

The board recognizes the critical role of parents in the education of their children and in the schools. The board directs school administrators to develop programs that will promote and support parent and family engagement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system, and his or her own child's progress. The board also encourages parents to participate in activities designed by school personnel to involve them, such as parent conferences, in order to encourage effective communication.

The board directs each principal or designee to develop a parent and family engagement plan as a part of the school improvement plan. This plan must include, at a minimum, efforts that meet the requirements established in this policy. In addition, the plan must include ways to enhance parent and family involvement in the following areas:

1. meaningful two-way communication between home and school;
2. promotion of responsible parenting;
3. involvement of parents and guardians in student learning;
4. promotion of volunteering;
5. involvement of parents and guardians in school decisions that affect children and families;
6. parental training;
7. community collaboration; and
8. promotion of student health awareness.

This policy applies to the parents, legal guardians and legal custodians of students who are under 18 years old and are not married.

**A. PARENT COMMUNICATION AND CONFERENCES**

School personnel will have regular contact with parents for commendation as well as for notification of concerns. Principals or designees shall plan for periodic communication with parents. Teachers are responsible for scheduling conferences with parents.

The principal or designee shall strive, through oral or written communication or other means, to include the parents of students identified as at-risk in the implementation and review of academic and/or behavioral interventions for their children, in accordance with

policy 3405, Students at Risk of Academic Failure.

The principal or designee shall provide the parent of each student in kindergarten, first or second grade with written notification of the student's reading progress. The notice will be provided three times a year, following each benchmark assessment and will include: (1) assessment results, (2) whether the child may not reach reading proficiency by the end of third grade and (3) instructional support activities for use at home.

The board encourages the superintendent to work with local business leaders, including the local chambers of commerce, to encourage employers to adopt as part of their stated personnel policies time for employees who are parents or guardians to attend conferences with their child's teachers.

## **B. PARENTAL NOTIFICATION**

Each principal or designee of a Title I school shall effectively notify parents of all parental rights and other required information regarding Title I schools and programs, in accordance with federal law. Parents of students in Title I schools shall receive a copy of the system-wide Title I parent and family engagement policy (policy 1320/3560) and the school-wide parent involvement plan.

In addition, each principal or designee shall effectively provide parents of students in all schools with annual notification of the following:

1. parental rights related to student records (see policy 4700, Student Records);
2. parental rights related to student surveys (see policy 4720, Surveys of Students);
3. the approximate dates of any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered and scheduled in advance by the school administration, and (c) not necessary to protect the immediate health and safety of students;
4. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see policy 9205, Pest Management);
5. student behavior policies, the Code of Student Conduct and school standards and rules (see policies in the 4300 series);
6. the permissible use of seclusion and restraint in the schools (see regulation 4302-R, Rules for Use of Seclusion and Restraint in Schools);
7. policy 4329/7311, Bullying and Harassing Behavior Prohibited;
8. policy 1740/4010, Student and Parent Grievance Procedure;

9. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used, and whether each test is required by the State Board of Education or by the local board;
10. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress, and 3450, Class Rankings);
11. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;
12. if applicable, that their child will be provided advanced learning opportunities in mathematics or will be placed in an advanced mathematics course;
13. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;
14. a report containing information about the school system and each school, including, but not limited to:
  - a. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety and, as available, the rate of enrollment in post-secondary education;
  - b. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;
  - c. the percentage and number of students who are:
    - i. assessed,
    - ii. assessed using alternate assessments,
    - iii. involved in preschool and accelerated coursework programs and
    - iv. English learners achieving proficiency;
  - d. the per pupil expenditures of federal, state and local funds; and
  - e. teacher qualifications.
15. the grade earned by the school on the most recent annual report card issued for it by the State Board of Education if the grade was a D or F;

16. supportive services available to students, including guidance, counseling and health services (see policy 3610, Counseling Program);
17. information about meningococcal meningitis and influenza, including the causes, symptoms and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children;
18. for parents of students in grades 5 through 12, information about cervical cancer, cervical dysplasia and human papillomavirus, including the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and guardians may obtain additional information and vaccinations for their children;
19. how to reach school officials in emergency situations during non-school hours;
20. information about and an application form for free and reduced price meals and/or free milk (see policy 6225, Free and Reduced Price Meal Services);
21. information about the school breakfast program;
22. information about the availability and location of free summer food service program meals for students when school is not in session;
23. for parents of children with disabilities, procedural safeguards (see policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
24. information on the availability of the asbestos management plan and planned or in-progress inspections, re-inspections, response actions and post-response actions, including periodic re-inspection and surveillance activities;
25. education rights of homeless students (see policy 4125, Homeless Students);
26. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);
27. their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child's school as stated in G.S. 95-28.3 (see policy 5015, School Volunteers);
28. that the school system does not discriminate on the basis of race, color, national origin, sex, disability or age, and that the school system provides processes for resolving discrimination and harassment complaints (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law,

1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);

29. that the school system provides equal access to its facilities, programs and activities to the Boy Scouts and other designated youth groups (see policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law); and
30. the availability of and the process for requesting a waiver or reduction of student fees (see policy 4600, Student Fees).

### **C. OPPORTUNITIES TO WITHHOLD CONSENT/OPT OUT**

As a part of the annual notification described above, parents will be effectively notified that they may opt out of any of the following:

1. release of student directory information about their child for school purposes or to outside organizations (see policy 4700, Student Records);
2. release of their child's name, address and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);
3. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS; (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;
4. their child's participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parental notification and permission are not required for: (a) short-duration academic, career, personal or social guidance and counseling and crisis intervention that is needed to maintain order, discipline or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student's specific concerns or needs; and (c) counseling if child abuse or neglect is suspected (see policies 3610, Counseling Program and 4240/7312, Child Abuse and Related Threats to Child Safety);
5. their child's participation in non-Department of Education-funded surveys concerning protected topics (see policy 4720, Surveys of Students);
6. their child's participation in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and

scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students;

7. the collection, disclosure or use of their child's personal information for marketing purposes (see policy 4720, Surveys of Students); and
8. release of their child's free and reduced-price meal information to State Medicaid or State children's health insurance program (SCHIP).

Any parent or legal guardian who wishes to opt out/withhold consent must do so in writing after receiving notice. Otherwise, consent to the programs or activities is presumed. After the annual notification, the school is not required to provide further notice to the parent or legal guardian as to the manner in which student directory information is used, the curriculum is provided, or guidance programs are made available.

#### **D. PARENTAL PERMISSION REQUIRED**

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);
2. the release of student records that are not considered directory information, unless the release is allowed or required by law (see policy 4700, Student Records);
3. off-campus trips;
4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);
5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (see policy 3520, Special Education Programs/Rights of Students with Disabilities);
6. certain health services, as required by law;
7. participation in a mental health assessment or mental health services under circumstances prescribed by federal law;
8. students' participation in programs or services that provide information about where to obtain contraceptives or abortion referral services;
9. students' participation in surveys funded by the Department of Education that are conducted concerning protected topics (see policy 4720, Surveys of Students);

10. disclosure of students' free and reduced price lunch eligibility information or eligibility status; and
11. students' independent access to the Internet, as described in policy 3225/4312/7320, Technology Responsible Use.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 USC 1400, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12, 7 C.F.R. pt. 245; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; 20 U.S.C. 7908; G.S. 90-21.1; 95-28.3; 115C-47(47), -47(51), -47(54), -47(58), -81.25, -81.30, -81.36, -105.41, -109.1, -174.26(d), -307(c), -375.4, -390.2, -391.1, -407.16; [16 N.C.A.C. 6D .0307](#); State Board of Education Policies KNEC-002, PRNT-000, TEST-001

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Technology Responsible Use (policy 3225/4312/7320), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), Class Rankings (policy 3450), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Student Fees (policy 4600), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Registered Sex Offenders (policy 5022), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Meal Services (policy 6225), Pest Management (policy 9205)

Adopted: March 6, 2012

Revised: April 1, 2014; February 7, 2017; March 5, 2019; February 4, 2020; March 31, 2020; January 5, 2021;

**A. ONLINE INSTRUCTION GENERALLY**

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

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

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

The superintendent shall develop regulations consistent with State Board of Education requirements and this policy for students enrolling in online instruction.

**B. REMOTE LEARNING**

When warranted by exigent circumstances and where authorized by law, schools may conduct classes remotely for all or part of a school year. Board policies remain in effect during periods of remote learning, except that the board reserves the right to deviate from any policy when adherence is impossible or impractical under the circumstances and the deviation is not inconsistent with law. To the extent practicable or when required by law, affected employees, students and parents or guardians will be notified of the change in advance.

Legal References: G.S. 115C-238.85; State Board of Education Policy CCRE-001

Cross References: Dual Enrollment (policy 3101)

Adopted: April 1, 2014

Revised: September 5, 2017; January 9, 2018; January 7, 2020; February 4, 2020; February 2, 2021;



The board recognizes and supports the limitations on unauthorized duplication and use of copyrighted materials. The board does not condone any infringement on the property rights of copyright owners.

Employees, students and visitors are prohibited from the use or duplication of any copyright materials not allowed by copyright law, fair use guidelines sanctioned by Congress, licenses or contractual agreements. Willful or serious violations also are considered to be in violation of expected standards of behavior for employees and students and may result in disciplinary action in accordance with board policy.

**FAIR USE**

1. Unless allowed as “fair use” under federal law, permission must be acquired from the copyright owner prior to copying copyrighted material. Fair use is based on the following standards:
  - a. the purpose and character of the use;
  - b. the nature of the copyrighted work;
  - c. the amount of and the substantiality of the portion used in relation to the copyrighted work as a whole; and
  - d. the effect of the use upon the potential market for, or value of, the copyrighted work.
2. The superintendent or designee shall provide information and training to personnel and students, as appropriate, on the fair use of copyrighted materials, including in the following circumstances:
  - a. single and multiple copying for instructional purposes;
  - b. copying for performances and displays;
  - c. off-air recording of copyrighted programs;
  - d. use of “for home use only” videotapes or DVDs;
  - e. computer software;
  - f. copyrighted materials on the Internet and online databases;
  - g. reproduction and loan of copyrighted materials by school media centers; and

- h. preparation of educational multimedia projects using portions of copyrighted works.

| Legal References: 17 U.S.C. 101, 102, 106, 107, 108, 110, 117

Cross References: Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Integrity and Civility (policy 4310), Network Security (policy 6524), Staff Responsibilities (policy 7300), Budget Planning and Adoption (policy 8100)

Adopted: April 3, 2012

| Revised: December 3, 2013; January 9, 2018;

**A. PURPOSES**

The board is committed to the goal of providing a safe and orderly learning environment in each school. The educational program, ~~and the school~~ student behavior management plans ~~developed at each school, school improvement plans and in addition to~~ numerous other strategies identified in board policy, are intended to create such an environment and to help each student be a successful and contributing member of the school community. As used in this policy and context, an alternative learning program may serve as the site to: (1) deliver educational services required by G.S. 115C-390.9 or -390.10 to a student who is serving a long-term or 365-day suspension; (2) provide concentrated support for students at risk of academic failure; and/or (3) deliver educational and other services to students who are or may be disruptive to a safe and orderly learning environment in the regular educational setting.

~~The alternative learning program is provided as an option for students in grades 6 through 12 for those instances in which a student's behavior management or academic performance needs cannot be met in a regular educational setting. The purposes of the alternative learning program are: (1) to intervene and address problems that prevent a student from achieving success in the regular educational setting; (2) to reduce the risk that a student will drop out of school by providing resources to help the student resolve issues affecting his or her performance at school; (3) to return a student, if and when it is practicable, to the regular educational setting with the skills necessary to succeed in that environment; and (4) to preserve a safe and orderly learning environment in the regular educational setting.~~

**B. STANDARDS FOR ALTERNATIVE LEARNING PROGRAM**

~~The alternative learning program should serve the purposes described above. The alternative learning program is expected to meet all board policy and state requirements. In addition, the alternative learning program and support services should be designed to facilitate students' transition back to the regular educational setting when appropriate.~~

~~All personnel at the alternative learning program should receive training so that students enrolled in the program receive appropriate educational services.~~

~~The alternative learning program is required to develop a behavior management plan, a plan for program improvement and a parental involvement plan in accordance with board policy. In addition, a conflict resolution plan, as provided in policy 3431, Conflict Resolution, must be included in the plan for program improvement. The board encourages the administration and other program personnel, in developing these plans, to review successful alternative education programs and make effective use of the resources provided by the superintendent.~~

~~The superintendent and board will review these plans in accordance with board policy. While providing flexibility at the school level to develop the plans, the superintendent and board will not approve any plan that is not reasonably likely to meet the purposes of an alternative learning program.~~

Prior to implementing a new alternative learning program or school, the board will develop a program proposal that is consistent with the State Board of Education standards for alternative learning programs. The board then will submit the proposal to the State Board for its review. After the proposal has been reviewed by the State Board, the board will consider any recommendations from the State Board to modify the proposal before implementing the alternative learning program or school.

The board ~~also~~ will review on a regular basis whether the school system's alternative learning programs and schools comply with State Board standards.

## C. ASSIGNMENT TO THE ALTERNATIVE LEARNING PROGRAM

### 1. Basis for Assignment

In all cases, ~~T~~the assignment of a student with a disability shall comply with applicable federal and/or state requirements for students with disabilities.

Students may be assigned to the alternative learning program under the following circumstances. ~~The assignment process is provided below.~~

- a. the student's parent or guardian and the principal agree, and a multi-disciplinary team agrees, that the assignment would be in the best interest of the student and the efficient administration of the public schools;
- b. the student has been recommended for long-term suspension or expulsion;
- c. the student poses a significant disruption to the educational environment in the regular educational setting due to continuing social/behavioral problems;
- d. the student is at risk of dropping out or not meeting standards for promotion due to academic, developmental and/or behavioral problems and resources in addition to or different from those available in the regular educational setting are needed to address the issue;
- e. the student is a clear threat to the safety of other students or personnel; or
- f. the student has been charged with a felony or with any crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the student's continued presence will significantly disrupt the regular educational environment.

The board encourages parental involvement in decisions regarding the child's education and in identifying effective options for addressing concerns regarding the child's behavior or academic performance.

## 1.2. Responsibilities of Personnel at Referring School

In addition to any other procedures required by this policy, prior to referring a student to the alternative learning program, the principal of the referring school must:

- a. document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly;
- b. provide the reasons for referring the student to the alternative learning program; and
- c. provide to the alternative learning program all relevant student records, including anecdotal information.

## ~~2. Responsibilities of School Personnel at the Alternative Learning Program~~

~~In addition to any other procedures required by this policy, once a student is placed in the alternative learning program, the appropriate personnel of the program must meet to review the student's records and any other documentation forwarded by the referring school. Based on these records and any input provided by the parent concerning the student's needs, the personnel at the alternative learning program shall determine the support services and intervention strategies that are recommended for the student.~~

~~If a student who is subject to G.S. 14-208.18 is assigned to the alternative learning program, the student must be supervised by program personnel at all times.~~

## 3. Voluntary Referral

~~The board encourages parental involvement in decisions regarding the child's education and in identifying effective options for addressing concerns regarding the child's behavior or academic performance.~~

~~Voluntary transfers are encouraged whenever possible. A voluntary transfer is an agreement by the parent, the principal and the disciplinary review committee that transfer is an appropriate option for the particular student. After agreement has been reached, the principal of the regular educational setting and the administration of the alternative learning program shall arrange the process and time for the transfer. The principal of the regular educational setting shall notify the superintendent of the transfer.~~

#### 4. ~~Involuntary Referral~~

~~A student may be required to be transferred from the regular educational setting to the alternative learning program under any of the following circumstances:~~

- ~~a. the student presents a clear threat to the safety of other students or personnel;~~
- ~~b. the student presents a significant disruption to the educational environment in the regular educational setting;~~
- ~~c. the student is at risk of dropping out or not meeting standards for promotion, and resources in addition to or different from those available in the regular educational setting are needed to address the issue;~~
- ~~d. the student has been charged with a felony or a crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the educational environment in the regular educational setting will be significantly disrupted if the student remains; or~~
- ~~e. if the Code of Student Conduct provides for a transfer as a consequence of the student's behavior.~~

a. Students who are recommended for long-term suspension or expulsion and who receive due process through the disciplinary process for violations of the Code of Student Conduct do not require additional referral procedures prior to transfer.

b. Prior to an involuntary a transfer in circumstances where a student is experiencing academic or developmental difficulties or chronic continuing social/behavioral problems, the principal or disciplinary school-based committee of the referring school shall document the student's behavior and academic performance and efforts to assist the student in the regular educational environment as provided in Section C.1. School administrators are encouraged to meet with the student's parents or guardians to try to reach a consensus on how to address the student's difficulties at school.

~~The preceding steps are encouraged, but not required in the case of an involuntary transfer arising from a disciplinary reassignment or when the student's behavior immediately endangers other students or personnel.~~

c. In all cases where a basis for transfer exists, other than where the student has If an agreement for voluntary transfer is not reached received due process pursuant to a recommendation for long-term suspension or

~~expulsion, and a basis for involuntary transfer exists,~~ the principal ~~may~~ must recommend refer the student to a multi-disciplinary team to ~~determine whether the student should to the superintendent that the student~~ be transferred to the alternative learning program. The principal must provide in writing: (1) an explanation of the student's behavior or academic performance that is at issue; (2) documentation or a summary of the documentation of the efforts to assist the student in the student's regular educational setting, if applicable; and (3) documentation of the circumstances that support the referral ~~an involuntary transfer~~. A copy of the ~~recommendation-referral~~ and other documentation must be provided to the parents or guardian by certified mail or in person.

The multi-disciplinary team shall consist of the student's parent or guardian and at least three school system employees who are informed about the student's needs. The team shall meet to consider the principal's referral and determine whether the student will be assigned to the alternative program and shall perform all other duties assigned to it by State Board of Education policy. The student's parent or guardian shall be provided written notice of the time, place and date of the meeting. ~~parent may request an informal meeting with the superintendent to discuss the transfer. The superintendent has the authority to determine who may be present at the meeting.~~

At the meeting, the multi-disciplinary team shall determine whether the student will be transferred to the alternative program. The student's parent or guardian shall be provided written notice of the team's decision, as well as notice of the parent or guardian's appeal and due process rights. If the student's parent or guardian attended the team meeting, such notice shall be provided at the end of the meeting. If the student's parent or guardian did not attend the meeting, such notice shall be provided by certified mail within one business day of the meeting. If the multi-disciplinary team ~~superintendent~~ approves the transfer, the principal of the regular educational setting and the administrator of the alternative learning program shall make all necessary arrangements.

#### 4. Responsibilities of School Personnel at the Alternative Learning Program

Once a student is placed in the alternative learning program, the appropriate school personnel of the program must meet to review the student's records and any other documentation forwarded by the referring school. Based on these records and any input provided by the parent or guardian concerning the student's needs, the personnel at the alternative program shall determine the support services and intervention strategies that are recommended for the student.

If a student who is subject to G.S. 14-208.18 is assigned to the alternative program, the student must be supervised by school personnel at all times.

## 5. Assignment of Student with Disabilities to Alternative Program

Students who receive services under the Individuals with Disabilities Education Act (IDEA) are entitled to all of the processes and protections pursuant to the IDEA. All additional requirements specific to the assignment of students with disabilities to an alternative program established by State Board of Education policy shall be observed.

## D. APPEALS PROCESS

If the student's transfer is the result of an IEP team decision for a student with a disability, parents or guardians who are dissatisfied with the decision must comply with the due process procedures set forth in *Procedures Governing Policies and Services for Children with Disabilities*, as adopted by the State Board of Education.

In all other cases, within three business days of receiving written notice of the decision to assign the student to an alternative program, the parent or guardian may appeal the superintendent's decision in writing to the board superintendent, who shall review the documentation and render a decision within five business days, absent extraordinary circumstances that require additional response time. Parents and guardians who are dissatisfied with the superintendent's decision may appeal to the board. The board will hear the appeal in closed session and will follow its procedures as provided in policy 2500, Hearings Before the Board. During the period of the appeal, the student may be transferred to the alternative learning program, except as prohibited by the IDEA.

## E. ADMINISTRATIVE ASSIGNMENTS

### 1. Assignment During a Long-Term or 365-Day Suspension

~~A student who receives a long-term or 365-day suspension may be offered services in the alternative learning program for a portion or the full duration of the suspension. See policy 4353, Long Term Suspension, 365-Day Suspension, Expulsion.~~ Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative learning program established in this policy in accordance with G.S. 115C-105.47A.

### 2. Assignment of Student Sex Offenders

The board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student who is subject to G.S. 14-208.18 to the alternative learning program.

## D.F. TRANSITION FROM THE ALTERNATIVE LEARNING PROGRAM



In most instances, the goal of the alternative learning program is to return the student to the regular educational setting with the skills necessary to succeed in that environment as soon as practicable. The personnel of the alternative learning program and those of the regular educational setting shall work together to help create a successful transition for the student.

If the student is not or will not be returned to the regular educational setting, the alternative learning program will assist in the student's transition to other educational settings, including other programs offered by the school system or a community college or vocational school.

For students identified as eligible under the IDEA, the student's IEP team shall make all transition decisions that would result in a change in placement.

#### **E.G. ASSIGNMENT OF PROFESSIONAL PERSONNEL TO THE ALTERNATIVE LEARNING PROGRAM**

When assigning professional personnel to the alternative learning program, the superintendent shall consider the experience and evaluation ratings of the professional employee who may be assigned to the program. As school system resources allow, the superintendent shall strive to avoid assigning to the alternative learning program less experienced professional personnel or professional personnel who have received unfavorable evaluations. an evaluation rating of less than "accomplished" within the last three years. Additionally, all school personnel at the alternative learning program should receive training so that students enrolled in the program receive appropriate educational services.

#### **F.H. EVALUATION OF THE ALTERNATIVE LEARNING PROGRAM**

##### **1. Information to be Reported**

Each year, the board will evaluate the alternative learning program based upon reports provided by the superintendent and any other information the board wishes to consider.

~~In addition to data required by policy 3430, School Improvement Plan, the alternative learning program must report the following information annually to the board:~~

- ~~a. referral patterns from the regular educational setting, including age, race, gender and method of transfer (voluntary, as an alternative to suspension or expulsion, or involuntary);~~
- ~~b. drop-out rates;~~
- ~~c. how long students stay at the alternative learning program and where they go (including the regular educational setting, community college/technical schools or dropping out) when they leave the alternative learning program;~~

- d. ~~the training and development of professional employees assigned to the alternative learning program;~~
- e. ~~a list of services or programs that the alternative learning program coordinates with other governmental agencies; and~~
- f. ~~any other information the superintendent requires.~~

~~To assist the board in evaluating the alternative learning program, the program's plan for program improvement may include measures of the effectiveness of the alternative learning program.~~

## 2. ~~Items to be Considered~~

~~In addition to any other outcomes the board deems important, the board will determine whether:~~

- a. ~~a diverse group of students is referred to the alternative learning program;~~
- b. ~~the alternative learning program complies with State Board standards;~~
- c. ~~the alternative learning program incorporates best practices for improving student academic performance and reducing disruptive behavior;~~
- d. ~~school personnel at the alternative learning program are well-trained and provided with appropriate professional development;~~
- e. ~~the alternative learning program is organized to provide coordinated services;~~
- f. ~~students at the alternative learning program receive high quality and rigorous academic instruction; and~~
- g. ~~the alternative learning program assists students in transitioning back to the regular educational setting or to other educational settings.~~

Legal References: G.S. 14-208.18; 115C-47(32a), -105.27, -105.47A, -105.48, -276(r), -288, -367, -369, -390.7, -390.9, -390.10, -390.11; 16 N.C.A.C. 6G .0314; State Board of Education Policy ACCT-038, ALTP-002, DROP-001, GCS-Q-002EXCP-000; *Policies Governing Services for Children with Disabilities*, as amended (Public Schools of N.C.); *Policies and Procedures for Alternative Learning Programs and Schools* (NC Dept. of Public Instruction), available at <https://www.dpi.nc.gov/students-families/enhanced-opportunities/alternative-learning-programs#development,-implementation,-and-operations>

Cross References: Parental Involvement (policy 1310/4002), Hearings Before the Board (policy 2500), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), Student Sex

Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Student Discipline Records (policy 4345), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Assignments/Reassignments/Transfers (policy 7440)

Adopted: November 13, 2012

Revised:

## STUDENT VOTER REGISTRATION AND PREREGISTRATION

Policy Code: **3640/5130**

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The board is committed to securing the future of democracy by preparing young people to be educated, engaged voters. Further, the board is committed to working in collaboration with the local board of elections to encourage students who are sixteen years of age or older to register or preregister to vote as permitted by North Carolina law.

In keeping with this commitment, the board directs the superintendent to establish a committee of high school social studies teachers and other appropriate school personnel to collaborate with the local board of elections to facilitate and encourage voter registration and preregistration at all high schools in the school system.

The principal of each high school shall make the application forms described in G.S. 163-~~82.3A-862~~ available to all students and others who are eligible to register or preregister to vote.

Legal References: G.S. 115C-47(59), ~~81.45(e)(1)(b)~~; 163-~~82.1, -82.3, -82.23A-860, -862, -888~~; NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016)

Cross References: Citizenship and Character Education (policy 3530)

Adopted: December 4, 2012

Revised: April 1, 2014; January 9, 2018; June 28, 2018;

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

The board is committed to supporting these children in the school system and undertaking to serve their unique needs.

#### **A. IDENTIFICATION OF MILITARY-CONNECTED STUDENTS**

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

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

#### **B. COMPLIANCE WITH THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

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

##### **1. Definitions**

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

##### **a. Active Duty**

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

b. Children of Military Families

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

c. Deployment

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

d. Education Records

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

e. Extracurricular Activities

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

f. Member State

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

g. Non-Member State

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

h. Receiving State

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

i. Rule

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

j. Sending State

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

k. Student

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

l. Transition

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

m. Uniformed Services

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

n. Veteran

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

2. Those to Whom Adopted Policies and Procedures Apply

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

- a. active duty members of the uniformed services as defined in section A of this policy, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. 12301 *et seq.* and 10 U.S.C.

12401 *et seq.*;

- b. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
- c. members of uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

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

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

- a. inactive members of the National Guard and Military Reserves;
- b. members of the uniformed services now retired, except as provided in section B of this policy; and
- c. veterans of the uniform services, except as provided in section B of this policy, and other U.S. Department of Defense personnel and other federal agency civilians and contract employees not defined as active duty members of the uniformed services.

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

Cross References: Student Promotion and Accountability (policy 3420), Graduation Requirements (policy 3460), Extracurricular Activities and Student Organizations (policy 3620), Immunization and Health Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Assignment to Classes (policy 4155), Attendance (policy 4400), Student Records (policy 4700)

Adopted: October 2, 2012

Revised: April 1, 2014;



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

**A. DEFINITION OF CONCUSSION**

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

**B. CONCUSSION EDUCATION VIDEO FOR HIGH SCHOOL STUDENT-ATHLETES**

Per North Carolina High School Athletic Association rules, all high school student-athletes and parents of high school student-athletes must view the CrashCourse concussion education video prior to each sport season.

**B-C. SCHOOL HEAD INJURY INFORMATION SHEET**

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

**C-D. REMOVAL FROM AND RETURN TO PLAY**

Any student-athlete who is exhibiting signs or symptoms consistent with a concussion must be removed from athletic activity immediately. Further, the student-athlete must not be allowed to return to play or practice that day or on any subsequent day until he or she has

been evaluated and has received written clearance for participation that complies with the requirements of G.S. 115C-12(23) and any other applicable law or State Board policy.

#### **D.E. RETURN TO LEARNING**

The superintendent or designee shall develop a plan that meets all the requirements of the State Board of Education for addressing the needs of students in grades pre-K through 12 who suffer concussions. The superintendent or designee shall also arrange for information and professional development to be provided annually to all teachers and other school personnel on return-to-learn issues and other concerns related to concussion and brain injuries. Parents and students must be offered the opportunity annually to provide information related to any head injury or concussion the student may have incurred during the past year on the health history and emergency medical information update form.

#### **E.F. EMERGENCY ACTION PLANS**

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

#### **F.G. ATHLETIC TRAINERS AND FIRST RESPONDERS**

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

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

#### **G.H. RECORDKEEPING**

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

The superintendent's annual report to the board on compliance with laws and policies

related to student wellness shall include a report on the system's compliance with laws and policies related to concussions and head injuries. (See Section G of policy 6140, Student Wellness.)

Legal References: G.S. 115C-12(23); S.L. 2011-147; Article 34 Chapter 90; 16 N.C.A.C. 6E .0206; State Board of Education Policies ~~ATHL-000~~, ATHL-003, SHLT-001; N.C. High School Athletic Association Handbook, available at <https://www.nchsaa.org/students-and-parents/rules-and-regulations>

Cross References: Student Wellness (policy 6140)

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

Adopted: October 2, 2012

Revised: January 7, 2014; February 4, 2020;

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 student records retained at the school. For purposes of this policy “student records” or “student education records” are those records, files, documents and other materials that contain information directly related to the student that are maintained by the school system or by a party acting for the school system.

**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 education records and the procedure for exercising this right;
2. the right to request amendment of the student’s education 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.

### **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**

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

Student education records may be separated into several categories, including, but not limited to, the following.

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

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

b. Discipline Records

Student discipline records are part of the student's official record and must be maintained and reviewed pursuant to policy 4345, Student Discipline Records. Discipline records must be expunged and forwarded pursuant to the requirements of law and the procedures of policy 4345.

c. 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 3520, 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.

d. 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.

e. 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 board 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.

f. Other Student Records

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

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

Student education 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. However, a law enforcement record containing information that was obtained from a student's confidential file or other education record must be treated as an education record and may be released only in accordance with this policy.

**D. RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM**

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

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

**E. RECORDS OF MISSING CHILDREN**

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

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

**F. RECORDS OF MILITARY CHILDREN**



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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 4050, Children of Military Families, 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**

1. Review by Parent or Eligible Student

A parent or eligible student may access the student's education records upon proper request. The principal or guidance office 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 education records only in the presence of the principal or a designee competent to explain the records. School personnel shall not destroy any education records if there is an outstanding request to inspect or review the records.

2. Review of Video or Audio Recordings and Photographs

a. Parent's Right to Review

Upon request, a parent or eligible student may inspect and review a video or audio recording or photograph that is determined to be an education record of the student. Individuals acting on behalf of a parent or eligible child, such as advocates or attorneys, will not be permitted to review a video or audio recording or photo unless accompanied by the parent or eligible student.

b. Status as Education Record

A video or audio recording or photo will be deemed an education record of the student if it is directly related to the student and is maintained by the school system or its agent, as provided by law. A photo, video or audio recording (such as a surveillance video), that is created and maintained by a law enforcement unit for a law enforcement purpose, is not an education record; however, a copy of such photo, video or audio recording provided to the school for disciplinary or other school purposes may be an education record if it is directly related to a student and is maintained by the school system.

c. Records of More Than One Student

If the recording or photo is an education record of multiple students, the school system shall make reasonable efforts to redact or segregate out the portions of the recording or photo directly related to other students before providing the parent or eligible student access, provided doing so would not destroy the meaning of the record. If redaction or segregation of the recording or photo cannot reasonably be accomplished or would destroy the meaning of the record, then the parent of each student to whom the recording or photo directly relates or such eligible students themselves shall be permitted to access the entire record.

d. Copies of Recordings and Photos

A copy of a video or audio recording or photo will be provided to a parent or eligible student only (1) if circumstances effectively prevent the parent or eligible student from exercising the right to inspect the recording or photo, such as when the parent no longer lives within commuting distance of the school system; (2) when directed by a court order or subpoena; or (3) when otherwise required by law.

3. Request to Amend the Education Record

A parent or eligible student has the right to challenge an item in the student education record believed to be inaccurate, misleading or otherwise in violation of the student's privacy rights. The principal shall examine a request to amend a student record item and respond in writing to the person who challenges the item. Subsequent steps, if necessary, will follow the student grievance procedures as provided in policy 1740/4010, Student and Parent Grievance Procedure. If the final decision is that the information in the record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the principal shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school system.

#### **H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS**

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

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

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

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

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

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

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

3. Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out. (See policy 1310/4002, Parental Involvement.)

a. The board designates the following student record information as directory information:

- (1) name;
- (2) address;
- (3) telephone listing;
- (4) electronic mail address;
- (5) photograph or digital image, including still or video images of a student engaged in ordinary school activities;
- (6) date and place of birth;
- (7) participation in officially recognized activities and sports;
- (8) weight and height of members of athletic teams;
- (9) dates of attendance;
- (10) grade level;
- (11) diplomas (including endorsements earned), industry credentials/certifications, and awards received; and
- (12) most recent previous school or education institution attended by the student.

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

- c. Information about a homeless student's living situation is not considered directory information and will not be released.
- d. 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.
- e. All requests for directory information must be submitted to the superintendent or designee for approval. The superintendent is directed to establish regulations regarding the release of directory information. At a minimum, the regulations must:
  - (1) specify the types of organizations that are eligible to receive directory information, and for what purposes;
  - (2) provide for equal disclosure to organizations that are similar in purpose; and
  - (3) authorize access to directory information to recruiters of military forces of the state or United States 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.

#### 4. Records of Students with Disabilities

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

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

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

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

**I. WITHHOLDING RECORDS**

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

**J. RECORD OF ACCESS AND DISCLOSURE**

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

**K. DESTRUCTION OF STUDENT RECORDS**

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

**L. LONGITUDINAL DATA SYSTEM**

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

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

404, -407.5; 116E-6; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at

<https://archives.ncdcr.gov/documents/local-education-agencies-schedule>~~<https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules>~~; *General Records Schedule for Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2019), available at

<https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government>~~<https://archives.ncdcr.gov/documents/general-records-schedule-local-government-agencies>~~

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Special Education Programs/Rights of Students with Disabilities (policy 3520), Children of Military Families (policy 4050), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys of Students (policy 4720), Public Records – Retention, Release and Disposition (policy 5070/7350)

Adopted: November 13, 2012

Revised: April 1, 2014; January 17, 2017; June 28, 2018; June 26, 2019; February 4, 2020;

The board encourages the community and parents to be involved in and support the schools and the educational program of the schools.

**Temporary Restrictions on Nonessential Visitors to School Facilities**

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic and in accordance with the requirements of the North Carolina Department of Health and Human Services (DHHS), nonessential visitors will not be allowed access to school buildings before, during or after the school day when school is in session.

This restriction will not apply to visitors or employees who need to access the school system central office in order to process paperwork, to attend meetings with school officials or who want to attend a meeting of the board of education or other public meetings being held at the central office.

Parents and guardians will be allowed to enter the main entrance of a school facility and access the lobby and/or front office in order to sign a student in or out or to drop off items such as lunches, medication or items that will be needed during the school day. To the greatest extent possible, parents and school employees are encouraged to arrange conference calls or use other electronic means to conduct conferences and meetings about a student's educational program. However, parents may have access to other locations within a school facility, as needed, to attend scheduled conferences and meetings related to their child's educational needs.

School employees will conduct symptom screening of any person entering a school building, as required by DHHS, including parents, students and all other visitors.

These temporary restrictions shall remain in effect until repealed by the board or until the applicable guidance from DHHS is rescinded, whichever occurs first.

**A. OPPORTUNITIES TO VISIT THE SCHOOLS**

To encourage involvement, the following opportunities are provided to visit the schools:

1. Visitors are welcome to observe and learn about the educational program at each school subject to reasonable rules developed by school administrators.
2. Visitors are encouraged to use school facilities made available to the public, such as media centers or meeting spaces, as provided in policy 5030, Community Use of Facilities.
3. Visitors are invited to attend school events that are open to the public, such as athletic events, musical programs, and dramatic productions.



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**B. REQUIREMENTS OF VISITORS TO THE SCHOOLS**

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

1. All school visitors during the school day must report immediately to the administrative office at the school to request and receive permission to be in the school. Each principal shall ensure that signs are posted in the school to notify visitors of this requirement.
2. School visitors are expected to comply with all school rules and school board policies, including policy 5025, Prohibition of Drugs and Alcohol; policy 5026/7250, Smoking and Tobacco Products; and policy 5027/7275, Weapons and Explosives Prohibited.
3. Persons who are subject to policy 5022, Registered Sex Offenders, must comply with the provisions of that policy.

**C. ADDITIONAL REQUIREMENTS OF PROBATION OFFICERS**

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

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

guidelines developed by the superintendent or designee.

**D. UNAUTHORIZED, DISRUPTIVE OR DANGEROUS VISITORS**

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

If a school employee suspects that an individual is on school property in violation of policy 5022, Registered Sex Offenders, the employee must immediately notify the principal, designee or school resource officer.

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

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

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

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

The superintendent, upon recommendation from the principal, may deny an individual permission to come onto school grounds or enter a school facility for up to one school year if the individual is guilty of disruptive or dangerous behavior on school grounds.

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

Cross References: Registered Sex Offenders (policy 5022), Prohibition of Drugs and Alcohol (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Community Use of Facilities (policy 5030)

Adopted: December 4, 2012

Revised: April 1, 2014; January 8, 2019; March 2, 2021;

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

### **Temporary Restriction on Community Use of Facilities**

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic and in accordance with the requirements of the North Carolina Department of Health and Human Services (DHHS), school facilities will not be made available to community groups during or after the school day or on weekends in any week in which the school is holding in-person classes on the school campus. Issues regarding the parties' contractual obligations under long-term leases will be referred to the board attorney. This temporary restriction shall remain in effect until repealed by the board or until the applicable guidance from DHHS is rescinded, whichever occurs first.

#### **A. GENERAL PRINCIPLES**

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

Priority for facility use will be given to community groups as outlined below in Section B.

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

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

#### **B. PRIORITY IN USE/FEE STRUCTURE**

School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations permitted to meet under the Equal Access Act, will have first priority in the use of school facilities.

Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with law and the following user categories. Priority in use among groups within the same user category will not be based upon the viewpoints of the groups. All groups within the same user category will be charged for facility use according to the uniform fee structure.

1. In accordance with G.S. ~~163-129~~~~163A-1046~~, as a polling place on election days
2. School-related groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers' and principals' organizations and booster clubs)

Fees: Fees for use of kitchens and child nutrition staff will be charged to cover costs. A fee will be charged to cover the expenses of custodial or supervisory services incurred.

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

Fees: Custodial and utility fees may be charged. As needed for the event, fees for use of kitchens and child nutrition staff will be charged to cover costs.

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

Fees: Tier I Rental fee, custodial and supervisory fees will be charged. As needed for the event, fees for use of kitchens and child nutrition staff will be charged to cover costs.

5. For Profit Groups (groups not directly affiliated with items 1-4 above)

Fees: Tier II Rental fee, custodial and supervisory fees will be charged. As needed for the event, fees for use of kitchens and child nutrition staff will be charged to cover costs.

By August 30<sup>th</sup> of each year, the superintendent shall submit for board approval a fee structure that lists the amount or method of calculating rent and fees to be charged for facility use.

#### **C. REQUESTS FOR USE OF FACILITIES**

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

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**D. FACILITIES AVAILABLE FOR USE**

The board permits eligible individuals or groups to use the facilities of those schools designated by the board as “community schools.” A list of community schools and the facilities at each site that are available for community use will be available to the public at the superintendent’s office and each principal’s office.

By August 30<sup>th</sup> of each year, the superintendent shall develop a list of school facilities available for community use. Among the types of facilities that may be available for community use are auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers and playgrounds.

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

**E. RULES GOVERNING USE OF SCHOOL FACILITIES**

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

1. Users must comply with all federal, state and local laws and all rules established by the board, the superintendent or designee, and the principal.
2. Users must comply with the requirements of the Americans with Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulations that have been adopted for the implementation of the ADA.
3. Users must comply with board policy and legal requirements forbidding the use of tobacco products in school facilities and on school grounds (see policy 5026/7250, Smoking and Tobacco Products).
4. Users must not consume or possess alcohol or drugs on school grounds (see policy 5025, Prohibition of Drugs and Alcohol).
5. Users must not possess weapons or explosives while on school grounds.
6. Users are responsible for supervising their activity and the people present at their activity. Users are responsible for maintaining order and safety during their activity.

7. TCS representatives must be present while facility is in use.
8. Should the use of the facility be approved and include the service of food items, Child Nutrition Director must review application and Child Nutrition staff may be required to advise on food service guidelines in connection with federal requirements.

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

#### **F. DAMAGES AND LIABILITY INSURANCE**

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

All user groups, except school-sponsored groups, must furnish a certificate of insurance for general liability coverage with a total limit coverage of \$1,000,000 for each claim made. Alternatively, the superintendent or designee may require the user group to execute a waiver of liability that states that no liability will be attached to the board of education, individually or collectively, for personal injury or personal property damage by reason of use of the school property.

#### **G. TERM AND ACCEPTANCE OF LEASE**

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

Absent unusual circumstances, leases will not be granted for a term longer than one year. A lease for more than one year must be approved in advance by the board. In no event will leases for longer than one year be entered into with government or other non-profit groups as referenced in subsection B.4 above. Long-term exclusive leases are subject to the provisions of policy 9400, Sale, Disposal and Lease of Board-Owned Real Property.

#### **H. USE OF OUTDOOR SCHOOL FACILITIES BY THE GENERAL PUBLIC**

Outdoor property and facilities of the school system will be open to limited use by members of the general public in accordance with rules to be established by the superintendent or designee. Public use will be permitted only to the extent that it 1) is not inconsistent with

the proper preservation and care of the outdoor school property; 2) does not interfere with the safe and efficient operation of the schools and school activities; and 3) does not conflict with use by any community group operating under a facility use agreement described in this policy. The superintendent is authorized to establish all terms, conditions and rules necessary to regulate the use of outdoor facilities by members of the general public consistent with these requirements.

#### **I. REVIEW OF DECISIONS CONCERNING USE OF SCHOOL FACILITIES**

Any person or organization may request a review of any decision made by a school employee pursuant to this policy in accordance with policy 1740/4010, Student and Parent Grievance Procedure.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; 36 U.S.C. 20101 *et seq.*; G.S. 14-269.2; Community Schools Act, G.S. 115C-203 to -209.1; 115C-524, -527; 160A-274; ~~163-129163A-1046~~

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Prohibition of Drugs and Alcohol (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Sale, Disposal and Lease of Board-Owned Real Property (policy 9400)

Adopted: December 4, 2012

Revised: March 1, 2016; June 28, 2018; September 4, 2018; January 8, 2019; March 2, 2021;

## **PUBLIC RECORDS – RETENTION, RELEASE AND DISPOSITION**

*Policy Code:* **5070/7350**

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

### **A. PUBLIC RECORD DEFINED**

Any record, in any form, that is made or received by the board or its employees in connection with the transaction of public business is a public record that must be made available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from the public records law, G.S. 132-1 through 132-9. (See policy 5071/7351, Electronically Stored Information Retention, for specific information regarding public records in electronic form.)

Though the school improvement plan is a public record, the school safety components of the plan are not public records subject to public records law. Schematic diagrams, as described in G.S. 115C-105.53 and -105.54, and emergency response information, as described in G.S. 115C-47(40) and -105.54, are also not considered public records subject to public records law.

The official records of students are not public records subject to inspection and examination. (For additional information regarding the release of information about students, see policy 4700, Student Records.) Further, any written material containing the identifiable scores of individual students on any test taken pursuant to the state testing program described in Chapter 115C, Article 10A of the North Carolina General Statutes is not a public record. Any test that is developed, adopted or provided as part of the state testing program is not a public record until the State Board of Education designates that the test is released.

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

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

1. Name.
2. Age.
3. The date of original employment or appointment.
4. The terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a



record of the oral contract in its possession.

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

The name of a participant in the North Carolina Address Confidentiality Program is not a public record and must be redacted from any records released. As necessary, school personnel may combine public and confidential records to meet the business needs of the system. However, if a record contains confidential information as well as public information, school officials must provide the requested public record with the confidential information removed or redacted.

**B. DESIGNATION OF RECORDS OFFICER**

The superintendent shall designate a records officer or otherwise ensure that the duties of a records officer are met.

**1. Duties of the Records Officer**

The duties of the records officer include the following:

- a. determining whether records are public or confidential by law, with assistance from the local board attorney as necessary;
- b. determining the most cost-effective means of storing and retrieving public records that include confidential information;

- c. providing training, consultation and guidelines to school officials who respond to or are otherwise involved in public records requests;
- d. determining the actual cost of providing copies of public records in various forms, such as paper or electronic media, in which the school system is capable of providing the records;
- e. determining the cost of a request for copies of public records when a special service charge is applicable or when the school system is voluntarily creating or compiling a record as a service to the requester; and
- f. reviewing appeals of any denial of a request for public records.

**2. Other Duties**

A designated electronic records officer or other employee(s) as determined by the superintendent shall review all electronic data-processing systems created by the school system or being considered for acquisition through lease, purchase or other means, to ensure they are designed and maintained in a manner that:

- a. will not impede the school system's ability to permit public inspection and examination of public records; and
- b. provides a means of obtaining copies of such records.

**C. REQUESTS FOR PUBLIC RECORDS**

All requests for examining or obtaining copies of public records should be in writing or recorded by school system personnel. This policy, administrative guidelines, information on the actual cost of producing public records, information on how to reach the records officer, information about how to appeal a denial of a public records request and information regarding any computer database indexes must be made available to individuals requesting public records.

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

**D. FEES FOR COPIES OF PUBLIC RECORDS**

Persons requesting copies of public records will be charged any applicable fees as determined by the records officer (see subsections B.1.d and B.1.e above). The school system shall not charge any fees for separating confidential information that is commingled with public records.

**E. ELECTRONIC MAIL LISTS**

A school employee may be authorized by the superintendent or designee to maintain an electronic mail list of individual subscribers. Such a list may be used only: (1) for the purpose for which the subscribers subscribed to it; (2) to notify subscribers of an emergency to public health or public safety; or (3) in the event of deletion of the list, to notify subscribers of the existence of any similar lists. Although such electronic mail lists of individual subscribers shall be available for public inspection in either printed or electronic format to the extent permitted by law, school officials shall not provide anyone with copies of such lists. Release for public inspection of any subscriber list must be consistent with the Family Education Rights and Privacy Act (FERPA) if the list contains personally identifiable information from student education records. See policy 4700, Student Records.

**F. DESTRUCTION OF PUBLIC RECORDS**

To the extent required by law, school personnel shall maintain public records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. The superintendent may establish regulations for the destruction of records in accordance with the approved schedules.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-47(40), -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1 to -9; 135-8(f)(2)(f); *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at <https://archives.ncdcr.gov/documents/local-education-agencies-schedule>~~<https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules>~~; *General Records Schedule for Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2019), available at <https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government>~~<https://archives.ncdcr.gov/documents/general-records-schedule-local-government-agencies>~~

Cross References: North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), News Media Relations (policy 5040), Electronically Stored Information Retention (policy 5071/7351), Personnel Files (policy 7820)

Adopted: April 3, 2012

Revised: April 1, 2014; March 2, 2020; March 2, 2021;

# ELECTRONICALLY STORED INFORMATION RETENTION

Policy Code:

5071/7351

Public record-keeping requirements and federal and state law require that the school system properly manage its electronically stored information (“ESI”). ~~To the extent required by law, As set forth below, the school~~ personnel shall maintain system will retain and destroy ESI in accordance with this policy and/or the ~~approved applicable R~~records ~~R~~etention and ~~D~~isposition ~~S~~chedule(s) (“Schedule”) ~~for local education agencies adopted~~issued by the North Carolina Department of Natural and Cultural Resources.

## A. SYSTEM-WIDE E-MAIL RETENTION AND EMPLOYEE RESPONSIBILITY FOR ESI

All e-mails produced and received using the school system email system are the property of the school system and will automatically be retained by the school system for a minimum of three years. In some cases, business-related e-mails must be retained longer, according to the Schedule, and individual employees are required to review the Schedule and save such e-mails, in hard copy or electronic format, for the applicable time period. For ESI other than e-mail, each employee shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

## B. LITIGATION HOLDS FOR ESI

The school system will have an ESI team. The ESI team is a designated group of individuals who implement and monitor litigation holds, which are directives not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI team must include a designated school administrator, the school board attorney and a member from the technology department. In the case of a litigation hold, the ESI team shall direct employees and the technology department, as necessary, to suspend the normal disposition procedure for all related records.

## C. INSPECTION OF ESI

Any requests for ESI records should be made in writing and will be reviewed by the records officer (see policy 5070/7350, Public Records – Retention, Release and Disposition), in consultation with the school board attorney if needed, and released in accordance with North Carolina public records laws.

## D. DELEGATED AUTHORITY

The board of education delegates to the superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy.

Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S. 132; *E-Mail as a Public Record in North Carolina*: Guidelines-A Policy for i~~ts~~ Retention and

*Disposition*, N.C. Department of [Natural and Cultural Resources](#), ~~Division of Archives and History~~ (2009), available at <https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines>; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of [Natural and Cultural Resources](#), ~~Division of Archives and History~~ (1999), available at <https://archives.ncdcr.gov/documents/local-education-agencies-schedule>; *General Records Schedule for Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2019), available at <https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government>

Cross References: Public Records – Retention, Release and Disposition (policy 5070/7350)

Adopted: April 3, 2012

[Revised:](#)

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

*Policy Code:*

**5210**

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Students and the educational program must be the focus of the school system. In order to maintain an educational environment conducive to learning and to minimize intrusions upon instructional time, distribution and display of non-school material will be limited in accordance with this policy and policy 5240, Advertising in the Schools. School officials shall screen and approve the distribution or display of non-school material on school property. (The term “non-school material” is defined in Section F below.)

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

### **A. DISPLAY OF COMPLIANT POLITICAL SIGNS IN THE RIGHT-OF-WAY DURING DESIGNATED PERIODS**

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

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

### **B. DISTRIBUTION AND DISPLAY BY STUDENTS**

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

### **C. DISTRIBUTION AND DISPLAY BY NON-STUDENTS**

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

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

The principal shall not discriminate on the basis of viewpoint in granting or denying permitted agencies and organizations permission to distribute or display publications and materials.

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

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4. In addition to the distribution and display of publications and materials permitted in all schools in Item #3 above, the distribution and display of other publications and materials are permitted in high schools in order to provide high school students with access to a wide variety of educational materials from various viewpoints. All materials to be distributed or displayed under this provision must be submitted to the principal for approval prior to distribution or display. Approval for distribution or display will be granted pursuant to the standards in Section D below and the standards for review of the decision in Section E below.

In addition, distribution and display of publications and materials under this provision are subject to the following restrictions.

- a. Distribution or display of these materials is limited to one time per year per organization.
- b. Distribution or display of these materials is limited to a table in a location such a hallway in front of the library or a similar location where students would not feel pressured to take materials.
- c. Groups approved to distribute or display these publications or materials are responsible for setting up the table and taking it down at the end of the day.
- d. The table may contain a sign that says, "Free materials. Please take one."
- e. Distribution and display of these materials in classrooms or in any other instructional setting is not permitted.
- f. No announcements advertising the availability of these materials are permitted over the PA or through other school media.
- g. Neither members of the group providing the material nor any other individual may stand at the table and encourage students to accept the publications or material.
- h. The table where the publication or materials are located must display a sign stating that materials are neither sponsored nor endorsed by the school system, its agents, or its employees and that the views and information contained in the materials do not reflect the approval or disapproval of the school board or school officials.
- i. The principal shall not discriminate on the basis of viewpoint in granting or denying permission to distribute or display publications and materials under this provision.
- j. The superintendent is authorized to adopt any additional regulations deemed



necessary to implement distribution or display of materials under this provision.

- k. The principal is responsible for enforcing the restrictions imposed by the board on distribution and display of materials and publications under this provision.
- 5. The superintendent is authorized to adopt regulations regarding approval forms, how many times a year groups may distribute or display publications and materials, delivery and bundling requirements, etc.

#### **D. DISTRIBUTION AND DISPLAY STANDARDS FOR NON-SCHOOL MATERIALS**

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

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

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

- 2. The distribution of non-school material must not interfere with instructional time.
- 3. Non-school publications and materials distributed or displayed to students must be clearly identified, through the method of distribution or otherwise, as non-school materials that are neither endorsed nor necessarily reflective of the views of the school board or the school system.
- 4. In order to minimize disruption to the learning environment, political campaign materials may not be distributed to students or employees (including through

employee mailboxes and e-mail) or made available on school grounds during school time or at school events. However, on election days, posters and printed materials are permitted for viewing and distribution to the public at school buildings used as polling places in accordance with state law and board of elections requirements.

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

#### **E. PROCEDURES FOR REQUESTING DISTRIBUTION OR DISPLAY OF NON-SCHOOL MATERIALS**

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

#### **F. DEFINITIONS**

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

1. Obscene

“Obscene” describes any speech or work that the average person, applying contemporary community standards (as opposed to “national standards”), would find,

taken as a whole, appeals to prurient interest; or that depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and that, taken as a whole, lacks serious literary, artistic, political or scientific value.

2. Libelous Statement

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

3. Non-School Material

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

4. Material and Substantial Disruption

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

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

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

6. School-Related Group

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

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

Legal References: U.S. Const. amend. I; *Peck v. Upshur*, 155 F.3d 274 (1998); G.S. 115C-36, -47; 136-32; ~~163-129, -166.4~~~~163A-1046; 163A-1134~~

Cross References: Collections and Solicitations (policy 5220), Advertising in the Schools (policy 5240)

Adopted: December 4, 2012

Revised: March 2, 2020<sup>1</sup>

The board recognizes that it is important for students to maintain their physical health and receive proper nutrition in order to take advantage of educational opportunities. The board further recognizes that student wellness and proper nutrition are related to a student's physical well-being, growth, development and readiness to learn. The board is committed to providing a school environment that promotes student wellness, proper nutrition, nutrition education and regular physical activity as part of the total learning experience. As part of that commitment, the board directs the superintendent to oversee the development, implementation and ongoing evaluation of this policy and other school system efforts to encourage students to be healthy and active, including compliance with the State Board of Education's Healthy Active Children Policy, SHLT-000, as further described in Section F, below. The superintendent may designate a school system official to carry out this responsibility ("lead wellness official").

The superintendent or designee shall make the most current version of this policy available to members of the school community and the public by posting it on the school system website and/or by distributing it annually through other means reasonably intended to reach the school community and public. In addition, the superintendent or designee shall provide a copy of this policy to the North Carolina Department of Public Instruction (NCDPI) when requested to do so.

**A. SCHOOL HEALTH ADVISORY COUNCIL**

The board will maintain a school health advisory council to help plan, update, implement, promote and monitor this policy as well as to address other health and nutrition issues within the school system. The council serves as an advisory committee regarding student health issues and works in conjunction with the lead wellness official charged with oversight of this policy and the school system's efforts to promote student and employee health and wellness in compliance with state and federal requirements. The council is authorized to examine related research and laws, assess student needs and the current school environment, review existing board policies and administrative regulations, collaborate with appropriate community agencies and organizations, and help raise awareness about student health issues. The council also may make policy recommendations to the board related to this policy and other policies concerning student wellness and in conjunction with the lead wellness official, shall periodically review and suggest revisions to this policy. In addition, the council may assist in the development of a plan for measuring and assessing implementation of this policy and in developing methods to inform and update the public about the content and implementation of this policy as described in Sections F and G, below.

The council will be composed of representatives from the school system, the local health department and the community. The council must include members of each of the following groups: the school board, school system administrators, school system food service representatives, physical education teachers, school health professionals, students, parents or guardians and the public. The council will provide information to the board about the following areas or concerns: (1) physical activity, (2) health education, (3)

employee wellness, (4) health services, (5) social and emotional climate, (6) nutrition environment and services, (7) counseling, psychological and social services, (8) physical environment, (9) family engagement and (10) community involvement.

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

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

The board believes that promoting student health and nutrition enhances readiness for learning and increases student achievement. The general goals of nutrition promotion and nutrition education are (1) to provide appropriate instruction for the acquisition of behaviors that contribute to a healthy lifestyle for students and (2) to teach, encourage and support healthy eating by students.

The board will provide nutrition education within the Healthful Living Standard Course of Study and the grade level expectations outlined in the Healthful Living Essential Standards adopted by the State Board of Education. Nutrition education should be designed to provide all students with the knowledge and skills needed to lead healthy lives. Students should learn to address nutrition-related health concerns through age-appropriate nutrition education lessons and activities.

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

In conjunction with the school health advisory council, the board may establish additional specific evidence-based goals and strategies for nutrition promotion and education. The board will periodically measure and report progress toward meeting these goals.

1. Thomasville City Schools will implement a fresh fruit and vegetable program with the USDA to provide nutritional information to students in our K-5 schools.
2. Thomasville City Schools will work in collaboration with community partners to increase access to healthy foods,
3. Thomasville City Schools will work to ensure all foods and beverages meet or exceed the nutrition recommendations of the US Dietary Guidelines,

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**C. NUTRITION STANDARDS AND GUIDELINES FOR ALL FOOD AND BEVERAGES AVAILABLE AT SCHOOL**

Consistent with policy 6200, Goals of School Nutrition Services, all foods available in the system's schools during the school day that are offered to students should help promote student health, reduce childhood obesity, provide a variety of nutritional meals and promote lifelong healthy eating habits. All foods and beverages sold at school must meet the nutrition standards established in policy 6230, School Meal and Competitive Foods Standards, including the following:

1. School Lunch, Breakfast and Snack Programs

Foods provided through the National School Lunch, School Breakfast or After School Snack Programs must comply with federal and state nutrition standards. The director of child nutrition shall ensure that school system guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law.

2. Competitive Foods

All foods sold on school campuses in areas that are accessible to students during the school day (defined as the period from midnight through 30 minutes after the dismissal bell rings) in competition with the National School Lunch or School Breakfast Programs ("competitive foods") must comply with the federal Smart Snacks in Schools standards. Competitive foods include food, snacks and beverages from a la carte menus, vending machines and outside suppliers, as well as foods or beverages sold in school stores and at fund-raisers. Vending machine sales also must comply with the requirements of G.S. 115C-264.2 and *Eat Smart: North Carolina's Recommended Standards for All Foods Available in Schools*.

3. Other Foods Available on the School Campus During the School Day and After the School Day

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

Fundraising activities that involve the sale of foods and/or beverages to students during the school day (from midnight until 30 minutes after the dismissal bell rings) must comply with the Smart Snack Rules and may not be conducted until after the end of the last lunch period. See policy 6230, School Meal and Competitive Foods Standards.

School principals may establish standards for fund-raising activities conducted after the school day (beginning 31 minutes after the dismissal bell rings) that

involve the sale of food and/or beverages. The board encourages alternative fundraising activities such as non-food items or physical activity.

4. Food and Beverage Marketing

Food and beverage marketing on school campuses during the school day must meet federal and state standards. In accordance with these standards, only foods and beverages that meet the Smart Snack standards (as described in subsection C.2, above) may be marketed or advertised on school campuses during the school day. To comply with this requirement, existing supplies, materials or equipment that depict noncompliant products or logos will be replaced or removed in accordance with normal lifecycles or as otherwise would occur in the normal course of business.

**D. PHYSICAL EDUCATION AND PHYSICAL ACTIVITY**

1. Goals of the Physical Education Program

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

2. The Physical Education Course

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

3. Physical Activity Requirements and Goals

School personnel should strive to provide opportunities for age- and developmentally-appropriate physical activity during the day for all students so



that students can learn how to maintain a physically active lifestyle. Schools must provide a minimum of 30 minutes of moderate to vigorous physical activity daily for kindergarten through eighth-grade students. Such activity may be achieved through a regular daily physical education class as described in Sections D.1 and D.2 above, or through recess, dance, classroom energizers and/or other curriculum-based physical activity programs of at least 10 minutes duration, that, when combined, total 30 minutes of daily physical activity. Principals shall work with teachers to ensure that students meet the minimum physical activity requirement. The board will periodically measure and report progress toward meeting these goals.

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

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

In addition to the standards discussed above, the board adopts the following goals for school-based activities designed to promote wellness:

1. Schools will provide a clean and safe meal environment.
2. Students will be provided adequate time to eat meals.
3. Drinking water will be available at all meal periods and throughout the school day.
4. Professional development will be provided for school system nutrition staff.
5. To the extent possible, the school system will utilize available funding and outside programs to enhance student wellness.
6. Food will not be used in the schools as a reward or punishment.
7. As appropriate, the goals of this wellness policy will be considered in planning all school-based activities.
8. Administrators, teachers, school nutrition personnel, students, parents or guardians, and community members will be encouraged to serve as positive role models to promote student wellness.

#### **F. IMPLEMENTATION AND REVIEW OF POLICY**

1. Oversight and Monitoring of Implementation and Progress

The lead wellness official, in conjunction with the school health advisory council, shall oversee the implementation of this policy and monitor system schools, programs and curricula to ensure compliance with and to assess progress under this policy, related policies and established guidelines or administrative regulations. Each principal shall be responsible for and shall report to the lead wellness official regarding compliance and measurements of progress in his or her school. Staff members responsible for programs related to student wellness also shall report to the lead wellness official regarding the status of such programs.

2. Review of Policy

The lead wellness official shall work with members of the school health advisory council to periodically review and update this policy based on the triennial assessment of the school system's compliance with the policy (see subsection F.4, below), progress toward meeting the policy goals and other relevant factors. The lead wellness official shall document the review process and participants, and the method used to notify the school health advisory council and/or other stakeholders of their ability to participate.

3. Annual Reporting

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

4. Triennial Assessment

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

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

The report may also include the following items:

- 4) a summary of each school's activities undertaken in support of the policy goals;
- 5) an assessment of the school environment regarding student wellness issues;
- 6) an evaluation of the school nutrition services program;
- 7) a review of all foods and beverages sold in schools for compliance with established nutrition guidelines;
- 8) a review of guidelines for foods and beverages available, but not sold, during the school day, as described in subsection C.3, above;
- 9) information provided in the report from the school health advisory council, as described in Section A, above; and
- 10) suggestions for improvement to this policy or other policies or programs.

#### **G. PUBLIC NOTIFICATION**

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

#### **H. RECORDKEEPING**

The superintendent shall maintain records to document compliance with this policy and all federal and state requirements. These records, at a minimum, must include:

1. a written copy of this policy and any updates;
2. the most recent triennial assessment for each school;
3. documentation demonstrating:

- a. the efforts to review and update this policy, as described in subsection F.2 of this policy;
- b. how this policy and information about the most recent triennial assessments have been made available to the public, as described in Section G;
- c. compliance with the annual reporting requirements of subsection F.3; and
- d. other efforts to involve the school health advisory council and/or other community members in the implementation of or assessment of compliance with this policy.

Legal References: Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. 1751; Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296; National School Lunch Act, 42 U.S.C. 1751 *et seq.*; 7 C.F.R. 210.11, 210.12 and 210.31; G.S. 115C-264.2, -264.3; 16 N.C.A.C. 6H .0104; State Board of Education Policies SHLT-000, CHNU-002;~~NCAC 6H.0004~~; *Eat Smart: North Carolina's Recommended Standards for All Foods Available in Schools*, N.C. Department of Health and Human Services, N.C. Division of Public Health (2004)

Cross References: Goals of Student Health Services (policy 6100), Goals of School Nutrition Services (policy 6200), School Meal and Competitive Foods Standards (policy 6230)

Adopted: April 9, 2013

Revised: April 1, 2014; November 5, 2019; March 31, 2020<sub>2</sub>

## ORGANIZATION OF

## **STUDENT FOODSCHOOL NUTRITION SERVICES**

*Policy Code:*

**6210**

The superintendent shall establish ~~student foodschool nutrition~~ services consistent with board goals as provided in policy 6200, Goals of ~~Student FoodSchool Nutrition~~ Services, and state and federal laws and regulations. Duties related to the ~~food-nutrition~~ services should be included in appropriate job descriptions. Each principal ~~and cafeteria manager~~ is responsible for the ~~student foodschool nutrition~~ services program in his or her school, under the supervision of the director of child nutrition.

The superintendent shall verify that all school nutrition services personnel are certified and trained in accordance with the law.

Legal References: Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296; G.S. 115C-36, -263

Cross References: Goals of ~~Student FoodSchool Nutrition~~ Services (policy 6200)

Adopted: April 9, 2013

Revised:

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

**A. OPERATIONAL STANDARDS**

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

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

8. Child Nutrition Program (CNP) funds will be used only for the purposes authorized by law. Indirect costs, as defined by law, will not be assessed to the CNP unless the program has a minimum of one month's operating balance.
9. The price for meals will be determined in accordance with federal law.
10. Nonprogram foods will be priced to generate sufficient revenues to cover the cost of those items. A nonprogram food is defined as a food or beverage, other than a reimbursable meal or snack, that is sold at the school and is purchased using funds from the child nutrition account.
11. All school nutrition services will be operated on a non-profit basis for the benefit of the CNP. School nutrition services are those that are operated from 12:01 a.m. until the end of the last lunch period.
12. All income from the sale of food and beverages that is required by law or regulation to be retained by the CNP will be deposited to the CNP account and will be used only for the purposes of the school's non-profit lunch and breakfast programs. All funds from food and beverage sales not otherwise required by law to be deposited to the CNP account will be deposited into the proper school account in accordance with guidelines developed by the superintendent or designee.
13. All competitive foods sold on school campuses will meet federal and state standards for nutrient content.
14. All employees whose job duties include procurement activities for the Child Nutrition Program shall adhere to the conflict of interest rules and standards for ethical conduct established by the board in policies 6401/9100, Ethics and the Purchasing Function, and 8305, Federal Grant Administration. Failure to comply with these requirements will result in disciplinary action.

## **B. MEAL CHARGES**

Students who are required to pay for meals are expected to provide payment in a timely manner. The board recognizes, however, that students occasionally may forget or lose their meal money. In the event that a student is unable to pay for a meal on a particular day, the student may charge a reimbursable meal. A student carrying a negative balance of \$12.50 (or five days' worth of charges) in a meal account will not be permitted to accrue additional charges until the negative balance drops below \$12.50 (or five days' worth of charges). Instead the student will be served a designated alternate meal provided at no cost to the student. Appropriate modifications to the alternative meal will be made when required by the student's documented special dietary needs. To safeguard the dignity and confidentiality of students in the serving line, reasonable efforts must be used whenever possible to avoid calling attention to a student's inability to pay.

The child nutrition director and principal shall work jointly to prevent meal charges from

accumulating and shall make every effort to collect all funds due to the child nutrition program on a regular basis and before the end of the school term. Notices of low or negative balances in a child's meal account will be sent to parents and the principal at regular intervals during the school year. If a parent regularly fails to provide meal money and does not qualify for free meal benefits, the child nutrition director shall inform the principal, who shall determine the next course of action, which may include notifying the department of social services of suspected child neglect and/or taking legal steps to recover the unpaid meal charges. Parents are expected to pay all meal charges in full by the last day of each school year. Negative balances on student accounts will be carried forward to the following school year. However, the superintendent shall ensure that federal child nutrition funds are not used to offset the cost of unpaid meals and that the CNP is reimbursed for bad debt resulting from uncollected student meal charges prior to September 30 each year.

This policy and any applicable procedures regarding meal charges must be communicated to school administrators, school food service professional, parents and students. Parents will receive a written copy of the meal charges policy and any applicable procedures at the start of each school year and at any time their child transfers into a new school during the school year.

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

Cross References: Parental Involvement (policy 1310/4002), Goals of School Nutrition Services (policy 6200), School Meal and Competitive Foods Standards (policy 6230), Goals of the Purchasing Function (policy 6400), Ethics and the Purchasing Function (policy 6401/9100), Federal Grant Administration (policy 8305)

Adopted: April 9, 2013

Revised: April 1, 2014; June 30, 2016; June 29, 2017; February 13, 2018; March 5, 2019; January 7, 2020;



## SCHOOL MEAL AND COMPETITIVE FOODS STANDARDS

Policy Code:

**6230**

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All employees or other individuals who select foods or beverages to be sold to students on a school campus during the school day shall select and procure such foods and beverages in a manner consistent with the goals established by the board in policy 6200, Goals of School Nutrition Services, and policy 6140, Student Wellness, and with all state and federal laws and regulations. Additionally, in furtherance of the board's goals, the board establishes the following standards for school meals and other foods sold or available on school campuses.

### **A. SCHOOL MEAL REQUIREMENTS**

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

### **B. FOODS OTHER THAN SCHOOL MEALS**

#### **1. Definitions**

##### **a. School day**

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

##### **b. Competitive foods**

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

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

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

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

Each year, through its School Nutrition Program Annual Agreement, the board will

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

4. Foods Sold After the School Day

Foods sold after the school day are not subject to the federal Smart Snacks standards but are subject to any school rules established pursuant to policy 6140, Student Wellness.

5. Vending Sales During the School Day

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

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

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

6. Fund-Raising Activities Involving Food or Beverages

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

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

7. Foods Brought from Home for School Events

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

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

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

lowest possible cost.

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

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

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

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

If a school is found by the North Carolina Department of Public Instruction to be in violation of the rules pertaining to the sale of competitive foods as established in federal or state law or ~~regulation~~~~State Board of Education Policy NCAC 016~~ and the violations results in a monetary sanction against the Child Nutrition Program, the superintendent may require the school's principal to reimburse the Child Nutrition Program from the operating account of the school.

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

Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq.*; Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296, 7 C.F.R. Part 210; National School Lunch Act, 42 U.S.C. 1751, *et seq.*; G.S. 115C-47(7), -47(22), -263, -264, -264.2, -264.3; ~~16 N.C.A.C. 6H .0104~~; State Board of Education Policy~~ies~~ CHNU-002,~~NCAC 016~~; *Eat Smart: North Carolina's Recommended Standards for All Foods Available in School*, NC Department of Health and Human Services, NC Division of Public Health (2004)

Cross References: Student Wellness (policy 6140), Goals of School Nutrition Services (policy 6200)

Adopted: April 9, 2013

Revised: March 2, 2020;

## **SAFETY AND STUDENT TRANSPORTATION SERVICES**

*Policy Code:*

**6305**

Safety is of paramount concern in providing student transportation services. The board recognizes that providing safe transportation requires the cooperation of students, parents, volunteers, personnel and other governmental agencies. The superintendent or designee and all principals shall make reasonable efforts to inform affected individuals or entities about safety issues and monitor compliance with legal requirements and this policy.

### **Temporary Requirements for Student Transportation Services**

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic, school officials will enforce the restrictions put in place by the North Carolina Department of Health and Human Services (DHHS) on entering school transportation vehicles and will adhere to any requirements placed on the school system by DHHS related to student transportation services. The superintendent or designee, in conjunction with appropriate health officials, shall develop protocols where necessary to implement DHHS requirements. These temporary requirements shall remain in effect until repealed by the board or until the applicable guidance from DHHS is rescinded, whichever occurs first.

#### **A. STUDENT BEHAVIOR**

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

#### **B. TRANSPORTATION SAFETY ASSISTANTS AND BUS MONITORS**

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

#### **C. MAINTENANCE**

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

#### **D. SAFETY PRACTICES ON SCHOOL BUSES AND ACTIVITY BUSES**

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

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

#### **E. TRAINING**

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

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

#### **F. ACCIDENT REPORTING**

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

Legal References: G.S. 115C-239, -240, -245, -248, -249.1; [16 N.C.A.C. 6B .0111](#); *Preventive Maintenance and Vehicle Replacement Manual (NC Bus Fleet Manual)*, State Board of Education

Policy TRAN-005, available at [www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf](http://www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf); State Board of Education Policies ~~TRAN-006~~, TRAN-011; *North Carolina School Bus Driver Handout*, Department of Transportation, Division of Motor Vehicles, available at <https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/school-bus-handbook.pdf>

Cross References: Student Behavior Policies (policy 4300), Authority of School Personnel (policy 4301), School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315)

Adopted: April 9, 2013

Revised: March 1, 2016; September 5, 2017; January 8, 2019; January 7, 2020; March 2, 2021;

Safety is of paramount concern in providing student transportation services. Consistent with the board's goals for student safety, all drivers involved in transporting students must comply with the following board requirements.

**A. SCHOOL BUS AND ACTIVITY BUS DRIVERS**

School bus and activity bus drivers must:

1. possess required licenses and all other qualifications required by law;
2. undergo and follow all training required by law governing school bus and activity bus passenger safety;
3. not operate a school or activity bus on a public street, highway or public vehicular area while using a mobile telephone or related technology while the bus is in motion, unless such use is for the sole purpose of communicating in an emergency situation;
4. use the North Carolina crossing signals required by the State Board of Education to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus;
5. report to the principal any misconduct that is in violation of any of the student behavior policies in the 4300 series or school rules;
6. use reasonable judgment in the operation of the buses;
7. make reasonable efforts to maintain good order of the students being transported;
8. not permit any person to ride who is not assigned to the bus or has not received express permission of the principal or other designated official;
9. promptly report to the principal or other designated official any defect or other concern regarding the safety of the school bus, activity bus or other vehicle operated by the school system; and
10. report to the principal or other designated official by the next work day any moving violation citations received while operating any motor vehicle, whether on or off duty.

**B. OTHER DRIVERS**

Other drivers, including volunteer drivers, must:

1. possess required licenses and all other qualifications required by law;
2. report to the principal by the next working day any moving violation citations received while operating any motor vehicle, whether on or off duty; and
3. carry insurance if operating a privately owned vehicle.

If the board requires a school social worker to increase his or her private automobile liability coverage and/or to add a business use rider in order to transport students in his or her private vehicle, the social worker will be reimbursed for the additional premium charged and/or for the increased liability limits of the added rider.

The superintendent or designee shall make copies of this policy and other related policies available to drivers.

Legal References: G.S. 20-7(f)(2), -137.4, -218; 115C-47(25a), -241, -242, -244 to -246, -248, -251, -317.1; 16 N.C.A.C. 6B .0111; State Board of Education Policies ~~TRAN-006~~, TRAN-010; *North Carolina School Bus Driver Handout*, Department of Transportation, Division of Motor Vehicles, available at <https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/school-bus-handbook.pdf>

Cross References: Student Behavior Policies (4300 series), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Insurance (policy 8340)

Adopted: April 9, 2013

Revised: March 1, 2016; September 5, 2017; January 8, 2019; January 7, 2020;



The superintendent or designee shall develop school bus routes in accordance with state law and regulations. All bus routes will be kept on file in the superintendent's office, and all changes will be filed within 10 days after such change becomes effective.

Students will be assigned to a bus that passes within one mile of the student's residence. To the extent practicable and economically feasible, ride time should be less than 45 minutes one way.

Parents will be informed of students' scheduled school bus arrival times. It is the parent's responsibility to ensure that a student is present at a bus stop prior to the scheduled arrival time.

**A. TRANSPORTATION TO LOCATIONS OTHER THAN HOME**

Upon request, the superintendent or designee may, but is not required to, assign a student to a bus to transport the student to and/or from a location other than home if the following conditions are met.

1. The student's parent or guardian submits a written, signed request that states the specific location other than home to which the student is to be transported and acknowledges that the parent or guardian and not the school system is responsible for the student's safety once the child has departed from the bus.
2. The request for such transportation does not require a bus to deviate in any significant way from an established route.
3. There is capacity on the bus if the request would necessitate the student's riding a different bus from the regularly assigned bus.
4. The student's residence and requested bus stop are within the zone eligible for transportation service.
5. The request for such transportation does not cause the school system to incur any additional cost.
6. The proposed bus stop meets safety standards established by law, the board, the superintendent or the principal.

Any changes in bus stops must be approved by the superintendent or designee.

**B. BUS ROUTES IN HAZARDOUS CONDITIONS**

School buses will not be allowed to operate if there is a serious threat to the safety of students or drivers. The superintendent may develop a more limited bus route for hazardous weather conditions in order to operate only on roads that are safe. To the

extent possible, parents will be notified in advance of the bus route that will be used in hazardous conditions. The hazardous conditions bus route will be on file in the superintendent's office.

A student who is identified as having special needs following procedures in the North Carolina *Policies Governing Services for Children with Disabilities* will be provided with transportation services as required by law.

Legal References: Individuals with Disabilities Education Act Amendments of 1997, 20 U.S.C. 1400 *et seq.*; G.S. 115C-240(d), -246; 16 N.C.A.C. 6B .0111; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; State Board of Education Policies TRAN-000, -002, ~~-006~~

Cross References:

Adopted: April 9, 2013

Revised: September 5, 2017; March 6, 2018;

Services will be purchased in a manner consistent with the board's purchasing goals. The board generally does not require competitive bidding for the purchase of services; however, contracts for services will be made under conditions that foster competition among potential providers when feasible and after careful pricing.

No contract may be entered into with a restricted company, as listed by the state treasurer in accordance with G.S. 147, art. 6E or 6G, except as permitted by those laws.

Purchases using federal funds must be made in accordance with the terms and conditions of the federal award and all applicable requirements of federal law and regulation, including the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards ("Uniform Guidance") issued by the U.S. Office of Budget and Management. (See also policy 8305, Federal Grant Administration.)

Contracts entered into with entities or individuals to provide a driver education program for students must be awarded on a competitive basis through requests for proposals to contract and in accordance with the requirements of State Board of Education Policy DRIV-001.

This policy does not apply to contracts for architectural, engineering, surveying and construction management at risk services, which are governed by policy 9110, Use and Selection of Architects, Engineers, Surveyors and Construction Managers At Risk.

Legal References: 2 C.F.R. 200.317-200.326; G.S. 115C-36; 143-64.31; 147 art. 6E, art. 6G; [16 N.C.A.C. 6E .0303](#); State Board of Education Policy DRIV-001

Cross References: Goals of the Purchasing Function (policy 6400), Federal Grant Administration (policy 8305), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)

Adopted: April 9, 2013

Revised: May 1, 2018; April 2, 2019;

## **RECRUITMENT AND SELECTION OF PERSONNEL**

*Policy Code:*

**7100**

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### **A. GENERAL PRINCIPLES**

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

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

### **B. RECRUITMENT**

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

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

### **C. PRE-EMPLOYMENT: CRIMINAL HISTORY / DRUG SCREENING**

All job applicants shall be required to pass a pre-employment drug test upon conditional offer of employment and prior to their final approval of employment. A criminal history check will be conducted on all final candidates for positions of employment that would place the candidates, if hired, in the schools or would result in the candidates being expected to interact regularly with students. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent. In addition to the criminal history check, a check of sex offender registries will be conducted on all final candidates.

Additionally, except as otherwise provided in Section D of this policy, applicants must notify the director of 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 director of 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 director of human resources no later than the next business day following adjudication.

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 5022, Registered Sex Offenders. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy. Special requirements are described in Section D of this policy for criminal history checks of candidates for certain positions working with pre-school children or working in afterschool or developmental day programs.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted (including entering a plea of guilty or *nolo contendere*) of a criminal offense, or is currently charged with a criminal offense, other than a minor traffic violation, the superintendent 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 may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. The requirements of this paragraph do not apply to a child care provider who is determined to be disqualified by the Division of Child Development and Early Education on the basis of a criminal history check conducted pursuant to G.S. 110-90.2, 42 U.S.C. 9858f and 45 C.F.R. 98.43. (See Section D of this policy).

The board has determined that every position with the school system, regardless of whether the position is located in a school or elsewhere, potentially entails contact with students, either on a regular, occasional or emergency basis. For that reason, no individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school system.

#### **D. CRIMINAL HISTORY CHECKS OF CHILD CARE PROVIDERS**

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

1. any person who works or is a final candidate seeking to work in a classroom or program licensed by the Department of Health and Human Services, Division of Child Development and Early Education (DCDEE); and
2. any person, including a volunteer, who has unsupervised contact with children enrolled in such classrooms or programs.

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

After September 30, 2019, no person shall (1) be employed, continue to be employed or be permitted to volunteer as a child care provider, or to otherwise have unsupervised contact with students enrolled in a licensed classroom or program operated by the school system or (2) be counted in the staff/child ratio of such classroom or program, unless the person holds a current valid qualification letter issued by DCDEE. However, a child care provider with provisional status may be employed pending final results of the criminal background check but shall be subject to the restrictions established by 10A N.C.A.C. 09 .2703(f).

The application fee and cost of fingerprinting associated 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) since the last qualification letter was issued by DCDEE shall notify the chief human resources officer in writing of such charges within five business days or before returning to work, whichever comes first. The assistant superintendent of human resources shall notify DCDEE within one business day of being notified.

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

#### **E. SELECTION**

##### **1. Qualifications**

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

considered:

- a. application;
- b. education and training;
- c. licensure and certification (when applicable);
- d. relevant experience;
- e. personal interviews; and
- f. references and/or background checks.

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

## 2. Nepotism

- a. For purposes of this subsection, 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. This definition has been extended to include significant other, partner, or romantic interest.
  - ii. “Central office staff administrator” includes directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents and principals.
- b. Before any immediate family of any board of education member or central office staff administrator is employed by the board or engaged in any capacity as an employee, independent contractor or otherwise, (1) the board member or central office staff administrator must disclose the familial 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 director of human resources will be deemed disclosure to the board. The director of 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, unless the superintendent has prior board approval, he or she 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.
- d. No administrative or supervisory personnel may directly supervise a member of his or her immediate family.

### 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 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 or designee 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 ~~yes~~ BENF-009 ~~and NCAC-~~ ~~019~~

Cross References: Board Authority and Duties (policy 1010), Registered Sex Offenders (policy 5022)



Adopted: April 3, 2012

Revised: April 1, 2014; June 3, 2014; December 4, 2018; June 26, 2019; October 1, 2019; March 2, 2020<sub>1</sub>

The board intends to comply fully with all licensure requirements of the Elementary and Secondary Education Act, state law and State Board of Education policies.

**A. LICENSURE AND OTHER QUALIFICATION REQUIREMENTS**

1. Except as otherwise permitted by the State Board of Education or state law, a person employed in a professional educator position must hold at all times a valid North Carolina professional educator's license appropriate to his or her position.
2. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy.
3. The board may employ candidates entering the teaching profession from other fields who hold a residency license or an emergency license.
4. In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a residency license are available to fill a position, the board may employ an individual who holds a permit to teach issued by the State Board of Education.

**B. EXCEPTIONS TO LICENSURE REQUIREMENTS**

1. Adjunct CTE Instructors

An unlicensed individual who meets the adjunct hiring criteria established by the State Board of Education for a specific career and technical education (CTE) career cluster may be employed as an adjunct CTE instructor for up to 20 hours per week or up to five full consecutive months of employment, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by G.S. 115C-157.1.

2. Adjunct Instructors in Core Academic Subjects

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

3. Interim Principals

A retired former principal or assistant principal may be employed as an interim

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principal for the remainder of any school year, regardless of licensure status.

4. Cherokee Language and Culture Instructors

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

5. Driver Education Instructors

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

**C. BEGINNING TEACHER SUPPORT PROGRAM**

The superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and the Department of Public Instruction and kept on file for review. The plan must be aligned to the State Board of Education's beginning teacher support program standards and, when monitored, must demonstrate proficiency. The school system will also participate in implementing a regionally-based annual peer review and support system.

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

**D. LICENSE CONVERSION**

Teachers must meet all requirements of the State Board of Education in order to move from an initial professional license or residency license to a continuing professional license. Licensing is a state decision and cannot be appealed at the local level. The superintendent or designee shall ensure that teachers not qualifying for continuing professional licensure are informed of the process for appealing the state decision.

**E. LICENSE RENEWAL**

Licensure renewal is the responsibility of the individual, not of the school system. Any employee who allows 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 a procedure to determine the appropriateness of any credit offered in advance of renewal activities.

Decisions regarding the employment of teachers who fail to meet the required proficiency standard for renewal of a continuing professional license will be made in accordance with G.S. 115C-270.30(b)(4) and applicable State Board of Education requirements. The superintendent or designee shall determine the professional development required of a teacher whose continuing professional license has reverted to an initial professional license and/or has expired due to performance issues. The superintendent or designee may authorize or direct principals to prescribe professional development to such employees in accordance with the employee's demonstrated deficiencies.

#### **F. PARENTAL NOTIFICATION**

At the beginning of each school year, school system officials shall notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC qualification and licensing criteria for the grade level(s) 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 system will give notice within 10 school days to the parents of children who have been assigned or, after four consecutive weeks, have been taught by a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

#### **G. EQUITABLE DISTRIBUTION OF TEACHERS**

The superintendent shall assess whether low-income, minority, learning disabled and/or English 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), -325.4(a)(12) (applicable to non-career status teachers), -333, -333.1; State Board of Education Policies CTED-004, DRIV-003, DRIV-004, EVAL-004, EVAL-023, EVAL-034, LICN-001, LICN-005, LICN-021, LICN-022, ~~NCAC-028, NCAC-035, NCAC-037~~, TCED-016; *Beginning Teacher Support Program Handbook* (NCDPI) available at <https://sites.google.com/dpi.nc.gov/nceref/bt-support-program-resources>

Cross References:

Adopted: April 3, 2012

Revised: April 1, 2014; June 3, 2014; February 7, 2017; September 5, 2017; April 10, 2018;  
January 8, 2019; June 26, 2019; March 2, 2020; January 5, 2021.

**A. GENERAL EMPLOYMENT OF SUBSTITUTES**

The school system will employ substitute teachers as deemed appropriate by the administration and in accordance with State Board policies. The board recognizes the importance of employing licensed teachers as substitutes and will give first priority to substitutes who hold or have held any teaching license and second priority to those who have completed Effective Teacher Training or comparable professional development courses. Teaching experience also will be considered.

A criminal history check will be conducted on applicants for substitute teaching positions in accordance with policy 7100, Recruitment and Selection of Personnel, and administrative procedures.

**B. TEACHER ASSISTANTS AS SUBSTITUTES**

A teacher assistant may not serve as a substitute teacher except in an emergency situation approved by the superintendent or designee.

**C. PARENTAL NOTIFICATION**

In accordance with policy 1320/3560, Title I Parent and Family Engagement, school principals shall notify the parent of any child who receives instruction for four or more consecutive weeks from a substitute teacher who does not meet the certification and licensure standards for the grade level and subject area to which the substitute teacher has been assigned.

Legal References: Elementary and Secondary Education Act, 20 U.S.C.6312(e)(1)(B)(ii); G.S. 115C-12, -36, -47, -332; 16 N.C.A.C. 6C .0313, -.0403; ~~State Board of Education Policies NCAC-019, NCAC-009~~

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Recruitment and Selection of Personnel (policy 7100)

Adopted: April 3, 2012

Revised: April 1, 2014; January 17, 2017; September 5, 2017; January 7, 2020;<sub>2</sub>

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

The superintendent is responsible for overseeing the design of facilities that have been identified in the long-range facility needs plan and have been approved for funding. New or renovated facilities must be designed in a way that will meet all legal requirements, including legal standards for accessibility and use of facilities by persons with disabilities. Plans also must take into consideration the facilities guidelines developed by the North Carolina Department of Public Instruction. The superintendent may utilize services of outside professionals, including architects and other consultants, in the facility design and construction. Any contract for professional services must be (1) reviewed by the board attorney, (2) be approved by the board, unless the board has delegated this authority to the superintendent in policy 6420, Contracts with the Board, and (3) meet the requirements of any applicable board policies. (See policy 9110, Use and Selection of Architects, Engineers, Surveyors and Construction Managers At Risk.) The superintendent also should work to involve school staff, parents and students in the design of school buildings.

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

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

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

Legal References: 29 U.S.C. 794(b); 34 C.F.R. pt. 104 (subpt. C); 42 U.S.C. 12101 *et seq.*; 28 C.F.R. pt. 35 (subpt. D); G.S. 115C-204, -521; 133, arts. 1 and 3; State Board of Education Policy SCFC-005; State Board of Education Policy ~~ies~~ SCFC-003, *North Carolina Public School Facilities Guidelines*, available at <https://www.dpi.nc.gov/districts-schools/district-operations/school-planning/project-planning#building-design>; ~~and State Board of Education Policy SCFC-006, *Procedures Manual: Public School Building Capital Fund*, both~~ available at <https://www.dpi.nc.gov/districts-schools/district-operations/school-planning/capital-fundingwww.schoolclearinghouse.org/>

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

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

Adopted: May 7, 2013

Revised: April 1, 2014; March 1, 2016; September 5, 2017;