 1310 – Regular Meetings, 1311 – Special Meetings, 1312 – Emergency Meetings and 1315 – Public Hearings as is (motion: Mrs. Carter; second: Mr. Dennison, and approved unanimously).

The Committee approved revisions to Policy 1326 – Public Address to the Board with one change highlighted in yellow (motion: Mrs. Carter; second: Mr. Dennison, and approved unanimously). The Committee also approved revisions to Policy 6024 (motion: Mrs. Carter; second: Mr. Dennison, and approved two votes to one, with Mr. Levy voting against).

The Committee approved revisions to Policy 6902 – Student Grievances with changes highlighted in *yellow*. In order to align Policy 1316 – Hearings Before the Board, the Committee also approved a revision in conjunction with the Policy 6902 revisions (motion: Mr. Dennison; second: Mrs. Carter, and approved unanimously).

The Committee also approved revisions to Policy 7500 (motion: Mr. Dennison; second: Mrs. Carter, and approved unanimously). The Committee did not approve the addition of proposed Policy 7505 – Facility Design.

The approved revisions below will be presented for first reading to the full Board of Education on December 6, 2021.

- Policy 1316 – Hearings Before the Board
- Policy 1326 – Public Address to the Board
- Policy 6024 – Children of Military Families
- Policy 6902 – Student Grievances
- Policy 7500 – Facility Construction

The meeting adjourned at 2:35 p.m. (motion: Mr. Dennison; second: Mrs. Carter, and approved unanimously).

As a follow-up to the last Policy Committee meeting, Dr. Tim Locklair will provide the parental notifications required and operational with regard to student progress in reading (relevant to Policy 5530).

1. **Policy 1310 – REGULAR BOARD MEETINGS** ..... page 4
2. ~~Policy 1311 – SPECIAL MEETINGS~~ .....page 7
3. ~~Policy 1312 – EMERGENCY MEETINGS~~
4. ~~Policy 1315 – PUBLIC HEARINGS~~  
*Policies 1310, 1311, 1312 and 1315 are consolidated into a single policy largely based on the North Carolina School Boards Association’s (NCSBA’s) model policy. At the November 1, 2021 work session, there was a request for the Policy Committee to review these changes.*
5. **Policy 1326 – PUBLIC ADDRESS TO THE BOARD** ..... page 8  
*Revisions to this policy removes a time limitation. At the November 1, 2021 work session, there was a request for the Policy Committee to review these changes.*
6. **Policy 6024 – CHILDREN OF MILITARY CHILDREN ENROLLMENT AND PLACEMENT FAMILIES** .....page 10  
*This policy is rewritten to align with the North Carolina School Boards Association’s (NCSBA’s) model policy. The contents of the district’s policy now are largely contained in other policies and are repetitive here.*
7. **Policy 6902– STUDENT GRIEVANCES** ..... page 17  
*This policy is modified to clarify terms and procedures.*
8. **Policy 1316 – HEARINGS BEFORE THE BOARD** ..... page 21  
*This policy is revised to align the minimum number of Board members for a hearing panel with Policy 6902 above.*
9. **Policy 7500 – FACILITY CONSTRUCTION**.....page 22
10. **Policy 7505 – FACILITY DESIGN** ..... page 25  
*These connected policies are revised/added to align with the North Carolina School Boards Association’s (NCSBA’s) model policies.*

## **1310 REGULAR BOARD MEETINGS**

~~The regular meetings of the Board shall be held on the second Monday of each month. When the second Monday falls on a holiday recognized by the Board, the Chairman shall reschedule the meeting for another Monday.~~

~~**1310.1** The regular meetings of the Board usually shall be held in the Board Room of the Administrative Offices of the Moore County Board of Education on Highway 15-504 south of Carthage, North Carolina.~~

~~**1310.2** The Chairman may reschedule or cancel regular Board meetings when it appears unlikely that a quorum will be present on the regularly scheduled date. The Board may change the place or time of regular meetings. If it becomes necessary to change the usual date, place, or time of a regular meeting of the Board, notice of such change shall be posted in the Administrative Offices and notice shall be given to members of the Board and to the media and others as may be provided by law.~~

~~**1310.3** The Chairman may schedule workshop meetings and retreats as appropriate to ensure that the Board is sufficiently informed and properly trained to fulfill its responsibilities.~~

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

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

### **A. Types of Meetings**

While the Board is determined to operate efficiently, it also is mindful of the importance of thoughtful planning and discussion prior to taking formal action. Regular meetings will be held at a predetermined time and place to conduct the business of the Board.

In addition, the Board may hold specially-called meetings and emergency meetings as it deems necessary to act in a timely manner and provide its members and executive staff with the opportunity to have an exchange of ideas and receive input from other staff, parents, students, and the community.

## **B. Regular Meetings**

The Superintendent shall keep on file the schedule of regular meetings with the predetermined time and place. The schedule will be revised only in accordance with legal requirements for notice.

## **C. Emergency Meetings**

An emergency meeting may be called in order to address generally unexpected circumstances that require immediate consideration by the Board. The chairperson, or the vice-chairperson, if the chairperson is unable to act, any two members of the Board or the Superintendent may call an emergency meeting when it is determined that the meeting is necessary and cannot be delayed until 48 hours' notice is provided for a special meeting as described below in Section D. Only business which is related to the emergency may be considered at an emergency meeting.

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

### 1. Specially-Called Meetings Generally

Specially-called meetings may be scheduled in between regular meetings of the Board. Work sessions, retreats, and public hearings are specific types of specially-called meetings. The Board chairperson (or the vice-chairperson, if the chairperson is not available), any two members of the Board or the Superintendent may call special meetings when necessary to conduct business that cannot reasonably be handled at regular meetings.

### 2. Retreats and Workshops

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

### 3. Public Hearings

Public hearings are official proceedings during which members of the public are given an opportunity to be heard. Public hearings may be required by law or deemed advisable by the board. Public hearings that are not required by law may be scheduled when the chairperson or superintendent determines that the public hearing is advisable or when a majority of the members of the Board so requests. Notice of all public hearings will be provided as required by law and will include the subject, date, place, and time of the hearing as well as any rules regarding participation, such as the length of time for each speaker. The purpose of a public hearing is to gather information and hear opinions from the community. Generally, Board members will respond only to

seek clarification. At the appointed time, the chairperson or designee shall call the hearing to order and preside over it in accordance with any rules regarding participation adopted by the Board. When the allotted time expires or when no one wishes to speak, the chairperson or designee shall declare the hearing ended.

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

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

Legal Reference: G.S. 115C-41; ~~Ch. 143, Art. 33C; 143-318.9, -318.10, -318.12, -318.14~~

Adopted: August 29, 1988

Revised: September 25, 2006; \_\_\_\_\_

### ~~1311 SPECIAL MEETINGS~~

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

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

~~Adopted: August 29, 1988~~

### ~~1312 EMERGENCY MEETINGS~~

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

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

~~Adopted: August 29, 1988~~

### ~~1315 PUBLIC HEARINGS~~

~~The Board may from time to time, in accordance with law and its policy, conduct a public hearing to determine public sentiment on matters which merit Board consideration. In order to gain maximum benefit from a public hearing, the Board's role shall be as listeners rather than as active discussants.~~

~~Legal Reference: G.S. 115C-36~~

~~Adopted: August 29, 1988~~

## 1326 PUBLIC ADDRESS TO THE BOARD

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

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



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

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

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

Adopted: August 23, 1993

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

## **6024 CHILDREN OF MILITARY CHILDREN ENROLLMENT AND PLACEMENT FAMILIES**

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

### **Applicability**

~~This policy applies to children of:~~

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

### **Eligibility and Enrollment**

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

### **Educational Records/Immunizations**

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

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

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

### **Grade Placement**

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

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

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

### **Academic Program/Course Placement**

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

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

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

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

### **Extracurricular Activities**

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

## **Graduation**

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

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

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

The Board recognizes the unique circumstances faced by children of military families who are often required to transfer to a new school system because their parents or guardians have a new military assignment. The Board also recognizes that children whose immediate family members are deployed by the military may be at increased risk of emotional, psychological, or other harm. The Board is committed to supporting these children in the school system and undertaking to serve their unique needs.

### **A. Identification of Military-Connected Students**

Each principal shall annually identify all military-connected students enrolled in the school and shall develop a means for serving their unique needs. For purposes of this section, a military-connected student is defined as a student who has a parent, step-parent, sibling, or any other person who resides in the same household serving in the active or reserve components of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

The identification of military-connected students is not a public record subject to public records law.

### **B. Compliance with the Interstate Compact on Educational Opportunity for Military Children**

In order to promote flexibility and cooperation among the school system, parents and guardians, and children of military families, to promote the children's well-being, and to assist these children in achieving educational success in their new schools, the superintendent shall adopt procedures necessary to ensure compliance with the Interstate Compact on Educational Opportunity for Military Children (hereinafter "Compact") and to educate employees about the unique needs of children of military families.

## 1. Definitions

The following definitions apply to all policies and procedures adopted in compliance with the Compact.

### a. Active Duty

Active duty is full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. 12301 et seq. and 10 U.S.C. 12401 et seq.

### b. Children of Military Families

Children of military families are school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

### c. Deployment

Deployment is the period one month prior to the service members' departure from their home station on military orders through six months after their return to their home station.

### d. Education Records

Education records are those official records, files and data directly related to a student and maintained by the school or school system, including but not limited to records encompassing all the material kept in the student's cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

### e. Extracurricular Activities

Extracurricular activities are voluntary activities sponsored by the school or school system or an organization sanctioned by the school system. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

f. Member State

A member state is a state that has enacted the Compact.

g. Non-Member State

A non-member state is a state that has not enacted the Compact.

h. Receiving State

The receiving state is the state to which a child of a military family is sent, brought, or caused to be sent or brought.

i. Rule

A rule is a written statement by the Interstate Commission promulgated pursuant to Article XII of the Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of rules promulgated under the Administrative Procedures Act as found in Chapter 150B of the North Carolina General Statutes, and includes the amendment, repeal, or suspension of an existing rule.

j. Sending State

The sending state is the state from which a child of a military family is sent, brought, or caused to be sent or brought.

k. Student

The student is the child of a military family for whom the school system receives public funding and who is formally enrolled in kindergarten through twelfth grade.

l. Transition

The transition is (1) the formal and physical process of transferring from school to school or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

m. Uniformed Services

The uniformed services are the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Services.

n. Veteran

A veteran is a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

2. Those to Whom Adopted Policies and Procedures Apply

Policies and procedures that are adopted to comply with the Compact apply to the children of:

- a. active duty members of the uniformed services as defined in Section A of this policy, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. 12301 et seq. and 10 U.S.C. 12401 et seq.;
- b. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
- c. members of uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

3. Those to Whom Adopted Policies and Procedures Do Not Apply

The policies and procedures adopted to comply with the Compact do not apply to the children of:

- a. inactive members of the National Guard and Military Reserves;
- b. members of the uniformed services now retired, except as provided in Section B of this policy; and

- c. veterans of the uniform services, except as provided in Section B of this policy, and other U.S. Department of Defense personnel, and other federal agency civilians and contract employees not defined as active duty members of the uniformed services.

### **C. Resolution of Issues**

The grievance procedure provided in Policy 6902 - Student Grievances may be utilized by parents or guardians who disagree with a decision pertaining to education records, enrollment or eligibility for enrollment, placement, attendance, extracurricular activities, or graduation of a child of a military family, or a rule, as defined in this policy. In addition, parents or guardians may seek informal resolution of such decisions at any time by contacting the office of the North Carolina Department of Public Instruction (NCDPI) Military Liaison or the North Carolina Commissioner of the North Carolina State Council for the Interstate Compact on Educational Opportunity for Military Children. Specific contact information may be found online at [www.dpi.nc.gov/students-families/student-support/nc-supports-military-children](http://www.dpi.nc.gov/students-families/student-support/nc-supports-military-children) or by calling NCDPI at (984) 236-2100.

Legal References: G.S. 115C—12(18)(f), -288(m), 407.5; ~~G.S. 115C-366(a3)~~

Adopted: June 8, 2009

Revised: June 12, 2017; August 13, 2018; \_\_\_\_\_



## 6902 STUDENT GRIEVANCES

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

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

### 6902.1 A. Application of Policy Definitions

#### 1. Grievance

A grievance is a formal written complaint that a student or parent/guardian has been adversely affected by a final administrative decision and that the decision violated a specified federal law, State law, State Board of Education policy, State rule or local Board policy. The term "grievance" does not include any matter for which the method of review is prescribed by law, for which there is a more specific Board policy providing a process for addressing the concern, or upon which the Board is without authority to act. Recommended decisions Recommendations are not grievable.

This policy does not apply in the case of long-term suspensions and expulsions, where Policy 6515 – Due Process applies or in the case of alleged discrimination, harassment or bullying by employees, where Policy 3060/4060/6060 or the applicable policies referenced therein apply.

#### 2. Grievant

The grievant is the student or parent/guardian of the student making the claim.

#### 3. Final Administrative Decision

A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

#### 4. School Days

School Days are working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the grievance.

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

A student, parent or guardian wishing to invoke the grievance procedure shall make a written request for a conference with the principal to discuss the grievance and seek resolution. The written request shall (1) provide the name of the school system employee or other individual whose decision is at issue, (2) detail the basis for the grievance, including a description of the specific final administrative decision(s) at issue; (3) name any policy, rule or law believed to have been violated, and (4) specify the relief being sought. The following additional guidelines shall be observed in Step I.

1. No grievance shall be heard unless it has been filed in writing within thirty (30) calendar days after disclosure or discovery of the act or condition giving rise to the grievance.
2. The principal shall grant the conference within five (5) school days following receipt of the request. The principal shall state in writing his/her position on the question to the student or parent within five (5) school days following the conference.
3. Only the parent, guardian or someone acting in *loco parentis* shall be permitted to join or represent the student in the conference with the principal.
4. If there is not a specific final administrative decision at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in Policy 8450 – Complaints is appropriate, and the principal shall address the concern following that policy.

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

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

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

If the grievance is not resolved at Step II, and it involves an alleged violation of state or local Board policy or state or federal law or state rule by a final administrative decision, it may be appealed in writing to the Board of Education. This written appeal must be made within ten (10) school days following the written response from the Superintendent at Step II. A panel appointed by the Chair and composed of not fewer than **two three** Board members shall hear such grievances in closed session. The Board panel shall make reasonable efforts to meet and consider the appeal within twenty (20) school days after the Chair refers the grievance to the panel. The hearing shall be limited to the written record and oral presentations by the grievant and administration, unless the Board determines that additional information is necessary. No new evidence, written or verbal, may be presented without the prior knowledge and consent of both parties or upon a majority vote of the panel. The Board panel may affirm, reverse or modify the decision of the Superintendent. In reaching its decision, the Board panel shall determine whether there has been a material violation of Board policy or state or federal law or regulation. The Board panel shall offer a final written decision within thirty (30) school days of the Step III hearing unless the panel determines that additional time is needed for further review.

#### **6902.5 E. Discretionary Appeals**

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

#### **6902.6 F. Policy Dissemination**

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

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

If the school system fails to comply with the time periods or other procedures outlined in this policy, the grievant may advance the grievance to the next level unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make

reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays that interfere with the exercise of the grievant's legal rights are not permitted. If the grievant fails to comply with the time periods or other procedures outlined in this policy, the grievant waives any further rights of appeal and the grievance will be considered resolved, unless the grievant has notified the official of a delay and the reason for the delay and the official has consented in writing to the delay.

#### **6902.8 H. Withdrawal of Grievance**

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

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

Adopted: November 29, 1990

Revised: January 31, 1994; May 12, 2008; April 10, 2017; November 5, 2018; September 14, 2020; \_\_\_\_\_

## 1316 HEARINGS BEFORE THE BOARD

In cases of appeals regarding student assignments, student discipline cases, student or employee grievances and other appeals to the Board, the Chairman may appoint hearing panels composed of not fewer than ~~two~~ three Board members, as provided by law. Except in student assignment cases, the Board panel may hear and act on such appeals on behalf of the Board. The full Board shall make a final determination on all questions of student assignment.

Legal Reference: G.S. 115C-45(c), -369

Adopted: August 29, 1988

Revised: January 12, 2009; \_\_\_\_\_

## 7500 FACILITY CONSTRUCTION

~~School building Facility construction will be undertaken in accordance with the master plan for each school adopted by the Moore County Board of Education. The Board will not be involved in substandard construction. In the event of insufficient funding for a project, the Board will defer parts of the master plan to later phases. Any repairs or renovations of school facilities should be undertaken in such a way as to minimize disruption of instructional time and the educational environment.~~

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

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

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

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

### **A. Quality of Construction**

Buildings should be constructed with durable materials that, when possible, permit space to be adapted to various purposes and to be adjusted to changes in technology or the educational program.

The Board will not accept substandard construction. In the event of insufficient funding for a project, the Board will defer implementing parts of the master plan.

### **B. Change Orders for Construction or Repair Work**

1. All Contracts for Construction or Repair Work

a. Use of Change Orders

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

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

b. Change Orders That Must be Reported to the Board

Unless otherwise prohibited by statute or regulation, the Superintendent or designee is authorized to approve ~~or deny~~ change orders involving additive or deductive sums up to \$50,000 so long as funding for the change order is available within the established project budget.

The Superintendent or designee shall report to the Board all ~~such~~ change orders ~~requests and whether they were~~ approved ~~or denied by the Superintendent or designee, including those that do not impact the contract amount. The report will be provided to Board members in writing on a monthly basis. The Superintendent or designee is not required to report any proposed change order that was denied by the Superintendent or designee.~~

c. Change Orders Requiring Board Approval

Change orders ~~which that~~ (1) involve amounts over \$50,000, (2) ~~or are~~ in excess of the remaining funds in the project budget, or (3) cause the total cost of a contract that has not been previously approved by the Board to exceed \$50,000 require Board approval. The Superintendent ~~or designee~~ shall ~~report to the Board at the next regular Board meeting present~~ all such proposed change orders, ~~along with the Superintendent's recommendation whether to approve each change order. However, the Superintendent shall report to the Board Chair within 48 hours any change orders that include a request by the contractor for expedited review or that, in the Superintendent's opinion, require expedited review. The Board Chair then will decide whether a special meeting must be called to address the proposed change order before the next regular Board meeting, that are recommended for approval to the Board at a Board meeting. The Superintendent is not~~

required to present to the Board any change order not recommended for approval.

2. Additional Requirements for Contracts in Excess of \$300,000

When amendments to a contract in excess of \$300,000 are necessary, the contractor shall submit a proposed change order in writing to the project architect/engineer for review. If the project does not have an architect/engineer, the change order must be submitted to the Superintendent or designee. Any request for expedited review must also be in writing and accompany the proposed change order. The contract for construction projects in excess of \$300,000 must specify the manner in which change orders will be submitted on those projects.

Legal Reference: ~~29 U.S.C. 794(b); 34 C.F.R. pt. 104(subpt. C); 42 U.S.C. 12101et seq.; 28 C.F.R. pt. 35(subpt. D); G.S. 115C-204, -521, -524; 133, arts. 1 and 3; State Board of Education Policy SCFC-005; State Board of Education Policies SCFC-003, North Carolina Public Schools Facilities Guidelines, and SCFC-006, Procedures Manual: Public School Building Capital Fund, both available at [www.schoolclearinghouse.org/](http://www.schoolclearinghouse.org/)~~

Adopted: November 29, 1990

Revised: February 10, 1997; February 10, 2014; June 12, 2017; August 13, 2018;

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## **7505 FACILITY DESIGN**

The Board is committed to constructing new facilities and renovating existing facilities in a manner that maximizes the use of space, provides effective energy management, implements sustainable systems, conserves environmental and fiscal resources, and produces structurally sound and safe buildings. All school buildings should be designed to create safe, orderly, and inviting learning environments where students can succeed. School buildings also will be planned to the extent feasible for maximum use by the community and for providing extended services to students.

The Superintendent or designee is responsible for overseeing the design of facilities that have been identified in the master facility plan and have been approved for funding. New or renovated facilities must be designed in a way that will meet all legal requirements, including legal standards for accessibility and use of facilities by persons with disabilities. Plans also must take into consideration the facilities guidelines developed by the North Carolina Department of Public Instruction. The Superintendent or designee may utilize services of outside professionals, including architects and other consultants, in the facility design and construction. Any contract for professional services must (1) be reviewed by the board attorney, (2) be approved by the Board, unless the board has delegated this authority to the Superintendent in Policy 2500, Contracts Administration, and (3) meet the requirements of any applicable Board policies. The Superintendent or designee also should work to involve school staff, parents, and students in the design of school buildings.

Before investing any money in the construction of any new building, or when using any state money for the erection, repair, or equipping of any building, the Superintendent or designee must submit the plans to the State Board for review and comment and must review the plans based upon a consideration of the comments received.

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

The Superintendent or designee shall report periodically to the board on the development of facility plans. The Superintendent or designee also shall report on the State Board's review of facility plans conducted pursuant to G.S. 115C-521(c) and this policy and must specifically address any concerns noted by the State Board. The Board must give final approval of facility plans before any money may be spent on new buildings or renovations.

Legal References: 29 U.S.C. 794(b); 34 C.F.R. pt. 104 (subpt. C); 42 U.S.C. 12101 et seq.; 28 C.F.R. pt. 35 (subpt. D); G.S. 115C-204, -521; 133, arts. 1 and 3; State Board of Education Policy SCFC-005; State Board of Education Policy SCFC-003, *North Carolina Public School Facilities Guidelines*, available at <https://www.dpi.nc.gov/districts-schools/district-operations/school-planning/project-planning#building-design>; State Board

of Education Policy SCFC-006, *Procedures Manual: Public School Building Capital Fund*, available at <https://www.dpi.nc.gov/districts-schools/district-operations/school-planning/capital-funding>

Cross References: *Contracts with the Board (policy 6420), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)*

Other Resources: *North Carolina Department of Public Instruction School Planning Publications*, available at <https://www.dpi.nc.gov/districts-schools/district-operations/school-planning>

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