

**ORANGE COUNTY
BOARD OF EDUCATION**

AGENDA ITEM ABSTRACT

Meeting Date: May 28, 2014

AGENDA ITEM No. 14-05-(2)-08

ACTION ITEM: (Y/N) Y

SUBJECT: Board Policy Subcommittee Recommendations – 2nd Reading Approval

INFO. CONTACT: Dr. Marcie Holland **PHONE:** 919-732-8126

ATTACHMENTS:

1. Preliminary Correlation Table
2. Recommended Policies in the Section 1000: Governing Principles
3. Recommended Policies to be Deleted

PURPOSE: The purpose of this agenda item is to provide the Board an opportunity to approve on 2nd Reading Approval recommendations of the Board of Education Policy Subcommittee. These recommendations are the result of the ongoing policy update project.

BACKGROUND: Board of Education Policy #2410 states "It is through the development and adoption of written policies that the Board shall exercise its leadership in the operation of the school system; it is through the study and evaluation of reports concerning the execution of its written policies that the Board shall exercise its control over school operations."

At the September 23, 2013, Board of Education meeting, the Board approved a contract for the North Carolina School Boards' Association to work with the Orange County Schools Board of Education Policy Subcommittee to review and update the Board of Education policies. The Board of Education Policy Subcommittee met on March 28, 2014, and May 2, 2014, to begin reviewing the first section of policies as well as the policies that require revisions based on the most recent legislative session. Members of the Subcommittee Donna Coffey, Brenda Stephens, Debbie Piscitelli are supported by the board attorney and administrative staff.

The ongoing goals of the Board of Education Policy Subcommittee are to provide an updated manual that is user-friendly. In this process, the Board of Education will be deleting unnecessary and duplicative policies. Both the list of revised/updated and new policies is provided, as well as the list of policies being recommended for deletion as a result of the revisions, updates, and newly added policies.

Additionally, the following message will be placed on the Orange County Schools' website for the public. "Effective January 17, 2014, the Board of Education began the process of revising the Orange County Board of Education policy manual with the assistance of the North Carolina School Boards' Association. This project is scheduled to take several months. The updated and new policies will be included in the manual on this website after adoption. Be aware that cross-referencing within a policy might not be in place until the full manual is completed."

During the May 12, 2014 meeting, the Policy Subcommittee recommended the following new and revised current policies for approval:

Policy Number	Policy Title
1000	Legal Status of the Board and School System
1010	Board Authority and Duties
1310	Parental Involvement
1510	School Safety
1710	Prohibition Against Discrimination, Harassment, and Bullying
1720	Discrimination, Harassment, and Bullying Complaint Procedure
1730	Nondiscrimination on the Basis of Disabilities

1740	Student and Parent Grievance Procedure
1742	Responding to Complaints
1750	Grievance Procedure for Employees
1760	Prohibition Against Retaliation
5030	Facility Use
7337	Unauthorized Taping or Recording in the School Environment
7800	Professional and Staff Development

During the May 2, 2014 meeting, the Policy Subcommittee recommended the deletion of the following policies:

Policy Number	Policy Title
1005	School District Organization Plan
1015	Philosophy
1017	Goals and Objectives
1020	Planning
4240	Child Abuse Reports and Investigations
4245	Public Welfare Authorities
7106	Professional Personnel Orientation
7225	Discrimination, Harassment, and Bullying Complaint Procedure
7230	Prohibition Against Discrimination, Harassment, and Bullying
7231	Nondiscrimination on the Basis of Disabilities
7270	School Safety
7470	Administrative Personnel Assignment
7471	Administrative Personnel Orientation
7472	Administrative Personnel Supervision
9220	Building and Grounds Safety
9235	Buildings and Grounds Management Fire Prevention
9260	Emergency Drills
9260-P	Emergency Drills Procedures
9265	Warning Systems

These policies were approved by the Board for 1st Reading Approval on May 12, 2014 and are being brought back for 2nd Reading Approval.

FINANCIAL IMPACT: The contract with the North Carolina School Boards' Association was approved for \$22,900.00.

RECOMMENDATION: The Superintendent recommends the Board of Education approve the revised policies listed above for 2nd Reading Approval, and that the Board approve the deletion of the above listed policies.

**LEGAL STATUS
OF THE BOARD AND SCHOOL SYSTEM**

Policy Code: **1000**

The legal status of the Board and school system has been established by the General Assembly. In consonance with the law, the following are in effect:

- The official name of this system is: The Orange County Schools Administrative Unit.
- The schools of this system will be known as: The Orange County Schools.
- The governing body of the Orange County Schools is: The Orange County Board of Education.

Legal References: N.C. Const., art. IX; G.S. 115C-1, -5, -40, -69

Adopted:

The Board of Education is a body corporate and has general control and supervision of all matters pertaining to the public schools of the school system and the authority to enforce the school law. All powers and duties conferred and imposed by law respecting public schools, which are not expressly conferred and imposed upon some other official, are conferred and imposed by law upon the Board.

The Board will provide a system of schools; establish general policies in keeping with the needs of the community and the requirements of state law; and perform all specific duties imposed by law. The Board considers some of its most significant duties to be the following:

1. providing leadership and direction through the formulation of goals and objectives, especially in defining and setting high academic standards for student success;
2. creating policies that establish standards, accountability, and evaluation of essential operations of the school system;
3. taking steps necessary to help ensure legal compliance of Board and school system functions;
4. performing judicial functions by conducting hearings as appropriate or as required by law regarding decisions of school system personnel or the Board;
5. purchasing, acquiring, selling, conveying, and/or leasing school property, both real and personal, in the manner provided by law;
6. hiring a Superintendent, supporting the Superintendent in his or her administration, and evaluating and responding to recommendations made by the Superintendent, including recommendations pertaining to the educational program and facility needs;
7. considering the budget recommended by the Superintendent, presenting the budget to the county commissioners, and adopting a budget after evaluating whether the county commissioners' appropriation is sufficient to support a system of free public schools; and
8. being an advocate for the school system, for employees, and especially for students in all interactions with other governmental entities and the public.

Legal References: G.S. 115C-36, -40, -44, -47

Adopted:

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 parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system, and his or her own child's progress and to participate in activities designed by school personnel to involve them, such as parent conferences, in order to encourage effective communication.

School system officials shall strive to support parents of students in Title I schools and provide the parents with opportunities to become involved in the programs offered by the Title I schools. Parents of students in Title I schools are also encouraged to participate in the design and implementation of the programs and activities offered by the Title I schools in order to increase the effectiveness of the school system's Title I program in helping students meet state and local achievement standards.

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

A. PARENTAL INVOLVEMENT PLAN

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

1. meaningful two-way communication between home and school;
2. promotion of responsible parenting;
3. 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.

B. PARENT COMMUNICATION AND CONFERENCES

The Board encourages school personnel to 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 provide the parent of an at-risk student with a copy of the student's personal education plan in accordance with policy 3405, Students at Risk of Academic Failure. Parents should be included in the implementation and ongoing review of their child's personal education plan.

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.

C. PARENTAL NOTIFICATION

Every building principal or designee shall effectively notify parents of the following annually:

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 1720, Discrimination, Harassment, and Bullying Complaint Procedure;

8. policy 1740, 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 the consequences thereof, 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. a report containing aggregate information, including, but not limited to, student achievement (disaggregated by category), graduation rates, performance of the school system, and teacher qualifications;
13. the grade awarded to the school on the most recent annual report card issued for it by the State Board of Education if the school received a grade of D or F;
14. supportive services available to students, including guidance, counseling, and health services (see policy 3610, Counseling Program);
15. 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;
16. 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;
17. how to reach school officials in emergency situations during non-school hours;
18. information about and an application form for free and reduced price meals and/or free milk (see policy 6225, Free and Reduced Price Food Services);
19. information about the school breakfast program;
20. information about the availability and location of free summer food service

- program meals for students when school is not in session;
21. for parents of children with disabilities, procedural safeguards (see also policy 1730, Nondiscrimination on the Basis of Disabilities);
 22. 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;
 23. education rights of homeless students (see policy 4125, Homeless Students);
 24. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);
 25. 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);
 26. that the school system does not discriminate on the basis of race, color, national origin, sex, disability, or age (see policies 1710, Prohibition Against Discrimination, Harassment, and Bullying and 1730, Nondiscrimination on the Basis of Disabilities);
 27. 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, Prohibition Against Discrimination, Harassment, and Bullying); and
 28. the availability of and the process for requesting a waiver or reduction of student fees (see policy 4600, Student Fees).

D. 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 Acquired Immune Deficiency Syndrome (AIDS); (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540. 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 7312, Child Abuse – Reports and Investigations);
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.

E. 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. the release of photographs, videos, or other likenesses of students to the media

- (newspapers/television stations) or the publication of photographs, videos, or other likenesses of students on a school or school system website or in another school publication;
4. off-campus trips;
 5. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);
 6. 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);
 7. certain health services, as required by 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. disclosure of the identity of any student receiving supplemental education services under the Title I program.

F. SPECIFIC PARENTAL INVOLVEMENT EFFORTS IN TITLE I SCHOOLS

The Title I program is a federally supported program that offers assistance to educationally and economically disadvantaged children to help ensure they meet the school system's challenging academic standards. The Title I program provides instructional activities and supportive services to eligible students over and above those provided by the regular school program. When applicable, students must be selected to receive Title I services based on objective criteria that are consistent with federal and state requirements, such as standardized test scores, teacher judgment, and results of pre-school screening and home-school surveys.

Qualified Title I schools will operate as school-wide programs or targeted assisted programs based upon federal eligibility criteria. School-wide programs will utilize a comprehensive school improvement process enabling schools to serve all students in the school. Targeted assistance programs will provide services to eligible students in the school having the greatest need for assistance. Both school-wide and targeted assistance programs will be based on effective means of improving student achievement and will include strategies to support parental involvement.

For the purposes of this section and the Title I program, the term “parental involvement” means the participation of parents and guardians in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring the following: (1) that parents play an integral role in assisting their child’s learning; (2) that parents are encouraged to be actively involved in their child’s education at school; (3) that parents are full partners in their child’s education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and (4) that the school system engages in activities to support parental involvement in the Title I programs.

The Board believes that the involvement of Title I parents in the design and implementation of the Title I program will increase the effectiveness of the program and contribute significantly to the success of the children. The Title I staff and all school system personnel shall strive to involve parents in activities throughout the school year. Each year, Title I parents must be invited to an annual meeting, at which time parental rights will be explained, programs and activities provided with Title I funds will be discussed, and input will be solicited. In addition, all parents will have an opportunity to evaluate the effectiveness of the Title I programs and the parental involvement policies and plans. Data collected from these findings will be used to revise Title I programs and parental involvement plans.

The Superintendent shall ensure that the system-level parental involvement policy is developed with, agreed upon with, and annually distributed to parents of participating students. In addition to the system-level policy, each school participating in the Title I program shall jointly develop and annually distribute to parents a school-level written parental involvement policy that describes the means for carrying out school-level policy, sharing responsibility for student academic achievement, building the capacity of school staff and parents for involvement and increasing accessibility for participation of all Title I parents, including parents with limited English proficiency, parents with disabilities and parents of migratory children. School-level plans must involve parents in the planning and improvement of Title I activities and must provide for the distribution to parents of information on expected student proficiency levels and the school’s academic performance.

School officials will invite appropriate school personnel from private schools to consult on the design and development of its programs in order to provide equitable services to students enrolled in private schools. The Superintendent or designee will establish procedures to achieve timely and meaningful consultation with private school officials in accordance with federal law.

In addition, school system officials and Title I school personnel shall do the following:

1. involve parents in the joint development of the Title I Program and the process of school review and improvement by including parents on the school advisory committee and committees that review the Title I program;

2. provide coordination, technical assistance, and other support from various central office departments necessary to assist participating schools in planning and implementing effective parental involvement activities that are designed to improve student academic achievement and school performance;
3. build the schools' and parents' capacity for strong parental involvement by collecting and disseminating information on effective parental involvement techniques;
4. coordinate and integrate parental involvement strategies with parental involvement activities in other programs, such as Head Start, Reading First, and similar programs;
5. with the involvement of parents, conduct an annual evaluation of the content and effectiveness of the school system parental involvement policies and program in improving the academic quality of the school;
6. strive to eliminate barriers to parental participation by assisting parents with disabilities and parents who are economically disadvantaged, have limited English proficiency, are migratory, or have other backgrounds or characteristics that may affect participation;
7. provide assistance to parents of participating Title I children in understanding the state's testing standards, the assessments used, Title I requirements, and all national, state, and local standards and expectations through such efforts as community-based meetings, sending information home, newsletters, workshops, and newspaper articles;
8. design a parent-student-school staff compact that sets out respective responsibilities in striving to raise student achievement and explains how an effective home/school partnership will be developed and maintained;
9. with the assistance of parents, ensure that teachers, pupil services personnel, principals, and other staff are educated in the value of parents as partners in the educational process and understand how to work with, communicate with, and reach out to parents as equal partners in education;
10. distribute to parents information on expected student proficiency levels for their child and the school's academic performance, and provide materials and training to help parents monitor their child's progress and work with educators to improve achievement through such methods as technology or literacy training;
11. coordinate and integrate parental involvement programs with pre-school programs and conduct other activities in the community that encourage and support parents to more fully participate in the education of their child;

12. strengthen the partnership with agencies, businesses, and programs that operate in the community;
13. ensure that parents are involved in the school's Title I activities; and
14. provide such other reasonable support for Title I parental involvement activities as requested by parents.

G. TITLE I NOTICE REQUIREMENTS

In addition to the notice requirements described above, 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. Notices must be provided in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. Parents of students in Title I schools will receive a copy of this policy and the school-wide parent involvement plan.

1. LEP Program

- a. Each year the principal or designee shall provide notice of the following to parents of limited English proficient (LEP) children identified for participation in a Title I, Part A-funded language-instruction educational program:
 - i. the reasons for the child's identification;
 - ii. the child's level of English proficiency;
 - iii. methods of instruction;
 - iv. how the program will help the child;
 - v. the exit requirements for the program;
 - vi. if the child has a disability, how the language instruction educational program meets the objectives of the child's individualized educational program (IEP); and
 - vii. any other information necessary to effectively inform the parent of the program and the parental rights regarding enrollment, removal, and selection of an LEP program.
- b. The principal or designee of a school with a Title I, Part A-funded language instruction program that has failed to make progress on the annual achievement objectives for LEP students, shall notify the parents of

such failure no later than 30 days after the failure occurs.

2. System Report Card and School Progress Review

- a. Each year, school system officials shall disseminate to all parents, schools, and the public a school system report card containing aggregate information, including, but not limited to, student achievement (disaggregated by category), graduation rates, performance of the school system and teacher qualifications.
- b. Each year, school system officials shall disseminate to all parents, schools, and the community the results of the LEA's yearly progress review of each school.

3. Teacher Qualifications

- a. Each year, school system officials shall notify parents of Title I students of the right to request certain information on the professional qualifications of the student's classroom teachers and paraprofessionals providing services to the child (see policy 7820, Personnel Files).
- b. The principal or designee of a Title I school shall provide timely notice informing parents that their student has been assigned to or has been taught for at least four consecutive weeks by a teacher who is not "highly qualified" as defined in the No Child Left Behind Act.

4. Parental Rights and Opportunities for Involvement

Each year, the principal or designee of a Title I school shall provide notice to parents of the school's written parental policy, parents' right to be involved in their child's school and opportunities for parents to be involved in the school.

F. WEBSITE NOTIFICATION FOR TITLE I SCHOOLS

When a Title I school is identified for improvement, corrective action, or restructuring, the school system will display on its website the following information in a timely manner to ensure that parents have current information regarding supplemental services and public school choice:

1. beginning with data from the 2007-2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in public school choice;
2. for the current school year, a list of available schools to which students eligible to participate in public school choice may transfer;

3. beginning with data from the 2007-2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in supplemental educational services; and
4. for the current school year, a list of supplemental educational services providers approved by the state to serve the school system and the locations where services are provided.

Legal References: Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Individuals with Disabilities Education Act, 20 USC 1400, *et seq.*; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; 42 U.S.C. 1758, 7 C.F.R. pt. 245; 42 U.S.C. 1758b; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; 20 U.S.C. 7908; *Public School Choice Non-Regulatory Guidance*, U.S. Department of Education (January 14, 2009); *Supplemental Educational Services Non-Regulatory Guidance*, U.S. Department of Education (January 14, 2009); U.S. Department of Education approval of Elementary and Secondary Education Act (ESEA) Flexibility Request (May 29, 2012); G.S. 90-21.1; 95-28.3; 115C-47(47), -47(51), -47(54), -47(58), -81(e1), -83.4A(d), -105.41, -109.1, -307(c), -375.4, -390.2, -391.1, -407.16; State Board of Education Policies FCB-A-000, GCS-A-001, GCS-J-002, TCS-R-000

Other Resources: *Giving Parents Options: Strategies for Informing Parents and Implementing Public School Choice and Supplemental Educational Services Under No Child Left Behind*, U.S. Department of Education Office of Innovation and Improvement (September 2007)

Adopted:

Safe schools are critical to creating a learning environment in which students can succeed. Staff and students share the responsibility for taking reasonable precautions and following established safety measures to create and maintain safe schools. The following safety measures must be implemented at each school.

A. SUPERVISION OF STUDENTS

Students must be reasonably supervised while in the care and custody of the school system. This supervision must occur throughout school hours, including during class, between classes, on the playground, and during recess or lunch periods; during authorized school field trips; and on school buses. Reasonable precautions should be taken to protect the safety of students on school grounds and on buses before, during, and after school.

Students who are subject to policy 4260, Student Sex Offenders, and are receiving educational services on school property must be supervised by school personnel at all times.

B. SUPERVISION OF VISITORS

School administrators shall strictly enforce policies 5015, School Volunteers, and 5020, Visitors to the Schools.

C. SAFETY OF SCHOOL BUILDINGS AND GROUNDS

The school system will be in compliance with all applicable safety requirements established by state or federal law or regulation.

The Superintendent and each building principal shall comply with all duties set out for their respective positions in G.S. 115C-288(d) and G.S. 115C-525 to minimize fire hazards. The principal is required to inspect school buildings, playgrounds, and equipment for health, fire, and safety hazards on a regular basis, as required by law, and to notify the Superintendent immediately of unsanitary conditions or repairs needed to meet safety standards.

Any employee who observes any potential hazards must notify the principal or the employee's supervisor immediately.

All warning systems must meet building and equipment codes required by law and must be properly maintained. When necessary, proper signs indicating potential hazards or recommended safety precautions must be posted.

D. ESTABLISHING PROCESSES TO ADDRESS POTENTIAL SAFETY CONCERNS AND EMERGENCIES**1. Responding to Student Altercations and Other Threats to Safety**

Employees have a duty to provide reasonable supervision of students. Employees shall be alert at all times and, at a minimum, immediately report situations that may pose a threat to the safety of students or any other person on school system property, at school events, or in any other situation in which students are under the authority of school employees.

Employees with personal knowledge or actual notice of a student altercation are expected to take reasonable measures to maintain a safe school environment. Reasonable measures include, but are not limited to, issuing verbal directives to end the altercation, immediately reporting the situation to the administration or other appropriate authority, using reasonable force, and removing bystanders from the immediate area.

For purposes of this policy, reasonable force is the use of limited physical contact or restraint to the extent necessary to re-establish a safe environment. Employees shall follow any additional instructions or guidance from supervisors in implementing this policy.

2. School Rules

The principal or designee shall develop rules to help prevent accidents in school buildings, on school buses, and on school grounds.

3. Training for Staff and Students

Staff training must include detailed instruction on how to respond to a variety of emergency situations. In addition, staff should be able to recognize and respond to behavior, information, and related indicators that warn of impending problems. School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety. The training of staff and students in emergency procedures is to be done with involvement of the local and state emergency service providers.

4. Safety Equipment

School employees shall provide students with safety equipment as required by law and shall enforce school rules pertaining to wearing safety equipment. School employees shall wear and use appropriate safety equipment as required for the safe performance of their specific job assignments.

5. Planning for Emergencies and Conducting Fire Drills and Other Emergency Drills

The Superintendent shall develop system-wide plans and procedures to address emergency situations. As appropriate, the Superintendent shall consult with local law enforcement agencies and emergency responders to plan for and conduct emergency drills. The Superintendent must provide local law enforcement and emergency management agencies with schematic diagrams of all school facilities and provide them updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. The Superintendent shall also provide local law enforcement agencies with keys to the main entrance of all school facilities.

Principals, with the assistance of both law enforcement and emergency responders as appropriate, shall conduct fire drills as required by law and shall conduct other emergency drills in accordance with school system emergency plans and procedures. Principals shall assure that emergency plans and procedures for their schools are current and appropriate for the facilities.

6. Reporting Suspicious Behavior

Students should notify any staff member of any acts of violence, harassment, or bullying or any other unusual or suspicious behavior that may endanger safety. Ongoing student education efforts will aim at minimizing any fear, peer pressure, embarrassment, or other impediments to students reporting potential problems.

Maintaining a safe school environment that is conducive to learning requires staff to be proactive in dealing with violence, harassment, and bullying. Staff members must report immediately to the principal any information regarding unusual or suspicious behavior or acts of violence, harassment, or bullying.

Every principal is required to investigate and act upon any report of such behavior, including, when appropriate, reporting criminal activities to law enforcement, the State Board, and the Superintendent or designee (see policies 1710, Prohibition Against Discrimination, Harassment, and Bullying, 1720, Discrimination, Harassment, and Bullying Complaint Procedure, and 4335, Criminal Behavior).

7. Potential Threats of Registered Sex Offenders

The principal of each school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the school.

8. Student Behavior Standards

Students are expected to meet behavior standards set forth in Board policies.

Legal References: G.S. 14-208.18; 115C-36, -47, -81.4, -105.49, -166, -288, -289.1, -307, -390.3, -391.1, -521, -524, -525; S.L. 2013-360; State Board of Education Policies HRS-A-000, TCS-P-005

Other Resources: *Practical Information on Crisis Planning: A Guide for Schools and Communities*, U.S. Department of Education Office of Safe and Drug-Free Schools (January 2007), available at <http://www2.ed.gov/admins/lead/safety/crisisplanning.html>; *Keeping North Carolina Schools Safe and Secure*, A Report to Governor Mike Easley from Attorney General Roy Cooper and Secretary of Crime Control and Public Safety Bryan Beatty (November 2006), available at <http://www.ncdoj.gov/getdoc/2158e7b1-bd55-4ca1-bdf4-80260f766926/Keeping-North-Carolina-Schools-Safe---Secure.aspx>

Adopted:

PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, AND BULLYING

Policy Code:

1710

The Board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The Board prohibits discrimination on the basis of race, color, national origin, sex, disability, or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The Board will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities or programs.

A. PROHIBITED BEHAVIORS AND CONSEQUENCES

1. Discrimination, Harassment, and Bullying

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The Board expressly prohibits unlawful discrimination, harassment, and bullying. In addition, the Board prohibits the knowing destruction of any evidence relevant to an investigation of a charge or allegation of discrimination, harassment, or bullying.

Students are expected to comply with the behavior standards established by Board policy and the Code of Student Conduct. Employees are expected to comply with Board policy and school system regulations. Volunteers and visitors on school property also are expected to comply with Board policy and established school rules and procedures.

Any violation of this policy is serious and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school's student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools.

When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include staff training, harassment and bullying prevention programs, and other measures deemed appropriate by the Superintendent to address the behavior.

2. Retaliation

The Board prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of reported violations of this policy.

After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state or local laws, policies, and regulations, the Superintendent or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

B. APPLICATION OF POLICY

This policy prohibits unlawful discrimination, harassment, and bullying by students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors, and organizations doing business with or performing services for the school system.

This policy applies to behavior that takes place:

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

C. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age, or

disability. Discrimination may be intentional or unintentional.

2. Harassment and Bullying

- a. Harassment or bullying behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that:
- 1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
 - 2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.

"Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

- b. Cyberbullying is a type of bullying that occurs through the use of technology. Examples of behavior that may constitute cyberbullying include, but are not limited to, sending mean or threatening messages via email, IM (instant message), or text message; spreading malicious rumors through email, IM, or text message; creating a Facebook, MySpace, or other social-networking account or website that attacks another person; sharing fake or embarrassing photos or videos of others via a cell phone or the Internet; and stealing another person's login and password to send mean or embarrassing messages from his or her account.
- c. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- 1) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity;
 - 2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
 - 3) such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work or performance or a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile, or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, sexual violence, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

- d. Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

D. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR BULLYING

Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors, or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment, or bullying. All reports should be made in accordance with policy 1720, Discrimination, Harassment, and Bullying Complaint Procedure, and reported to one of the school officials identified in that policy. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

E. TRAINING AND PROGRAMS

The Board directs the Superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment, and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan.

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

F. NOTICE

The Superintendent is responsible for providing effective notice to students, parents, and employees of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying. This policy must be posted on the school system website, and copies of the policy must be readily available in the principal's office, the media center at each school, and the Superintendent's office. Notice of this policy must appear in all student and employee handbooks and in any school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

G. COORDINATORS

The Superintendent or designee shall appoint one or more individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws. The Superintendent or designee shall publish the name(s), office address(es), and phone number(s) of the compliance coordinator(s) in a manner intended to ensure that students, employees, applicants, parents, and other individuals who participate in the school system's programs are aware of the coordinator(s).

H. RECORDS AND REPORTING

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

The Superintendent shall report to the State Board of Education all verified cases of discrimination, harassment, or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

I. EVALUATION

The Superintendent shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment, and bullying and shall share these evaluations periodically with the Board.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; 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 VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter*, U.S. Department of Education, Office for Civil Rights, (October 26, 2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; *Dear Colleague Letter*, U.S. Department of Education, Office for Civil Rights,

(April 4, 2011) available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>; *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.15 through -407.18; 126-16; State Board of Education Policy HRS-A-007

Adopted:

DISCRIMINATION, HARASSMENT, AND BULLYING COMPLAINT PROCEDURE

Policy Code:

1720

The Board takes seriously all complaints of unlawful discrimination, harassment, and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied, or harassed in violation of policy 1710, Prohibition Against Discrimination, Harassment, and Bullying. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment, or bullying also should report such violations to one of the school system officials listed in subsection C.1. of this policy. Reports may be made anonymously.

A. DEFINITIONS

1. Alleged Perpetrator

The alleged perpetrator is the individual alleged to have discriminated against, harassed, or bullied the complainant.

2. Complaint

A complaint is an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment, or bullying.

3. Complainant

The complainant is the individual complaining of being discriminated against, harassed, or bullied.

4. Days

Day means a scheduled workday unless provided otherwise. Day of receipt or other event that triggers a time limitation does not count as one of the working days.

5. Investigator

The investigator is the school official responsible for investigating and responding to the complaint.

6. Report

A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment, or bullying.

B. REPORTING BY EMPLOYEES OR OTHER THIRD PARTIES**1. Mandatory Reporting by School Employees**

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed, or bullied in violation of policy 1710 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment, or bullying shall be subject to disciplinary action.

2. Reporting by Other Third Parties

All members of the school community including students, parents, volunteers, and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment, or bullying.

3. Anonymous Reporting

Reports of discrimination, harassment, or bullying may be made anonymously but formal disciplinary action may not be taken solely on the basis of an anonymous report.

4. Investigation of Reports

Reports of discrimination, harassment, or bullying will be investigated sufficiently to determine whether further action under this policy or otherwise is necessary, and school officials shall take such action as appropriate under the circumstances. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

C. COMPLAINTS BROUGHT BY ALLEGED VICTIMS OF DISCRIMINATION, HARASSMENT, OR BULLYING**1. Filing a Complaint**

Any individual, who believes that he or she has been discriminated against, harassed, or bullied is strongly encouraged to file a complaint orally or in writing to any of the following individuals:

- a. a teacher (if the victim is a student), who will then immediately file a report with the principal or assistant principal of the school;
- b. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;

- c. an immediate supervisor if the individual making the complaint is an employee;
- d. the assistant superintendent of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the Superintendent if the assistant superintendent of human resources is the alleged perpetrator);
- e. the Title IX coordinator for claims of sex discrimination or sexual harassment;
- f. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or
- g. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in policy 1710.

2. Time Period for Filing a Complaint

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

3. Informal Resolution

The Board acknowledges that many complaints may be addressed informally through such methods as conferences or mediation, and the Board encourages the use of such procedures to the extent possible. If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to request formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. In those circumstances in which informal procedures fail or are inappropriate or in which the complainant requests formal procedures, the complaints will be investigated promptly, impartially, and thoroughly according to the procedures outlined in the remainder of this policy.

D. PROCESS FOR ADDRESSING COMPLAINTS OF ALLEGED INCIDENTS OF DISCRIMINATION, HARASSMENT, OR BULLYING

1. Initiating the Investigation

- a. Whoever receives a complaint of discrimination, harassment, or bullying pursuant to subsection C.I. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The

investigator of a complaint is determined as follows.

- 1) If the alleged incident occurred under the jurisdiction of the principal and the alleged perpetrator is a student or non-employee/volunteer, the investigator is the principal or designee,
 - 2) If the alleged perpetrator is the principal or any other school system employee, the assistant superintendent of human resources or designee is the investigator.
 - 3) If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the Superintendent or designee is the investigator unless the alleged perpetrator is the Superintendent, or a member of the Board.
 - 4) If the alleged perpetrator is the Superintendent, the Board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the Board chair. The Board chair shall direct the Board attorney to respond to the complaint and investigate.)
 - 5) If the alleged perpetrator is a member of the Board, the Board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the Superintendent who shall direct the Board attorney to respond to the complaint and investigate. Unless the Board chair is the alleged perpetrator, the Superintendent shall also notify the Board chair of the complaint.)
- b. As applicable, the investigator shall immediately notify the Title IX, Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
 - c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
 - d. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710.
 - e. Failure to investigate and/or address claims of discrimination, harassment, or bullying shall result in disciplinary action.
2. Conducting the Investigation

- a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); and (3) any other individuals, including other possible victims, who may have relevant information.
- b. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for confidentiality shall be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710.
- c. The investigator shall review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, harassment, or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

3. Investigative Report

- a. The investigator shall notify the complainant of the results of the investigation within 15 calendar days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
 - 1) reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment, or bullying and prevent it from recurring;
 - 2) as needed, reasonable steps to address the effects of the discrimination, harassment, or bullying on the complainant; and
 - 3) as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- b. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).
- c. If the investigator determines that the complaint was substantiated, the perpetrator(s) will be subject to discipline or other corrective steps, as

described in policy 1710. If the corrective steps involve actions outside the scope of the investigator's authority, the Superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.

4. Appeal

- a. If the complainant is dissatisfied with the results of the investigation, he or she may appeal the decision to the Superintendent (unless the complaint was investigated by the Superintendent or designee, in which cases the complainant may appeal directly to the Board in accordance with the procedure described in subsection D.4.b below). The appeal must be submitted in writing within five calendar days of receiving written notice of the results of the investigation. The Superintendent may review the documents, conduct any further investigation necessary or take any other steps the Superintendent determines to be appropriate in order to respond to the complaint. The Superintendent shall provide a written response within 10 calendar days after receiving the appeal, unless further investigation is needed.
- b. If the complainant is dissatisfied with the Superintendent's response, he or she may appeal the decision to the Board, by submitting a written appeal, within five calendar days of receiving the Superintendent's response. The Board's consideration of these appeals will take place in closed session and will be limited to a review of the written record without a hearing, unless the Board determines that additional information or a hearing is necessary. The Board will provide a written response within 10 calendar days after the Board considers and decides the appeal.

E. TIMELINESS OF PROCESS

The number of days indicated at each step of the process should be considered a maximum. Every effort should be made to expedite the process.

If any school official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation, review, or report. The school official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that interfere with the exercise of any legal rights are not permitted.

Failure by the complainant at any step in the process to appeal a complaint to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the investigator of a delay and the reason for the delay

and the investigator has consented in writing to the delay.

F. GENERAL REQUIREMENTS

1. No reprisals or retaliation of any kind will be taken by the Board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The Board and school system officials will consider requests to hear complaints from a group, but the Board and officials have the discretion to hear and respond to complainants individually.
4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials.
5. Should, in the judgment of the Superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the Superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

G. RECORDS

Records will be maintained as required by policy 1710.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 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 VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-407.15 through -407.18; State Board of Education Policy HRS-A-007

Adopted:

NONDISCRIMINATION ON THE BASIS OF DISABILITIES

Policy Code:

1730

The Board of Education will not discriminate against qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities. The system will provide aids, benefits, and school services to a person with disabilities in the most integrated school setting appropriate to his or her needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit or reach the same level of achievement.

The Superintendent may develop appropriate procedures to implement this nondiscrimination policy. The Superintendent or designee shall:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;
2. designate a person to coordinate the system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and its regulations;
3. designate a person to coordinate the system's efforts to comply with the Americans with Disabilities Act and its regulations;
4. publish the name, office address, and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, parents, and other individuals who participate in the school system's programs are aware of the coordinator(s);
5. make complaint procedures available as provided in policy 1720, Discrimination, Harassment, and Bullying Complaint Procedure, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;
6. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students, and parents;
7. make reasonable accommodations for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the service, program, or activity;
8. not inquire about any disabilities that may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are

demonstrably job-related and effective alternatives are not available;

9. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and
10. establish and implement a system of procedural safeguards with respect to the identification, evaluation, or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Legal References: Americans With Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104

Adopted:

STUDENT AND PARENT GRIEVANCE PROCEDURE

Policy Code:

1740

A. OPTIONS FOR RESOLVING COMPLAINTS

The Board strives to resolve concerns and complaints of students and parents whenever possible. To this end, the Board has provided opportunities for students and parents to express their concerns through processes established in Board policies. Policy 1742, Responding to Complaints, identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the Board encourages resolutions of complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or if the informal process did not produce satisfactory results. This policy provides a complaint procedure that may be used as described below.

Any parent or student who has questions about the options for proceeding with a complaint or concern may contact the principal or Superintendent for further information and copies of all applicable Board policies.

B. DEFINITIONS

1. Days

Day means a scheduled workday unless provided otherwise. Day of receipt or other event that triggers a time limitation does not count as one of the working days.

2. Final Administrative Decision

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

3. Grievance

A grievance is a formal complaint regarding specific decisions made by school personnel that alleges that such decisions have adversely affected the person making the complaint. A grievance includes, but is not limited to, circumstances such as when a student or parent believes that Board policy or law has been misapplied, misinterpreted or violated. The term "grievance" does not include any matter for which the method of review is prescribed by law, for which there is a more specific Board policy providing a process for addressing the concern, or upon which the Board is without authority to act. Claims of discrimination, harassment or bullying must be processed under policy 1720, Discrimination, Harassment and Bullying Complaint Procedure.

4. Grievant

The grievant is the parent, student or group of parents or students submitting the grievance.

5. Official

The official is the school system employee hearing and responding to the grievant.

C. TIMELINESS OF PROCESS

The number of days indicated at each step of the grievance process should be considered a maximum, and every effort should be made to expedite the process.

Failure by the official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays that interfere with the exercise of the grievant's legal rights are not permitted.

Failure by the grievant at any step of the process to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at the current step, unless the grievant has notified the official of a delay and the reason for the delay and the official has consented in writing to the delay.

D. GENERAL REQUIREMENTS

1. No reprisals of any kind will be taken by the Board or by an employee of the school system against any grievant or other student or employee because of his or her participation in a grievance filed and decided pursuant to this policy.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The Board and school system officials will consider requests to hear grievances from a group of grievants, but the Board and officials have the discretion to hear and respond to grievants individually.
4. If the grievant wishes to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel will have the opportunity to decline the request or to be represented by legal counsel.

E. PROCESS FOR GRIEVANCE

1. Filing a Grievance

- a. Whenever a student or parent or guardian believes that he or she has been adversely affected by a decision of a school employee, the student or parent or guardian may file a grievance as provided in this policy.
- b. A grievance must be filed as soon as possible but no later than 30 calendar days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after the 30 calendar day period, the Superintendent or designee shall determine, in the best interest of the school system, whether the grievance will be investigated as a complaint outside the procedures established in this policy.
- c. A student or parent or guardian who has a grievance must provide the following information in writing to the principal: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s) or action(s) at issue; (3) any Board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in policy 1742 is appropriate, and the principal shall address the concern following that policy.
- d. Even if the principal is the employee whose decision or action is at issue, the student must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted or violated, the student may submit the grievance directly to the Superintendent or designee.
- e. If a student wants to initiate a formal grievance regarding a decision by the Superintendent that directly and specifically affects the student, the general process described in this policy will be used, except that the grievance will be submitted to the assistant superintendent of human resources, who shall forward the grievance to the Board chairperson.

2. Investigation

- a. The principal shall schedule and hold a meeting with the student and/or parent or guardian within five school days after the grievance has been filed with the principal. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.

- b. The principal shall conduct any investigation of the facts necessary before rendering a decision.
3. Response by Principal
 - a. The principal shall provide a written response to the written grievance within 10 calendar days of the meeting. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.
 - b. A copy of the grievance and the principal's response will be filed with the Superintendent.
 4. Response by Superintendent
 - a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the Superintendent. The appeal must be made in writing within five calendar days of receiving the principal's decision.
 - b. The Superintendent may review the written documents and respond or the Superintendent may schedule and hold a conference with the grievant, principal and any other individuals the Superintendent determines to be appropriate within five school days after receiving the appeal. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.
 - c. The Superintendent shall provide a written response within 10 calendar days after receiving the appeal. In responding, the Superintendent may not disclose information about other students or employees that is considered confidential by law.
 5. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local Board of Education policy or procedure, the grievant will have the right to appeal a final administrative decision to the Board of Education (see subsection E.5.a, Mandatory Appeals, below). If a grievant has not alleged such specific violations, he or she may request a Board hearing, which the Board may grant at its discretion (see subsection E.5.b, Discretionary Appeals, below).

- a. Mandatory Appeals
 - 1) If the grievant is dissatisfied with the Superintendent's response to

his or her grievance and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local Board of Education policy or procedure, the grievant may appeal the decision to the Board within five calendar days of receiving the Superintendent's response.

- 2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.
- 3) The Board will provide a final written decision within 30 calendar days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

- 1) If the grievant is dissatisfied with the Superintendent's response to his or her grievance but has *not* alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local Board of Education policy or procedure, then within five calendar days of receiving the Superintendent's response, the grievant may submit to the Superintendent a written request for a hearing before the Board of Education.

If the grievant files a timely request for a hearing, the written request, at a minimum, shall state with particularity the reasons why a hearing is necessary. The Superintendent will forward any timely requests to the Board Chair and Vice Chair who will determine whether a hearing shall be granted. The Chair and Vice Chair of the Board shall review the request and notify the grievant whether the Board will grant a hearing. If the Chair and Vice Chair do not agree on whether to grant the request, a Board hearing will be allowed. The decision of the Board Chair and Vice Chair on whether to grant a discretionary hearing shall be final.

- 2) If the Board denies the appeal, the decision of the Superintendent will be final and the grievant will be notified within five calendar days of the Board's decision.
- 3) If the Board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.
- 4) The Board will provide a final written decision within 30 calendar days of a decision to review the Superintendent's decision on the

written record only or to grant a hearing, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. NOTICE

The Superintendent or designee is responsible for providing effective notice to students, parents and school system employees of the procedures for reporting and investigating grievances.

G. RECORDS

Appropriate records shall be maintained in accordance with state and federal law.

Legal References: G.S. 115C-45(c); 126-16; 150B-43 *et seq.*

Adopted:

A. OPPORTUNITIES TO ADDRESS CONCERNS AND COMPLAINTS

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

1. informal resolutions of specific concerns (see section B, General Process, below);
2. public hearings and public comments at Board meetings on subjects of concern to parents and the community (policy 2310, Public Participation at Board Meetings);
3. a procedure for parental concerns regarding the curriculum (policy 3210, Parental Inspection of and Objection to Instructional Materials);
4. specific processes for addressing disciplinary consequences (policies in the 4300 series);
5. processes as provided by law for special education students (policies 3520, Special Education Programs/Rights of Students with Disabilities, and 4307, Disciplinary Action for Exceptional Children/Students with Disabilities); and
6. grievance procedures for addressing concerns regarding specific decisions, especially when there are concerns that Board policy or law has been misapplied, misinterpreted, or violated, including discrimination claims on the basis of sex or disability (policies 1740, Student and Parent Grievance Procedure, and 1720, Discrimination, Harassment, and Bullying Complaint Procedure).

Numerous other policies provide opportunities for parental input, including policy 1310, Parental Involvement.

B. GENERAL PROCESS

Complaints that are not specifically designated to be addressed in other policies should be addressed in the following manner.

1. The complaint should be received and addressed at the level closest to which the complaint originated. For example, a complaint regarding a classroom issue should be heard first by the teacher. A complaint regarding the school in general should be addressed first by the principal.
2. Any Board member receiving a complaint should advise the individual to contact the Superintendent. Any employee receiving a complaint should verify that the

complaint has been appropriately referred to him or her and if not, assist the complainant by identifying the appropriate personnel to receive the complaint.

3. Once appropriately referred, if the complainant is not satisfied with the response to the complaint, the complainant should be informed of the options for further review of the complaint.
4. A complaint or series of complaints that raise significant issues about the educational program or the operation of the schools is an opportunity to further examine the success of the school system in meeting its goals and objectives. When feasible, a group representing various perspectives and interests, such as teachers, administrators, students, and parents, should discuss the issue and make recommendations to appropriate personnel or to the Board.

The Superintendent shall communicate the requirements in this policy to Board members and employees on a regular basis.

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

Adopted:

It is the policy of the Board, in keeping with the ultimate goal of serving the educational welfare of children, to develop and practice reasonable and effective methods of resolving difficulties that may arise among employees. The intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems that arise from time to time and affect employees.

A. INFORMAL RESOLUTION

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. When informal procedures fail or are inappropriate or when the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth in this policy.

B. DEFINITIONS**1. Days**

Day means a scheduled workday unless provided otherwise. Day of receipt or other event that triggers a time limitation does not count as one of the working days.

2. Final Administrative Decision

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

3. Grievance

A grievance is a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations:

- a. that there has been a violation, misapplication or misinterpretation of state or federal law or regulations, Board policy, or administrative procedure;
- b. that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or
- c. that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific Board policy providing a process for addressing the concern, or upon which the Board of Education is without authority to act. Claims of discrimination, harassment or bullying must be processed under policy 1720, Discrimination, Harassment and Bullying Complaint Procedure.

4. Grievant

The grievant is the employee(s) making the claim.

5. Official

The official is the person hearing and responding to the grievant.

6. Parties in Interest

"Parties in interest" refers to the grievant and the person against whom the grievance is filed.

C. TIMELINESS OF PROCESS

Failure by the official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant's legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the official of a delay and the reason for the delay and the official has consented in writing to the delay.

D. GENERAL REQUIREMENTS

1. All parties in interest and their representatives in any grievance filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.
2. The Board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.
3. Each decision will be in writing, setting forth the decision and reasons therefore,

and will be transmitted promptly to all parties in interest.

4. All meetings and hearings conducted pursuant to this policy will be private.
5. The Board and school system will consider requests to hear grievances from a group of grievants, but the Board and officials have the discretion to hear and respond to grievants individually.
6. The Board and administration will cooperate with the employee and representative in the investigation of any grievance and will furnish the employee or representative information pertinent to the grievance without cost to the grievant employee or the employee against whom the grievance is filed.
7. The employee may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.
8. Should, in the judgment of the Superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits. The grievant will not receive extra pay when meetings related to the grievance are held at a time other than during working hours.
9. The grievance may be voluntarily withdrawn by the grievant at any point. Once a grievance is withdrawn, it considered acceptance of the last decision rendered. If at any time during the grievance process the school system grants the grievant the relief sought, the Superintendent or designee may terminate the grievance.

E. PROCESS FOR GRIEVANCE

1. Filing a Grievance
 - a. A grievance must be filed as soon as possible but no longer than 30 calendar days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 calendar days that claims a violation, misapplication or misinterpretation of state or federal law, the Superintendent or designee shall determine, in the best interest of the school system, whether the grievance will be investigated as a complaint outside the procedures established in this policy.
 - b. All grievances must be in writing on a grievance form provided by the human resources office, and the written statement of grievance must remain the same throughout all steps of the grievance procedure. The

written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s) or physical condition at issue; (3) any local Board policy, state or federal law, state or federal regulation or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted, or violated; and (4) the specific resolution desired. If there is not a specific decision, action or physical condition at issue or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or Board policy or procedure has been misapplied, misinterpreted, or violated, then the procedure established in policy 1742, Responding to Complaints, is appropriate, and the principal or immediate supervisor shall address the concern following that policy.

- c. The employee(s) shall present the grievance in writing to his or her immediate supervisor or the supervisor's designee, unless the grievance alleges that a state or federal law has been misapplied, misinterpreted, or violated, in which case the grievance may be presented instead to the assistant superintendent for human resources (or to the Superintendent if the grievant's supervisor is the assistant superintendent for human resources). The person receiving the grievance hereinafter will be referred to as "official."

2. Response by Official

- a. In the event the official determines at the outset that review by the official is inappropriate, the official shall forward the formal grievance to the Superintendent who will investigate and respond as provided below in subsection E.3.
- b. A meeting will take place at a mutually agreed-upon time within 10 calendar days after the official's receipt of the grievance.
- c. The official shall conduct any investigation of the facts necessary before rendering a decision.
- d. The official shall make every reasonable effort to provide the grievant with a written response to the grievance within 10 calendar days after the meeting.

3. Response by Superintendent

- a. If the grievant is dissatisfied with the official's response, the grievant may appeal in writing the decision to the Superintendent for review by the Superintendent or designee. The appeal must be filed on the designated form within five days of receipt of the official's response and must specify

with particularity the reason(s) for the appeal.

- b. The Superintendent or designee shall arrange for a meeting with the employee(s) to take place within 15 calendar days of the receipt of the appeal. If the Superintendent or designee determines that additional time is needed to develop the factual record, the grievance may be put on hold for 30 calendar days (or longer if by mutual written agreement) to allow time for investigation.
- c. The Superintendent or designee shall conduct any investigation necessary before arriving at a decision. The Superintendent or designee shall make every reasonable effort to provide the grievant and the official involved with a written decision within five calendar days after the meeting.

4. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or Board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant shall have a right to appeal a final administrative decision to the Board of Education (see subsection E.4.a, Mandatory Appeals, below). If the grievant has not alleged such specific violations, he or she may request a Board hearing, which the Board may grant at its discretion (see subsection E.4.b, Discretionary Appeals, below).

a. Mandatory Appeals

- 1) If the grievant is not satisfied with the Superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local Board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the Board within five calendar days of receiving the Superintendent's response.
- 2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board. The Board may affirm, reverse, or modify the decision of the Superintendent. The Superintendent's decision will be reversed only if the decision was: (1) in violation of constitutional provisions; (2) in excess of statutory authority or jurisdiction of the school system; (3) made upon unlawful procedure; (4) affected by other error of law; (5) unsupported by substantial evidence in view of the entire record as submitted; or

(6) arbitrary or capricious. As used in this policy, substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

- 3) The Board will make every reasonable effort to send to the grievant and the Superintendent a final written decision within five calendar days of the hearing.

b. Discretionary Appeals

- 1) If the grievant is not satisfied with the Superintendent's response but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local Board policy or procedure or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may submit to the Superintendent a written request for a hearing before the Board of Education within 10 calendar days of receiving the Superintendent's response.
- 2) If the grievant files a timely request for a hearing, the written request, at a minimum, shall state with particularity the reasons why a hearing is necessary. The Superintendent will forward any timely requests to the Board Chair and Vice Chair who will determine whether a hearing shall be granted. The Chair and Vice Chair of the Board shall review the request and notify the grievant whether the Board will grant a hearing. If the Chair and Vice Chair do not agree on whether to grant the request, a Board hearing will be allowed. The decision of the Board Chair and Vice Chair on whether to grant a discretionary hearing shall be final.
- 3) If the Board denies the appeal, the decision of the Superintendent will be final and the grievant will be notified within five calendar days of the Board's decision.
- 4) If the Board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500. The Board may affirm, reverse, or modify the decision of the Superintendent. The Superintendent's decision will be reversed only if the decision was: (1) in violation of constitutional provisions; (2) in excess of statutory authority or jurisdiction of the school system; (3) made upon unlawful procedure; (4) affected by other error of law; (5) unsupported by substantial evidence in view of the entire record as submitted; or (6) arbitrary or capricious. As used in this policy, substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

- 5) The Board will provide a final written decision within 30 calendar days of the decision to grant an appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

5. Appeal of the Board's Decision

This policy does not grant employees the right to appeal decisions of the Board itself. Nonetheless, an employee may petition the Board to reconsider one of its own decisions. The request must be made in writing to the Board chair within 30 calendar days of the Board's decision and must state the reasons why the Board should reconsider its decision. The Board may exercise its discretion to grant the petition. The Board will review the decision on the record unless it determines that additional information may be presented.

F. RECORDS

Appropriate records shall be maintained in accordance with state and federal law.

Legal References: G.S. 115C-45(c); 126-16

Adopted:

The Board of Education prohibits and will not tolerate any form of reprisal, retaliation, or discrimination against any employee who (1) in good faith, has made or intends to make a report that there has been a violation of federal, state, or local law, regulation, or public policy due to a practice, policy, act, or omission of the Board of Education, of a school system employee, or of an entity/person with whom the school system has a business relationship; or (2) has refused to carry out a directive which may constitute a violation of state or federal law, rule, or regulation or poses a substantial or specific danger to public health and safety.

An employee who reasonably believes that any such violation exists may file a grievance in accordance with policy 1750, Grievance Procedure for Employees, or a complaint in accordance with policy 1720, Discrimination, Harassment, and Bullying Complaint Procedure.

The provisions of this policy apply only to those situations in which an employee brings the alleged unlawful activity, policy, or practice to the attention of school officials or the and provides school officials or the Board with a reasonable opportunity to investigate and correct the alleged unlawful activity. If necessary, school officials or the Board may specify reasonable steps to protect the complaining employee from retaliation.

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

Adopted:

*Rescinds Policy Number: EBH**Issued: 01/20/2004*

INTRODUCTION

The facilities use policy applies when a person or entity other than the school system itself wishes to use school property. The school system's own use of school property is restricted to activities and events approved by the principal or building supervisor that are directly a part of school system programs or functions, such as a school play or athletic event, the school system's own after-school program, school-sponsored student group meetings, faculty meetings, and other events that are a direct extension of the school day. Essential elements of any such use include: 1. The use is a direct continuation of an existing school program or function; 2. Any fees charged to participants are deposited with the school itself and treated in all respects as school system funds; and 3. School system staff acting in their role as school employees, and not in any private role, participate in and supervise the school use.

The Superintendent or designee is authorized to approve facility use applications except where the approval of the Board of Education is required as set forth in this policy. Any facility rental for a period exceeding one year requires approval of the school board.

FACILITY USE CATEGORIES

The school system has first priority on the use of its property. If the use of school property is not by the school system itself, it must fall in one of the following categories, listed in priority of use:

- A. School-Related Group approved by the school system, whose sole purpose is to provide direct financial and other support to a school and when the specific school use is directly linked to its mission of supporting the school and when no fees are charged to participants who attend the event with the exception of an approved fundraiser at which the funds will be provided in full to support the school. Examples include a PTA meeting on the topic of providing teachers' extra supplies at a school and an approved booster club fundraising activity when the funds will be used solely to aid a school program. A booster club's use of a school's indoor gym for its members to play basketball or for some other activity that is not directly linked to the mission of supporting the school does not meet the criteria of this user category. Any school-related group must agree to allow the school system, upon request, to review any records of the group, including any financial records.
- B. Non-Profit Entity or Individual whose central purpose is to serve school-aged children when the specific use is directly linked to its mission of serving school-aged children and when any fees charged to participants must be nominal amounts designed to cover the entity's rental and other costs incident to the use of school property. The non-profit user must be approved by the federal government as a 501(c)3 charity. Examples include a YMCA camp for children or an AAU athletic event. As a condition of the rental, the entity must be willing to provide the school system, upon request, any records pertaining participant fees and other documents to assure the costs to participants is nominal.
- C. Other Non-Profit entities approved by the federal government as a 501(c)3 charity.
- D. All other users, including for-profit users.

EXCEPTIONS TO THE STANDARD FACILITY USE CATEGORIES AND PROCESS

All units of local government in Orange County may use school facilities free of charge upon approval of the Superintendent or designee, provided the use is to carry out a governmental function and does not interfere with school operations and is not for an ongoing use. In addition, the school board may enter into a joint use agreement with any other governmental entity, in the best interest of the school system, on terms it deems wise. Any governmental use other than through a joint use agreement, or as set forth above, will be accorded the same status as a 501(c)3 charity for purposes of the above categories, with the understanding that the County Board of Elections may use a school free of charge for the purpose of conducting registration and voting for any primary or election. Further, political parties may use schools without charge, except custodial and utility fees, for the express purpose of annual and biennial precinct meetings and county and district conventions: provided, that such use shall not be permitted when school is in session or which would interfere with normal school activities or functions, and such use shall be subject to reasonable rules and regulations of the school board. Also, the Superintendent shall have the authority to approve the use of school facilities as alternate assembly sites for United States and North Carolina military organizations. Finally, the school board may enter into any other facility use agreement for a period of less than 10 years, on terms and condition it deems wise, provided that the board identifies a specific benefit to the school system in entering into such an agreement and this benefit outweighs the costs or disadvantages to the school district.

FEE SCHEDULE AND RENTAL PROCEDURES

The Superintendent shall present a facility use fee schedule to the school board by July 1 of each year. In addition, the Superintendent shall develop facility use procedures including a rental application. The Superintendent shall make these procedures readily accessible to the public.

Legal References: Community Schools Act NC GS 115C, Article 13; GS 115C-203 through 115C-209.1, GS 115C-524(b), GS 160A-272, GS 160A-274, GS 12, GS 163-96, GS 163-99, GS 163-129

UNAUTHORIZED TAPING OR
RECORDING IN THE SCHOOL
ENVIRONMENT

Date Reviewed/Approved:

Policy Number: 7337

Rescinds Policy Number:

Issued:

School personnel shall not make secret recordings, in any format, at school, on school system property, or at a school-related event or meeting. Employees must have permission from their principal or supervisor before making a recording, in any format, of any person (including students, employees, parents, or visitors) at school, on school system property, or at a school-related event or meeting.

The goal of professional and staff development programs and opportunities for licensed professional employees and support staff is to improve the instructional program and create a safe learning environment for all students by improving and expanding the skills of the professional staff and support personnel.

A. PROFESSIONAL AND STAFF DEVELOPMENT

The Superintendent shall provide ongoing development opportunities for licensed and support staff and shall require participation by such personnel as appropriate. The Superintendent shall seek input from employees when developing system-wide programs. The principal shall seek input from school personnel when planning professional and staff development programs for his or her school.

Orientation programs for new and continuing teachers will be provided as a part of pre-service days prior to the beginning of each new school session. Such programs will be for the purpose of prompting teacher-administrator planning for school improvement and for acquainting teachers with new regulations, policies, curricula, materials, and equipment. Orientation for beginning teachers will be in accordance the Beginning Teacher Support Program. Appropriate and thorough orientations will also be provided to new administrative personnel.

Professional and staff development must be provided, at the system or school level, on the effective delivery of the required curriculum. In addition, as required by policy 3220, Technology in the Educational Program, the Superintendent shall plan and provide a program of technology-related professional development to prepare the instructional staff to integrate technology into the student learning process and to address other relevant issues related to the use of digital tools and resources in the instructional program.

B. SELF-IMPROVEMENT

Employees are expected to engage in self-directed activities to improve their professional skills. These employees are encouraged to seek information and training through professional development programs as well as other opportunities in order to meet this responsibility.

C. PLANS FOR GROWTH AND IMPROVEMENT

Supervisors and principals also may require employees to enter into improvement plans. A performance improvement plan could involve participation in a professional development program or encompass a variety of strategies that are related to professional growth or improving performance.

D. PAYMENT OF COSTS

The school system will consider paying reasonable costs, within budget limits, for any courses, workshops, seminars, conferences, in-service training sessions, or other sessions an employee is required to attend by the local administration. The employee must seek prior approval for payments.

The school system will not bear the responsibility of the cost of training or courses taken solely for the purposes of licensure or required qualifications for a position.

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 115C-333, -333.1; State Board of Education Policy TCP-A-004, TCP-C-004

Adopted: