



**Moore County Board of Education**

Helena Wallin-Miller, Chair

Elizabeth Carter, Vice Chair

Dr. Betty Wells Brown

Stacey Caldwell

Bruce Cunningham

Ed Dennison

Dr. Robert Grimesey, Superintendent

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**Moore County Board of Education  
Policy Committee Meeting  
Tuesday, June 25, 2019  
2:00 pm – Central Office Conference Room**

**MINUTES**

The Moore County Board of Education's Policy Committee met on June 25, 2019, with Committee Chair Dr. Betty Wells Brown calling the meeting to order at 2:00 p.m. Also in attendance were committee members Libby Carter and Stacey Caldwell and committee liaison Anita Alpenfels. Joining the committee for parts of the meeting were Senior Director for Operations Dale Buie and Board of Education Attorney Neal Ramee. Ms. Carter made the motion for approval of the agenda, and Ms. Caldwell provided a second, and the committee unanimously approved it as presented.

The committee reviewed the new and revised policies below. The committee elected to continue consideration of Policy 1620 – Expenses for Members of the Board of Education at the next called meeting of the Policy Committee. Dr. Alpenfels agreed to confer with Executive Officer for Budget and Finance Andrew Cox on reimbursement rates for meal allowances. Additionally, the committee elected not to amend Policy 7550 – Naming Facilities.

Language will be added to the regulations for new Policy 4203/7104 - Classified Employees: Duty to Drive a School Bus to address permanent exemptions for medical reasons.

The committee unanimously approved for the remaining policies and policy revisions to be presented for first reading at the January 7, 2019, Board work session (motion – Ms. Carter; second – Ms. Caldwell).

A number of questions were raised for follow-up:

- *Preschool Programs: There are nine teachers with 18 teacher assistants at six school sites (Southern Pines Primary, Vass-Lakeview Elementary, Robbins Elementary, Aberdeen Primary, Carthage Elementary and West End Elementary). There also are two itinerant teachers and two and a half preschool Speech Pathologists at the Ed Center. Serving the community-based program are two itinerant teachers.*
- *As to the question about tardies, here's the response from Director for Student Support Services Seth Powers: "There is no law or policy spelling out how to handle tardies as there is with attendance. Each school determines how best to address tardy issues at their school. This most often involves parent contacts by administration or the school social worker to work with the parent and to put interventions in place to correct the problem. Sometimes this involves an attendance/ tardy contract. Principals also have the discretion to impose consequences for being tardy such as loss of privileges, lunch detention, after-school detention, etc. Hope this helps to answer the question."*

- According to the regulations that accompany Policy 5520 – Evaluation of Student Progress, *"the lowest grade that may be awarded on the report card for a marking period is 50, except for the final nine (9) weeks of each term, in which the students' earned grade will be posted."*
- Committee members believe it is critical that principals remind teachers of the requirements of Policy 6000 – Attendance, particularly the section related to excessive absences.

The committee adjourned at 3:55 p.m.

1. **Policy 1320 – BOARD MEETING PREPARATION**..... page 6  
*This policy is recommended for deletion by counsel.*
  
2. **Policy 1321– BOARD MEETING AGENDAS**..... page 7  
*This policy is rewritten to align it with NCSBA’s sample policy, per counsel.*
  
3. **Policy 1420/~~3240/4240/8263~~ – BOARD MEMBER CONFLICT OF INTEREST/~~UNETHICAL INFLUENCE~~**..... page 8  
*This policy will be divided into two policies, this one for Board members and one for employees, to align with NCSBA’s sample policies, at the recommendation of counsel.*
  
4. **Policy 1620 – EXPENSES FOR MEMBERS OF THE BOARD OF EDUCATION**..... page 14  
*At the last meeting of the Policy Committee on December 18, 2019, the committee agreed to discuss this policy to ensure alignment with the policies of the County Commissioners.*
  
5. **Policy 2520/7513 – ETHICS AND THE PURCHASING FUNCTION**..... page 17  
*Because of the division in the Conflict of Interest policies described above, this new policy is needed, as it is referenced in NCSBA’s sample Employee Conflict of Interest policy.*
  
6. **Policy 3020/4020 - RECRUITMENT, AND SELECTION AND RETENTION OF PERSONNEL**..... page 20  
*This policy is revised to reflect new requirements for criminal history checks of child care providers and to align with NCSBA’s sample policy at the recommendation of counsel.*
  
7. **Policy 3100 - LICENSURE**..... page 27  
*Updates to this policy update and align its language with State Board Policy.*
  
8. **Policy 3210/~~4211/8210~~ – NEPOTISM**..... page 31  
*This policy is recommended for deletion, because its contents will be included in Policy 3020/4020 above, if amended as recommended.*

9. **Policy ~~1420/3240/4240/8263~~ – EMPLOYEE CONFLICT OF INTEREST/~~UNETHICAL INFLUENCE~~**..... page 33  
*As described earlier, this policy will be divided into two policies, one for Board members and this one for employees, to align with NCSBA’s sample policies, at the recommendation of counsel.*
  
10. **Policy 3421 – TEACHER CONTRACTS**..... page 37  
*Changes to this policy come at the recommendation of counsel.*
  
11. **Policy 4042– CLASSIFIED PERSONNEL: HIRING/SUSPENSION AND DISMISSAL PROCEDURES** ..... page 40  
*Changes to this policy align it with NCSBA’s sample policy at the recommendation of counsel.*
  
12. **Policy 4203/7104 – CLASSIFIED EMPLOYEES: DUTY TO DRIVE A SCHOOL BUS** ..... page 42  
*This new policy is recommended to assist in increasing the number of available bus drivers. Proposed regulations are provided for information.*
  
13. **~~Policy 5532 – ACCELERATION~~**..... page 46  
*This policy is recommended for deletion, because its contents are addressed in Policy 5530 – STUDENT PROMOTION AND ACCOUNTABILITY.*
  
14. **Policy 5541 – DUAL ENROLLMENT** ..... page 47  
*Updates to this policy align its language with current program standards.*
  
15. **Policy 6000 – ATTENDANCE** ..... page 49  
*This policy is revised to more closely align with NCSBA’s sample policy.*
  
16. **Policy 6020 – SCHOOL ADMISSIONS**..... page 53  
*Language is added to permit students enrolled from out-of-county to remain at designated under-utilized schools through graduation upon written request to the Superintendent.*
  
17. **Policy 6300 – STUDENT RECORDS**..... page 59  
*This policy is rewritten to align it with NCSBA’s sample policy.*

18. **Policy 6730 – CHILD ABUSE – REPORTS AND INVESTIGATIONS** ..... page 78  
*Updates to this policy align its language with NCSBA’s sample policy.*
19. **Policy 7550 – NAMING FACILITIES**..... page 82  
*Language is added to permit naming of parts of new facilities in exchange for a donation.*
20. **Policy 7800 – SPECIAL POLICE OFFICER PROGRAM** ..... page 83  
*Language is added to clarify the special separation allowance.*

### **~~1320 BOARD MEETING PREPARATION~~**

~~Before actions by the Board are requested or recommended, the Superintendent shall provide the Board with adequate data and back-up information to assist the Board in reaching sound and objective decisions consistent with established goals. Board members shall be expected to read the information provided them, and to contact the Superintendent to request additional information that may be necessary to assist them in their decision-making responsibilities.~~

~~Legal Reference:           , 276~~

~~Adopted: August 29, 1988~~

## **1321 BOARD MEETING AGENDAS**

~~The Superintendent in his/her role as Secretary to the Board shall prepare the agenda for each meeting with the approval of the Chairman. An agenda will be furnished to each Board member prior to the regular meeting. The agenda for meetings shall include a consent agenda that lists items to be passed with a single motion and vote without discussion. Items may be placed on the agenda by the Superintendent with the approval of the Chairman, by unanimous vote of a Board committee at a committee meeting or at the request of a Board member. Any item on the consent agenda may be removed by request of any Board member or the Superintendent and shall then be placed on the action/discussion agenda for consideration by the Board, or referred to a committee.~~

~~The order of business will be set by the Chairman and subject to adoption by the Board with a majority vote at the beginning of each meeting.~~

The chairperson and the Superintendent will prepare a proposed agenda for each Board meeting. A request to have an item of business placed on the agenda must be received at least six working days before the meetings. A Board member may, by a timely request, have an item placed on the agenda.

Each Board member will receive a copy of the proposed agenda three days prior to the meeting, and the proposed agenda will be available for public inspection and/or distribution when it is distributed to the Board members. At the meeting, the Board may, by a majority vote, add an item that is not on the proposed agenda before the agenda is adopted. After the agenda has been adopted, a two-thirds vote is required to add an item to the agenda.

Legal Reference: G.S. 115C-36, ~~41, 276~~

Adopted: August 29, 1988

Revised: February 27, 1995; June 24, 1996; January 7, 2010; \_\_\_\_\_

## **1420/3240/4240/8263 BOARD MEMBER CONFLICT OF INTEREST/UNETHICAL INFLUENCE**

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

### **~~A. Contracts with the Board~~**

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

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

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

~~A Board member or employee derives a direct benefit from a contract if the Board member or employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the Board of Education and the spouse of a Board member. However, the Board member involved will not deliberate or vote on the spouse's employment contract or attempt to influence any other person who is involved in making or administering the contract. An exception also is allowed for~~



~~employment contracts between the Board and the spouse of the Superintendent if approved by the Board in an open session meeting in accordance with the requirements of state law and Policy 3020/4020—Recruitment, Selection and Retention.~~

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

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

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

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

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

- ~~1. non-school employment that adversely affects the employee's availability or effectiveness in fulfilling job responsibilities;~~
- ~~2. work of any type in which the sources of information concerning customer, client or employer originate from any information obtained through the school system;~~
- ~~3. work of any type that materially and negatively affects the educational program of the school system;~~
- ~~4. any type of private work using system facilities, equipment or materials, unless prior approval is provided by the Superintendent;~~
- ~~5. providing through private enterprise the same type of services to the same recipients as the employee provides in his/her employment with the school system, unless the Superintendent has given prior approval;~~
- ~~6. any type of private work during school time or on school property, unless prior approval is provided by the Superintendent; or~~
- ~~7. tutoring or instruction of students for a fee on school property or with school supplies. Any teacher who accepts pay for privately tutoring students shall provide such tutoring off school property and shall limit his/her practice to students other than those in a school in which he/she teaches.~~

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

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

#### **~~D. Receipt of Gifts~~**

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

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

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

#### **~~E. Unethical Influence~~**

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

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

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

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

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

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

A Board member derives a direct benefit from a contract if the Board member or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the Board and the spouse of a Board member. However, the Board member involved will not deliberate or vote on the spouse's

employment contract or attempt to influence any other person who is involved in making or administering the contract.

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

For purposes of the previous paragraph, a “financial interest” means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. It does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual’s employer has no control over the selection of holdings.

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

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

4. A Board member will not solicit or accept any gifts from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.
5. A Board member will not misuse information in violation of G.S. 14-234.1. Specifically, a Board member will not use knowledge of contemplated Board action, or information known to the member in his or her official capacity and not made public, to:
  - a. acquire a financial interest in any property, transaction, or enterprise or gain any financial benefit which may be affected by the information or contemplated action; or
  - b. intentionally aid another to acquire a financial interest or gain a financial benefit.

Legal References: 2 C.F.R. 200.112 and 200.318(c)(1); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, -234.1; 133-32, ~~33~~; G.S. 115C 47(18); ~~Attorney General Opinion~~

requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Adopted: July 30, 1990

Revised: May 11, 2009; January 7, 2010; April 11, 2011; September 8, 2014; November 5, 2018;

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## **1620 EXPENSES FOR MEMBERS OF THE BOARD OF EDUCATION**

### Compensation

Board members will be compensated for the performance of their official duties and responsibilities. The amount of compensation will be established according to applicable laws.

### Reimbursement and Expense Allowances

Board Members will receive expense allowances and/or be reimbursed for out-of-pocket expenses incurred in the performance of their duties in accordance with published guidelines approved by the Board, which shall be developed, reviewed and periodically updated by the Board in consultation with the Superintendent.

### **Guidelines for Moore County Board of Education Professional Development and Travel Reimbursement and Expense Allowances**

View or Print: [THIS DOCUMENT](#)

Legal Reference: G.S. 115C-36, -38; 153A-92

Adopted: August 29, 1988

Revised: February 10, 2014

**Guidelines for Moore County Board of Education  
Professional Development and Travel  
Reimbursement and Expense Allowances**

Approved by the Moore County Board of Education on February 10, 2014  
Expense Allowances Approved by MCBOC on March 4, 2014

The following guidelines have been approved by the Moore County Board of Education and govern all Board member requests for expense reimbursement and all expense allowances related to Board members' professional development and official travel.

**A. EXPENSE REIMBURSEMENT**

1. Each Board Member will be eligible to be reimbursed for up to \$5,000.00 for education and training relevant to his or her service as a Board member during each two-year period that he or she serves as a Board member. This amount is inclusive of registration fees, hotel expenses, meal reimbursements, and out-of-county travel costs associated with such education and training, but does not include any expense allowances for in-county mileage or per diem meal allowances as described in section B of these guidelines. Each member will decide which conferences/meetings to attend based on meeting agenda and content. If a Board Member has exhausted his or her \$5,000.00 budget over the relevant two-year period and wishes to attend additional conferences or meetings during that time, the Board Member may either:

a. Request approval to attend additional conferences by submitting the request for consideration and approval by the Board in open session at an official Board meeting.

b. Pay for the costs associated with the additional conference or meeting without requesting reimbursement from the district.

2. All requests for reimbursement for out-of-county travel and/or attendance at out-of-county conferences or meetings must be approved by the Board Chair and reported to the Chief Financial Officer (CFO) before payments will be made by the district. Any such requests submitted by the Board Chair must be approved by the Board Vice-Chair and reported to the CFO before payments will be made. Any denial by the Chair or Vice-Chair of a request made pursuant to this section may be appealed to the full Board at the next regularly scheduled Board meeting.

3. Airline reservations will be scheduled through the superintendent's office and paid by the district in advance. If a Board member is traveling with a spouse or another traveling companion, reservations for the spouse or traveling companion may be made at the same time but at the Board member's or traveling companion's expense. Board members must either submit a personal credit card number to the Finance Office in advance of booking or deliver a check to the Finance Office within 48 hours of booking. If a Board Member must make an adjustment in travel arrangements for any reason other than a district purpose, any costs associated with the change (including but not limited to cancellation fees or non-refundable deposits) will be considered a personal expense.

4. Hotel reservations will be scheduled through the superintendent's office and paid by the district in advance. If a Board member must make an adjustment in travel arrangements for any reason other than a district purpose, any costs associated with the change (including but not limited to cancellation fees or non-refundable deposits) will be considered a personal expense. Hotel rooms will be covered only for the length of the conference. Any extra days will be at the Board Members expense. Reimbursement to a Board member sharing a room with a family member or guest will be limited to the single occupancy rate.

5. When there is a realistic option of either driving or flying to an out-of-state destination, the lesser of the costs will be used for reimbursement calculations.

6. The District mileage chart (or Map Quest) and the optional standard mileage rate for business travel used by the United States Internal Revenue Service will be used to calculate mileage reimbursement for all approved out-of-county travel, using the Board member's home as the origination point. Board members will be reimbursed for taxi, transportation, and/or parking costs consistent with these guidelines upon submission of receipts.

7. Upon submission of receipts, Board members will be reimbursed for the actual costs of meals consumed at or while traveling to or from conferences or meetings. Alcoholic beverages are not subject to reimbursement. Alternatively, Board members may obtain per diem expense allowances for such meals as provided in section B.1 of these guidelines.

8. Expenditures not covered in these guidelines will be considered the personal responsibility of the individual Board member

#### B. EXPENSE ALLOWANCES

1. Board members will be eligible for the following per diem meal allowances while traveling to conferences or meetings in their official capacities as Board members:

- a. \$40.00 per day for in-state travel
- b. \$50.00 per day for out-of-state travel.

Amounts may be paid in advance or in arrears after Finance review of the respective meeting/conference agenda to confirm that meals for which reimbursement is sought are not included with the meeting/conference. If some but not all meals are provided as part of the meeting/conference, Board members will be eligible for the following per allowances for each meal not provided during the conference and during travel to and from the conference:

- a. \$8.00 per day for breakfast, \$12.00 per day for lunch, and \$20.00 per day for dinner for in-state travel.
- b. \$10.00 per day for breakfast, \$15.00 per day for lunch, and \$25.00 per day for dinner for out-of-state travel.

2. Each Board member will receive \$50 per month to cover all in-county travel, regardless of actual mileage incurred and without submission of a mileage report.



## 2520/7513 ETHICS AND THE PURCHASING FUNCTION

The Board is committed to conducting the purchasing function in an ethical manner and in compliance with state and federal laws and regulations. The Board expects all employees who are directly or indirectly involved in any aspect of the purchasing function to be aware of and comply with all current state and federal laws and regulations as these standards apply to the school system's purchasing activities.

Employees directly or indirectly involved in any aspect of the school system's procurement, purchasing, and/or contracting process for apparatus, materials, equipment, supplies, services, real property, or construction or repair projects, regardless of source of funds, must adhere to the following standards of conduct and those established in Policies 3240/4240/8263, Employee Conflict of Interest, and 2510, Federal Grant Administration.

1. Employees are expected to make all purchasing-related decisions in a neutral and objective way based on what is in the best interest of the school system and not in consideration of actual or potential personal benefit.
2. Employees shall not participate, directly or indirectly, in making or administering any contract from which they will obtain a direct benefit, unless an exception is allowed pursuant to law.

An employee obtains a direct benefit when the employee or his or her spouse will receive income, commission, or property under the contract or the employee or spouse has more than a 10 percent interest in an entity that is a party to the contract. See G.S. 14-234 and policy 3240/4240/8263, Employee Conflict of Interest.

Participation in making or administering a contract includes, but is not limited to, participating in the development of specifications or contract terms; obtaining or reviewing bids; preparation or award of the contract; and having the authority to make decisions about, interpret, or oversee the contract.

3. Employees shall not participate, directly or indirectly, in the selection, award, or administration of a contract supported in whole or part by a federal grant or award if the employee has a real or apparent conflict of interest. See 2 C.F.R. 200.318 and policy 2510, Federal Grant Administration.

A real or apparent conflict exists when the employee, his or her immediate family member or partner, or an organization which employs or is about to employ any of those individuals, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this subsection, a "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. It does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

4. Employees shall not influence or attempt to influence any person involved in making or administering a contract from which the employee will obtain a direct benefit as described in paragraph 2, above.
5. Employees shall not solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the school system.
6. Employees shall notify the Superintendent or designee in writing if they have an actual or potential conflict of interest under this policy or applicable state or federal law that would disqualify them from performing any aspect of their job responsibilities.
7. Employees shall not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from current or recent (within the past year) contractors, subcontractors, or suppliers, or any persons or entities that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value (\$50 or less), and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other item that is clearly permitted by state and federal law. Multiple permitted items from a single contractor may not exceed an aggregate value of \$100 in a twelve-month period.

Employees shall inform existing and potential contractors, subcontractors, and suppliers about these restrictions.

8. Employees shall not solicit or accept any gift from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.
9. Employees shall not divulge confidential information to any unauthorized person. Confidential information includes, but is not limited to (1) the school system's cost estimate for any public contract, prior to bidding or completion of other competitive purchasing processes; and (2) the identity of contractors who have obtained proposals for bid purposes for a public contract, until the bids are opened in public and recorded in the Board minutes.
10. An employee shall not misuse information in violation of G.S. 14-234.1. Specifically, an employee shall not, in contemplation of the employee's own official action or that of the Board or others acting on behalf of the school system, or in reliance on information known to the employee in his or her official capacity and not made public, to:
  - a. acquire a financial interest in any property, transaction, or enterprise;
  - b. gain a financial benefit that may be affected by the information or contemplated action; or
  - c. intentionally aid another to acquire a financial interest or gain a financial benefit from the information or contemplated action.

The Superintendent or designee shall ensure that all affected personnel are aware of Board policy requirements and applicable laws. Any individual aware of any violation of this policy, Policy 1420, Board Member Conflict of Interest, Policy 3240/4240/8263, Employee Conflict of Interest, the conflict of interest provisions of Policy 2510, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with Policy 3037/4037/6640/8837, Prohibition Against Retaliation. Employees who violate this policy, policy 1420, Policy 3240/4240/8263, or the conflict of interest provisions of policy 2510, will be subject to disciplinary action.

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

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

## **3020/4020 RECRUITMENT, ~~AND~~ SELECTION ~~AND~~ RETENTION OF PERSONNEL**

~~It shall be the policy of the Board that a continuous system of recruitment and selection of personnel be maintained in order to assure competent candidates for vacancies as needed.~~

### **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.

~~The Board of Education acknowledges that the most important aspect of attaining excellence in education is the quality of the teaching staff and the administrative staff. With that in mind, the Board hereby adopts as policy and states its determination to strive for such excellence and further declares its intent to employ and re-employ only those teachers and administrators who possess, have exhibited, and who continue to strive for excellence in their preparation for, performance of, and contribution toward the educational process.~~

### **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.

~~In general, All vacancies must be advertised 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, or 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**

~~The Moore County Board of Education believes that a safe and secure learning and working environment should be provided for all students and staff. The Board further believes that employees should be role models for students and should positively represent Moore County Schools in the community. These beliefs reflect the fundamental principle that anyone who~~

~~directly or indirectly has contact with children is in a unique position of trust in this society. Further, 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. Criminal dispositions against an applicant or employee may have an impact upon these goals and will be considered in hiring and dismissal decisions. Accordingly, a criminal records check will be conducted of applicants and/or newly hired employees, including substitutes. If an applicant is hired prior to the completion of the criminal records check, the employment shall be considered conditional pending a review of the results of the check.~~

~~Applicants shall be required to answer completely and accurately questions on their application with regard to previous criminal history. Failure to do so will subject the applicant to not being hired and an employee to being dismissed. Applicants shall consent in writing to an initial criminal record check. Applicants and employees shall consent to post hiring criminal record checks and to providing fingerprints and other identifying information as requested by the school system. To the extent permitted by law, failure to consent or provide relevant information will result in rejection of an applicant or separation from employment of an employee. 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. 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.~~

~~If a final candidate for employment or for hiring as an independent contractor is found to have been convicted 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.~~

~~If a criminal record check reveals that an applicant or conditional employee was charged with but not convicted of a crime, whether misdemeanor or felony, that suggests that the employee may not meet the employment standards of this Board, the administration may conduct a further investigation into the person's conduct and the circumstances surrounding the charge to determine the person's fitness for employment.~~

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 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).

~~Applicants and current employees shall notify the immediate supervisor and the Executive Officer for Human Resources immediately if they are charged with or convicted of a criminal offense, including DWI (see Board Policy on Criminal Arrests and Convictions).~~

~~A criminal records check also may be conducted on an individual, random, ongoing or rotating basis of annually rehired and current employees, including substitutes, as well as on independent contractors and volunteers whose services involved contact with students. If the school system conducts these checks through the North Carolina Department of Justice or through a private service, it must first obtain the individual's consent.~~

~~Information obtained through the implementation of this policy shall be kept confidential as provided in the North Carolina General Statutes and regulations.~~

~~If the school administration conducts criminal record checks that are subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.~~

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 supervised 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.

## **D-E. Selection**

### 1. Qualifications

Candidates for employment ~~will~~ must be selected ~~on the basis of~~ 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, ~~including criminal records check for recommended candidates~~; 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.

~~Anyone may apply for vacancies provided they hold the proper credentials.~~

2. Nepotism —~~See Nepotism Policy.~~

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 BENF-009; 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;

## 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 employee 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 hours per week, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by G.S. 115C-157.1.

2. Adjunct Instructors in Core Academic Subjects

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

3. Interim Principals

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

#### 4. Cherokee Language and Culture Instructors

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

#### 5. Driver Education Instructors

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

### **C. Beginning Teacher Support Program**

The Superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the Board and 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 Superintendent or designee must submit an annual report on the Beginning Teacher Support Program to the Department of Public Instruction (DPI) by October 1 of each year. The report must include evidence of demonstrated proficiency on the Beginning Teachers Support Program Standards and evidence of mentor success in meeting Mentor Standards. The school system also will participate in implementing a regionally-based annual peer review and support system.

Teachers with fewer than three years of teaching experience will be required to participate in the Beginning Teacher Support Program.

### **D. License Conversion**

Teachers must meet all requirements of the State Board of Education in order to move from an initial to a continuing professional license. Licensing is a state decision and cannot be appealed at the local level. This policy serves to notify teachers and other licensed staff who may not qualify for professional license conversion that the process for appealing for additional time is through the state.

### **E. License Renewal**

Licensure renewal is the responsibility of the individual, not of the school district. Any employee allowing a license to expire must have it reinstated prior to the beginning of the next school year. A teacher whose license has expired is subject to dismissal.

The school system may offer courses, workshops and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered must be consistent with State Board of Education policy. In addition, the Superintendent or designee shall develop procedures to determine the appropriateness of any credit offered in advance of renewal activities.

Decisions regarding the employment of teachers who fail to meet the required proficiency standard for renewal of a continuing professional license will be made in accordance with 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, EVAAL-004, EVAL-023, [EVAL-034](#), LICN-001, [LICN-005](#), ~~-018, -021, LICN-022~~; [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/1Ssiewc7pZAUaHWI33pWMFdYOkb1ZYKtlWRFU-QHRY4/edit?ts=57aa2c78#heading=h.gjdgxs](https://docs.google.com/document/d/1Ssiewc7pZAUaHWI33pWMFdYOkb1ZYKtlWRFU-QHRY4/edit?ts=57aa2c78#heading=h.gjdgxs) ~~NCAC-6C.0102, NCAC-6C.0307, TCED-016~~

Adopted: July 30, 1990

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

## **3210/4211/8210 NEPOTISM**

~~The principal or other appropriate administrator will make specific assignments in keeping with the qualifications of each employee and the needs of the program.~~

For purposes of this policy, the following definitions apply:

- ~~1. “Immediate family” means spouse, parent, child, brother, sister, grandparent or grandchild. The term includes the step, half and in-law relationships.~~
- ~~2. “Central office staff administrator” includes all central services administrators including, but not limited to, directors, supervisors, specialists, executive and chief officers and superintendents.~~

~~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.~~

- ~~1. Job applicants shall be required to disclose known immediate family relationships to the Executive Officer for Human Resources or designee during the hiring process.~~
- ~~2. Central office staff administrators and principals shall notify the Executive Officer for Human Resources or designee of any immediate family relationship in a timely manner. This notification shall 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.~~
- ~~3. Any central office staff administrator who knowingly fails to disclose any immediate family relationship to the Board as required will be subject to disciplinary action up to and including dismissal.~~

~~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; and/or anyone living in the employee’s household.~~

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

~~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 from participating in any such proceeding.~~

~~Legal Reference: G.S. 115C 36, 47, 288~~

~~Adopted: July 30, 1990~~

~~Revised: February 8, 2010; January 7, 2013; February 8, 2016; June 12, 2017~~



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

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

### A. Contracts with the Board

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

1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the Board, unless an exception is allowed pursuant to G.S. 14-234 or other law;
2. participate in the selection, award, or administration of a contract supported in whole or in part by federal funds if the employee has a real or apparent conflict of interest as described in Policy 2510, Federal Grant Administration;
3. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the Board when the ~~Board member or~~ employee will obtain a direct benefit from the contract; or
4. solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract by the Board. This includes trips or meals from contractors, subcontractors or suppliers, except gifts or favors of nominal value or meals furnished at banquets.

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

An Board member or employee derives a direct benefit from a contract if the ~~Board member or~~ employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the Board ~~of Education~~ and the spouse of ~~a Board member. However, the Board member involved will not deliberate or vote on the spouse's employment contract or attempt to influence any other person who is involved in making or administering the contract. An exception also is allowed for employment contracts between the~~

~~Board and the spouse of~~ the Superintendent if approved by the Board in an open session meeting in accordance with the requirements of state law and Policy 3020/4020 – Recruitment, Selection and Retention.

## **B. Misuse of Information**

~~An Board member or~~ employee shall not ~~use knowledge of contemplated Board action or information known to the member or employee in his or her official capacity and not made public~~ to do any of the following:

1. ~~acquire a financial interest in any property, transaction or enterprise or gain any financial benefit which may be affected by the information or contemplated action~~ use information, which was learned in the employee's role as an employee and which has not been made public, to acquire a financial interest or gain a financial benefit, or to intentionally help another do so; or
2. ~~acquire or gain, or intentionally aid help~~ another person to acquire or gain, a financial interest or ~~gain a financial~~ benefit in contemplation of official action by the employee or the school system.

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

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

1. non-school employment that adversely affects the employee's availability or effectiveness in fulfilling job responsibilities;
2. work of any type in which the sources of information concerning customer, client or employer originate from any information obtained through the school system;
3. work of any type that materially and negatively affects the educational program of the school system;
4. any type of private ~~work~~ business using system facilities, equipment or materials, unless prior approval is provided by the Superintendent;
5. ~~providing through private enterprise the same type of services to the same recipients as the employee provides in his/her employment with the school system, unless the Superintendent has given prior approval; or~~
6. any type of private ~~work~~ business during school time or on school property, unless prior approval is provided by the Superintendent; or
7. tutoring or instruction of students for a fee on school property or with school supplies. Any teacher who accepts pay for privately tutoring students shall provide such tutoring off school property and shall limit his/her practice to students other than those in a school in which he/she teaches.

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

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

#### **D. Receipt of Gifts**

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

No ~~Board member or~~ employee may solicit or accept trips, meals, ~~gratuities, gifts,~~ favors or anything items of monetary value ~~from (1) current contractors, subcontractors or supplies; (2) any contractor, subcontractor or supplier that has performed under a contract with the Board within the past year; or (3) any contractor, subcontractor or supplier that foreseeably may bid on a contract in the future,~~ any other person or group desiring to do or doing business with the school system, unless the ~~item is an unsolicited~~ gifts are of nominal value (\$50 or less) and ~~is one of the following:~~ (1) are instructional products ~~an~~ advertising items ~~or souvenir~~ that ~~is~~ are widely distributed; (2) an are honorariums for participating in a meeting; (3) a are meals ~~provided served~~ at a banquet; or (4) other item that is clearly permitted by state and federal law ~~are approved for receipt by the Superintendent or designee.~~ These exceptions for gifts of nominal value do not apply to employees involved in purchasing and procurement activities except as provided in Policies \_\_\_\_\_, Ethics and the Purchasing Function, and 2510, Federal Grant Administration, and applicable state and federal law.

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

#### **E. Violations**

The Superintendent or designee shall ensure that all personnel are aware of the requirements of this policy and applicable conflict of interest laws. Any individual aware of any violation of this policy, Policy 1420, Board Member Conflict of Interest, Policy 2520/7513, Ethics and the Purchasing Function, the conflict of interest provisions of Policy 2510, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with Policy 3051/4051, Prohibition Against Retaliation. Employees who violate this policy, Policy 1420, or the conflict of interest provisions of Policy 2510, will be subject to disciplinary action.

#### **E.F. Unethical Influence**

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

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

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

Adopted: July 30, 1990

Revised: May 11, 2009; January 7, 2010; April 11, 2011; September 8, 2014; November 5, 2018;

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## **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.

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 **performance or conduct** 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.

Adopted: January 16, 2018

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

## **4022 CLASSIFIED PERSONNEL: HIRING/SUSPENSION AND DISMISSAL PROCEDURE**

~~The Board shall hire support personnel only upon the recommendation of the Superintendent.~~

~~The Superintendent or his designee shall have the authority to hire and dismiss support personnel and take all other personnel action deemed necessary.~~

~~Any action to discipline, demote or dismiss support personnel shall be appealable to the Board by the affected personnel.~~

~~As required by law, upon inquiry from a North Carolina local board of education, charter school or regional school as to the reason for an employee's dismissal, the Superintendent or designee shall indicate if the employee's criminal history was relevant to the dismissal.~~

Classified positions (i.e., those that do not require an instructional or administrative license) are critical to the effective operation of the school system. The Board encourages open communication between classified employees and their supervisors. When performance problems arise, supervisors are encouraged to communicate clearly in oral or written form the nature of the deficiencies and to provide a reasonable opportunity to improve. Any written notices or reprimands will be included in the employee's central office personnel file. All employees are expected to meet job requirements and to seek clarification and guidance when needed to fulfill these requirements.

### **A. Suspension**

The Superintendent or designee may suspend an employee without pay as a disciplinary sanction. The Superintendent shall provide written notice of the suspension without pay to the employee. This notice will be placed in the personnel file. The suspension without pay may begin immediately. An employee has 10 calendar days from the date of receiving written notice of the Superintendent's decision to take the following actions: (1) request written notice of the reason(s) for the Superintendent's decision and (2) request an appeal before the Board of Education regarding the decision to suspend without pay. If notice of the reason(s) for the suspension is requested, such notice must be provided prior to any Board hearing on the decision. If an appeal is not made within this time, an appeal is deemed to be waived. An employee may appeal a suspension on the grounds that there was no rational basis for the suspension; the suspension was discriminatory, was used for harassment, or was otherwise unlawful; or Board policies were not followed.

Upon receiving a request for an appeal, the chairperson may designate a panel of three Board members to review the decision. The chairperson of the Board or the panel may establish rules for an orderly and efficient hearing. The employee will be notified in writing of the decision of the Board to uphold, reverse, or modify the Superintendent's decision. An employee will receive back pay for any period of suspension without pay that is not upheld by the Board.



## **B. Termination**

As “at will” employees who lack contract or statutory rights in their employment, employees in classified positions may be terminated on any basis that is not discriminatory or otherwise unlawful, including inadequate performance, misconduct, failure to follow Board policies, or a reduction in staff. All other terminations will be made pursuant to this policy. The Superintendent has the authority to terminate at-will employees. The Superintendent should provide written notice to the employee and the Board of the decision to terminate. An employee has 15 calendar days from the date of receiving notice of the Superintendent’s decision to take the following actions: (1) request written notice of the reason(s) for the Superintendent’s decision and (2) request an appeal of the decision to the Board of Education. If notice of the reason(s) for the termination is requested, such notice must be provided prior to any Board hearing on the termination. The termination is effective during the period of appeal.

Upon receiving a request to appeal the Superintendent’s decision to terminate, the chairperson may appoint a panel of three Board members to review the decision. The employee has the burden of establishing that the termination was based on illegal discrimination or was otherwise unlawful. The Superintendent may offer evidence to substantiate that the dismissal was for a reason that is not unlawful, such as prior warnings or remedial efforts.

The hearing procedures established in Policy 1316, Hearings Before the Board, will be followed. The chairperson will provide written notice of the decision to the employee and the Superintendent as soon as practicable after reaching a decision. The Board may uphold the Superintendent’s decision or reinstate the employee for any reason it deems proper, so long as the Board’s reason is not discriminatory or otherwise unlawful.

Any employee who has been dismissed for cause will be ineligible for reemployment.

Upon inquiry from a North Carolina local board of education, charter school, or regional school as to the reason for an employee’s dismissal, the Superintendent or designee shall indicate if the employee’s criminal history was relevant to the dismissal.

This policy is not intended to create any property rights or an implied or express contract between the Board and the employee other than what is provided by law.

Legal Reference: 029 U.S.C. 621 *et seq.*; 29 U.S.C. 794 *et seq.*; 42 U.S.C. 1981; 42 U.S.C. 12101; G.S. 115C-45(c), -47, ~~-276(j)~~, -332

Adopted: July 30, 1990

Revised: September 8, 2014; January 16, 2018; \_\_\_\_\_

## **4203/7104 CLASSIFIED EMPLOYEES - DUTY TO DRIVE A SCHOOL BUS**

To ensure the safe and efficient transportation of students to and from school, and to ensure an adequate number of regular and substitute school bus drivers to meet the needs of the Moore County Schools, the Board adopts the following policy.

All teacher assistants, custodians and child nutrition assistants employed by the Moore County Schools must be qualified, licensed, and willing to drive a school bus. Bus driving duty shall be considered an essential function of these classified positions, and these employees must sign a bus driving agreement as a condition of new or continued employment. Continued employment will be contingent upon the employee completing all requirements and maintaining the appropriate license and certification to drive a bus. For any such employee first hired after the effective date of this policy, that employee shall become licensed to drive a bus within ninety (90) calendar days after completing the first school bus driver certification class following the employee's start date.

Teacher assistants, custodians and child nutrition assistants hired before January 31, 2019, are exempt from this policy. The Superintendent shall develop procedures to implement this policy, including procedures under which other exceptions to this policy, if any, may be established.

Bus driving assignments shall be made by the Superintendent or the Superintendent's designee to best meet the needs of the Moore County Schools. Nothing in this policy is intended to establish or create a right to drive a school bus.

Legal References: G.S. 115C-47, -245, -276

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

## **4203/7104R CLASSIFIED EMPLOYEES - DUTY TO DRIVE A SCHOOL BUS**

### **New Employees**

Effective as of the adoption date of policy 4203/7104, Duty to Drive a School Bus, all new teacher assistants, custodians and child nutrition assistants, whether a new hire or a re-hire for annual position must be licensed and certified to drive a school bus. These employees must:

- Sign a bus driving agreement as a condition of their employment;
- Prior to starting work, obtain a DOT Medical Card allowing the employee to drive a school bus in NC; and
- Make a good faith effort to register for and attend the first available school bus driver certification class offered after employment.

Employment is contingent upon the employee completing all requirements and obtaining the appropriate license and certification within ninety (90) calendar days of attending the school bus driver certification class. For annual positions, there is no right or entitlement of the employee to be re-hired for a subsequent annual position, but if the employee who was hired within the last sixty (60) days of the school year is re-hired, the employee shall have an additional thirty (30) days during the following school year to complete the appropriate license and certification.

### **Maintaining License and Certification**

All employees who are required to drive a school bus as a condition of employment must maintain a valid license and all required endorsements and certifications to drive a school bus.

### **Assignment as a School Bus Driver**

All classified employees who sign a bus driving agreement and/or have a current job responsibility to drive a school bus must be available to drive a regular bus route as needed. Employees who currently are not needed to drive a regular bus route must be available as substitute bus drivers.

The transportation supervisor is expected to use staff members as substitute bus drivers at the school before calling an employee from another school. An employee from another school may be called only if that school does not have an available staff member to substitute.

Nothing in this regulation is intended to limit the ability of the Superintendent or his designee to assign a teacher assistant, custodians or child nutrition assistants to drive a regular bus route. Employees will be assigned as regular or substitute bus drivers in the discretion of the Superintendent or designee in the manner required to meet the needs of the school system.

### **Exemptions**

1. Teacher assistants, custodians and child nutrition assistants hired before January 31, 2019, who have no existing job duty or obligation to drive a school bus by agreement or otherwise, are exempt from this policy.
2. All employees who are otherwise subject to the duty to drive a bus may receive a temporary exemption if these employees develop a medical condition that may temporarily interfere with their ability to drive a bus after they are licensed and certified to drive a bus.
  - a. These exemptions will be for short durations based on a doctor's note for a specific amount of time. These exemptions are not permanent and should typically be granted for no more than twelve (12) weeks.
  - b. Upon conclusion of the temporary exemption, the employee must submit a completed medical report to the DMV Driver License Section and be cleared to drive in order to remain employed.

**AGREEMENT TO DRIVE A SCHOOL BUS**

I, \_\_\_\_\_, understand that as a teacher assistant, custodian or child nutrition assistant of the Moore County Schools, I have an obligation and duty to drive a school bus on a regular and/or substitute basis. I understand that driving a school bus is an essential function of my job.

I acknowledge that:

- 1) I am at least 21 years of age and have at least 6 months driving experience.
- 2) I have a valid North Carolina operator’s license and a good driving record.
- 3) I meet all physical, vision, and hearing requirements for school bus drivers under North Carolina law.

I agree that as a condition of my employment:

- 1) I will obtain and maintain a DOT Medical Card that allows me to drive a school bus in NC.
- 2) I will take the school bus driver training conducted by the DMV School Bus & Traffic Safety Section.
- 3) I will pass such tests as may be required by law and prescribed by the Commissioner of Motor Vehicles and the State Board of Education for licensing and certification to drive a school bus.

I agree that I will be available to drive a regular bus route and/or be available as a substitute bus driver as determined by the Superintendent or designee. I understand that if I am unable or unwilling to drive a school bus, I may be disqualified from employment with the Moore County Schools as a teacher assistant, custodian or child nutrition assistant.

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Date

## **5532 ACCELERATION**

~~The staff shall see that individual learners are encouraged to move ahead as rapidly as they wish and can. This can be done by individualizing the materials and goals of the student's program. While acceleration ahead of grade should be approached with caution, gifted or capable students may be accelerated ahead of grade, after thorough discussion by the professional staff and approval of the parents and the principal. Advancing or placing out of a particular course in a senior high school does not award a credit toward high school graduation. Credits for high school graduation are based on approved instructional experiences, group or individual, in grades 9 through 12 or through approved experiences at off-campus institutions.~~

~~Legal Reference: G.S. 115C-47, -81~~

~~Adopted: November 26, 1990~~

## 5541 DUAL ENROLLMENT

In its effort to provide a rigorous expanded curriculum that will adequately prepare students for future educational and workplace endeavors, the Board will support high school students who also wish to enroll in classes taught by a college, university, community college or other approved entity in accordance with the requirements of this policy, state law and State Board of Education policy.

### A. Career and College Promise

The Career and College Promise program is designed to offer qualified high school students structured dual enrollment opportunities that provide both entry-level job skills as well as pathways leading to a certificate, diploma or degree.

The Board, in collaboration with local community colleges, may provide for dual enrollment of a qualified ~~junior or senior~~ high school student in community college courses through (1) a Career and Technical Education Pathway leading to a job credential, certificate or diploma aligned with one or more high school ~~Tech-Prep~~ Career Clusters or (2) a College Transfer Pathway leading to a college transfer ~~certificate requiring the successful completion of 30 semester hours of transfer courses credits~~.

The Board may also partner with institutions of higher education to establish cooperative innovative high school programs that enable a student to concurrently obtain a high school diploma and (1) begin or complete an associate degree program, (2) master a certificate or vocational program or (3) earn up to two years of college credit within five years. Students are eligible for these programs beginning in ninth grade.

The Superintendent shall develop procedures consistent with this policy, state law and State Board policies.

### B. Other College Courses

The Superintendent shall develop procedures and requirements for awarding high school credit toward graduation upon request to students who self-enroll in courses taught by a college, university, community college or other approved entity. Credit toward graduation will be granted only for courses that are consistent with the policies and standards of the school system and State Board requirements, including the requirements of State Board of Education Policy CCRE-001, which defines “Course for Credit.” The principal must approve the course in advance. Prior to granting approval, the principal shall determine whether the course is eligible for credit toward graduation in accordance with the procedures and requirements developed by the Superintendent.

The parent or guardian of the student must give permission for the student to take the course, and the student must complete any forms required by the school system. Enrollment of a student in a course is the responsibility of the student and the student’s parent or guardian. Unless otherwise

provided, all special fees and charges and any special transportation needs are the responsibility of the student and the student's parent or guardian.

For a student to receive credit toward high school graduation, the school at which the course is offered must provide such essential information as is generally included in official transcripts of school records. This information must include: (1) a description of the content and subject matter covered by the course; (2) the number of clock hours of instruction in the course; and (3) the student's achievement or performance level in the course. In addition, a syllabus that includes course goals, course objectives, course activities and grade requirements must be provided.

The student also must meet any other requirements established by the Superintendent.

Legal References: G.S. 115C art. 16 pt. 9; 115C-36, -47, 115D-5(b), -20(4); S.L. 2011-145 sec. 7.1A(a), 7.1A(b), 7.1A(c), 7.1A(k); State Board of Education Policies CCRE-001, GRAD-004

Adopted: June 10, 2013

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



## 6000 ATTENDANCE

Attendance in ~~school is central to educational achievement and school success.~~ Attendance and participation in class ~~is an~~ are integral parts of academic achievement and the teaching-learning process, ~~and thereby a part of the grade earned.~~ Additionally, Through regular attendance, students develop patterns of behavior essential to professional and personal success in ~~later~~ life; ~~both personal and business.~~ ~~While there are times when students must be absent from school due to physical inability to attend, it must be understood that parents or legal guardians have the responsibility for ensuring that students attend and remain at school daily.~~ 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, ~~both daily and by~~ 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);
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. visitation with the student's parent or legal guardian, 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.

~~A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting shall be granted additional excused absences at the discretion of the Superintendent or designee to visit with his or her parent or guardian relative to such leave or deployment.~~

### **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.

Absences 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: 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.0104

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; \_\_\_\_\_

## **6020 SCHOOL ADMISSIONS**

Qualification for admission to the Moore County Public School System shall be considered complete upon satisfaction of the criteria listed under the respective types of entrants.

### **~~6020.1~~ A. Domiciliary Students**

Students who are domiciled in Moore County (or who meet the exceptions to domicile in G.S. § 115C-366 as outlined below) shall be admitted without payment of tuition upon fulfillment of the following requirements:

~~A.1.~~ A.1. Presentation of competent and verifiable evidence that the student is under the age of 21 (22 for students entitled to special education services) and has not completed the prescribed course for graduation from high school.

~~B.2.~~ B.2. Presentation of satisfactory evidence that the student has satisfied North Carolina immunization requirements.

~~C.3.~~ C.3. Receipt of transcript and other student records for a student whose parent or guardian is a new resident of Moore County. If the student's parent, custodian or guardian provides the student records, the receiving school's principal shall verify the records as required by Board policy 6322.2 (Records of Missing Children). The principal shall in all cases obtain such records, or the aforementioned verification, within thirty (30) days of the child's enrollment, as required by policy 6322.2.

~~D.4.~~ D.4. Receipt of a parent or guardian's statement under oath or affirmation before a qualified official on a form prescribed by the school system indicating whether the student is, at the time, under suspension or expulsion from attendance at a private or public school in this or any other state or has been convicted of a felony in this or any other state.

### **~~6020.2~~ B. Determination of Domicile**

The Superintendent shall develop and be responsible for administering a system to determine the domiciliary status of each pupil desiring to attend the Moore County Public Schools, for the purpose of determining qualifications for admission.

~~A.1.~~ A.1. "Domicile" denotes a permanent, established home, as distinguished from a temporary place of residence.

~~B.2.~~ B.2. By law, the domicile of an unemancipated minor is the same as that of his parents or legal custodian. Students aged 18 years or older or those who have been legally emancipated may establish their own domiciles.

### **~~6020.3~~ C. Exceptions to Domicile Requirement**

The following categories of student shall be admitted regardless of domiciliary status:

~~A.1.~~ Homeless children, and the children of homeless parents, who actually live in Moore County shall be considered domiciliary students for the purpose of this policy. Homeless people are those who lack a fixed, regular and adequate nighttime residence. Such individuals include those who reside primarily in a shelter providing temporary accommodations, an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not ordinarily used as a regular sleeping place for people. A student living with a friend or relative is not a homeless student unless he/she lives there due to conditions that constitute homelessness under state and federal statutes. Homeless students will be assigned to schools in accordance with Board Policy 6023 – Homeless Children.

~~B.2.~~ Any student who resides within a Moore County attendance area with a parent, guardian, or legal custodian who is a student, employee or faculty member of a college or university or a visiting scholar at the National Humanities Center is considered domiciled in that area for purposes of this section.

~~C.3.~~ Any student who resides in a group home, foster home or other similar facility or institution licensed under Article 2 of Chapter 122C or Article 1A of Chapter 131D of the North Carolina General Statutes. In addition, students placed in foster care may, depending on the circumstances, have a right under state and federal law to continue attending their school of origin without payment of tuition despite a change in domicile status.

~~D.4.~~ Any student who is considered a child with a disability under the Individuals with Disabilities Education Act and was enrolled in the school system on the last day of school for the 2006-2007 school year or enrolled in and attending a school in the school system on August 1, 2007, for the 2007-2008 school year, so long as the child lives within and is continuously enrolled in the system.

~~E.5.~~ The student meets all three of the following requirements:

~~1.a.~~ The student resides with an adult who is a domiciliary of the school system as a result of any of the following:

~~a.i.~~ The death, serious illness or incarceration of the child’s parent or legal guardian.

~~b.ii.~~ The abandonment by the child’s parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance.

~~c. iii.~~ Abuse or neglect by the parent or legal guardian.

~~d.iv.~~ The physical or mental condition of the parent or legal guardian is such that he or she cannot provide the student with adequate care and supervision.

e.v. The relinquishment of physical custody and control of the student by the student's parent or legal guardian upon the recommendation of the Department of Social Services or the Division of Mental Health.

f.vi. The loss or uninhabitability of the student's home as a result of a natural disaster.

g.vii. The parent or legal guardian is on active military duty for a period of 30 or more days and is deployed out of the local school administrative unit in which the student resides.

h.viii. The parent or legal guardian died while on active military duty or was severely injured and medically discharged or retired from active military duty as a result of the injury. Enrollment is valid for only one year after the date of the death, medical discharge or retirement.

2.b. The student is not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or expulsion from Moore County Schools; and

3.c. The adult with whom the student resides and the student's parent, guardian or legal custodian present to Moore County Schools affidavits on forms provided by the school system that:

a.i. Confirm the qualifications set out in this subsection establishing the student's residency;

b.ii. Attest that the student's claim of residency in Moore County is not primarily related to attendance at a particular school; and

e.iii. Attest that the caregiver adult has been given and accepts responsibility for the educational decisions for the child, including receiving notices of discipline, attending conferences, granting permission for school-related activities and taking appropriate action in connection with student records.

F.6. Foreign and international exchange students who are participating in exchange programs with school districts that have reciprocal agreements for Moore County students. Foreign and international exchange students not participating in such pre-approved exchange programs must satisfy the same requirements for admission as other non-domiciliary students.

G.7. School-aged children of current full-time employees of the Board of Education are eligible for admission to the Moore County Schools without paying tuition even if they are domiciled outside of Moore County, so long as the parents or legal guardians agree to be solely responsible for transportation and the students are also eligible for assignment to a particular school or schools in accordance with Board Policy 6201. If, for any reason, an employee-parent or

employee-guardian whose children are admitted pursuant to this subsection leaves the employment of the Board of Education or transitions to part-time employment, the children may finish out the school year but will thereafter be admitted only if they meet the criteria set out in Policy 6020.1, 6020.3 or 6020.4.

#### **6020.4 D. Discretionary Admissions**

Discretionary admissions are strongly discouraged but may be granted in extraordinary circumstances on a case-by-case basis. Requests for particular schools will be entertained but are not guaranteed. Families requesting discretionary admission must submit their requests to the Superintendent or designee in writing. Discretionary admissions are valid for one school year only; families must reapply by the published deadline each year to maintain enrollment in subsequent years.

Except as otherwise provided in this policy, the administration will charge tuition to all students granted discretionary admission who are not domiciled in North Carolina or who are domiciled in North Carolina but do not reside within the school district. The amount of tuition will be the amount of per-pupil local funding, as determined annually by the Finance Office by August 1 of each school year. Children of employees admitted under section 6020.3(G) of this policy are not considered discretionary admissions and will not be charged tuition.

Notwithstanding the language above, the Board authorizes the Superintendent or designee to grant discretionary admission and waive tuition for up to three (3) students district-wide at any given time if those students are currently residing with parents or legal custodians who are full-time faculty members of Sandhills Community College. Such students will be seated until the aggregate, district-wide, limit of three (3) has been reached and will be administratively assigned to schools with sufficient space, staffing, grade-level capacity and appropriate programming as defined in Policy 6210.2 and its implementing regulation.

Additionally, the Board authorizes the Superintendent or designee to grant discretionary admission and waive tuition for any student not eligible for admission under section 6020.1 or 6020.3 of this policy if enrollment is sought at an “under-utilized school.” For purposes of this policy, an “under-utilized school” is one that the Superintendent or designee, in his or her sole discretion, has determined meets all of the following criteria: (1) the school is currently under-enrolled and is projected to remain so based on growth projections; (2) the school has sufficient space, staffing, grade-level capacity and appropriate programming as defined in Policy 6210.2 and its implementing regulation to accommodate the student’s enrollment; and (3) allowing the enrollment and waiving tuition would not adversely impact the Board’s overall student assignment plans and goals. By requesting discretionary admission and tuition waiver to an under-utilized school, parents waive the right to request a transfer to any other school during the period of enrollment The Superintendent or designee is further authorized to grant written requests for students granted discretionary admission to an “under-utilized school” to attend school(s) at the next grade span(s) within the feeder pattern for their school and to waive tuition for attendance at such schools if the Superintendent or designee determines that space is available at the schools in question and granting discretionary admission shall be made in writing by the



parent or legal custodian and shall be valid for the forthcoming school year only. Such requests may be renewed annually by a deadline established by the Superintendent or designee.

The Superintendent or designee is authorized to revoke discretionary admission for any student based on issues such as excessive tardies or absences or persistent inappropriate behaviors arising after admission is granted or if it is determined that admission was granted based on false information submitted by the parent or guardian.

All students whose legal domicile is in another North Carolina school district (for example, unemancipated minors whose parents or legal guardians are domiciled outside of Moore County) must present a written release from the school district of their domicile authorizing them to be admitted to the Moore County Schools before a request for discretionary admission will be considered.

#### **6020.5 E. Transfers Out of Moore County**

The Superintendent or designee is authorized to release and assign students to attend school in another administrative unit upon agreement in writing between both school units. The release is only effective for the current school year, unless renewed annually in writing by both school units.

#### **6020.6 F. Students Under Suspension/Expulsion or Convicted of a Felony**

If a student seeking admission is under suspension or expulsion or has been convicted of a felony, the parent, guardian or custodian must provide to the school system all requested information related to the conduct. The Superintendent or designee will review the information and determine whether the student will be admitted and whether any reasonable conditions should be imposed. Students receiving services under an IEP or 504 plan will receive educational services in accordance with state and federal laws pertaining to children with disabilities.

1. Suspension: The Superintendent may deny admission to a student who is under a suspension for conduct that could have led to a suspension from a school within the school system. Admission may be denied until the suspension has expired.

2. Expulsion: The Superintendent may deny admission to a student who has been expelled from school pursuant to G.S. 115C-391.11 or who has been expelled from a school for behavior that indicated the student's continued presence in school constituted a clear threat to the safety of other students or employees. The student may request reconsideration of the decision in accordance with G.S. 115C-390.12.

3. Felony Conviction: The Superintendent may deny admission to a student who has been convicted of a felony in this state or any other state. The student may request reconsideration of the decision in accordance with G.S. 115C-390.12.

#### **6020.7 G. Students Participating in the North Carolina Address Confidentiality Program**

In determining whether a student meets the domicile or residence requirements of this policy, school personnel shall consider the actual address of a participant in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C, but such address shall remain confidential in accordance with law and Board policy.

Legal Reference: Elementary and Secondary Education Act, 20 U.S.C. 6303 *et seq.*; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*, *Non-Regulatory Guidance: Ensuring Educational Stability for children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016); *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016); G.S. 7B art. 35; 35A art. 6; 15C-8(i); 50-13.1 to 13.3; 115C-40, -106.3, -107.6, -108.1(a), -366, -366.1, -390.11, -390.12, -403, -407.5; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000, *available at <http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>*

Adopted: November 29, 1990

Revised: October 26, 1992; October 27, 1997; June 12, 1998; March 22, 1999; June 11, 2007; July 28, 2008; May 10, 2010; February 10, 2014; September 14, 2015; January 17, 2017; July 17, 2017; January 14, 2019; \_\_\_\_\_

## 6300 STUDENT RECORDS

In compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g, and its implementing regulations, 34 C.F.R. Part 99, the Moore County Board of Education requires its staff and administrators to protect the confidentiality of student records as provided in this policy. All student records shall be up-to-date and maintained with appropriate measures of security and confidentiality.

### **6300.1 Definitions of Parent and Eligible Student**

A. A parent includes a natural parent, a guardian or an individual who is acting as a parent in the absence of a parent or guardian. When a student's parents are divorced, both parents have full rights under this policy unless a court order or legally binding document specifying otherwise is provided to school officials. A copy of any court order restricting a parent's access to a student's files shall be included with the student's cumulative record and shall be complied with by all school personnel.

B. An eligible student is a student who is 18 years of age or older or a student who is attending a post-secondary educational institution.

### **6300.2 Definitions of Records; Types of Records; Location of Records**

Student records protected by this policy include those records, files, videos, photos, documents and other materials in physical or electronic formats that contain information directly related to a student. Student records do not include the records of school personnel that are in the sole possession of the maker and which are not accessible or revealed to any other person except a temporary substitute for the person who made the record.

A. The principal is the custodian of student records maintained at the school, including a student's cumulative file and, if applicable, a confidential file. Each student's records are maintained and released in accordance with this policy by the principal of the school the student currently is attending or most recently attended. These records are located in the administrative office at each school:

1. The student's cumulative file may include, but is not limited to: a photograph of the student; a personal data sheet; achievement, scholastic, aptitude and other standardized test scores; literacy assessments; a transcript; a certified birth certificate; immunization records; emergency medical and other health data; and family background information.
2. The student's confidential file contains information regarding the referral, identification and service for special needs, disabled, and academically gifted children. These folders are kept at the school the child attends and are kept in a secure location as part of the student's official record. Copies of some special education records may also be kept at Moore County Schools' Central Office. See Policy 6300.10 for further information regarding special education records.

B. Official records must be maintained permanently and must include: the student's date of birth, attendance data, grading and promotion data, and disciplinary records, including notice of any expulsion or long-term suspension (a suspension for a period of more than 10 days) and the conduct for which the student was expelled or suspended.

~~The Superintendent or designee may expunge a notice of expulsion or long-term suspension from the student's record if all of the following criteria are met: (1) the student graduates from high school or is not suspended or expelled during a two-year period following the student's return to school after the suspension or expulsion; (2) the Superintendent or designee determines that maintenance of the record is no longer required to maintain safe and orderly schools; and (3) the Superintendent or designee determines that the maintenance of the record is no longer needed to adequately serve the student. The Superintendent or designee shall expunge a notice of expulsion or long-term suspension from the student's record if all of the above criteria are met and a parent, eligible student, student who is married, or student who is at least 16 years old requests expungement.~~

~~C. Temporary student records may be kept but shall be reviewed annually and destroyed when their usefulness is no longer apparent or when the student leaves school, unless there is an outstanding request to inspect. (Records Retention and Disposition Schedule, North Carolina Department of Cultural Resources, Division of Archives and History, 1999)~~

~~D. 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. Such documents shall not be part of a student's official records, but shall be maintained by the principal in a safe, locked record storage that is separate from the student's other records. The principal shall not make a copy of such documents under any circumstances.~~

~~Juvenile records shall be used only to protect the safety of or to improve the education opportunities for the student or others. The principal may share juvenile records with individuals who have direct guidance, teaching, or supervisory responsibility for the student and a specific need to know in order to protect the safety of the student and others. Juvenile documents shall be destroyed if the principal receives notification that a court no longer has jurisdiction over the student or if the court grants a student's petition for expunction of the records. All other information received from an examination of juvenile records shall be destroyed when the principal finds that the information is no longer needed to protect the safety of or to improve the education 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. Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of a child's disappearance, the school shall flag the record of any child who is currently or who was previously enrolled in a school and who is reported as missing. If the missing child's record is requested by another school system, the principal shall notify the Superintendent and the agency that notified the school that the child was missing of the~~

request and provide the agency with a copy of any written request for information concerning the missing child's record.

1. Upon transfer of a child into Moore County Schools from any other school system, the principal shall, within thirty (30) days of the child's enrollment, obtain the child's record from the school in which the child previously was enrolled. If a copy of the child's record from the previous school is provided by the parent, the principal shall, within thirty (30) days of the child's enrollment, request written verification of the school record from the previous school. Any information received indicating that the transferring child is a missing child shall be reported promptly to the Superintendent and the North Carolina Center for Missing Persons.

### **6300.3 Who May Inspect and Review Student Records**

A parent or an eligible student shall be allowed to inspect and review the student's records upon proper request. Access shall be allowed only for the requested records. If information within a student's record includes information on any other student, the parent or eligible student shall have the right to inspect and review only the part of the record that pertains to their student or to be informed of the specific information related to their student.

Once a student becomes an eligible student, the rights of the parent under this policy terminate and all such rights transfer to the student with one exception: the parents of an eligible student, who is classified as a dependent of the parent for federal income tax purposes, may review their child's records without his/her student's consent.

### **6300.4 Right to Inspect and Review Student Records**

Except as modified in 6300.10, requests to review a student's records, including records that are electronically maintained, should be made in writing to the school principal or guidance counselor. The review shall be scheduled within a reasonable period of time, no later than 45 calendar days following the written request to the principal or guidance counselor. A formal review of a student's complete records shall be conducted only in the presence of the principal or a school official designated by the principal.

### **6300.5 Copies of Student Records**

Copies of student records shall be provided within 45 calendar days of receiving a written request of a parent or eligible student.

A fee may be charged to a parent or eligible student for copies of a student's record, unless the effect of charging the fee is to effectively prevent a parent or eligible student from exercising the right to inspect and review the student's educational records. In addition, free copies of transcripts may be provided to current students for potential post high school admission.

### **6300.6 Release of Student Records**

Except in the circumstances outlined below, a parent or eligible student must provide written consent prior to the release of personally identifiable information from a student's record.

When personally identifiable information from a student's records is released or disclosed without prior written consent of the parent or eligible student, the party to whom the information is released shall 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 (L below) or information released in accordance with a court order or subpoena (D below). Information may be released to the following persons or in the following circumstances without prior written consent:

~~B. 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 Board of Education member; or a person or company with whom the school system has contracted to perform a special task (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.~~

~~C. 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 annual notice or through specific individual notice. Moore County Schools 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.~~

~~D. 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.~~

~~E. 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.~~

~~F. In court proceedings, without a court order or subpoena, the education records of the student that are relevant to the legal action, if a parent or eligible student initiates legal action against the school or if the school initiates legal action against a parent or eligible student.~~

~~G. Financial aid organizations, if the release is in connection with a student's application for or receipt of financial aid.~~

~~H. Accrediting organizations, to the extent necessary to allow them to carry out their accrediting functions.~~

~~I. 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.~~

~~J. 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.~~

~~K. 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.~~

~~L. Parents of an eligible student, if the student is classified as a dependent of the parent for income tax purposes.~~

~~L. Directory information, including student's name and grade, the school the student is attending or most recently attended, dates of attendance, date of graduation, awards received, participation in officially recognized activities and sports, the weight and height of members of athletic teams, photograph and pictures or videos taken on buses, school grounds, in school buildings and of school activities unless the picture or video may reveal confidential information about a student.~~

~~Annually, parents and eligible students will be given an opportunity to object to release of directory information. If an objection is made, then no directory information about that student will be released.~~

~~M. Pursuant to federal law, names, addresses, and telephone listings of secondary school students shall be released to military recruiters and institutions of higher education upon request. Parents or eligible students may request that this information not be released without prior written consent by the parent or eligible student. Annually, parents and eligible students will be notified of the opportunity to make such a request. If a request is made, then the school system shall comply with the request and shall not release the name, address, and telephone listing of the student without prior written consent.~~

~~N. To appropriate persons in an emergency, if school officials determine that there is an articulable and significant threat to health or safety and that the person to whom the disclosure is made needs the information to protect the health or safety of the student or others. Within a reasonable time after such a disclosure is made, school officials must document in the student's records the nature of the threat, the person(s) to whom the disclosure was made, and the basis for the disclosure.~~

### **6300.7 Record of Requests and Disclosures of Student Records**

~~A record of each request for access to and disclosures of personally identifiable information from a student's record shall be maintained with that record. A parent or eligible student shall have access to this record of disclosures. The record will include:~~

~~A. The records to be released;~~

~~B. The parties who have requested or received information; and~~

~~C. The legitimate reason(s) for requesting or obtaining the information.~~

~~A record of requests for access from and disclosures to the following individuals is not required:~~

~~A. Parents and eligible students~~

~~B. School officials who have a legitimate educational purpose.~~

~~C. Parties seeking directory information.~~

### **6300.8 Process for Amending Student Records**

~~A parent or eligible student shall have the right to challenge, in writing, the content of a document contained in the student's record on the grounds that the information is inaccurate, misleading, or otherwise in violation of the student's privacy rights. Except as modified in 6300.10, challenges shall be processed as follows:~~

~~A. The parent or eligible student shall make a request for amendment in writing to the Superintendent or designee. The request shall identify the information in the student's record that is claimed to be inaccurate, misleading, or in violation of the student's privacy rights; the basis for the request, and the proposed change to the record. This request shall become a part of the student's official record.~~

~~B. The Superintendent or designee shall examine all written requests for amendment to student record items. He/she shall decide whether a challenged document should be removed, altered, or remain as it is. The Superintendent or designee shall provide a written decision to the parent or student within 15 school days after the parent/student request is received.~~

~~If the Superintendent or designee determines that the record is inaccurate, misleading, or in violation of the student's privacy rights, he or she shall amend the record accordingly and inform the challenger of the amendment in writing. If the Superintendent or designee determines that the record is not inaccurate, misleading, or in violation of the student's privacy rights, he or she shall inform the parent or student, in writing, of the right to appeal the Superintendent/designee's decision through the procedure set forth below and the right to place a statement in the student's record commenting on the contested information and/or stating disagreement with the decision not to remove or amend the challenged item. If such a statement is submitted, it shall be maintained with the challenged item in the student's record and released with the challenged item whenever it is released.~~

~~C. The parent or student may appeal the Superintendent/designee's decision in writing to the Board. The appeal must be made within five (5) school days following receipt of the Superintendent/designee's written response in Step I. The hearing shall be held within ten (10) school days following the written appeal or as soon as possible thereafter. Both the parent/student and the school may be represented by an attorney. Both sides shall have an~~



~~opportunity to present evidence relevant to the issue of whether the contested information is inaccurate, misleading, or in violation of the student's right to privacy.~~

~~The Board shall issue a written decision summarizing the evidence and providing the reason(s) for its decision. If the Board determines that the record is inaccurate, misleading, or in violation of the student's privacy rights, the school shall amend the record accordingly and inform the challenger of the amendment in writing. If the Board determines that the record is not inaccurate, misleading, or in violation of the student's privacy rights, the school shall inform the parent or student, in writing, of the right to place a statement in the student's record commenting on the contested information and/or stating disagreement with the decision not to remove or amend the challenged item. If such a statement is submitted, it shall be maintained with the challenged item in the student's record and released with the challenged item whenever it is released.~~

#### **6300.9 Availability of Policy to Parents**

~~A copy of this policy shall be made available to a parent or eligible student upon request.~~

#### **6300.10 Special Education Records**

~~Additional 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.~~

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.

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**

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 student experiencing homelessness), 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. 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. 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. 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.

### 5. 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 made by teachers, counselors, and administrators 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. This does not include information obtained from the student's confidential file or other educational records that is contained in a law enforcement record.

#### **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 the substitute address 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. 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.

### **H. Amendment to Student 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 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. 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 personally identifiable information from a student's record is released or disclosed without prior written consent of the parent or eligible student, 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.

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 provided that the parent or eligible student has 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. The 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. In particular, the telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program and information or the living situation of a student experiencing homelessness are not considered directory information.

e. 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) 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) 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) 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. 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. 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. Destruction of Student Records**

School officials shall only destroy student records in accordance with state and federal law. 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. 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 ~~of 1974~~, 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; 14-208.29; 10 U.S.C. § 503, 32 C.F.R. Part 83, G.S. 115C-47(26), G.S. 115C-114, G.S. 115C-109.3, -402, G.S. 115C-403, -407.5, 116E-6 and G.S. 174.13.

Adopted: November 29, 1990

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

## 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 ~~of suspected child abuse, neglect, dependency or death as a result of maltreatment~~ under either of North Carolina's mandated reporting laws.

~~Any school employee who knows or has cause to suspect child abuse, neglect, dependency or death as a result of maltreatment is legally required to report the case of the child to the Child Abuse Hotline. 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 abuse, neglect, dependency or death as a result of maltreatment. Failure on the part of any school employee to report may result in disciplinary action being brought against the employee by the school system or civil action under the law.~~

~~The principal may establish a contact person in the school to act as a liaison with social services. This contact person may assist an employee in making the report to the Child Abuse Hotline, 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.~~

~~All employees shall cooperate fully with the department of social services in its investigation of suspected child abuse, neglect, dependency or death as a result of maltreatment. Employees shall permit the child to be interviewed by social services on school campuses during school hours and shall provide social services with confidential information, so long as the disclosure does not violate state or federal law. Any confidential information disclosed by the department of social services to employees will remain confidential and will only be redisclosed for purposes directly connected with carrying out the responsibilities of the school system or the employee.~~

### **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 LICN-007, State Board of Education Regulation LICN-020-R(1) ~~NCAC 6C.0312~~

Adopted: November 20, 1990

Revised: May 20, 1996; March 12, 2007; January 16, 2018; \_\_\_\_\_

## 7550 NAMING FACILITIES

The Board considers naming facilities to be a significant endeavor, since the name of a facility can reflect upon the students, staff, school district and community. The decision to name a school is solely the responsibility of the Board, though the Superintendent may be authorized to develop a recommended process for naming newly constructed schools, or existing or new facilities. No school shall be named for an individual who is living or deceased.

In addition to naming schools, the Board of Education may name or dedicate existing facilities within a school, including, but not limited to, athletic facilities, media centers, auditoriums and specific educational buildings in recognition of an individual living or deceased.

Requests for naming an existing facility shall be made in writing to the Board of Education, care of the Superintendent. The written submission shall include the reasons for the request as well as contact information for the person(s) making the request. The Board may consider all applicable factors in connection with the naming of facilities, including but not limited to the potential costs. The decision to name or re-name a facility does not commit the Board to expend financial resources on signage or related matters.

Requests to name parts of new facilities in exchange for a donation will be considered provided the donation covers at least 75% of the construction and/or upfitting cost.

Legal Reference: 115C-36

Adopted: January 12, 2015

Revised: January 17, 2017; January 14, 2019; \_\_\_\_\_

## 7800 ~~SPECIAL~~ POLICE OFFICER PROGRAM

In the interest of providing a safe and secure environment for students and school personnel, and consistent with the mandate of the Moore County Schools' Safe Schools Plan, the Moore County Board of Education maintains a ~~Special~~ Police Force, certified by the North Carolina's ~~Attorney General's Office~~ Criminal Justice Training and Standards Commission. Commissioned Special Police Officers (SPOs) are placed in individual schools as needed.

~~SPOs~~ Police Officers work in full cooperation with school administrators, faculty, staff, and students to: help maintain a safe and secure environment at the schools through the prevention of criminal activities and disturbances; respond to criminal conduct occurring on school campuses; help prevent juvenile delinquency; and serve as a resource for the dissemination of information regarding students' rights and responsibilities as citizens.

The following rules shall govern the ~~SPO-program~~ Police Department.

### 7800.1 ~~A.~~ Employment, Administration, and Control

~~A.1.~~ The Moore County Board of Education shall have the power and authority to hire, discharge, and discipline ~~SPOs~~ officers.

~~B.2.~~ The Superintendent shall designate a school system Chief of ~~Special~~ Police ~~Force~~, who shall be responsible for administering the ~~SPO-program~~ Department.

~~C.3.~~ ~~SPOs~~ Officers shall be assigned to schools as directed by the Chief of ~~Special~~ Police ~~Force~~ or designee.

~~D.4.~~ While working as ~~SPOs~~ officers in the school system, officers shall be subject to the direction of the Chief of ~~Special~~ Police ~~Force~~ and work with the principal or designee of the school to which they are assigned.

~~E.5.~~ Investigations by ~~SPOs~~ officers are considered criminal investigations. To avoid confusion, non-criminal investigations regarding possible violations of school rules and regulations shall be conducted by school system personnel rather than by ~~SPOs~~ officers, except as may be expressly directed by the ~~Safety Manager~~ Chief of Police or ~~his~~ designee.

~~F.6.~~ All ~~SPOs~~ officers shall be provided a copy of this policy.

### 7800.2 ~~B.~~ Basic Qualifications of ~~SPOs~~ Police Officers

An ~~SPO~~ officer shall meet the following basic qualifications:

~~A.1.~~ The SPO officer shall be ~~a commissioned Special Police Officer certified through the North Carolina Criminal Justice Training and Standards Commission~~ with at least three years of law enforcement experience;

~~B.2.~~ The SPO officer shall possess sufficient knowledge of all applicable federal and state laws, including the Juvenile Code of North Carolina; County ordinances; and Board of Education policies and administrative regulations;

~~C.3.~~ The SPO officer shall be capable of conducting in-depth criminal investigations;

~~D.4.~~ The SPO officer shall possess an even temperament and set a good example for students; and

~~E.5.~~ The SPO officer shall possess good communication skills to enable the officer to function effectively within the school environment.

### **7800.3 C. Duties of SPOs Police Officers**

~~A.1.~~ To protect lives and property in the school system;

~~B.2.~~ To provide law enforcement services to the school system;

~~C.3.~~ To investigate criminal activity committed on or adjacent to school property;

~~D.4.~~ To help prevent juvenile delinquency through close contact with students and school personnel;

~~E.5.~~ To counsel certain students, such as students suspected of engaging in criminal misconduct, when requested by the principal, the principal's designee, or the parents of the student;

~~F.6.~~ To answer questions that students may have about North Carolina criminal or juvenile laws, and to make classroom presentations at the request of the principal or teachers, but not give legal advice;

~~G.7.~~ To assist other law enforcement officers with outside investigations concerning students attending public school in Moore County;

~~H.8.~~ To provide security and/or traffic control for special school events or functions, such as PTA meetings or athletic events; and

### **7800.4 D. Search and Seizure**

In investigating crimes and performing interrogations, searches, and arrests of students, SPOs officers shall at all times comply with applicable state and federal law.

### **7800.5 E. Enforcement of School Rules**

Violations of school rules, as opposed to violations of the criminal law, should be handled at the school level by school personnel. SPOs officers are available for advice, assistance, and consultation, but those matters that are the exclusive concern of the school administration and do not constitute suspected violations of the law should be handled by school personnel. Where student misconduct involves a suspected violation of both school rules and the criminal law, school personnel and SPOs officers shall consult together about the situation and their respective roles.

#### **7800.6 F. SPO Access to Education Records**

A.1. School officials shall allow SPOs officers to inspect and copy any public records maintained by the school including student directory information such as yearbooks. SPOs Officers may not inspect and/or copy confidential student education records except in emergency situations, consistent with state and federal law.

B.2. If information in a student's cumulative record is needed in an emergency to protect the health or safety of the student or other individuals, school officials may disclose to the SPO officer that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety, the need for the information to meet the emergency situation, and the extent to which time is of the essence.

C.3. If confidential student records information is needed, but no emergency situation exists, the information may be released only upon the issuance of a search warrant, subpoena, or court order to produce the records, or upon consent of the parent or eligible student.

#### **7800.7 G. Maintenance of SPO Officer Records**

Any arrest records, citations, charges or other law enforcement documentation generated by SPOs officers in the course of their law enforcement duties shall be: a) maintained separately from education records; b) maintained solely for law enforcement purposes; and, c) disclosed only to other Moore County Schools Special Police officials.

#### **7800.8 H. Access to SPO Officer Records**

Any arrest records, citations, charges, or other law enforcement documentation generated by SPOs officers in the course of their law enforcement duties shall be considered law enforcement records of the Moore County Schools' Special Police Agency Department. Such records shall not be available to students, parents, school officials, or the general public, except as provided by law.

#### **7800.9 I. Dress Code**

SPOs Officers shall wear ~~civilian attire or such~~ uniforms as designated by the Board of Education or the Chief of Special Police ~~Force~~.

## 7800.10 **J. Training**

SPOs Officers shall be required to undergo appropriate in-service training as required under state law. In addition, as directed by the Board of Education or the Chief of ~~Special Police Force~~, all SPOs officers may be required to engage in training tailored to the school system environment, such as the School Resource Officer basic and advanced training programs offered by the North Carolina ~~Justice Academy of Justice~~ and the workshops and training sessions conducted by the Center for the Prevention of School Violence.

## 7800.11 **K. Evaluation of ~~Special~~ Police Officers**

~~The Superintendent (or his designee) shall annually evaluate the SPO program and the performance of each SPO Officers shall be evaluated annually in accordance with district requirements.~~

## 7800.12 **L. Special Separation Allowance**

The Moore County Board of Education recognizes that sworn law enforcement officers who retire from a local sheriff's or local municipal police department are eligible for a "special separation allowance" if the officer meets certain criteria under N.C.G.S. 143-166.42. The Board supports payment of a similar benefit to SPOs officers who retire from service with the Moore County Schools if the SPO officer meets the criteria outlined in this Policy 7800.12.

1. Any SPO officer employed by the Moore County Board of Education on or before April 7, 2014, is eligible to receive an annual Separation Allowance upon his or her retirement from the Moore County Schools, if:

A.a. The SPO officer has 30 years or more of creditable service or the SPO is 55 years old or older with 5 years of creditable service. The term "creditable service" means service for which credit is allowed under the retirement system of which the officer is a member, provided that at least 50% of the service is as a sworn law enforcement officer;

B.b. The SPO officer has at least 5 years of continuous service as a sworn law enforcement officer immediately before retirement; and

C.c. The SPO officer is not already eligible for or drawing the special separation allowance benefit, pursuant to N.C.G.S. 143-166.42, from another employer.

The amount of the annual separation allowance payable pursuant to this Policy 7800.12 will be 0.85% of the SPO's officer's most recent base annual compensation. Payment of the annual separation allowance will end at the first of (1) the last day of the month in which the SPO officer turns 62, (2) the first day of reemployment by a local government employer in any capacity, or (3) the death of the SPO officer. The amount of the annual separation allowance payable pursuant to this Policy 7800.12 will be 0.85% of the SPO's most recent base annual compensation. Payment of the annual separation allowance will end at the first of (1) the last day of the month in which

the SPO turns 62, (2) the first day of reemployment by a local government employer in any capacity, unless the officer is moving into a public safety position as a licensed police officer with the power of arrest in a capacity not requiring participation in the Local Government Employees' Retirement System (LGERs), or (3) the death of the SPO.

2. For any SPO officer beginning full time employment with the Moore County Board of Education after April 7, 2014, the SPO officer is eligible for an annual separation allowance upon his or her retirement from the Moore County Schools if the SPO officer meets the criteria in Policy 7800.12(A) **and** has a minimum of 10 years of full-time service as a Moore County Schools' SPO officer. The SPO officer will be eligible to receive 50% of the benefit at 10 years of full-time service as an SPO officer and 100% of the benefit at 20 years of full-time service as an SPO officer.

Legal Reference: G.S. 74E-1 et seq. (the "Company Police Act"), and 12 N.C.A.C. 2I; G.S. 115C-47, -402; Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and 34 C.F.R. Part 99; Special separation allowances for local officers, G.S. 143-166.42.

Adopted: June 28, 1999

Revised: February 28, 2000; January 12, 2009; September 14, 2015; \_\_\_\_\_