

**ORANGE COUNTY
BOARD OF EDUCATION**

AGENDA ITEM ABSTRACT

Meeting Date: June 19, 2014

AGENDA ITEM No. 14-06-(2)-18

ACTION ITEM: (Y/N) Y

SUBJECT: Board Policy Subcommittee Recommendations – 1st Reading Approval

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

ATTACHMENTS:

1. September 13, 2013 Policy Subcommittee Meeting Minutes
2. March 28, 2014 Policy Subcommittee Meeting Minutes
3. May 2, 2014 Policy Subcommittee Meeting Minutes
4. Policy # 4300: Student Code of Conduct; Rule 8: Use of Tobacco Products
5. Policy # 7250: Use of Tobacco Products

PURPOSE: The purpose of this agenda item is to provide the Board an opportunity to approve 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. 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.

The new and revised policies are included here for your approval:

Policy Number	Policy Title
4300	Student Code of Conduct (Rule 8 Only)
7250	Use of Tobacco Products

It is the recommendation of the Board of Education Policy Subcommittee that the following policies be deleted:

Policy Number	Policy Title
3615	Community Instructional Resources

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 1st Reading Approval, and that the Board approve the deletion of the above listed policies.

September 13, 2013

The Orange County Board of Education's Policy Subcommittee met on the above date in its offices located at 200 East King Street, Hillsborough, NC with the following business taking place:

Donna Coffey called the meeting to order at 11:12 a.m.

In attendance: Donna Coffey, Chair; Dr. Debbie Piscitelli and Brenda Stephens, Board subcommittee members; Dr. Del Burns, Interim Superintendent; Jonathan Blumberg, Attorney; Dr. Denise Morton, Chief Academic Officer; Dr. Marcie Holland, Assistant Superintendent for Human Resources and Janine Murphy, North Carolina School Boards Association

Janine Murphy presented and reviewed a proposal to contract with NCSBA to maintain the Orange County Schools Policy Manual and provided a one page sample of a compliance review table. Donna Coffey recommended Option 3; Brenda Stephens supported the proposal due to efficiency. Discussion that followed included: agreement that double and triple coding good idea; district would recoup \$22,000 because of savings in attorney's fees; question regarding what maintenance looks like in the future; policy updates would be sent for \$950 per year fee; placement of a footnote to talk to the Board Attorney if not clear about the law; use and cost of custom process; NCSBA offers a custom update for \$5,500 per year; question regarding invoicing \$22,900 cost; payment could be made up front or in two or three installments over three fiscal years; question regarding how would procedures be reviewed; recommendation for balance between policy and procedure, that the starting point is to have it in policy rather than procedures; recommendation for rewording statement that the Superintendent "shall" to "may" develop procedures; policy must address as much as possible so that procedures aren't always necessary; concerns expressed regarding being cautious in certain cases, i.e. federal child nutrition regulations; Board attorney stated that if it is in policy, when the law changes, policy is updated, leaving staff to update procedures; past process was separation of policy and procedures; contract from NCSBA or OCS and timeframe for completion of contract; questions regarding the initial cost, yearly fee, archiving services, web hosting of the manual; reviewed policy services handout; recommendations for archiving. The Board agreed to present a contract to the full Board during the September 23rd meeting for Option 3. Additional discussion that followed included: concerns regarding highlights and certain policies that are important regarding particular legal cases and just accepting what NCSBA says; agreement to bring a good communication plan; recommendation that some policies can be emailed, some require some training; suggestion that Cabinet take the lead as part of their weekly agenda; suggestion that the recommendation be an action item and related abstract for the contract to be presented to the Board would be the communication plan for a new and updated policy manual and verification that follow-up has happened; suggestion to adopt a policy that states how this will be communicated; recommendation to bring to the October 14th meeting – communication plan and a draft policy as well as an order of operations: contract – policy, The Abstract will include Option 3, \$22,900, another option \$5,500 for customized update and web hosting. Only approving contract for Option 3.

Policy 8705: Contract Administration was presented for review noting the background on the policy. Discussion and suggestions for revision included: agreed there is a need to come up with a cost effective and efficient way to manage; potential for contracts to go wrong and accept vendor contracts; issue of legal compliance and significant concerns; encourage use of approved form contracts that do not contain business terms; in event of conflict, OCS contract prevails; any contract over \$50,000 goes to the Board; questions if not on a Board attorney approved form; contract with any other government body has to go to the Board; contract with private entity and no major risk, Board would be okay; student teacher agreements; does Board need to know who we enter into agreement with; policy does not dictate that a Memorandum of Understanding go to the Board, but would be good if administration had a procedure regarding what is presented to the Board; request to know who we make agreements with; request to see agreements with local government; request to see list of agreements currently in force; if on standard form contract – okay, if over \$50,000 must be reviewed by Board attorney and Board; anything executed on behalf of the school system is first signed by the finance officer.

Brenda Stephens made a motion to present Policy 8705 to the full Board for 1st Reading. Superintendent recommended waiving 2nd Reading approval. The motion was approved unanimously.

Policy 5027/7275 Weapons and Explosives Prohibited was presented for review noting the background on the policy. Discussion and suggestions for revision included: change in law regarding concealed carry permits and having handgun in locked vehicle; include policy in 7000 Series, additions and exclusions to policy; concerns regarding Athletics; support and guidance for Athletic Directors and coaches; recommendation for 1st Reading approval and waiving 2nd Reading in order to get revised policy in place before October 1st; recommendation for a work session to discuss; recommendation for consistency in policy as applies to real life; reference to Student Code of Conduct; recommendation for full review and dropping of cross references noted in policy and changing “shall” to “may”.

Debbie Piscitelli made a motion to take present Policy 5027/7275 to the full Board for 1st Reading and recommended waiving 2nd Reading approval. The motion was approved unanimously.

Policy 7949 Probationary Teachers: Nonrenewal was presented for review noting the background on the policy. Discussion and suggestions for revision included: legislative changes will require contract changes for 2014; recommend replacing Policy 7949 with attorney’s policy removing right to hearing and creates standard for when teachers can get a hearing for discretionary matters; recommendation one year only followed by revision based on law.

Brenda Stephens made a motion to replace Policy 7949 with point that Board will allow a hearing if the Chair and Vice Chair do not agree.

Motion to adjourn by Brenda Stephens at 2:00 p.m.

March 28, 2014

The Orange County Board of Education's Policy Subcommittee met on the above date in its offices located at 200 East King Street, Hillsborough, NC with the following business taking place:

Meeting called to order 10:10 a.m.

In attendance: Donna Coffey, Chair; Dr. Debbie Piscitelli and Brenda Stephens, Board subcommittee members; Dr. Gerri Martín, Superintendent; Jonathan Blumberg, Attorney; Dr. Marcie Holland, Assistant Superintendent for Human Resources

Jonathan Blumberg opened discussion with an overview of the Board's work with the School Boards Association (SBA) as the Board moves to align policies to SBA. McKenna Coll is the contact person with SBA, though not present today, will be available by conference call for the next subcommittee meeting.

The committee received the Orange County Board of Education Policy Manual – Section 100 Chart which would be the working document for review, discussion and action. Committee review and discussion included but was not limited to:

SBA Policy 1000 - Jonathan Blumberg presented the question of consistency capitalizing Board and Superintendent as policies are revised. The committee also discussed the legal name of Orange County Schools and agreed omitting "Public" to avoid confusion with other states. The possibility of an agenda item for discussion during a future meeting was discussed.

OCS Policy 1005 - SBA does not have related policy. The committee discussed the relevance of the policy suggesting future action to delete with SBA approval.

SBA Policy 1010 – Discussion included need for the policy including suggested options for reordering the duties. McKeena Coll from SBA reviewed and compared SBA policies to OCS policies.

OCS Policy 1017 - SBA does not have related policy. The committee discussed the relevance of the policy suggesting future action to delete with SBA approval.

OCS Policy 1020 - The committee discussed the relevance of the policy and agreed to future action to delete with SBA approval.

SBA Policy 1100 - Jonathan Blumberg presented the question of consistency capitalizing Board and Superintendent as policies are revised. The committee also discussed the legal name of Orange County Schools and omitting "Public" to avoid confusion with other states, as well as the possibility of an agenda item for discussion during a future meeting.

SBA Policy 1100 – The committee discussed the relevance of the policy and the related OCS Policy 1015 and agreed to future action to delete with SBA approval.

SBA Policy 1200 – Optional - The committee discussed the relevance of the policy and agreed to future action to delete with SBA approval.

SBA Policy 1300 – Optional - The committee discussed the relevance of the policy and agreed to future action to delete with SBA approval.

SBA Policy 1310/4002 – Committee agreed to keep related OCS policies as is. Discussion included omitting cross references with SBA approval, permission and use of videos and photos, opt out policy and agreement, need for a consistency check by SBA, committee agreed to keep OCS Policy 1310 as is.

SBA Policy 1320/3560 – No related OCS policy. Committee agreed to ask SBA to add separate policy for Title 1, adopt Policy 1320, revise “shall” to “may”.

SBA Policy 1400 – Optional - The committee discussed the relevance of the policy and agreed to future action to delete with SBA approval.

SBA Policy 1500 – Optional - The committee discussed the relevance of the policy and agreed to future action to delete with SBA approval.

SBA Policy 1510/4200/7270 – Committee discussed revisions, use of cross references, student policy, possibility of separate section for school safety and use of webpage to identify all safety policies. Committee agreed to keep OCS policy on altercations, request SBA advice on deletion OCS 9235, 9260, 926565 and 9220, possibility of including links to statues and SBA hosting policies, purpose and use of Procedures, Regulation, limiting use of referencing same policy in other sections

SBA Policy 1510/4200/7270 R – No related OCS regulations.

SBA Policy 1600 – Optional - The committee discussed the relevance of the policy and agreed to future action to delete with SBA approval.

SBA Policy 1610/7800 – Committee discussed and requested clarification if SBA policy is adopted, references to employee status and the relevance of the OCS Policy 7106 and 7471 and agreed to future action to delete with SBA approval,

SBA Policy 1700 – Optional - The committee discussed the relevance of the policy and agreed to future action to delete with SBA approval.

SBA Policy 1710/4032/7230 – Discussion included publishing and use of names as opposed to titles and request for SBA advice.

SBA Policy 1720/4015/7225 – Reviewed other district’s policies, discussed ADA compliance.

SBA Policy 130/4022/7231 – Committee discussions included requesting SBA advice on keeping OCS Policy 4020, application of policy, how does policy address public access.

SBA Policy 1740/4010 – Discussion included legal representation in grievance procedures, audio recordings, grievance requests, appeal process and definition of grievance.

SBA Policy 1742/5060 – Discussion included changing bullets to numbers, use of OCS revision.

SBA Policy 1750/7220 – Discussion included SBA advice on deleting last paragraph.

SBA Policy 1760/7280 – Discussion included keeping policy.

SBA Policy 1800 – Optional - The committee discussed the relevance of the policy and agreed to future action to delete with SBA approval.

The members confirmed their next meeting April 11, 2014; 9 am – 11 am.

Brenda Stephens moved to adjourn at 2:01 pm.

May 2, 2014

The Orange County Board of Education's Policy Subcommittee met on the above date in its offices located at 200 East King Street, Hillsborough, NC with the following business taking place:

Meeting called to order 10:08 a.m.

In attendance: Donna Coffey, Chair; Dr. Debbie Piscitelli and Brenda Stephens, Board subcommittee members; Dr. Amanda Hartness, Chief Academic Officer; Jonathan Blumberg, Attorney; Dr. Marcie Holland, Assistant Superintendent for Human Resources

Discussion opened with an overview of the 1000 Series scheduled for review during this meeting. It was suggested that as the Board adopts new policies a link to a brief message is posted to the homepage of the website titled "Policy Update Project". The link would allow visitors to the site can view policies scheduled for revision as well as a message stating that all policies are scheduled for review for the purpose of revision, addition or deletion. It was noted that McKenna Coll with the School Boards Association suggested avoiding multiple numbered policies. Discussion included, but was not limited to: unauthorized taping or recordings and other district policies, facility use fees for use by other government agencies, student fees were updated May 28, 2013, request for report of actual fee schedule, fee waiver form, request for detail of waived fees, web access to forms and student transfers, withdrawals and releases to be scheduled for work session, transportations costs related to transfers, related policies 4125 and 4150.

The committee received the Orange County Board of Education Policy Manual – Section 1000 Chart which would be the working document for review, discussion and action. Committee review and discussion included but was not limited to: the revisions to the following new and current policies were reviewed and revised as needed: OCS Policies 1005, 1015, 1017, 1020, 4240,4245,7106,7225,7230,7231,7270,7470,7471,7472,9220,9235,9260,9260-P and 9265 – recommended for deletion; OCS Policy 1000 – revised; OCS Policy 1010 – revised; OCS Policy 1310 – revised; combined policy; check with Ms. Coll; OCS Policy 1510 – revised; OCS Policy; 1710 – new; OCS Policy 1720 – new; OCS Policy 1730 – new; OCS Policy 1740 – revised; discussion of appeals and timeliness; OCS Policy 1742 – revised; change bullets to numbers OCS Policy 1750 – new; OCS Policy 1760 – new.

Other Policy Discussion included, but not limited to:

OCS Policy 3110 – request to review and consider SBA policy and add legally required

OCS Policy 3165 – recommend deletion

OCS Policy 3410 – discussion of opt out of testing option, consequences, grade level reference

OCS Policy 3430 – discussion of training for compliance, posting requirements, election process

OCS Policy 3540 – discussion of revisions as law changes, request nurses review

OCS Policy 4020 – request feedback from Dr. Napp, request to add starting age for school (K)

OCS Policy 4342 – also impacts policy 4300, review revisions by SBA, impossible > impractical, role of SRO, need for training for staff and SROs, impact if searching 18 year olds, permission process, use of wands.

The members confirmed their next meeting May 30, 2014; 10 am – 12 pm.

Brenda Stephens moved to adjourn at 2:00 pm.

4300: Student Code of Conduct

Excerpt

Rule 8

Use of Tobacco Products

Students shall not use or possess any tobacco product at any time in any building, facility, or vehicle owned, leased, rented or chartered by the Orange County Schools, on any school grounds and property – including athletic fields and parking lots – owned leased, rented or chartered by the Orange County Schools, or at any school-sponsored or school-related event on-campus or off-campus or at any other time when students are subject to the authority of school personnel.

This policy does not prohibit the use of tobacco products for instructional or research activities if the activity is conducted or supervised by a faculty member and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product.

For purposes of this policy, "tobacco product" is defined to include cigarettes, *electronic cigarettes*, cigars, pipes, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products. "Tobacco use" includes smoking, chewing, dipping, or any other use of tobacco products.

The Board of Education believes that a smoke/tobacco-free environment will better protect the health and well-being of employees and students of the Orange County School System and other persons. To this end, the Board of Education will prohibit or restrict smoking and the use of tobacco products as follows:

- Students may not possess, display, or use any tobacco product at any time on school premises, including school vehicles or while participating in school events, both indoor and outdoor and both on and off school property.
- School employees, volunteers, and visitors to the school may not at any time use or display tobacco products on school premises. School employees and volunteers attending in an official capacity may not use tobacco or tobacco products at school events both on and off campus. The prohibition of display of tobacco products shall not extend to display that has a legitimate instructional or pedagogical purpose.
- School employees and volunteers to the school may not at any time display or use any tobacco product in school vehicles.
- No student, employee or visitor shall be permitted under any circumstances to use tobacco products in any indoor facility owned or leased or contracted for by the Orange County Schools.

The administration will consult with the county health department and other appropriate organizations to provide employees with information and access to support systems and programs to encourage employees to abstain from the use of tobacco products. The school district will, from time to time, provide free non-smoking clinics to be offered to employees in the schools, after the regular school day.

For purposes of this policy, "tobacco product" is defined to include cigarettes, electronic cigarettes, cigars, pipes, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products. "Tobacco use" includes smoking, chewing, dipping, or any other use of tobacco products.

The implementation date of this policy is July 1, 2003.

Adopted: