

Edenton-Chowan Board of Education

Revised Board Policies

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Proposed revisions to policies are delineated with a ~~strikethrough~~ for text to be removed or underline for text to be added.

2130 PARENTAL INVOLVEMENT

The board recognizes the critical role of parents in the education of their children and in the schools. Parents are encouraged to be informed about the educational program and to participate in activities designed by the schools to involve parents.

A. Annual Notification

Parents will be notified annually of the following:

- parental rights related to student records and surveys;
- grading practices that will be followed at the school and, in the high schools, the means for computing the grade point averages that will be used for determining class rank;
- a description of curriculum being offered;
- code of student conduct and school standards and rules;
- any student performance standards of the board and school district;
- grievance procedure;
- permissible use of seclusion and restraint in the schools;
- for parents of students in grades five through twelve, information about cervical cancer, cervical dysplasia, and human papillomavirus, including the causes and symptoms of these diseases, how they are treated, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents may obtain additional information and vaccines for their children;
- information about meningococcal meningitis and influenza, including the causes, symptoms, vaccines, how the diseases are spread and places parents may obtain additional information and vaccines for their children;
- the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use;
- the right to request certain information on the professional qualifications of the student's classroom teachers and paraprofessionals providing services to the child;
- the district's non-discrimination policy.

B. Title I Parent Consultation Policy

The Title I program offers assistance to meet special educational needs of educationally and economically disadvantaged children according to federal guidelines. The Board encourages parents to participate in the design and

implementation of the programs and activities in order to increase the effectiveness of the program and the success of the children. An annual meeting will be held for parents of all eligible Title I children to discuss the Title I funded programs and activities.

Each school will annually notify parents of limited English proficient children identified for participation or participating in a Title I, Part A-funded language instruction educational program of the following:

- reasons for the identification;
- level of English proficiency;
- methods of instruction;
- how the program will help the child;
- if the child has a disability, how the language instruction educational programs meets the objectives of the child's individualized educational program (IEP); and
- any other information necessary to effectively inform the parent of the program.

C. Opportunities to Withhold Consent

As a part of the annual notification described above, parents will be effectively notified that consent may be withheld for the following:

- the release of student directory information about his or her child for school purposes or to outside organizations;
- a student's participation in curriculum related to (1) prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), (2) the avoidance of out-of-wedlock pregnancy, (3) abstinence until marriage, or (4) comprehensive sex education. A copy of materials that will be used in these curricula will be available at the school. To meet any review periods required by law, materials also may be made available for review in the central office;
- a student's use of guidance programs for individual counseling, small group counseling related to addressing specific problems, or referral to community resources on issues of a private nature. Neither parental notification nor permission is required for large group sessions, initial consultations intended to identify the student's needs or counseling where child abuse or neglect is suspected.

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

D. Parental Permission Required

Written parental permission is required prior to the following activities:

- medicines administered to students by employees of the school district;
- any release of student records that are not considered directory information

unless the release is allowed or required by law;

- off campus trips; and
- participation in high impact or high risk sports or extracurricular activities, such as football or mountain climbing;
- surveys concerning protected topics that are funded by the U.S. Department of Education.

LEGAL REF: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Protection of Pupils Rights Amendment, 20 U.S.C. 1232h; G.S. 115C-81 (e); No Child Left Behind Act of 2001, 20 U.S.C. 6301 et seq.; 34 C.F.R. 200.4; 20 U.S.C. 7801(32); State Board of Education Parent and Family Involvement Policy EEO-R-000.

Cross References: Use of Volunteers (policy 2110), Student Participation in Surveys and Research Studies (policy 2400), Section 504/ADA (policy 3420), Health Education (policy 3510), Maintenance, Review and Release of Student Records (policy 4100), Student Promotion and Accountability (policy 3600), Personal Education Plans (policy 3630), Code of Student Conduct (policy 4210), Prohibition Against Discrimination, Harassment, and Bullying (policy 4400/5125), Discrimination, Harassment, and Bullying Complaint Procedure (policy 4410/5130), Registered Sex Offenders (policy 5022), Reporting Information to Administrators and External Agencies (policy 5150)

ADOPTED: June 7, 2004

AMENDED: June 4, 2012

3230 RELIGION IN THE SCHOOLS

Teachers and other staff members shall incorporate the highest standards of honesty, integrity and morality in all of their teaching, counseling and other contacts with students. Because there may be students of many religious faiths, convictions and beliefs enrolled in the Edenton-Chowan Schools, it is especially important that all school staff members be sensitive to the freedom of religion and other constitutional rights of all students and employees.

The First and Fourteenth Amendments to the United States Constitution have been interpreted to require that public schools allow the free exercise of religion and avoid endorsing or supporting any particular religious belief. As noted below, these guarantees allow students and staff freedom to exercise their religious beliefs, so long as they do not disrupt school or impose their beliefs upon others. The First Amendment also allows discussions in the classroom of religious thoughts and customs, so long as the discussions are presented as part of a religiously neutral program of education. School administrators and teachers must avoid promoting religion in school-sponsored activities.

The Board may make available an existing formal grievance process to allow students or the parents or guardians of students to present allegations that a right established under this Article has been violated by a public school. The formal grievance process shall include the right of appeal to the local board of education (Policy 4500 Student and Parent Grievances).

The following procedures on religion and religious practices in the schools are provided in order to avoid infringement of individual rights and to set forth the Board's position concerning certain religious issues:

1. Teachers may include religion's role in appropriate subjects in the curriculum, such as literature, history, science, the humanities, and the arts. Teachers shall use fairness and objectivity when teaching about religion and shall not promote or disparage a particular religion.
2. School personnel will take into account the possible effects of religious holidays on school attendance when planning school calendars. When possible, examinations and other major events will not be scheduled on such holidays.
3. Students who miss school for reasons of sincerely held religious beliefs will be given an opportunity to make up school work.
4. School personnel will give careful consideration to written requests from parents that students be excused from activities that the parents deem objectionable on religious grounds. If such a request is approved by the principal, an alternative activity will be provided for the student.

5. The use of religious symbols and music as part of a religious holiday, such as Christmas, Hanukkah, is permitted as teaching aids or resources. Symbols that are displayed as an example of the cultural and religious heritage of the holiday are to be used on a temporary basis.

6. Music, art, literature, and drama related to religious holidays may be studied and performed in programs if they are presented in an objective and neutral manner as a tradition of the cultural heritage of the particular holiday.

7. The secular teaching about religions and about the history and practice of religion is permitted. The teaching of patriotic, historic, and literary documents having religious references embedded in them is permitted. Students shall be permitted to express religious themes through their natural artistic talents. Religion classes that are historical survey courses and offer an elective credit in social studies are permitted as part of the high school curriculum.

8. Religious books, including Bibles, or religious symbols may not be given to students as an award for achievement and may not be generally distributed by religious groups to students at school.

9. During the school day, students may read religious materials, discuss religious issues among themselves and engage in voluntary prayer among themselves, except when they are involved with their classroom work or other school activities, as long as it does not infringe on the rights of others or interfere in any way with the school program and as long as such activities are not organized or promoted by school staff.

10. School personnel may read religious materials, including the Bible, pray on their free time, engage in voluntary discussions with other staff members about religious issues, and carry or wear religious symbols when on duty at school, as long as it does not interfere with their work. Principals and other administrative personnel should be sensitive to and show respect for religious beliefs held by other employees and students. In dealing with religious issues, they should do so in a manner that will not show or imply favor or disfavor with an employee's or student's religious beliefs.

11. Counseling of students or informal discussions with students by school personnel shall not infringe on the students' religious beliefs.

12. In scheduling speakers for classes and school assembly programs, schools may schedule motivational speakers; however, speakers should not advocate a particular religious creed.

13. At school functions, such as graduation exercises, PTO/PTA meetings and other school programs, individuals should be sensitive to the religious beliefs of others. At no time shall any religious belief, or any system denying or objecting to religious beliefs, be advanced or disparaged. The school system and its employees shall not conduct, sponsor, or endorse any form of religious indoctrination or exercise, including prayer, at school functions. A moment of silence may be observed at school-controlled functions, activities or events, including at the beginning of each school day. The school system may not sponsor a baccalaureate service. The baccalaureate service is traditionally religious in nature and should be a voluntary

service and not a required part of graduation exercises.

14. If any school permits access to outside groups at school, the school principal will allow participation and access of other groups to extent required by constitutional, federal, and state laws and regulations.

LEGAL REF: U.S. Constitution, Amendment I; G.S. 115C-36, -47; N.C.A.G. Reports, Vol. 41, No. 4, p. 802; 20 U.S.C. §4071; P.L. 103-141; S.L. 2014-13

ADOPTED: August 2, 2004

AMENDED:

3320 - PARENTAL REVIEW OF INSTRUCTIONAL MATERIALS

A parent or guardian of a student or an eligible student (any student 18 years of age or older or an emancipated minor) shall be allowed to inspect and review any instructional material used as part of the educational curriculum for the student. The current statewide instructional standards include the North Carolina Standard Course of Study.

Requests to review instructional materials should be made to the school principal. Parents, guardians, and eligible students will be provided with reasonable access to the materials within a reasonable period of time after the request is received by the teacher or principal.

“Instructional material” means instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials and materials in electronic or digital formats, including materials accessible through the Internet. “Instructional material” does not include academic tests or academic assessments.

Notification of the rights of parents, guardians and eligible students under this policy shall be placed in the student/parent handbook and distributed at the beginning of each school year. Notice will be provided to parents, guardians, and eligible students regarding any revision made to this policy during the school year. Any parent objections to the use of particular instructional material will be handled pursuant to Policy 3300, Selection and Reconsideration of Instructional Material.

The Superintendent may develop administrative regulations to implement this policy.

LEGAL REF: 20 U.S.C. 1232h, SL 2014-78

ADOPTED: August 2, 2004

AMENDED:

3600 - STUDENT PROMOTION AND ACCOUNTABILITY

The Edenton-Chowan Board of Education affirms its responsibility to provide a quality educational program for all elementary and secondary students within the school district. The Board recognizes that the rate and level of cognitive, social, emotional and physical development vary among students and that these critical factors must be considered in promoting or retaining a student.

The Board of Education assigns the professional staff the responsibility of teaching each student at his/her instructional level. Teachers are accountable for the early identification of students who are risk of not meeting promotion standards and for consulting with parents and appropriate school personnel.

A. Criteria Used in Deciding Promotion

Students must meet local standards and standards as required by the North Carolina State Board of Education.

1. Factors to be considered in promotion of kindergarten through second grade students:

- All students must be assessed using developmentally appropriate reading and math measures
- Teacher documentation
- Parental input
- Test results (including standardized tests)
- Results of intervention strategies
- Attendance (a student may not have more than 20 unexcused absences)

2. Factors to be considered in promotion for grades 3-8:

- Academic progress in all subject areas as defined by the Edenton-Chowan

Schools administrative procedures

- Performance on state and local tests and classroom assessments
- Medical, social and behavioral information
- School assistance team recommendations
- Teacher documentation
- Parental input
- Attendance (a student may not have more than 20 unexcused absences)

3. Factors to be considered for grade 3: Reading Camp

The board will provide reading camp opportunities as required by law at no fee for students who have not yet demonstrated reading proficiency on a third grade level at the end of the student's third grade year. To the extent resources permit, the board will offer fee-based reading camp opportunities to students who have successfully demonstrated reading proficiency appropriate for a third grade student. Annually, the board will establish criteria for priority enrollment in its fee-based reading camps and will set the attendance fee at an amount not to exceed the statutory limit. The superintendent shall notify interested parents of the application procedure for the fee-based reading camps.

"Reading proficiency" means reading at or above the third grade level by the end of a student's third grade year, demonstrated by the results of the State-approved standardized test of reading comprehension administered to third grade students.

B. Promotion and Graduation Standards for High School Students

In order to be classified on a particular (9-12) grade level, the student must meet the following requirements:

- 9th Grade - Promotion or placement from 8th grade.

- 10th Grade - Six units. Beginning with the entering 9th grade class in 2009-2010, the six units of credit must include English 1 and Algebra 1.
- 11th Grade – Thirteen units.
- 12th Grade - At least twenty units.

While promotion in high school is determined by course credits earned, in order to stay on track for graduation students must take the courses required by the State Board of Education in the Future-Ready Core Course of Study and meet local graduation requirements. State graduation requirements can be found on the Department of Public Instruction website, http://www.ncpublicschools.org/student_promotion/gradreq.html. A copy of these requirements is available at each school.

In addition to state graduation requirements, in order to earn a diploma from the Edenton-Chowan Public Schools students must earn 28 total units of course credit, including 13 elective units. Within the 13 electives, students must complete a four course concentration in one of the following: Career and Technical (CTE), JROTC, Arts Education (e.g. music, theater arts, visual arts, etc.), or any other professional degree preparation pathway (e.g. mathematics/science, humanities, social sciences, etc.). *[Note: students entering 9th grade prior to the 2009-2010 school year must fulfill prior graduation requirements, which are available from guidance counselors at each high school].*

C. Intervention For Students Not Making Progress

The goal of the school district is to use early identification of students unlikely to meet the standards for progression and provide them appropriate intervention. A student's lack of academic progress shall trigger appropriate action by school personnel, such as parent conferences, referrals, and personal education plans. Schools should include in their school improvement plan the types of intervention strategies that will be offered.

Intervention Strategies

Intervention involves identifying strategies specifically designed to increase grade level proficiency. Strategies may include, but are not limited to, alternative learning models, special homework, smaller classes, special grouping, tutorial sessions,

extended school day, Saturday school, modified instructional programs, small or large group counseling program, summer school instruction, individualized instruction, remedial instruction or retention.

Every student who is not successfully progressing toward grade promotion and graduation shall be given a personal education plan as outlined in Policy 3630.

Extended instructional opportunities should be different from and supplemental to regular classroom instruction. When feasible, the school should seek to involve parents and the students in discussing intervention strategies. Students may be required to participate in the intervention strategies and demonstrate acceptable growth and achievement before being promoted to the next grade level.

D. Waiver of Promotion Standards

Parents, teachers or school placement committees may request promotion for students not meeting promotion standards. Waiver requests will be considered by a school placement committee. The school placement committee is responsible for reviewing each referral, including information gathered from the student's teachers and submitted by parents, and making a recommendation to the principal for promotion or retention. The principal shall appoint the members of the school placement review committee, which should include an assistant principal, a regular classroom teacher, a member of the Student Services Team, and an exceptional children's teacher (required if a student with a disability is being considered for waiver) or an ESL teacher (required if a Limited English Proficient student is being considered).

The parents shall be invited to attend the review process as nonvoting members and shall be allowed to speak and present information on behalf of their child.

The school placement committee shall consider information presented by the student's teacher and school principal and any information provided by the parents. For regular education students, the committee should provide written findings regarding whether the student is performing at grade level in spite of the failure to meet promotion standards. For students with disabilities or limited English proficiency, the committee should consider and provide written findings regarding whether the student has made substantial academic growth and progress toward the student's IEP goals or LEP standards.

Upon completion of the review, the committee chair will notify the principal in writing of the committee's recommendation.

The principal will notify the parents in writing of his/her decision to promote or retain the student.

Students may be retained only once in each grade span, K-5 and 6-8, unless a waiver of this provision is recommended by the school placement committee and approved by the principal.

The principal of the student's school shall maintain the final authority regarding promotion, taking into account local promotion requirements, test scores, any prior retentions, the age of the student, recommendations from any review committee, and any documentation provided by such review committee.

E. Standards for Students with Disabilities

1. To the extent possible, all students with disabilities shall participate in the Student Accountability Standards. All interventions and other opportunities, benefits and resources will be made available to all students. Such opportunities may be in addition to any special education services provided to the student.
2. Students with disabilities may be exempted from the promotion standards by the Individualized Education Program (IEP) Team, if it is determined by the IEP team that the students do not have the ability to participate in the State Standard Course of Study. However, exempted students shall be enrolled in a functional curriculum and demonstrate acceptable outcomes on alternate assessments.
3. The graduation certificate is available to recognize certain students with disabilities who are not on a diploma track. Requirements for the graduation certificate are available from the Exceptional Children Department. Students with disabilities who meet specific criteria may obtain a high school diploma by completing the Occupational Course of Study.

F. Students with Limited English Proficiency

1. Students with limited English proficiency shall meet the same standards as all students. However, limited English proficiency students may be assessed using an alternate assessment in accordance with applicable law and State Board of

Education policy. English language proficiency cannot be the factor that determines that a student has not met performance standards.

2. Limited English proficient students in high school shall meet the same standards as all students for high school graduation.

3. Focused interventions shall be provided for students until they have met promotion standards and high school graduation requirements (up to age 21). This intervention shall involve extended, supplemental instructional opportunities that include assistance in the development of English language proficiency.

G. Reporting Requirements

The superintendent shall provide the Department of Public Instruction with information required by law and State Board of Education Policy.

H. Notification to Parents

Parents shall be notified annually of Student Promotion and Accountability Standards by including a copy of this policy in each school's student/parent handbook.

In addition, the principal or designee must notify the parents of any student who does not meet the accountability standards and must provide the parents with information concerning retesting and intervention opportunities.

LEGAL REF: G.S. 115C-288, -45; G.S. 115C-105.41 and -105.27; Statewide Student Accountability Standards; G.S. 115C-83.3 et. seq

ADOPTED: August 2, 2004

AMENDED: March 6, 2006 (Deleted 3600-R); March 2, 2009; January 3, 2011

3700 TESTING

Standardized tests shall be administered in accordance with the North Carolina State Board of Education's testing policy, and their results used in compliance with the North Carolina State Board of Education's Testing Code of Ethics, applicable law and regulation, and procedures established by the test publisher.

The Board of Education limits the administration and scoring of any standardized test or test required by the State of North Carolina for public school students in grades K-12 to those students who are in membership in the Edenton-Chowan Schools at the time of testing.

School employees responsible for testing shall review and understand ethical requirements related to standardized testing, including the Testing Code of Ethics. The failure of any individual to adhere to these standards is grounds for disciplinary action including dismissal. All school personnel shall be responsible for immediately reporting any questionable testing practice. Failure to report a questionable practice is unethical behavior.

No individual who has access to secure assessment materials may use that access for personal gain.

Every effort will be made to ensure that the testing program contributes to the learning process rather than detracts from it.

LEGAL REF: G.S. 115C-36, -47, -174.10 to -174.14

ADOPTED: August 2, 2004

4390 USE OF SERVICE ANIMALS

The Board of Education adheres to the Americans with Disabilities Act and state laws permitting the use of service animals by individuals with disabilities. The use of service animals by students, employees, volunteers, and visitors on all school property will be governed by this policy.

Definition of Service Animal

A service animal is an animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the handler's disability, including, but not limited to, guiding an individual who is blind or has impaired vision, alerting an individual who is deaf or has impaired hearing of the presence of people or sounds, providing physical support and assistance with balance and mobility, alerting and protecting an individual with a seizure disorder, alerting individuals to the presence of allergens, helping an individual with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors, pulling a wheelchair, retrieving objects, or performing other special tasks.

An animal whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote general emotional well-being is not a service animal. To be considered a service animal, the animal must be trained to perform tasks directly related to the individual's disability. Unless the animal is specially trained to perform an activity that qualifies as work or a task in response to the needs of a disabled student, employee, volunteer, or visitor, the animal is a pet or support animal and does not qualify as a service animal.

Unless readily apparent, school personnel are authorized to ask a disabled individual accompanied by a service animal (1) whether the animal is required because of a disability and (2) what work or task the animal has been trained to perform. School personnel will use the responses to these questions to determine if an animal is in fact a service animal that should be properly permitted access to school property.

Service animals are limited to dogs. In very limited circumstances, accommodations may be made for miniature horses that otherwise meet the requirements of this policy. Other species of animals, whether wild or domestic, will not be considered service animals.

Requirements for Use of Service Animals by Individuals with Disabilities

Service animals will be permitted on school property or at school-sponsored events to the extent consistent with federal and state law. The School Principal is required to notify the School Resource Officer of the presence of a service animal.

A service animal must wear a harness, leash, or tether at all times when used on school property, unless either the handler is unable because of a disability to use a harness, leash, or tether, or the use of a harness, leash, or tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). The animal's handler must be capable of providing proper handling and maintaining control of the service animal at all times, to include the physical care of the service animal.

The regular use of a service animal by students or employees may be subject to a plan which introduces the service animal to the school environment, includes any appropriate training for staff and students regarding interaction with the service animal, and provides for other conditions deemed necessary by school personnel.

School personnel will deny a service animal access to school property, or immediately remove a service animal from school property, if:

- (1) the animal is not housebroken;
- (2) the animal is out of control;
- (3) the animal poses a direct threat to the health or safety of others; or
- (4) the animal becomes aggressive, behaves in a dangerous manner, causes injury or property damage, or substantially disrupts the educational process or school activity.

If the service animal is removed from school property, the disabled individual will be given the opportunity to participate in the school event or educational activity without the service animal's assistance.

If a student or school employee has an allergic reaction or other severe health concern because of the presence of a service animal, the animal must be immediately removed from the classroom/workspace of the affected individual and, if necessary, removed from school premises until the situation is resolved. Legitimate health concerns of other students or school employees will be addressed through reasonable modifications of school system policies, practices, and procedures to accommodate both the legitimate health concern and the use of the service animal. If the school system knows in advance that an individual is likely to have an allergic or other adverse reaction or health concern in the presence of a service animal, school personnel will take appropriate and reasonable measures to address the situation to accommodate both the legitimate health concern and use of a service animal. This may include reassignment of the student or employee with the service animal to another classroom or other appropriate measures.

The school system is not responsible for the care or supervision of a service animal. All costs related to the handling and care of the service animal are the responsibility of the individual or parent/guardian of the student who uses the service animal.

Requests for Use of Service Animals by Individuals with Disabilities

The Board appreciates and strongly encourages individuals who intend to use a service animal on school property to meet the school system's requested guidelines on providing advanced notice and taking other steps to assure the effective introduction of the service animal into the school environment. While school personnel cannot deny access of a service animal due to an individual's failure to provide advanced notice or to meet the other guidelines set forth in this section, a disabled student, a disabled student's parent or guardian, or a disabled employee, volunteer, or visitor should notify school personnel of the intended use of a service animal on school property at least three (3) weeks prior to the use of the service animal whenever possible. Such prior notification should identify and describe the need for the service animal in the school setting, the manner in which the service animal will meet the individual's particular need(s), documentation that the service animal is properly trained and licensed, certification by a veterinarian that the service animal has received all required vaccinations and has been treated for fleas and ticks, documentation that the handler for the service animal is properly trained, and proof of adequate liability insurance.

Liability The individual using the service animal is wholly liable for any damage to school property or personal property and for any injuries caused by the service animal. The individual using the service animal will hold the Board

harmless and indemnify the school system from any such damages.

LEGAL REF: Americans with Disabilities Act, 42 U.S.C. 12131; 28 C.F.R. Part 35; N.C. Gen. Stat. 168-4.2.

ADOPTED: November 5, 2012

AMENDED:

5000 EQUAL EMPLOYMENT OPPORTUNITIES

It is the policy of the Edenton-Chowan Board of Education to provide equal opportunities for employment and compensation for all persons. When making employment and compensation decisions, when providing training, and in all other attributes of employment, the Board shall do so in a manner without regard to race, color, religion, national origin, military affiliation, genetic information, sex, age, or disability, except when sex, age, or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions. Further, the Edenton-Chowan Board of Education requires all employees to abstain from any discriminatory practices.

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

LEGAL REF: Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; Rehabilitation Act of 1973 (Public Law 93-112), Section 504, 29 U.S.C. § 794; Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.; Civil Rights Act of 1991; Equal Pay Act of 1963, 29 U.S.C. § 206(d); Age Discrimination in Employment Act of 1967, 1978, 1986, and 1996; 29 U.S.C. § 621 et seq.; Civil Rights Act of 1866, 1870, 1871, and 1964 and 1991; 42 U.S.C. § 1983 and 2000E et seq.; U.S. Const. Amend XIV; G.S. 115C-299; G.S. 115C-276(j); G.S. 115C-315; G.S. 168A-1 et seq.; G.S. 115C-330; Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Military Selective Service Act, 50 U.S.C. Appx. 453; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*

ADOPTED: February 7, 2005

AMENDED:

5060 CRIMINAL RECORDS CHECKS

A criminal records check will be conducted of applicants and/or newly hired employees, including substitutes. If an applicant is hired prior to the completion of the criminal records check, the employment shall be considered conditional pending a review of the results of the check.

Applicants shall be required to answer completely and accurately questions on their application with regard to previous criminal history. Failure to do so will subject the applicant to not being hired and an employee to being dismissed. Applicants also shall consent in writing to an initial criminal record check and post-employment criminal record checks and to any identifying information relied upon by any relevant repositories of criminal information. Failure to consent or provide relevant information will result in rejection of an applicant or dismissal of a newly hired employee. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that the disclosure is not required.

At a minimum, the following criminal records check shall be conducted on all final candidates for employment with the school system:

- (a) In the case of applicants or conditional employees who have lived and worked within the state of North Carolina for the five years before the date of application, the administration will conduct a statewide criminal record check.
- (b) In the case of applicants or conditional employees who have lived or worked outside of North Carolina during the five years before the date of application, the administration will conduct state criminal record checks and may conduct federal records checks at the discretion of the Superintendent.
- (c) A check of the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry.

The applicant or conditional employee will be rejected for employment if the employee appears on any sex offender registry or if the criminal record check and supporting records reveal a "criminal history," defined as the conviction of a crime, whether a misdemeanor or felony, that indicates the employee (1) poses a threat to the physical safety of students or personnel, or (2) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as a public school employee. Conviction of a crime, as used in this policy, includes the entry of (1) a plea of guilty, *nolo contendere*, no contest or the equivalent; or (2) a verdict or finding of guilty in a court of law or military tribunal.

If the school system considers criminal history in making a decision adverse to an applicant or conditional employee, the Superintendent or designee shall make written findings with regard to how it used such information. A final candidate for employment

or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her.

The school system shall provide to the State Board of Education information on where to obtain the record of conviction, including the person's name, criminal case number, and the county of conviction for a conviction of a person who is certificated, certified or licensed by the State Board of Education when the school system discovers the "criminal history" through an employment criminal history check.

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

Applicants and current employees shall notify the Director of Human Resources immediately if they are charged with or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) except minor traffic violations.

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

Information obtained through the implementation of this policy shall be kept confidential as provided in the North Carolina General Statutes and regulations. The school system shall maintain in paper format only data from a criminal history check conducted through the North Carolina Department of Justice. These records shall be kept in a locked, secure place, separate from the individual's personnel file. Procedures for implementing this policy, including a list of individuals entitled to access criminal history information, may be developed and administered by the Superintendent.

If a criminal record check is conducted that is subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.

LEGAL REF: G.S. 115C-332; 16 N.C.A.C. 6C.0313; G.S. 110-90.2; G.S. 114-19.2; 15 U.S.C. § 1681 et seq.; *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, US Equal Employment Opportunity Commission (April 25, 2012) available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm ; G.S. 14-208.18;15A-153; State Board of Education Policies TCP-C-017.

ADOPTED: February 7, 2005

AMENDED: December 2, 2013

5175 INTERNET ACCEPTABLE USE BY EMPLOYEES

A. Definitions

As used in this policy, the term “computer resources” shall include all computing and telecommunicating equipment, servers, networks, systems, and other computing and telecommunicating resources, including laptops and other mobile computing devices, Internet, intranet, on-line services, electronic mail, and web sites.

As used in this policy, the term “electronic data files” shall include all electronic mail, Internet records, and data or other stored information on the school system network or hardware or on a disk used on the school system network or hardware.

Unless specifically stated otherwise, the provisions of this policy shall apply to employee use of all computer resources owned, leased, rented or otherwise provided or controlled by the Edenton-Chowan Board of Education and Edenton-Chowan Schools.

B. Introduction

The Edenton-Chowan Board of Education’s computer resources are owned by the school system. The Board may provide school system employees with access to computer resources when available and desirable. Computer resources are provided to employees to further educational goals, to use for valid work-related purposes, and to provide for efficient work-related communication between employees. The Edenton-Chowan Schools’ computer resources are not intended to create and shall not constitute a public forum.

Employees’ use of computer resources is governed by federal and state law and Board policies and procedures. Individual schools or divisions / departments within the school system may adopt additional rules and regulations governing employee use of computer resources to meet specific administrative or academic needs. Any adopted requirements must be in compliance with applicable federal and state laws and this policy.

The Edenton-Chowan Schools’ computer resources are intended to be used for business purposes only. These computer resources are not to be considered a substitute for an employee’s personal computer, mobile device and/or Internet connection. All electronic data files stored or transmitted on Edenton-Chowan Schools’ computer resources are considered Edenton-Chowan Schools’ records.

As a condition of initial and continued employment, all employees shall sign a statement indicating that they understand and will strictly comply with this Acceptable Use policy.

C. Regulatory Limitations

1. The school system may monitor access to its computer resources and all electronic data files stored or transmitted on school computer resources for the following purposes:

- a. To ensure the security and operating performance of its equipment, systems, and networks.
- b. To review employee performance or conduct.
- c. To enforce applicable laws and policies.
- d. To respond to requests for records as permitted by law.

2. The school system may authorize confidential passwords or other secure entry identification. However, while the school system does not intend to review employees' electronic mail, Internet records or data files routinely, employees have no right or expectation of privacy in material stored or transmitted on school system computer resources. The school system may monitor employees' use of computer resources and electronic data files for the reasons stated in section A. above or for any other lawful purpose.

3. As with other school records, electronic data files are subject to disclosure to law enforcement or government officials or to other third parties through public records request, subpoena or other lawful process. The Edenton-Chowan Board of Education reserves the right to disclose employee electronic mail, Internet records, and data files to law enforcement, government officials, or other third parties without notification to or permission from the employees sending, receiving, or storing the material. Edenton-Chowan Schools electronic information resources, the Internet, and use of email are not inherently secure or private. Staff shall have no expectation of privacy while using school system electronic information resources. The board reserves the right to search data or email stored on all school-owned or leased computers or other electronic information resources at any time for any reason. The board reserves the right to monitor use of school system electronic information resources and to take appropriate disciplinary action based on the any user's inappropriate or illegal use or use that is in violation of this policy.

4. The school system reserves the right to limit employee access to its computer resources when federal or state laws or Board policies are violated, where school system contractual obligations or school system operations may be impeded, or where the Superintendent or designee believes it is in the best interests of the school system to so limit access.

5. There is an enormous quantity and variety of free software available on the Internet. In addition to viruses that could infect the school's systems, the cumulative effect of widespread downloading on the school's computers can significantly degrade performance and create the need for additional maintenance. Therefore, employees may not load or install software from any source without advance approval from the district technology department or system administrator.

6. Security on the school system's computer resources is a high priority. If any employee identifies a security problem, the employee must notify the district technology department immediately. The employee shall not demonstrate the problem to other users or attempt to fix the problem without permission from the district technology department.

7. In accordance with federal law, Internet filters will be placed on all computers with Internet access to prevent the access of obscene visual depictions and pornography and, in the case of minors, of material that is harmful to minors. The filters may only be disabled by the principal or designee at each school and only for employee use for research or other lawful purposes. Intentional attempts to evade content filters will be considered a violation of this policy.

D. Permissible Use

Computer resources are provided solely to support the educational mission of the school system and are to be used for school purposes. Any incidental personal use of school computer resources must be kept to an absolute minimum, must not interfere with the employee's job performance, must not violate any of the rules contained in this or any other Board policy, and must not damage the school system's computer resources. All employees are expected to act responsibly and in conformity with generally accepted rules of network etiquette. All uses of the school system's computer resources must comply with the following guidelines.

1. Any use which would involve accessing, producing, posting, sending, or displaying pornographic, obscene, discriminatory, profane, lewd, vulgar, threatening, or sexually suggestive material, language or images, including images of exposed private body parts, is prohibited. Anything an employee views, sends, receives, generates, or accesses must be appropriate for viewing, sending, receiving, generating, or accessing by school children.
2. Any use that violates state or federal laws or Board policies against race or gender discrimination, including sexual harassment, is prohibited. All Board policies against sexual harassment and other forms of discriminatory harassment apply equally to communication on school computer resources.
3. Any use in violation of federal or state law or Board policy is prohibited.
4. Any use that may damage the school system's computer resources is prohibited.
5. Any use that involves plagiarizing or infringing the copyrights or trademarks of any work, including works found on the Internet, is prohibited.
6. Any use that involves the transmission or storage of confidential information concerning students or others on computer resources not designated for that use is prohibited. All employees should use care to protect against negligent disclosure of confidential information.
7. Use of another's ID or password without that person's written permission is prohibited, except by a person in the district technology department authorized to use IDs or passwords. Employees are responsible for safeguarding their own passwords, and they will be held accountable for the consequences of intentional or negligent disclosure of this information. Unauthorized attempts to log onto the computing system as a network system administrator will result in cancellation of user privileges and other potential discipline. Any user identified as a security risk may be denied access.

8. Any illegal or unauthorized use of data in folders or work files is prohibited.
9. Any use that intentionally wastes limited resources (including distribution of mass electronic mail messages on non-work-related subjects, participation in chain letters, creation of and participation in unauthorized news groups, and storage of electronic data files without proper authorization) is prohibited.
10. Any use for personal commercial purposes is prohibited. Employees may not advertise or solicit for any commercial service or product or solicit money for or participation in any fundraising event using school system computer resources without prior approval from the Superintendent or designee.
11. Any use that includes posting personal, private or identifying information about any person, including the author of the posting, on the Internet is prohibited except as authorized in advance by the Superintendent or designee. This provision does not prohibit an employee from including his/her name, address, and phone number on an email communication. This provision does prohibit posting to the Internet from a home or personal computer any personal, private or identifying information about another person that is obtained as a result of the employee's employment with Edenton-Chowan Schools.
12. Any use that involves engaging in, arranging to engage in, or advocating illegal acts or violence (including accessing material about pornography and hate literature) is prohibited.
13. Any use that could be disruptive, cause damages, or endanger students or staff is prohibited.
14. Any use that publishes in any way false or defamatory information about a person or organization is prohibited.
15. Any use that involves accessing chat-rooms unless for official school business is prohibited.
16. Any electronic mail sent from the school computer is likely to contain a return address identifying the school district. Sending an electronic mail from the school is analogous to an employee using school letterhead. Accordingly, employees shall exercise caution to ensure that they do not have their own statements mistakenly attributed to the school district. Any use through which an employee's views may be attributed mistakenly (via express statement or implication) to the school district is prohibited. Additionally, employees should always ensure that the business information contained in electronic mail/Internet messages is accurate, appropriate, and lawful.

E. Consequences Of Violation Of Policy

In the event that an employee violates this policy, the following consequences may result. Any of these consequences may be enforced alone or in conjunction with one another by the school system against the violating employee.

1. Revocation or limitation of access privileges.
2. Disciplinary action up to and including termination of employment.

3. Personal liability for damage to school system computer resources caused by intentional misuse.

4. Any other sanctions or remedies provided by law.

Employees who violate this policy will not be defended at Board expense pursuant to N.C. Gen. Stat. § 115C-43.

Any employee who publishes or duplicates copyrighted material shall be held personally liable for any of his or her actions that violate copyright laws.

F. Application Of Public Records Law

All information created or received for work purposes and stored on or contained in the school system's computer resources or electronic data files is subject to public disclosure unless an exception to the Public Records Law applies. This information may be purged or destroyed only in accordance with the applicable records retention schedule and the State Division of Archives regulations.

G. Waiver Of Responsibility

The Edenton-Chowan Schools makes no warranties of any kind, whether express or implied, for the computer resources it may provide. The Edenton-Chowan Schools will not be responsible for any damages suffered, including damages caused by loss of service, interruptions or any other cause.

Use of information obtained via the Internet is at the user's risk. The Edenton-Chowan Schools specifically denies any responsibility for the accuracy or quality of information obtained via its Internet service. The Edenton-Chowan Schools also specifically clarifies that electronic mail / Internet messages authored by employees may not necessarily reflect the views of the Edenton-Chowan Board of Education.

LEGAL REF: 47 U.S.C. § 254; G.S. 115C-43

CROSS-REF: Policy 3340 Acceptable Internet Use, Policy 5180, Employee Use of Social Media

ADOPTED: February 7, 2005

AMENDED: December 2, 2013

5300 RETENTION AND NONRENEWAL

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

“Proficient” performance shall be considered the minimum acceptable standard of performance for teachers and administrators in this school system; however, “proficient” performance shall not constitute any assurance to any teacher or administrator of rights to, or consideration for, employment or reemployment for teachers.

Subjective and objective appraisals of preparation for, performance of, and contribution toward the educational process and the needs of the school system shall be considered by the Board in making decisions to employ or reemploy teachers or administrators.

Basis for Nonrenewal

The Board of Education, upon the superintendent’s recommendation, may refuse to renew the contract of any ~~probationary or other~~ non-career teacher or school administrator or to reemploy any teacher or school administrator who is not under contract, for any cause it deems sufficient; provided, however, that the cause may not be arbitrary, capricious, discriminatory, or for personal or political reasons, or because the teacher or administrator engaged in activities that are protected by the United States Constitution.

LEGAL REF: G.S. 115C-325, -299, -295, -284, -333 through -335 SBE Policy TCP-C-004

ADOPTED: February 7, 2005

AMENDED: October 3, 2011; December 2, 2013

5303 NONRENEWAL OF TEACHERS ON RENEWABLE CONTRACTS

5303 Nonrenewal Procedure for Probationary Teachers

A. ~~Notice of Nonrenewal Recommendation and Right to Request Information and a Hearing~~

~~1. The superintendent shall provide written notice to a probationary teacher of the superintendent's recommendation not to renew the teacher's contract by May 15. The notice shall inform the teacher of the teacher's right to file a written request to the superintendent within 10 days for the reasons and documents in support of the superintendent's recommendation. If the teacher does not file a request to the superintendent within the required 10 days, the teacher waives both the right to receive the reasons and documents in support of the recommendation and any right to request a discretionary hearing. If the teacher files a timely request, the superintendent shall provide the requested information and and the teacher shall be given an opportunity to submit supplemental information to the superintendent and board prior to the board making a decision or holding any hearing. If no hearing is requested or allowed, the teacher shall submit the supplemental information in accordance with instructions from the superintendent or Board for this information to be considered. In the case where a hearing is granted, the information shall be submitted as set forth below (see "Hearing Procedure").~~

~~2. The teacher may file a petition to the superintendent for a discretionary hearing before the board. To be considered, the petition must be filed within 10 days after the notice of the superintendent's nonrenewal recommendation. At a minimum, the petition shall state with particularity the reasons why a hearing is necessary and why the Board could not adequately review the superintendent's nonrenewal recommendation based on the documents provided by the superintendent and teacher. The superintendent will forward any timely petitions to the Board Chair and Vice Chair who will meet to determine whether a discretionary hearing shall be granted. If both the Chair and Vice Chair vote in favor of granting a discretionary hearing, then the teacher will be afforded a hearing; otherwise, the teacher will be notified in writing of the denial of petition. The decision of the Board Chair and Vice Chair on whether to grant a discretionary hearing shall be final.~~

~~B. Hearing Procedure~~

~~If a probationary teacher is granted a discretionary hearing following the filing of a~~

~~timely petition, the following procedure shall apply:~~

- ~~1. The Board of Education may designate a hearing panel of at least three Board members to hear the appeal. The decision of a Board panel shall be final.~~
- ~~2. The teacher and superintendent will be notified of the time, date, and place of the hearing. At least two work days before the day of the hearing, the teacher and superintendent will provide to the Board and to one another copies of all documents to be presented at the hearing. Documents not exchanged in advance of the hearing may not be used as evidence without the consent of both parties or by a majority vote of the Board or Board panel. The teacher shall include with these documents a statement of the specific reasons for challenging the superintendent's recommendation.~~
- ~~3. A record of the hearing shall be made and maintained by the Board.~~
- ~~4. The hearing shall be informal. Formal rules of evidence will not apply. The teacher and the superintendent may be represented by legal counsel and may present witnesses. Unless otherwise modified by the Board or Board panel, each side will be allowed 30 minutes to make a presentation. The superintendent shall make his/her presentation first, followed by the teacher. Either party may reserve time for rebuttal. The Board or Board panel may limit or exclude duplicative or irrelevant evidence.~~

~~C. Board Decisions on Teacher Nonrenewal~~

- ~~1. The Board or Board panel may uphold the superintendent's recommendation if it finds that the reason(s) for the recommendation is not arbitrary, capricious, discriminatory, personal, or political.~~
- ~~2. The Board must notify the probationary teacher whose contract will not be renewed for the next school year of its decision by June 15. However, if the teacher submits a formal request for information as specified in this policy or for a hearing, the Board shall provide the nonrenewal notification by July 1 or such later date upon written consent of the superintendent and the teacher. The Board's decision is subject to judicial review in accordance with Article 4 of Chapter 150 B of the North Carolina General Statutes.~~

~~D. The right to request a hearing as set forth in this policy applies to proceedings initiated after August 31, 2010.~~

LEGAL REF: G.S. 115C-45, G.S. 115C-276, G.S. 115C-278, G.S. 115C-278.1, and G.S. 115C-325

The Board may elect not to renew the contract of any non-career status teacher for any cause it deems sufficient, so long as the cause is not arbitrary, capricious, discriminatory, prohibited by state or federal law, or for personal or political reasons.

If the Superintendent decides to recommend nonrenewal of a non-career status teacher's contract, the Superintendent shall provide written notice of the recommendation to the teacher no later than June 1. The teacher may, within 10 calendar days of receipt of the Superintendent's recommendation, request the documents that the Superintendent may share with the Board to support the recommendation for nonrenewal. The Superintendent will provide the requested documents to the teacher upon receipt of a timely written request. The teacher will be permitted to submit supplemental information to the Superintendent and Board prior to the Board's decision. If the teacher does not file a request within 10 calendar days, the teacher waives the opportunity to receive the documents in support of the nonrenewal recommendation prior to the Board's decision.

A non-career status teacher has the right to petition the Board for a discretionary hearing no later than 10 calendar days after receiving notice of the Superintendent's recommendation for nonrenewal. At a minimum, the written petition, directed to the Superintendent, shall state with particularity the reasons why a hearing is necessary and why the Board could not adequately review the Superintendent's nonrenewal recommendation based on documents provided by the Superintendent and teacher. The Superintendent will forward any timely petitions to the Board Chair. The Board Chair and Vice Chair will then review the petition and determine whether a discretionary hearing will be granted. If the Chair and Vice Chair cannot agree, a hearing will be granted. The Board will notify the teacher of its decision whether to grant a hearing. If a teacher does not file a petition for a hearing within the 10 calendar days, the teacher waives the right for the Board to consider the petition for a hearing.

If a hearing is granted, the Board may designate a hearing panel of at least three Board members to hear the appeal. The decision of the Board panel will be final. The teacher and Superintendent will be notified of the time, date, and place of the hearing. At least two work days before the day of the hearing, the teacher and Superintendent shall provide to the Board and to one another copies of all documents to be presented at the hearing. Documents not exchanged in advance of the hearing may not be used as evidence without the consent of both parties or by a majority vote of the Board or Board panel. The teacher shall include with these documents a statement of the specific

reasons for challenging the Superintendent's recommendation. The Board will make and maintain a record of the hearing.

The hearing shall be informal. Formal rules of evidence will not apply. The teacher and the Superintendent may be represented by legal counsel and may present witnesses. Unless otherwise modified by the Board or Board panel, each side will be allowed 30 minutes to make a presentation. The Superintendent shall make his/her presentation first, followed by the teacher. Either party may reserve time for rebuttal. The Board or Board panel may limit or exclude duplicative or irrelevant evidence.

The Board will notify the non-career status teacher whose contract will not be renewed for the next school year of its decision by June 15. If, however, a teacher is granted a hearing, the Board will provide the nonrenewal notification within 10 days of the hearing or such later date upon the written consent of the Superintendent and teacher.

Legal References: G.S. 115C-45(c), -325.3 et seq.

Adopted: January 1, 2010

Amended: December 2, 2013

5345 ASSIGNMENT OF TEACHERS TO NON-INSTRUCTIONAL DUTIES AND EXTRACURRICULAR DUTIES

The Board acknowledges that instructing students is the primary mission of the school system. Generally, in order to carry out the responsibilities of the school system, teachers and other staff members may also be required to perform certain non-instructional and extracurricular duties. Assigned additional duties are considered part of all employees' responsibilities. However, assignment of additional duties to teachers should be minimized to allow time for teachers to plan, to collaborate with colleagues, to conference with parents, to tutor students, and to perform any other activities that have a direct impact on student achievement. Beginning teachers also need adequate opportunities to develop their professional skills and need access to experienced teachers who can mentor them. In light of these goals, the principal of each school has the authority to assign extracurricular and non-instructional duties as necessary to conduct the business of the school within the following guidelines.

A. Extracurricular Duties

Initially licensed teachers and teachers with 27 or more years of experience (exempt teachers) may not be assigned extracurricular duties unless they request the assignments in writing.

1. Extracurricular Duties Defined.

Extracurricular duties include those duties performed outside of regular school hours which are not part of the teacher's instructional duties. Examples of extracurricular activities for which consent is required include such things as coaching duties, taking tickets at sporting events or acting as a faculty sponsor for a student club. Extracurricular duties do not include such things as time spent in parent-teacher conferences, or activities related to courses taught by the teacher such as band concerts that are performed as part of band class.

2. Temporary Suspension of Policies Regarding Assignment of Extracurricular Duties.

The Board of Education delegates to the Superintendent the authority to temporarily suspend the rules and policies regarding assignment of extracurricular duties to exempt teachers at a school when there is a compelling reason for not implementing the rules or policies. In determining whether a compelling need exists, it will be assumed that because of budgetary constraints, the principal may not employ teaching assistants and other non-certified employees to perform extracurricular duties unless the assignment is approved in advance by the Superintendent or his or her designee. The following circumstances will be considered to be a compelling reason:

- a. A staff member who is scheduled to perform an extracurricular duty is unexpectedly unavailable and the position must be filled quickly;
- b. The school cannot adequately fill extracurricular duties without additional reliance on teachers, including reliance on teachers with initial certification or

teachers with 27 or more years of experience; or

c. An extracurricular duty requires an individual with certain experience, skills or qualifications and only teachers at that particular school with initial certification or with 27 or more years of experience possess the required experience, skills or qualifications.

d. Other compelling circumstances as determined by the Superintendent after appropriate review.

B. Non-Instructional Duties

Principals shall minimize the assignment of non-instructional duties to all teachers, including initially licensed teachers and teachers with 27 or more years of experience. Specifically, teachers should not be required to use their daily planning periods on an ongoing and regular basis to supervise students. Planning periods generally should be reserved for course planning and meetings with other professional staff regarding the instructional program.

1. Non-instructional Duties Defined.

Non-instructional duties include those duties that are not related to the instruction and supervision of students. This includes such things as bus duty, carpool duty, and regular and ongoing use of planning periods to monitor hallways and cafeterias. Nothing in this policy should be construed to relieve teachers of the responsibility to provide for the safety and supervision of students during regular school hours, as necessary to maintain order and discipline in the school.

2. Distribution of Non-Instructional Duties.

Non-instructional duties should be distributed equitably among employees to the extent it is reasonably possible to do so. In assigning non-instructional duties, consideration should be given to the need for initially licensed teachers to have adequate professional development, planning time, and access to experienced teachers. Teachers with more than 27 years of experience are expected to be available to devote some time each week to sharing their experience and expertise with less experienced staff members. Principals shall be responsible for structuring such opportunities in such a way that will be beneficial to their schools.

C. Evaluations

Teachers with initial certification or teachers with 27 or more years of experience may volunteer in writing to perform extracurricular duties or may be required to perform such duties if the limitations on these assignments are suspended as provided above.

The failure to volunteer to perform extracurricular duties will not be just cause for a less than satisfactory evaluation of a teacher with initial certification or a teacher with 27 or more years of experience provided, however, that the teacher has conducted himself/herself in a professional manner when declining to accept extracurricular duties. Moreover, a teacher's failure to perform a non-instructional or extracurricular duty in a competent and professional manner may be considered as a part of the

teacher's evaluation.

D. Request Form

The attached form must be completed by all teachers with initial certification or with 27 years or more of teaching experience who request assignment to or agree to accept an extracurricular duty. It is not necessary to use the form when making non-instructional duty assignments.

LEGAL REF: G.S. 115C-47(18a) -301.1, State Board of Education TCP-A-004

ADOPTED: February 7,
2005

UPDATED:

5520 SCHOOL ADMINISTRATOR CONTRACTS

A. Employment of School Administrator

The Board will issue written contracts to those school administrators who are entitled to contracts under state law. In this policy, the term "school administrator" means any principal, assistant principal, supervisor or director whose major function includes the direct or indirect supervision of teaching or of any other part of the instructional program. This policy shall not create any right to continued employment beyond those rights granted by law.

The initial contract between a school administrator and the Board of Education shall be for two years. In the case of a subsequent contract with a principal or assistant principal, the contract shall be for a term of four years. In the case of an initial contract with a school administrator, the first year of the contract may be for a period of less than 12 months provided the contract becomes effective on or before September 1. Nothing in this section shall be construed to prohibit the filling of an administrative position on an interim or temporary basis.

B. Notice of Superintendent's Recommendation

If the Superintendent decides not to recommend that the Board offer a school administrator a new, renewed, or extended school administrator contract, the Superintendent shall give the school administrator written notice of the decision no later than May 1 of the final year of the current contract. No further action by the Superintendent shall be necessary unless the school administrator requests a hearing as provided below.

If the Superintendent recommends that the Board offer a school administrator a new, renewed, or extended school administrator contract and the Board decides not to offer the school administrator a new, renewed or extended school administrator contract, the Board will notify the school administrator of its decision by June 1 of the final year of the current contract. The Board's decision not to offer the school administrator a new, renewal, or extended contract may be for any cause that is not arbitrary, capricious, discriminatory, personal or political. The Board's decision is subject to judicial review in accordance with Article 4 of Chapter 150 B of the North Carolina General Statutes. If the superintendent recommends that an administrator's contract be renewed, the Board may review information that was in the employee's personnel file at the time of the superintendent's recommendation. If the Board determines that it needs additional information to reach a decision, it will provide (1) notice of the Board's concerns and the information that the Board is considering and (2) an opportunity to the administrator to respond to that information.

C. Hearing Procedure

If a school administrator wishes to appeal the Superintendent's decision not to recommend a new, renewed, or extended school administrator contract, the following procedures shall apply:

1. The administrator must file a written request for a hearing with the Superintendent within 10 calendar days of receiving written notice of the Superintendent's

recommendation. The request for a hearing must state the specific reasons for challenging the Superintendent's recommendation.

2. The school administrator and Superintendent will be notified of the time, date and place of the hearing. At least two workdays before the day of the hearing, the school administrator and Superintendent will provide to the Board and to one another copies of all documents to be presented at the hearing. Documents not exchanged in advance of the hearing may not be used as evidence without the consent of both parties or by a majority vote of the Board.

3. A record of the hearing shall be made and maintained by the Board.

4. The hearing shall be informal. Formal rules of evidence will not apply. The school administrator and the Superintendent may be represented by legal counsel and may present witnesses. Unless otherwise modified by the Board, each side will be allowed forty-five minutes to make a presentation. The Superintendent shall make his/her presentation first, followed by the school administrator. Either party may reserve time for rebuttal. The Board may limit or exclude duplicative or irrelevant evidence.

5. The Board may uphold the Superintendent's recommendation if it finds that the reason(s) for the recommendation is not arbitrary, capricious, discriminatory, personal or political.

6. The Board will notify the school administrator of a decision not to offer a new, renewed or extended school administrator contract no later than June 1 of the final year of the current contract. The notice shall be sent by certified mail.

D. Dismissal

Any action to demote or dismiss a school administrator during the term of the school administrator's contract shall comply with G.S. 115C-325.

E. Other Administrators

This policy does not apply to the Superintendent, any Assistant Superintendent, or any administrator whose major function does not include the direct or indirect supervision of teaching or of any other part of the instructional program.

LEGAL REF: G.S. 115C-45, -47, -271, -276, -278, -284, -287.1, -325. et seq., Tobe-Williams v. New Hanover Co. Bd. Of Educ., N.C. App., 759 S.E.2d 680 (2014)

ADOPTED: February 7, 2005

4400/5125 PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING

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.

Students are expected to comply with the behavior standards established by board policy and the student code of 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 system's Code of Student Conduct (Policy 4210). 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 2100, Visitors to 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.

~~It is possible for~~ Harassment, including sexual or gender-based harassment, ~~is not limited to specific to occur in various situations. For example,~~ harassment 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. 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 assault, 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.

c. 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 4410/5130, 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, and on cell phones and 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 established in policy 4410/5130, Discrimination, Harassment, and Bullying Complaint Procedure. The superintendent must ensure that each school principal provides a copy of this policy and policy 4410/5130 to students, employees, and parents or other responsible care givers at the beginning of each school year. This policy In addition, both policies 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 has appointed and will publish the names, office addresses and phone numbers of 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 names, office addresses and phone numbers the "Title IX coordinator" (for sex discrimination) and the "Section 504" and "ADA coordinator(s)" (for discrimination on the basis of disability) 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 coordinators. The coordinators shall coordinate the school system's efforts to comply with and carry out its Title IX, Section 504 and ADA responsibilities, which include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504, or the ADA, or alleging actions which would be prohibited by those laws.~~

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 REF: 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 of Civil Rights, (April 4, 2011) ; *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5,-407.9 through -407.12; 126-16; State Board of Education Policy HRS-A-007000

Cross References: Visitors to Schools (policy 2100), Use of School Buildings for Community Purposes (policy 2420), Section 504/ADA Policy (policy 3420), Code of Student Conduct (policy 4210), Discrimination, Harassment, and Bullying Complaint Procedure (policy 4410/5130), Recruitment and Selection of Personnel (policy 5020), Retention and Nonrenewal (policy 5300), Employee Grievance Policy (5320), Dismissal (policy 5450)

ADOPTED

AMENDED: January 11, 2010

4410/5130 DISCRIMINATION, HARASSMENT AND BULLYING COMPLAINT PROCEDURE

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 4400/5125, 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

Days are the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following receipt of the complaint. When a complaint is submitted on or after May 1, time limits will consist of all weekdays (Monday–Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

5. Investigative Report

The investigative report is a written account of the findings of the investigation conducted in response to a complaint.

6. Investigator

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

7. 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 4400/5125 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 shall 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, regardless of the alleged victim's willingness to cooperate. 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. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;

b. an immediate supervisor if the individual making the complaint is an employee;

c. the director of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the director of human resources is the alleged perpetrator);

d. the Title IX coordinator for claims of sex discrimination or sexual harassment; or

e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability.

f. for claims of other forms of prohibited discrimination, the applicable civil

rights coordinator as established in policy 1710/4021/7230.

g. In addition, complaints may be filed with:

Office for Civil Rights

U.S. Department of Education

2. Time Period for Filing a Complaint

A complaint should be filed as soon as possible but no later than 30 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; however, mediation or other informal procedures will not be used to resolve complaints alleging sexual assault or sexual violence complaints by a student of sexual harassment perpetrated by an employee, or when otherwise inappropriate. Informal procedures may be used only if the parties involved voluntarily agree.

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 end the informal process and begin formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. Any informal process should be completed within a reasonable period of time, not to exceed 30 days unless special circumstances necessitate more time.

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.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows:

i. If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the director of human resources, the superintendent or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the director of human resources or designee.

ii. If the alleged perpetrator is the principal, the director of human resources or designee is the investigator.

iii. If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the director of human resources or designee is the investigator unless the alleged perpetrator is the director of human resources, the superintendent or a member of the board.

iv. If the alleged perpetrator is the director for human resources, the superintendent or designee is the investigator.

v. 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 director 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.)

vi. 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, or 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 4400/5125.

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 4400/5125. 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) individuals identified as witnesses by the complainant or alleged perpetrator(s); and (4) any other individuals, including other possible victims, who may have relevant information. The investigation will include a review of all evidence presented by the complainant or alleged perpetrator.

b. The complaint and investigation will be kept confidential to the extent possible. 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 4400/5125.

c. The investigator shall review the factual information gathered through the investigation to determine whether, based on a preponderance of the evidence, 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 submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504 or ADA coordinator.

b. The investigator shall ~~notify~~ provide written notification to the complainant of the results of the investigation within 15 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:

i. reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment or bullying and prevent it from recurring;

ii. as needed, reasonable steps to address the effects of the discrimination, harassment or bullying on the complainant; and

iii. as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

c. 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).

d. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 4400/5125. 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.

e. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment or bullying.

4. Appeal of Investigative Report

a. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the director for human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection ED.4.b below). The appeal must be submitted in writing within five days of receiving the investigative report. 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 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 within five days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to policy 2500, Hearings Before the Board, and will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

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 4400/5125.

LEGAL REF: 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 (2001); *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-407.10; State Board of Education Policy HRS-A-007

CROSS REF: Code of Student Conduct (policy 4210), Due Process (policy 4220), Prohibition Against Discrimination, Harassment and Bullying (policy 4400/5125), Student and Parent Grievances (policy 4500)

ADOPTED:

AMENDED: January 11, 2010

6040 BIDDING FOR CONSTRUCTION OR REPAIR WORK

A. Informal

Informal bids shall be obtained for construction and repair contracts between \$5,000 and \$500,000. Quotations from contractors may be solicited by telephone or written quotes. Informal bids are recommended, but not required, for construction and repair work costing less than \$5,000. Contracts involving expenditures exceeding \$50,000 must receive prior approval from the Board. See Board Policy 6000, Purchase of Equipment, Materials, and Supplies for procedures governing expenditures less than \$50,000.

All contracts for construction or repair work costing less than \$500,000 shall comply with the requirements of state law. Dividing contracts to evade the informal bidding requirements is prohibited.

The standards for awarding informal contracts are the same as those standards for formal ones. Such contracts shall be awarded to the lowest responsible bidder, considering quality and the time specified in the bids for performance on the contract.

Records of all informal bids shall be kept by the initiator of the purchase requisition for the time required by statute or regulation and shall be available to public inspection. Such records should include the date the bid is received, from whom it is received, and for what project. If an award is made to other than the low bidder, the reasons for such an award should be thoroughly documented.

B. Formal

Construction and repair work requiring the estimated expenditure in excess of \$500,000 shall be bid using formal bidding procedures in accordance with state law. Dividing contracts to evade these requirements is prohibited.

All construction or repair contracts which require public advertising and competitive bidding shall be awarded by action of the Board upon the recommendation of the Superintendent or his/her designee.

C. Regulations

The Superintendent shall develop regulations and procedures for the implementation of this policy.

LEGAL REFERENCE: G.S. 115C-521, -522; -524; 143-64.31 and -128 to -135

CROSS REFERENCE: Minority Business Enterprise Participation in Construction and Contracts Policy (6050)

ADOPTED: February 7, 2005

AMENDED: March 10, 2014

6090 FACILITY DESIGN

The Board is committed to the design of new and renovated facilities in a manner that maximizes the use of space, conserves environmental resources, and produces structurally sound and safe buildings. All school buildings should be designed to create safe, orderly and inviting learning environments where students can succeed.

6090.1 The Superintendent or designee may employ the services of outside professionals, including architects and other consultants, for the design and construction of new buildings or renovations to existing buildings for projects approved by the Board. The design of all new buildings shall comply with all state and local laws, rules and regulations and the guidelines issued by the State Board of Education. The Superintendent or designee shall submit the required cost and feasibility information and the plans and specifications for the construction of new buildings to the State Board for its review and comments in accordance with G.S. 115C-521(c). The Superintendent or designee, in consultation with an architect or other design professional, shall review the plans based upon a consideration of the State Boards comments. The Superintendent or designee shall consider the State Boards review of facility plans conducted pursuant to G.S. 115C-521(c) and will specifically address any concerns noted by the State Board before the Board invests any money in the construction of any new building.

6090.2 All contracts for design and construction will be reviewed by the Board's attorney before consideration by the Board.

6090.3 The Board shall approve all designs for new facilities and major renovations.

6090.4 Plans for science facilities in new middle and high schools are subject to approval by the State Board of Education in accordance with G.S. 115C-521(c1) and State Board of Education policy. The superintendent shall report periodically to the board on the development of facility plans. The superintendent also shall report on the State Board's review of facility plans conducted pursuant to G.S. 115C-521(c) and this policy and must specifically address any concerns noted by the State Board. The board must give final approval of facility plans before any money may be spent on new buildings or renovations.

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

ADOPTED: February 7, 2005

AMENDED:

6310 FIRE AND OTHER EMERGENCY DRILLS

Fire Drills

It shall be the duty of the principal to conduct a fire drill during the first week after the opening of school and thereafter at least one fire drill each calendar month, in each building in the principal's charge, where children are assembled. Fire drills shall include all pupils and school employees, and the use of various ways of egress to simulate evacuation of said buildings under various conditions, and such other regulations as shall be prescribed for fire safety by the Commissioner of Insurance, the Superintendent of Public Instruction and the State Board of Education. A copy of such regulations shall be kept posted on the bulletin board in each building.

Other Emergency Drills

The Superintendent will insure that special drill activities will be planned by the principals to assure orderly movement and assembly of students in the safest available building area.

Planning for Emergencies

The superintendent shall develop system-wide plans and procedures to address emergency situations. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the School Risk Management Plan and the School Emergency Response Plan. The superintendent must also provide the Division and local law enforcement with schematic diagrams, including digital schematic diagrams of all school facilities and 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. Schematic diagrams must meet any standards established by the Department of Public Instruction for the preparation and content of the diagrams. In addition, the superintendent shall provide local law enforcement with emergency access to key storage devices for all school buildings and with updated access to school building key storage devices when changes are made to the devices.

Legal References: G.S. 14-208.18; 115C-36, -47, -81.4, -105.49, -105.53, -105.54, -166, -288, -289.1, -307, -390.3, -391.1, -521, -524, -525

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6450 CONTRACT TRANSPORTATION

To meet its student transportation needs, the Board may enter into private contracts with any person, firm or corporation for the transportation of students for any purpose for which the school system is authorized to operate public school buses in accordance with state law. The vehicles and drivers used under a private contract shall comply with all applicable state and federal laws and school board policies and regulations. The Superintendent may develop guidelines regarding the use of contract transportation.

Legal References: 49 U.S.C. 30125, 30165; G.S. 115C-42, -47(25), -239, -240, -247, -249, -249.1, -253, -255; North Carolina School Transportation Fleet Manual, State Board of Education Policy TCS-H-005; State Board of Education Policies TCS-H-009, -010, -011; School Charter Transportation Recommended Guidelines and Procedures,

Cross References: Purchase of Equipment, Materials, and Supplies (policy 6000), Purchase Orders and Contracts (policy 6010)

ADOPTED: February 7, 2005

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