



Eastern NC School for the Deaf

Board of Trustees Policy Manual

9-23-2024

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1000

1710- Discrimination and Harassment Prohibited By Federal Law

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, sex, color, national origin, religion, disability, or age (40 or older), 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 or harassment in any of its education activities or programs. All forms of prohibited discrimination and harassment are subject to this policy except the following, for which the board has established more specific policies.

- Discrimination and harassment on the basis of sex is addressed in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.
- Discrimination and harassment in employment is addressed in policy 7232, Discrimination and Harassment in the Workplace.

In addition, the process set out in this policy for bringing complaints does not apply to the following.

- Complaints of sexual harassment will be brought in accordance with the processes established in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process.
- Employee allegations of discrimination or harassment will be addressed using the process established in policy 7232, Discrimination and Harassment in the Workplace.
- Allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

The board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The superintendent is responsible for providing effective notice of this policy to students, parents, and employees.

The board encourages students, visitors, and other non-employee individuals who believe that they may have been discriminated against or harassed in violation of this policy, (including on the basis of disability, as specified in policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities), to report such conduct as soon as possible through the process provided in Section B of this policy. Employees who believe that they may have been discriminated against or harassed should report through the process provided in policy 7232, Discrimination and Harassment in the Workplace. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination or harassment may report the conduct to an individual designated in Section B of this policy.

Any report made through the process established in this policy may be made anonymously, except mandatory employee reports.

A. PROHIBITED BEHAVIOR

Students, agency employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination and harassment as defined below by students, employees, board members, volunteers, or visitors. “Visitors” includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the agency.

1. Discrimination

Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the agency that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a legally-protected class so as to interfere with or limit their ability to participate in or benefit from the services, activities, or privileges offered by the agency’s education program. For purposes of this policy, the legally protected classes are race, color, national origin, religion, and disability.

2. Harassment

Prohibited harassment is deliberate unwelcome conduct directed at another person or group of persons based on their membership in a legally protected class that creates a hostile environment. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a

hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person's ability to participate in or benefit from the services, activities, or opportunities offered by the agency.

Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, 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. Harassment may occur through electronic means, such as through the Internet, email, or text message. Legitimate age-appropriate pedagogical techniques are not considered harassment.

3. Application of the Policy

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; or (6) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

B. REPORTING DISCRIMINATION OR HARASSMENT

1. Any person who believes that he or she has been discriminated against or harassed in violation of this policy by any student, employee, or other person under the supervision and control of the agency, or any third person who knows or suspects conduct that may constitute discrimination or harassment should inform a school official designated in Section C below. Reports also may be made anonymously through the anonymous tip line.
2. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that a student or other individual may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about whether particular conduct is possible discrimination or harassment under this policy or any other policy of the board must be resolved in favor of reporting the conduct.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

3. Preliminary Inquiry

School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. COMPLAINTS OF DISCRIMINATION AND HARASSMENT

1. A student, visitor, or other non-employee individual who believes he or she is the victim of unlawful discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to unlawful discrimination or harassment under this policy, may make a formal written complaint to any of the following persons:
 - a. the superintendent or principal;
 - b. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or
 - c. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the senior human resources official without delay.

2. A written complaint alleging that a student has been discriminated against or harassed will be addressed in accordance with this policy.

A written complaint alleging that an employee has been discriminated against or harassed will be addressed in accordance with policy 7232, Discrimination and Harassment in the Workplace.

A written complaint alleging that person who is not a student or employee has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in policy 1742/5060, Responding to Complaints, not this policy.

3. Time Period for Making a Complaint

Alleged discrimination or harassment should be reported 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.

D. SCHOOL OFFICIALS' RESPONSE TO REPORTS AND COMPLAINTS OF DISCRIMINATION OR HARASSMENT

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated at the discretion of school officials and may be investigated even if the alleged victim does not seek action by school officials.

- a. The principal will be the investigator when the alleged perpetrator is a student or third party. The senior human resources official or designee will be the investigator when the alleged perpetrator is an employee. The superintendent may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the senior human resources official, the superintendent will be the investigator, and (2) if the alleged perpetrator is the superintendent or a member of the board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

- b. As applicable, the investigator shall immediately notify the Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may request assistance from the coordinator in conducting the investigation.
- c. If the investigator, after interviewing the complaining party and/or the alleged victim and consulting with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and the process for addressing the complaint will be provided to the complaining party.
- d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances, and in consultation with the board attorney as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

- e. The complaint and investigation will be kept confidential to the extent possible and consistent with law. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information.

2. Investigator's Findings

- a. If the investigator finds that discrimination occurred, the investigator shall take or recommend steps to address the discrimination.
- b. If the investigator finds that harassment occurred and created a hostile environment, the investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the hostile environment and prevent

its recurrence.

- c. If the investigator finds that the conduct did not violate this policy but violated policy 4329/7311, Bullying and Harassing Behavior Prohibited, or another board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.
- d. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.
- e. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

- a. The superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:
 - i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;
 - ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and
 - iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.
- b. Appropriate steps to end discrimination and harassment may include, but are not limited to, separating the parties, providing counseling for the parties, and/or taking disciplinary action against a perpetrator determined to have violated this policy. The superintendent may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the

discrimination or harassment. The superintendent also may implement or direct the implementation of classroom-wide, school-wide, or agency-wide responses such as additional staff training, harassment prevention programs, and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

- c. The applicable civil rights coordinator shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. APPEALS

1. If the alleged victim is dissatisfied with the outcome of the investigation, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the superintendent, in which case the alleged victim may appeal directly to the board in accordance with the next paragraph). The appeal must be submitted in writing within three school business days of receiving the notice of the outcome of the investigation. The superintendent may review the documents, conduct any further investigation necessary, or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.
2. Student victims may appeal the superintendent's decision to the board in accordance with subsection E.5.a of policy 1740/4010, Student and Parent Grievance Procedure. Employees may appeal the superintendent's decision to the board in accordance with subsection E.4.a of policy 1750/7220, Grievance Procedure for Employees.
3. Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

F. RETALIATION PROHIBITED

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual who

makes a good faith report of discrimination or harassment. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

G. TRAINING AND PROGRAMS

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and complaint procedure in this policy and those in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process, must be included in the training plan.

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

H. RECORDS

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination or harassment. 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 agency to provide an environment free of discrimination and harassment.

I. CONTACTS FOR INQUIRIES

The superintendent has appointed individuals to coordinate the agency's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including

investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the designated civil rights coordinators is:

Simone Leigh

Office Address: **Woodard Hall, 211A**

Email Address: **simone.leigh@encsd.k12.nc.us**

Phone Number: **252-206-7362**

The contact information for the U.S. Department of Education Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW

Washington, DC 20202-1475

Telephone: 202-453-6020 TDD: 800-877-8339

FAX: 202-453-6021 Email: OCR.DC@ed.gov

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; 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; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994), available at <https://www2.ed.gov/about/offices/list/ocr/docs/race394.html>; *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter (Harassment and Bullying)*, U.S. Department of Education, Office for Civil Rights (2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; G.S. 115C-407.15 through -407.18; 126-16; 16 N.C.A.C. 6E .0107; *Parent Rights & Responsibilities in Special*

Education, (N.C. Dept. of Public Instruction, Exceptional Children Division), available at <https://ec.ncpublicschools.gov/parent-resources/parents-rights-handbook>

Cross References: Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the Board (policy 2500), Staff-Student Relations (policy 4040/7310), School Plan for Management of Student Behavior (policy 4302), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030), Discrimination and Harassment in the Workplace (policy 7232)

Adopted: June 26, 2024

1730- Nondiscrimination on the Basis of Disabilities

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

The superintendent is directed to develop appropriate procedures to implement this nondiscrimination policy. The superintendent or designee shall:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;
2. designate a person to coordinate the system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and its regulations;
3. designate a person to coordinate the system's efforts to comply with the Americans with Disabilities Act and its regulations;
4. publish the name, office address, and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, parents, and other individuals who participate in the agency's programs are aware of the coordinator(s);
5. make complaint procedures available as provided in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;
6. provide notice that the agency does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students, and parents;
7. make reasonable accommodations for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the service, program, or activity;

8. not inquire about any disabilities that may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are demonstrably job-related and effective alternatives are not available;
9. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and
10. establish and implement a system of procedural safeguards with respect to the identification, evaluation, or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

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

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Service Animals in Schools (policy 4202/5029/7272)

Adopted: June 26, 2024

1760- Prohibition Against Retaliation

Board members and employees are expected to be honest and ethical in the performance of their duties and to comply with applicable federal, state, and local laws, policies, and regulations. The board encourages employees to report possible financial improprieties, ethical violations, and other illegal practices and intends that employees who report such matters in good faith will not be subject to retaliation or other adverse employment consequences.

If an employee reasonably believes that (1) there has been a violation of federal, state, or local law, policy, or regulation, public policy, or an individual's ethical duties and (2) the violation is due to a practice, policy, act, or omission of the board of education, an individual board member, a agency employee, or an entity/person with whom the agency has a business relationship, the employee should report that matter in accordance with policy 1750/7220, Grievance Procedure for Employees, unless a policy with a more specific reporting or complaint procedure applies. Any complaint alleging a violation by the superintendent, or the board should be filed with the board chair for investigation. The board chair will report the complaint to the board, and the board will authorize a prompt and thorough investigation or other action as necessary.

The board prohibits and will not tolerate any form of reprisal, retaliation, or discrimination against any employee who (1) in good faith, has made or intends to make a report of wrongdoing described in this policy; or (2) has refused to carry out a directive which may constitute a violation of federal, state, or local law, policy, or regulation, or poses a substantial or specific danger to public health and safety.

To be protected by this policy, employees who report violations or suspected violations must be acting in good faith based on a reasonable belief that the reported information represents an unlawful activity, policy, or practice. The protection extends to those whose allegations are made in good faith but prove to be mistaken. The board reserves the right to discipline employees who know or have reason to believe that the report is inaccurate. Further, except as otherwise required by law, the provisions of this policy apply only to those situations in which an employee brings the alleged unlawful activity, policy, or practice to the attention of school officials or the board and provides school officials or the board with a reasonable opportunity to investigate and correct the alleged unlawful activity. If necessary, school officials or the board may specify reasonable steps to protect the complaining employee from retaliation.

Each employee will receive a copy of this policy and will sign a statement verifying his or her receipt and understanding of this policy.

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

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Grievance Procedure for Employees (policy 1750/7220), Code of Ethics for School Board Members (policy 2120), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Discrimination and Harassment in the Workplace (policy 7232), Staff Responsibilities (policy 7300), Employee Conflict of Interest (policy 7730)

Adopted: June 26, 2024

2000

2000- Operational Goals of the Board

The board recognizes the trust and accountability it owes citizens, staff, parents and students in the manner in which it transacts the business of the school. The board strives to conduct itself in accordance with the following operational goals:

1. acting in accordance with the code of ethics, as provided in policy 2120, Code of Ethics for Trustee Board Members;
2. maintaining effective board/director relations;
3. operating cost effectively and efficiently;
4. conducting business openly;
5. meeting requirements and duties for the board as established in board policy or law; and
6. making decisions with the board's goals, objectives and other principles as the guiding focus.

The board will endeavor to evaluate on a periodic basis its efforts to follow these operational goals.

Cross References: Board Authority and Duties (policy 1010), Board and Director Relations (policy 2010), Code of Ethics for School Board Members (policy 2120)

Adopted: September 18, 2024

2010- Board and Superintendent Relations

The board recognizes the importance of an effective working relationship between the board and superintendent. The board further recognizes the distinct and separate areas of responsibility of the board and superintendent of the school. The superintendent is responsible for the administration of the school consistent with the board's policies.

To maintain a cohesive relationship between the board and the school, the superintendent shall serve as secretary of the board and assist all board committees. The superintendent shall keep the board informed of the operation of the school. The superintendent shall make recommendations to the board as required by law and board policy and as otherwise determined appropriate by the superintendent. The superintendent also shall assist the board in making sound decisions and meeting the requirements of law by providing information and advice regarding all matters that require board action or that must by law be reported by the superintendent to the board.

When acting in his or her official capacity, the superintendent shall provide the board with notice in advance if he or she is called upon to speak before the General Assembly, the State Board of Education, the Board of County Commissioners, or other governmental entities on legislation, policy, or political issues of concern to the board. In addition, the superintendent shall keep the board informed when he or she has been asked to comment upon proposed or pending state legislation or policy.

Legal References: G.S. 115C-36, -47, -276

Cross References: Board Authority and Duties (policy 1010), Duties of Officers (policy 2210), Official School Spokesperson (policy 2220)

Adopted: June 26, 2024

2100- Board Member Legal Status

The board of trustees is a state agency with governance over the school and an instrumentality of the State of North Carolina. Members of the board have authority only when acting as a board legally in session. The board will not be bound in any way by any statement or action on the part of an individual member, except when such action is at the specific instruction of the board.

Legal References:

Cross References: Board Authority and Duties (policy 1010)

Adopted: September 18, 2024

2120- Code of Ethics for Trustee Board Members

The board recognizes that, collectively and individually, all members of the board must adhere to a code of ethics as required by G.S. 160A-86 and G.S. 115C-47(57).

A. BOARD MEMBER ETHICAL REQUIREMENTS

The following standards will guide each board member in the performance of his or her official duties:

1. the need to obey all applicable state and federal laws regarding official actions taken as a board member;
2. the need to uphold the integrity and independence of the board member's office;
3. the need to avoid impropriety in the exercise of the board's and board member's official duties;
4. the need to perform faithfully the duties of the office; and
5. the need to conduct the affairs of the board in an open and public manner, complying with all applicable laws governing open meetings and public records.

B. SPECIFIC BOARD MEMBER COMMITMENTS

In order to implement the above standards, each member of the board commits to do the following:

1. attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
2. endeavor to make policy decisions while always keeping in mind the objective of providing students the opportunity to receive a sound basic education and only after

full discussion at publicly held board meetings;

3. render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;
4. model civility and integrity to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members; engaging in respectful dialogue with fellow board members on matters being considered by the board; and complying with all board policies that set expectations for conduct, regardless of whether the policies expressly require compliance by board members;
5. respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of matters discussed in closed session;
6. work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;
7. communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;
8. learn about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national school boards associations;
9. comply with North Carolina General Statute 115C-50 by earning the required 12 hours of training every two years;
10. comply with G.S. 160A-87 by earning two hours of ethics education within 12 months of election or appointment to the board;
11. support the employment of those persons best qualified to serve as school employees and avoid allowing personal relationships and biases to influence decision making;
12. refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to follow the board's complaint or grievance process to resolve concerns;

13. avoid being placed in a position of conflict of interest and refrain from using the board member's position on the board for personal or partisan gain;
14. as stated in board policy 2121, Board Member Conflict of Interest, refrain from participating in, deliberating on, voting on, or attempting to influence any person with respect to any matter pertaining to the employment with the board of the board member's spouse, including but not limited to hiring, transfer, promotion, demotion, suspension, discipline, performance evaluation, or review or investigation of a complaint of any kind;
15. take no private action that will compromise the board or administration; and
16. remember always that a board member's first and greatest concern must be the educational welfare of the students attending the public schools.

All newly appointed board members are expected to sign a code of ethics statement that includes these provisions at the organizational meeting of the board.

Legal References: G.S. 115C-36, -47(1), -47(57), -50; 160A-86, -87; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Member Conflict of Interest (policy 2121), Board Member Opportunities for Development (policy 2123)

Adopted: June 26, 2024

2121- Board Member Conflict of Interest

The board and each member of the board recognize that they are subject to North Carolina's criminal laws related to conflicts of interest in public office and that a board member may not use his or her office for personal benefit. The board and each member of the board further recognize that they are subject to the standards established by the federal government for recipients of federal grants as specified in policy 8305, Federal Grant Administration. The board and each member of the board understand that violation of state and federal laws and regulations on conflicts of interest may result in conviction of a crime, may render a contract of the board void, or may result in loss of federal funds. In keeping with the ethical duties specified in policy 2120, Code of Ethics for Board of Trustee Members, board members will not let any personal or business interest interfere with their duties as public officials.

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

1. A board member will not solicit or receive personal financial gain from the school by means of intimidation, undue influence, or misuse of school employees in violation of G.S. 14-234.2.
2. A board member will not derive a personal benefit from a contract with the school in violation of G.S. 14-234. Specifically, a board member will not:
 - a. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;
 - b. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the board member will obtain a direct benefit from the contract; or
 - c. solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract.

For purposes of G.S. 14-234, a board member is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A board member is involved in making a contract if he or she participates in the development of the specifications or terms of the contract or participates in the preparation or award of the contract. A board member is also involved

in making a contract if the board takes action on the contract, even if the specific board member did not actually participate in that action, unless the contract is approved under an exception to the law under which the board member is allowed to benefit and is prohibited from voting.

A board member derives a direct benefit from a contract if the board member or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board and the spouse of a board member. However, the board member involved will not (1) deliberate or vote on the spouse's employment contract; (2) attempt to influence any other person who is involved in making or administering the contract; or (3) participate in, deliberate on, vote on, or attempt to influence any person with respect to any other matter pertaining to the board member's spouse's employment with the school, including but not limited to hiring, contract renewal, transfer, promotion, demotion, suspension, discipline, performance evaluation, or review or investigation of a complaint of any kind.

3. A board member who is also a director, officer, or governing board member of a nonprofit will not (1) knowingly vote on, participate in deliberations on, or administer any contract with that nonprofit; (2) influence or attempt to influence the deliberation or vote of others on any such contract; or (3) solicit or receive any gift, reward, or other benefit in exchange for recommending, influencing, or attempting to influence the award of such contract in violation of G.S. 14-234.3. Once the board member's recusal is recorded in the minutes of the board, the board may enter into or administer the contract.
4. A board member will not deliberate on, vote on, or otherwise engage in the selection, award, or administration of a contract supported in whole or part by federal funds when he or she has a real or apparent conflict of interest under federal rules as provided in 2 C.F.R. 200.318(c)(1) and policy 8305, Federal Grant Administration. For purposes of this paragraph, a conflict of interest arises when a board member or his or her spouse, immediate family member, or partner, or the employer or pending employer of any of those persons, has a financial or other interest in or receives a tangible personal benefit from a firm considered for the contract. Any such conflict must be disclosed to the awarding agency.

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

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

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

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

Legal References: 2 C.F.R. 200.112 and 200.318(c)(1); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, -234.1, -234.2, -234.3; 133-32; Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Code of Ethics for School Board Members (policy 2120), Ethics and the Purchasing Function (policy 6401/9100), Employee Conflict of Interest (policy 7730), Federal Grant Administration (policy 8305)

Adopted: June 26, 2024

2122- Role of Board Members in Handling Complaints

An individual board member who receives a complaint or inquiry from a parent or interested citizen concerning a school matter shall refer the complainant to the school director who will determine an appropriate means of responding to the complaint. When appropriate, the member may advise the complainant of the procedures in place for making such complaints.

The director shall advise the board chair and vice chair of the existence of all formal complaints and the means of response. The board attorney also may be notified of the complaint.

Individual board members shall refrain from taking individual action with regard to such complaints other than referring them to school director.

Cross References:

Adopted: September 18, 2024

2125- Confidential Information

Employees and board members have an absolute duty to maintain the confidentiality of records as required by law. Employees and board members, by the nature of their positions, are exposed to confidential information that should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee or board member who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or the director for human resources (for employees) or from the director or board attorney (for board members). When violations occur, appropriate disciplinary action will be taken.

A. PERSONNEL FILES

It is a criminal violation for an employee or board member to do either of the following:

1. knowingly, willfully, and with malice permit any unauthorized person to have access to information contained in a personnel file; or
2. knowingly and willfully examine, remove, or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

B. STUDENT RECORDS

Employees and board members shall safeguard the confidentiality of student records as provided in policy 4700, Student Records.

C. HANDLING AND TRANSMITTING PERSONALLY IDENTIFIABLE INFORMATION

The director or designee is directed to establish and enforce processes and protocols for the secure handling and electronic transmission of personally identifiable information of students and employees.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g

Cross References:

Adopted: September 18, 2024

2200- Election of Officers/Organization of Board

Beginning July 1, 2025, the board will 1) elect a chairperson and a vice-chairperson to serve for a term of two years or until his or her successor is elected and 2) hold an organizational meeting for the election and qualification of officers at the regularly scheduled July meeting of the board and as often thereafter as the board will determine appropriate. The officers will be elected in the following order: chairperson, vice-chairperson.

If the chairperson or vice-chairperson resigns from office, the position will be filled at the next regular meeting of the board. The individual elected must have the majority vote of all members present.

If necessary, at any meeting held to elect officers, the director or board attorney will conduct the election of the chairperson and vice chairperson.

Adopted: September 18, 2024

2210- Duties of Officers

The designated officers of the board will be the chairperson, vice-chairperson, secretary, and clerk.

The officers of the board will perform all duties and exercise the authority imposed or conferred upon them by the statutes of the State of North Carolina and by the State Board of Education.

A. DUTIES OF THE CHAIRPERSON

1. The chairperson has the following duties:
 - a. preside at all meetings of the board;
 - b. preserve order at all times;
 - c. appoint all committee members and chairpersons;
 - d. serve as ex-officio member of all committees;
 - e. call special meetings; and
 - f. sign official agency documents.

The chairperson will perform all duties required of the office by law and execute all documents on behalf of the board.

2. In order to address the board, a member must be recognized by the chairperson. The chairperson has the following powers:
 - a. to rule motions in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes;
 - b. to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks;
 - c. to entertain and rule on questions of parliamentary procedure;
 - d. to call a brief recess at any time; and
 - e. to adjourn in an emergency.
3. The chairperson will have a vote on all matters for which a motion is made and will serve as spokesperson of the board for communicating the board's position to the

public.

B. DUTIES OF THE VICE-CHAIRPERSON

In the absence of the chairperson, the vice-chairperson of the board will assume all the rights and responsibilities of the chairperson and will perform other duties assigned by the chairperson.

C. APPOINTMENT OF A CHAIRPERSON PRO TEMPORE

In the absence of both the chairperson and vice-chairperson, the board may elect a chairperson pro tempore for that meeting only, and the appointment of such temporary officer will be noted in the minutes. While so serving, a chairperson pro tempore performs the regular duties of the chairperson.

D. DUTIES OF THE BOARD SECRETARY AND BOARD CLERK

The director shall serve as ex-officio secretary to the board. The director shall assist the chairperson in creating draft Board minutes for approval and the clerk shall keep the minutes of the meetings of the board. Neither shall have a vote. If the director is excluded for a closed session, the board may elect one of its members to serve temporarily as secretary to the board.

In addition,

1. The clerk shall record all proceedings of the board;
2. The clerk shall issue all notices and orders that may be made by the board;
3. The clerk shall ensure that the minutes of the meetings of the board are promptly and accurately recorded in the minutes book, which must be kept in the office of the director and be open to public inspection during regular business hours;
4. The director shall manage all correspondence on behalf of the board, unless the board directs otherwise;
5. The director shall prepare and distribute copies of the agenda as required by law and board policy;
6. The director shall maintain board members' manuals of policies and administrative regulations in current status or, alternatively, ensure board members have effective access to the current electronic versions of the manuals;
7. The director shall advise the board of policies previously adopted that affect items on the agenda requiring policy consideration; and
8. perform other duties as required by state law or board policy.

Legal References:

Cross References:

Adopted: September 18, 2024

2220- Official School Spokesperson

The official spokespersons of the school will be the chairperson of the board or designee and the director and designees. Any person speaking in an official capacity shall conduct his or her assignment from the standpoint of the best interests of the board, the school, and the school community, not as a representative of his or her own personal ideas or feelings. In addition, the director and other school employees who are called on to speak in their official capacities as employees of the school shall communicate the position of the school board when asked to comment on legislative, policy, or political issues.

Legal References:

Cross References: Board Authority and Duties (policy 1010), Board and Director Relations (policy 2010), Code of Ethics for School Board Members (policy 2120)

Adopted: September 18, 2024

2230- Board Committees

A. STANDING COMMITTEES

The board may organize standing committees for the purpose of conducting thorough deliberations and investigations of issues and informing and recommending action to the board as appropriate.

The chairperson of each standing committee and the members of that committee will be named by the chairperson of the board on an annual basis. The assignment of individual board members to these committees will be published each year.

The committee chairperson will preside at all committee meetings and be responsible for reporting to the board on the activities of the committee. The committee chairperson will call meetings and establish an agenda for each committee meeting that includes any item suggested by the superintendent, committee member or board member.

The board chairperson will be an ex-officio member of each committee. The school director or designee shall assist the chairperson of each standing committee in the preparation of the agenda and in ensuring that information is available to the committee during its deliberation of issues.

A standing committee may only make recommendations to the board and has no authority to act on behalf of the board unless specifically authorized by law, board policy or the board.

B. AD HOC COMMITTEES

As time and situations demand, ad hoc committees may be appointed by the chairperson with the approval of the board. Ad hoc committees have no final authority and are subordinate and advisory to the board.

C. OPEN MEETINGS LAW

All committees of the board are public bodies within the meaning of the North Carolina Open Meetings Law and are subject to all requirements of that law pertaining to notice, closed sessions, minutes, voting and penalties (see policy 2320, Compliance with the Open Meetings Law).

Legal References: G.S. 143-318.9 *et seq.*

Cross References: Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321)

Adopted: September 18, 2024

2300- Board Meetings

The board, as a corporate body, may transact business only at official meetings of the board. An individual board member has no authority to act absent the delegation of authority by the board at an official meeting.

As defined by law, an official meeting of the board includes any meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means (including email or text messages) of a majority of the members of a public body for the purpose of considering any matter related to the school including conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business of the public body. However, attending a public event, ceremonial occasion, social occasion or other informal gathering of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of the open meetings law.

A. Types of Meetings

While the board is determined to operate efficiently, it also is mindful of the importance of thoughtful planning and discussion prior to taking formal action. Regular meetings will be held at a predetermined time and place to conduct the business of the board. In addition, the board may hold specially-called meetings and emergency meetings as it deems necessary to act in a timely manner and provide its members and executive staff with the opportunity to have an exchange of ideas and receive input from other staff, parents, students, and the community.

B. REGULAR MEETINGS

The director shall keep on file the schedule of regular meetings with the predetermined time and place. The schedule will be revised only in accordance with legal requirements for notice. The Board shall meet at least quarterly each fiscal year.

C. EMERGENCY MEETINGS

An emergency meeting may be called in order to address generally unexpected circumstances that require immediate consideration by the board. The chairperson, or the vice-chairperson, if the chairperson is unable to act, or the director shall call an emergency meeting when it is determined that the meeting is necessary and cannot be delayed until 48 hours' notice is provided for a special meeting as described below in Section D.

D. SPECIALLY-CALLED MEETINGS

1. Specially-Called Meetings Generally

Specially-called meetings may be scheduled in between regular meetings of the board or in lieu of a regular meeting during at the pleasure of the Board. Work sessions, retreats, and public hearings are specific types of specially-called meetings. The board chairperson (or the vice-chairperson, if the chairperson is not available) or the director at the direction of the chairperson may call special meetings when deemed necessary. The board chairperson or director shall call a special meeting if a majority of the members of the board so request.

2. Retreats and Workshops

Retreats and workshops are specially-called meetings that may be scheduled in order to give the board more time to deliberate or evaluate issues.

3. Public Hearings

Public hearings are official proceedings during which members of the public are given an opportunity to be heard. Public hearings may be required by law or deemed advisable by the board. Public hearings that are not required by law may be scheduled when the chairperson or director determines that the public hearing is advisable or when a majority of the members of the board so requests. Notice of all public hearings will be provided as required by law and will include the subject, date, place, and time of the hearing as well as any rules regarding participation, such as the length of time for each speaker. The purpose of a public hearing is to gather information and hear opinions from the community.

Generally, board members will respond only to seek clarification. At the appointed time, the chairperson or designee shall call the hearing to order and preside over it in accordance with any rules regarding participation adopted by the board. When the allotted time expires or when no one wishes to speak, the chairperson or designee shall declare the hearing ended.

E. OPEN MEETINGS LAW COMPLIANCE

The board will comply with the open meetings law, including notice of meetings.

Legal References:

Cross References: Compliance with the Open Meetings Law (policy 2320)

Adopted: September 18, 2024

2302- Remote Participation in Board Meetings

The board acknowledges that attendance at board meetings is essential for its members to perform their official duties and to add to the diversity of thought and opinion in the board's deliberations. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent one or more members from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing, have made it possible for members to communicate and deliberate with each other from remote locations. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, G.S. 143-318.9 *et seq.*, the board authorizes remote participation in board meetings.

A. DEFINITIONS

The following definitions apply in this policy:

1. **Official Meeting of the Board**
An official meeting of the board is an official meeting as defined by G.S. 143-318.10 and policy 2300, Board Meetings, and includes a board meeting, board committee meeting, public hearing, quasi-judicial hearing, or any other gathering that constitutes an official meeting subject to the open meetings law. References to "meeting" in this policy mean an official meeting of the board.
2. **Remote Participation**
Remote participation occurs when a member participates in an official meeting of the board or any part thereof via electronic means from a place other than the physical location of the meeting designated in the public notice for the meeting.
3. **Wholly Remote Meeting**
A wholly remote meeting is an official meeting of the board or any part thereof in which all members participate remotely by simultaneous communication via conference telephone, conference video, or other electronic means. A wholly remote meeting has no physical location.
4. **State-Declared Emergency**
A state-declared emergency exists when there has been a declaration of a state of emergency by the Governor or resolution of the General Assembly pursuant to G.S. 166A-19.20 that is applicable to the area under the board's jurisdiction.
5. **Locally-Declared Emergency**

A locally-declared emergency exists when there has been a declaration of a local state of emergency by the governing body of a municipality or county in accordance with G.S. 166A-19.22 that is applicable to area under the board's jurisdiction.

B. AUTHORIZED CIRCUMSTANCES FOR REMOTE PARTICIPATION

1. Meetings During a Declared Emergency

The board acknowledges that in-person meetings are strongly preferred and that a quorum of the board should be physically present for the meeting when reasonably possible. However, in times of emergency, including natural disasters and health emergencies, the board may find it necessary to have some or all of its members participate in meetings remotely.

a. State-Declared Emergency

During a state-declared emergency, wholly remote meetings or meetings with remote participation by individual member(s) will comply with G.S. 166A-19.24 and the requirements of this policy, including the special rules for meetings held during emergencies described in Section E, below.

b. Locally-Declared Emergency

During a locally-declared emergency, wholly remote meetings and meetings with remote participation by individual member(s) will comply with the requirements of the open meetings law, Sections C and D below, and to the extent not inconsistent with G.S. 143-318.13, the procedures established by G.S. 166A-19.24 as described in Section E, below.

2. Meetings Not During a Declared Emergency

a. Wholly Remote Meetings.

The board may hold wholly remote meetings in the absence of a state- or locally-declared emergency.

b. Remote Participation by Individual Members

The board authorizes remote participation by individual members consistent with the requirements of this policy in any meeting of the board that is not a hearing as described in policy 2500, Hearings Before the Board, or other quasi-judicial proceeding.

C. CONDITIONS AND REQUIREMENTS FOR REMOTE PARTICIPATION

1. A member may attend a meeting and participate in board deliberations and decisions by remote participation if the member is prevented from physically attending the meeting due to:
 - a. personal illness, disability, order of quarantine or isolation, government-issued “stay-at-home” mandate, or recommendation of medical provider or public health officials to limit public interaction;
 - b. out-of-town travel;
 - c. unexpected lack of child-care;
 - d. family member illness or emergency;
 - e. weather conditions;
 - f. military service;
 - g. employment obligations;
 - h. a scheduling conflict; or
 - i. a state or local declaration of a state of emergency that makes in-person attendance at a meeting a violation of an order to reduce social contact or to stay at home for reasons of public health.
2. Remote participation is not to be used solely for a board member’s convenience or to avoid attending a particular meeting in person.
3. Acceptable means of remote participation include telephone-, Internet-, or satellite-enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email, and web chat without audio are not acceptable means of remote participation.
4. A board member participating in a meeting remotely shall use his or her best efforts to participate in all or as much of the meeting as circumstances permit and not merely for the closed session portion of the meeting or a limited number of agenda items.

5. A board member participating remotely will be considered present at the meeting for purposes of establishing and maintaining a meeting quorum and will be entitled to participate in open session deliberations at the meeting if, and while:
 - a. the member is able to hear other members of the board and any individuals addressing the board, including members of the public who are recognized by the board during public comment;
 - b. all persons present at the meeting location are able to hear the board member who is participating remotely; and
 - c. when video technology is used, it is preferred that the remote participant is visible to all persons present at the meeting location.
6. A board member who is entitled to participate in open session deliberations may also participate in a closed session of the meeting if the member provides assurance to the board that no other person is able to hear, see, or otherwise participate in the closed session from the member's remote location.
7. A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:
 - a. any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and
 - b. any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such as a few seconds, will not disqualify the member from voting on the matter under discussion.

D. PROCEDURE FOR REMOTE PARTICIPATION

1. A member of the board who desires to participate in a meeting remotely shall, to the extent practicable, notify the board chair and the director at least five days in advance of the meeting so that necessary arrangements can be made. If the member has not already received all documents to be considered at the meeting, the director shall arrange for delivery of the materials in a manner that is practicable under the circumstances.
2. The chair or designee at the meeting location shall initiate contact with the member prior to the start of the meeting to secure participation.

3. The chair shall announce the remote participant and the means of remote participation at the beginning of the meeting.
4. The chair shall remind all members that all chats, instant messages, texts, or other written communications between members of the board regarding the transaction of board business during the meeting, including such communications between or among members participating remotely, are a public record.
5. If the remote participant cannot be physically seen by other members of the board and members of the public present at the meeting, the remote participant must identify himself or herself in each of the following situations:
 - a. when the meeting begins or the roll is taken;
 - b. prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order; and
 - c. prior to voting.
6. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.
7. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.
8. All votes taken will be by voice vote (rather than by a show of hands).
9. The minutes of the meeting will reflect that the meeting was conducted by use of simultaneous electronic communication, which members were in attendance by simultaneous communication, and when such member(s) joined or left the meeting. Any interruption to or discontinuation of a member's participation will also be noted in the minutes.

E. SPECIAL RULES FOR REMOTE MEETINGS DURING A DECLARED EMERGENCY

The following modifications and additions to the requirements of this policy apply to meetings held during a declared emergency.

1. Quasi-judicial hearings may be held remotely with consent of the parties and in conformance with the requirements of G.S. 166A-19.24(f) and this section.
2. Notice of meetings will be provided as required by G.S. 143-318.12 (and 166A-19.24(b1), if the original meeting notice did not specify a remote meeting), and will specify (1) the means by which the public can access the simultaneous live stream of the meeting and (2) any other means by which the public can access the meeting as it occurs.
3. The board need not provide a location for members of the public to listen to the meeting; however, in accordance with G.S. 143-318.13(d), this provision applies only to meetings conducted in accordance with G.S. 166A-19.24 when a **state-**declared emergency exists.
4. All documents to be considered during the meeting shall be provided to each member.
5. The means for simultaneous communication specified in subsection C.4 of the policy must allow for any member to do all of the following:
 - a. hear what is said by the other members;
 - b. hear what is said by any individual addressing the board; and
 - c. to be heard by the other members when speaking to the public body.
6. A member participating by simultaneous communication will be counted as present for quorum purposes only during the period that simultaneous communication is maintained for that member in accordance with subsection C.5, above.
7. The board will refrain from acting by reference to a document or other materials so as to conceal from public understanding what is being deliberated, voted, or acted upon at the meeting.
8. Except when the board is meeting in closed session, the meeting will be simultaneously streamed live online to the public, or if the meeting is conducted by conference call, the public will be provided an opportunity to dial in or stream the audio live and listen to the meeting.

9. If the meeting is a public hearing, the board will allow for written comments on the subject of the hearing to be submitted up to 24 hours prior to the scheduled time for the beginning of the public hearing; however, in accordance with G.S. 143-318.13(d), this flexibility applies only to meetings conducted in accordance with G.S. 166A-19.24 when a **state**-declared emergency exists.
10. Subsection C.3 of this policy will not apply to remote meetings held during a state or local emergency.

Legal References:

Adopted: September 18, 2024

2320- Compliance with the Open Meetings

The board affirms the public policy of this State that hearings, deliberations, and actions of public bodies be conducted openly.

A. APPLICABILITY

All “public bodies” holding official meetings must comply with the requirements of the open meetings law in Article 33C of Chapter 143 of the General Statutes. The term “public bodies” includes the board, any committees of the board, school improvement teams, and, as defined by law, any other committee of two or more members that exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function, unless the committee or group is solely comprised of professional staff.

B. COMPLIANCE

As secretary to the board, the director shall provide required notice and record and maintain minutes, in written form or in the form of audio or audiovisual recording, of all official meetings of the board, board committees, or committees appointed by the board. The principal or designee shall be responsible for compliance with the open meetings law by school improvement teams or any other public bodies at the school level. The director or designee shall make copies of the open meetings law available to any public bodies associated with the school. The board and other public bodies of the school are encouraged to consult the school board attorney in accordance with policy 2610, Board Attorney, to obtain advice on complying with the legal requirements of the open meetings law.

1. Notice

Notice will be given in accordance with law for all regularly scheduled meetings, emergency meetings, and any other meetings, such as public hearings, work sessions, electronic meetings, or retreats.

2. Minutes

For all official meetings, whether held in open or closed session, minutes will be recorded and maintained in accordance with all legal requirements. For meetings, or portions thereof, in which minutes are kept via audio or audiovisual recording, the minutes will be deemed approved when the director has reviewed the recording for accuracy and completeness and has posted the recording to the school website.

3. Closed Sessions

Closed sessions will be held only when required to permit the board to act in the public interest and as permitted by law. A motion to go into closed session must be made and adopted in open session in accordance with the requirements of G.S. 143-318.11(c) and policy 2321, Closed Sessions.

Legal References:

Cross References:

Adopted: September 18, 2024

2321- Closed Sessions

Closed sessions will be held only when required to permit the board to act in the public interest as provided by law.

A. PERMITTED PURPOSES

By majority vote of its members present, the board and other groups subject to the state open meetings law and board policy 2320, Compliance with the Open Meetings Law, may hold or retire to a closed session as permitted by law for the deliberation of the following:

1. to prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or that is not considered a public record within the meaning of Chapter 132 of the General Statutes;
2. to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar awards;
3. to consult with an attorney employed or retained by the board in order to preserve the attorney-client privilege between the attorney and the board, including discussions on the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure;
4. to discuss matters relating to the location or expansion of industries or other businesses in the area served by the board;
5. to establish, or to instruct the board's staff or negotiating agents concerning the position to be taken by or on behalf of the board in negotiating (a) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (b) the amount of compensation and other material terms of an employment contract or proposed employment contract;
6. to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual employed or considered for employment with the school; or to hear or investigate a complaint, charge, or grievance by or against any individual employee;
7. to plan, conduct, or hear reports concerning investigations of alleged criminal misconduct;
8. to formulate plans relating to emergency responses to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by the board or a school improvement team; and
9. to discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

B. ACTIONS THAT MUST BE REPORTED OR TAKEN IN OPEN SESSION

While deliberations may occur in closed session, the following board actions must be taken or reported in open session:

1. if the board has approved or considered a settlement in closed session, the terms of that settlement will be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded. The report should be made in open session unless there is a basis for the report to be heard only in closed session; and
2. final action making an appointment or discharge or removal by the board having final authority for the appointment or discharge or removal.

C. REASONS EXPRESSLY PROHIBITED FOR CLOSED SESSIONS

The following are expressly prohibited by law as a basis for closed sessions:

1. to discuss general policy matters or other issues that would be open merely because an attorney employed or retained by the board is a participant; and
2. to consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the board or another body, or to consider or fill a vacancy among its own membership.

D. PROCEDURE

The board of education will meet in closed session only upon a motion duly made and adopted in public pursuant to G.S. 143-318.11(c). Every motion will cite one or more of the permissible purposes as provided in G.S. 143-318.11(a) and in this board policy. A motion based on the need to prevent the disclosure of information that is confidential or privileged will also cite or name the law that renders the information confidential or privileged. A motion based on the need to consult with an attorney employed by the board regarding the handling or settlement of a lawsuit will identify the parties in the lawsuit.

E. MINUTES

The board will keep minutes of all closed sessions. The minutes of the board must include a general account of the closed sessions so that a person not in attendance will have a reasonable understanding of what transpired.

Cross References:

Adopted: September 18, 2024

2330- Board Meeting Agenda

The chairperson and the director will prepare a proposed agenda for each board meeting. A board member may, by a timely request, have an item placed on the agenda.

Each board member will receive a copy of the proposed agenda four days prior to the meeting, and the proposed agenda will be available upon request for public inspection and/or distribution when it is distributed to the board members. At the meeting, the board shall approve the agenda with any additions or deletions from the proposed agenda as are approved by the majority. After the agenda has been adopted, a two-thirds vote is required to amend the adopted agenda. Any new policy or budgetary items presented as an addendum to the published agenda are not subject to action at the same meeting, unless this provision is waived by majority vote.

Legal References:

Cross References: Duties of Officers (policy 2210)

Adopted: September 18, 2024

2341- Quorum

In order to conduct official business at a regular or special meeting, a quorum of voting members of the board must be present.

If a quorum is not present at any meeting, the chairperson will postpone the meeting until such time as a quorum can be present, provided adequate notice is given pursuant to the Open Meetings Law. Proxy voting will not be recognized by the board.

Legal References:

Cross References:

Adopted: September 18, 2024

2342- Voting Methods

Voting will normally be by voice or like sign vote of each member on all matters coming before the board for action. However, any member may call for a division in which case the vote will be by show of hands. In either event, the minutes will reflect the vote of each member voting and the abstention of any member present but not voting, unless the vote is unanimous.

A board member must vote on all issues unless the member has a conflict of interest or is unable to remain impartial in a judicial matter before the board. If a board member recuses himself or herself from a vote, the member will state the reason before the vote is taken and the reason will be recorded in the minutes.

No secret ballots are permitted. If the board decides, by majority vote, to vote by written ballot, each member must sign his or her ballot, and the ballots must be available for public inspection in the director's office immediately following the meeting and until the minutes are approved. The minutes of the meeting must specify the vote of each member's written ballot. The ballots may be destroyed after the minutes of the meeting have been approved.

Legal References:

Cross References: Board Member Conflict of Interest (policy 2121)

Adopted: September 18, 2024

2410- Policy Development

A. POLICY DEVELOPMENT

The board assigns to the director with the assistance of the board attorney responsibility of continued review and evaluation of the policies adopted by the board and of bringing to the board's attention the need for adopting, revising, or rescinding particular policies.

Any board member, individual, group of citizens, student, or employee may initiate proposals for new policies or changes to existing policies. The initiator must refer the suggestions to the director for study prior to public discussion of the proposal and board action.

As appropriate in the development of proposed new policies or the revision of existing policies, the director may seek input from the board attorney, other professionals, school personnel, parents, students, and citizens.

B. ADOPTION OF NEW POLICIES

New policies introduced and recommended at a board meeting will not be adopted until a subsequent meeting, unless this provision is suspended temporarily by majority vote. Thus, time will be given for further study and for interested parties to react. Temporary approval may be granted by the board in lieu of formal policy adoption to meet emergency conditions or special events that will take place before a policy can be adopted formally.

During discussion of a policy proposal, the views of the public, parents, students, and staff will be considered. Board members may propose amendments at the first or second reading of the policy. An amendment will not require that the policy go through a third reading except as the board determines that the amendment needs further study and that an additional reading would be desirable.

In order for a policy to be considered official board policy, the board must adopt the policy by majority vote and the director must record the policy in the minutes of the board meeting. Unless otherwise specified by the board, a policy is effective as of the date it is adopted by the board.

C. REVISION OR RESCISSION OF EXISTING POLICY

The board may revise or rescind an existing board policy only by majority vote. If a proposal to revise or rescind a policy is included in the published meeting agenda, the board

may take action on the proposal at that board meeting. If, however, a proposal to revise or rescind a policy is presented at the board meeting as an addendum to the published agenda, the board will not take action on the proposal until a subsequent meeting, unless this requirement is waived by a two-thirds majority.

The director is authorized to correct typographical errors in existing policies and to make technical and conforming changes necessitated by changes in state and federal law. Such changes are effective immediately subject to ratification by majority vote by the board at its next board meeting.

D. SUSPENSION OF EXISTING POLICY

The operation of any section or sections of board policies not established by law or contract may be suspended temporarily by majority vote. In addition, such suspended section or sections may be replaced with a temporary section or sections by majority vote of the board.

Cross References: Board Meeting Agenda (policy 2330)

Adopted: September 18, 2024

2430- Dissemination and Preservation of Policies

The director shall establish and maintain an orderly plan for preserving and making accessible the policies adopted by the board and any accompanying administrative procedures or memoranda.

A physical policy manual will be kept at the school offices to serve as the official policy manual of the board and will be available for inspection by the public during regular office hours. An electronic duplicate of the official policy manual will be accessible through the school website. The board intends that the official physical manual and the electronic duplicate will have identical content at all times. However, should a discrepancy between the two arise, it will be resolved in accordance with the board's most recent action on the policy.

The director or designee shall update both the physical policy manual and the electronic copy in a timely manner as new policies are adopted and existing policies are revised or rescinded by the board.

Legal References:

Cross References: Policy Development (policy 2410)

Adopted: September 18, 2024

2470- Administrative Procedures

The director is responsible for developing administrative procedures necessary to implement board policies.

In developing procedures, the director may consult, as appropriate, with the principal and other school personnel, parents, students, the board attorney, and other professionals and citizens. The director may establish formal administrative procedures or use less formal documents, such as memoranda, so long as the documents are preserved and disseminated in accordance with board policy. The board may review an administrative procedure at any time and direct the director to modify, expand or omit the procedure.

Legal References:

Cross References: Dissemination and Preservation of Policies (policy 2430)

Adopted: September 18, 2024

2500- Hearings Before the Board

Board hearings, unless otherwise specified by law or board policy, will be informal. Legal rules of evidence will not apply. Upon authorization of the board, the chair may designate a panel of two or more board members to hear and act on behalf of the board unless otherwise required by law.

For hearings held as permitted by Board policy or applicable law, the director shall ensure that notice is provided and a record of the hearing is made. The board chairperson, or board member serving as chairperson of a board panel, will establish any other hearing procedures to be followed in a particular hearing in consultation with the board attorney.

Board hearings will be conducted in accordance with the Open Meetings Law and all other applicable laws and board policies.

Legal References: G.S.143-318.11

Cross References:

Adopted: September 18, 2024

2610- Board Attorney

The board shall employ or contract with private counsel to provide advice and representation for the board and school. Any attorney retained by the board or the director through school funds represents the legal entity of the school and not any individual board member or administrator.

The director may consult with the board attorney as needed to carry out administrative operations and to protect the board and school from liability. In addition, staff designated by the director may consult with the board attorney.

The chairperson of the board normally will decide for board members when to seek legal advice or assistance on school matters. If an individual member of the board desires to consult directly with the attorney, the board member must notify the chairperson of the legal information to be sought. If it is determined that legal assistance is necessary and has not been sought previously for this matter, the board member will be directed to consult individually with the attorney. Questions raised by members of the board and the board attorney's replies will be reported to all board members.

Unless a legal conflict arises, the attorney-client privilege belongs to the board of trustees as a whole.

Legal References:

Cross References:

Adopted: September 18, 2024

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5025- Prohibition of Drugs and Alcohol

The board prohibits the possession or use of illegal drugs and the possession or consumption of alcoholic beverages, including beer, malt liquor, and wine, on property owned or occupied by the school. Any person who possesses, consumes, uses, or appears to be under the influence of alcoholic beverages or illegal drugs will be asked to leave the school property or event immediately and, if he or she fails to do so, may be arrested and prosecuted for criminal trespass, disorderly conduct, or any other charge that may be appropriate.

Student conduct is further governed by policy 4325, Drugs and Alcohol. Employee conduct is further governed by policy 7240, Drug-Free and Alcohol-Free Workplace.

Legal References: 21 U.S.C. 812; 21 C.F.R. 1300.01-.04 and 1308.11-.15; G.S. 18B-301; 90-89 to -94; 115C-36, -40, -47

Cross References: Drugs and Alcohol (policy 4325), Community Use of Facilities (policy 5030), Drug-Free and Alcohol-Free Workplace (policy 7240)

Adopted: June 26, 2024

5026- Smoking and Tobacco Products

The board of trustees promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the school board, or at school-related or school-sponsored events is detrimental to the health and safety of students, staff, and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco-free policy that prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, the term “tobacco product” means any product that contains or is made or derived from tobacco and is intended for human consumption, including all lighted and smokeless tobacco products, as well as electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.

1. All employees and other persons performing services or activities on behalf of the school, including volunteers, and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.
2. In addition, persons attending a school-sponsored event at a location not specified in subsection 1 above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) in an area where use of tobacco products is otherwise prohibited by law.
3. Nothing in this policy prohibits the use of tobacco products for an instructional or research activity conducted in a school building, provided that such activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing, or otherwise ingesting tobacco.
4. The administration will consult with the county health department and other appropriate organizations to provide employees with information about support systems and programs to encourage employees to abstain from the use of tobacco products. The school may, from time to time, provide free non-smoking programs and services to employees of the school after the regular school day.
5. The superintendent and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students, and visitors that the use of tobacco products by any person is prohibited at all times in or

on school property.

6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel, and the public.
7. All school personnel are required to adhere to and enforce this policy and other policies, rules, or regulations addressing the use of tobacco products.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; 21 U.S.C. 321 (rr); 21 C.F.R. 1100 *et seq.*; G.S. 14-313; 115C-47(18), -407

Cross References: Tobacco Products – Students (policy 4320)

Adopted: June 26, 2024

5027- Weapons and Explosives Prohibited

The board of trustees is committed to providing a safe school environment that is free from violence, to the maximum extent possible. Except as otherwise specified in this policy, employees, visitors, and other persons are prohibited from possessing, carrying, using, or threatening to use, or encouraging another person to possess, carry, use, or threaten to use, weapons or explosives on school property or while attending curricular or extracurricular activities sponsored by the school. This policy applies to weapons or explosives carried openly or concealed. This policy does not apply to students. Student conduct related to weapons and explosives is governed by policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.

Any employee who violates this policy will be subject to immediate termination. Any visitor or other person who violates this policy will be escorted from the premises and/or school activity immediately. The superintendent or principal shall immediately report any violation of this policy to law enforcement officials. Any employee who is aware that a weapon or explosive is present on school property or at a school event in violation of this policy must immediately report this information to the principal or designee or the school resource officer, as appropriate.

A. WEAPONS AND EXPLOSIVES DEFINED

For purposes of this policy, a weapon includes, but is not limited to, any gun, rifle, pistol, or other firearm of any kind; any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors, and razor blades (except solely for personal shaving), or fireworks; any sharp-pointed or -edged instrument, except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and/or maintenance on educational property; and mace, pepper spray, and other personal defense sprays. For purposes of this policy, an explosive includes, but is not limited to, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1.

B. SCHOOL PROPERTY

For purposes of this policy, school property is any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the board of trustees.

C. EXCLUSIONS

This policy does not apply to:

1. a weapon or explosive used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;
2. a person who has a concealed handgun permit that is valid under state law or who is exempted by state law from needing a permit to carry a concealed handgun, if any of the following conditions are met:
 - a. the person has a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle (the person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit);
 - b. the person has a handgun concealed on the person and the person remains in a locked vehicle (the person may unlock the vehicle to allow another person to enter or exit); or
 - c. the person is within a locked vehicle and removes the handgun from concealment only for the amount of time reasonably necessary to move it to a closed compartment or container within the vehicle or to move it from the closed compartment or container to concealment on the person.
3. firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by the board of trustees, when acting in the discharge of their official duties;
4. law enforcement officers or other persons as provided in G.S. 14-269.2(g)(1a); or

5. a volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61), provided that the volunteer school safety resource officer is acting in the discharge of his or her official duties and is on the educational property of the school that the officer was assigned to by the head of the local law enforcement agency.

Legal References: G.S. 14-69.2, -269, -269.2, -284.1; 20-17; 115C-47(61), -288(g)

Cross References: Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333)

Adopted: June 26, 2024

5030- Community Use of Facilities

The board endorses the goals of the Community Schools Act. The board will make specified indoor and outdoor school facilities available for use by eligible community groups under agreements developed in accordance with this policy. The board also will make some outdoor school facilities available for limited recreational use by the general public when not inconsistent with the board's use of the facilities. Any use of school facilities that disrupts school activities or that damages school property will not be permitted.

A. PRIORITY IN USE/FEE STRUCTURE

In accordance with G.S. 163-129, the county board of elections is entitled to use school facilities as a polling place on election days. School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations permitted to meet under the Equal Access Act, will otherwise have first priority in the use of school facilities.

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

1. School-related groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers' and principals' organizations, and booster clubs).

Fees: Fees for use of kitchens will be charged, as applicable, to cover costs. Custodial or supervisory fees may be charged.
2. In accordance with G.S. 115C-527, political parties for the express purpose of annual or biennial precinct meetings and county and district conventions.

Fees: Custodial and utility fees may be charged.
3. Local government and youth organizations, including, but not limited to, scouts and 4-H.
Fees: Custodial and/or supervisory fees will be charged. Fees for use of kitchens will be charged, as applicable, to cover costs. Utility fees may be charged.
4. All other not-for-profit groups (all groups not included in the other categories as well as political parties when meeting for purposes other than precinct meetings or county or district conventions).

Fees: Rental, utility, and custodial and/or supervisory fees will be charged. Fees for use of kitchens will be charged, as applicable, to cover costs.

Prior to the beginning of each school year, the director shall submit for board approval a fee structure that lists the amount or method of calculating rent and fees to be charged for facility use.

B. FACILITIES AVAILABLE FOR USE

The director or designee shall develop and make accessible to the public a list of school facilities available for community use. Among the types of facilities that may be available for community use are auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers, and playgrounds. School facilities not listed as available for community use may be used only in exceptional circumstances based on a justified need and in accordance with terms approved by the director or designee.

C. RULES GOVERNING USE OF SCHOOL FACILITIES

The director shall develop regulations consistent with this policy. The regulations will include an application process and provisions regarding the supervision of groups using facilities, the care of facilities, prohibited conduct, and other issues deemed appropriate by the director. The regulations will be made available to the public along with the facilities use application form. In addition to the regulations established by the director, users of school facilities must comply with the following rules.

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

5. Users must not possess weapons or explosives while on school grounds, except in the limited circumstances permitted by state law and policy 5027/7275, Weapons and Explosives Prohibited.
6. Users must not make any modifications, improvements, or alterations to school facilities without the prior written approval of the director or designee.
7. Users must not display or distribute materials that are vulgar, indecent, or obscene or use vulgar, indecent, or obscene language while on school grounds.
8. Users are responsible for supervising their activities and the people present at their activities. Users are responsible for maintaining order and safety during their activities.
9. Upon departure, users must remove any materials or equipment they brought onto school grounds.

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

D. FACILITY USE AGREEMENTS

A group that wishes to apply for permission to use a school facility must submit an application to the principal of the school at which the facility is located. If a facility use request is approved, the user will enter into a written agreement signed by the user and the director or designee. Absent unusual circumstances, facility use agreements will not be granted for a term longer than one year. An agreement to span more than one year must be approved in advance by the board.

Long-term leases are subject to the provisions of policy 9400, Sale, Disposal, and Lease of Board-Owned Real Property.

E. DAMAGES AND LIABILITY INSURANCE

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

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

F. USE OF OUTDOOR SCHOOL FACILITIES BY THE GENERAL PUBLIC

Outdoor property and facilities of the school will be open to limited use by members of the general public in accordance with rules established by the director or designee. Public use will be permitted only to the extent that it: 1) is not inconsistent with the proper preservation and care of the outdoor school property; 2) does not interfere with the safe and efficient operation of the schools and school activities; and 3) does not conflict with use by any community group operating under a facility use agreement described in this policy. The director is authorized to establish all terms, conditions, and rules necessary to regulate the use of outdoor facilities by members of the general public consistent with these requirements.

G. REVIEW OF DECISIONS CONCERNING USE OF SCHOOL FACILITIES

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

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; 36 U.S.C. 20101 *et seq.*; G.S. 14-269.2

Cross References:

Adopted: September 18, 2024

5070- Public Records – Retention, Release, and Disposition

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

A. PUBLIC RECORD DEFINED

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

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

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

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

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

1. Name.
2. Age.
3. The date of original employment or appointment.
4. The terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession.
5. Current position.
6. Title.
7. Current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee).
8. The date and amount of each increase or decrease in salary with the board.
9. The date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board.
10. The date and general description of the reasons for each promotion with the board.
11. The date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal.
12. The office or station to which the employee is currently assigned.

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

B. DESIGNATION OF RECORDS OFFICER

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

1. Duties of the Records Officer

The duties of the records officer include the following:

- a. determining whether records are public or confidential by law, with assistance from the local board attorney as necessary;
- b. determining the most cost-effective means of storing and retrieving public records that include confidential information;
- c. providing training, consultation, and guidelines to school officials who respond to or are otherwise involved in public records requests;
- d. determining the actual cost of providing copies of public records in various forms, such as paper or electronic media, in which the school is capable of providing the records;
- e. determining the cost of a request for copies of public records when a special service charge is applicable or when the school is voluntarily creating or compiling a record as a service to the requester; and
- f. reviewing appeals of any denial of a request for public records.

2. Other Duties

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

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

C. REQUESTS FOR PUBLIC RECORDS

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

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

D. FEES FOR COPIES OF PUBLIC RECORDS

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

E. ELECTRONIC MAIL LISTS

A school employee may be authorized by the superintendent or designee to maintain an electronic mail list of individual subscribers. Such a list may be used only: (1) for the

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

F. DESTRUCTION OF PUBLIC RECORDS

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

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-47(40), -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1 to -9; 135-8(f)(2)(f); *Program Records Schedule: Local Public School Units*, N.C. Department of Natural and Cultural Resources (2021), available at

<https://archives.ncdcr.gov/documents/local-education-agencies-schedule>; *General Records Schedule: Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2021), available at

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

Cross References: Use of Personal Technology to Conduct School Business (policy 3228/7323), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), News Media Relations (policy 5040), Electronically Stored Information Retention (policy 5071/7351), Personnel Files (policy 7820)

Adopted: June 26, 2024

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6420- Contracts With the Board

The board is the sole entity authorized to execute formal contracts between the school and any firm or person offering to provide materials, equipment, or services to the school. Creditors are on notice that the board may choose not to honor contracts entered into by school or school officials without authority to enter into contracts.

A. AUTHORIZATION TO ENTER INTO CONTRACTS

No contract requiring the expenditure of funds may be entered into unless the budget resolution adopted pursuant to policy 8110, Budget Resolution, authorizes the expense and there is a sufficient unencumbered balance to pay the amount to be disbursed. (See policy 6421, Preaudit and Disbursement Certifications.) No contract may be entered into with a restricted company, as listed by the state treasurer in accordance with G.S. 147, art. 6E or 6G, except as permitted by those laws.

Any contract for materials, equipment, or services involving expenditures in excess of \$50,000 must be reviewed by the board attorney and approved in advance by the board unless provided otherwise in board policy. (Approval requirements for construction and repair contracts are established in policy 9120, Bidding for Construction Work.) Unless otherwise prohibited by statute or regulation, the director or designee is authorized to enter into contracts or approve amendments to contracts for materials, equipment, supplies, or services involving amounts up to \$100,000 except board approval is required for contracts and change orders that would result in more than \$150,000 being paid to the same vendor during the same fiscal year or any consecutive 12-month period. Change orders for construction and repair contracts are subject to the requirements of policy 9030, Facility Construction, not this provision.

The director shall periodically report to the board all contracts and contract amendments approved by the director under this policy that exceed \$50,000.

B. CONTRACT FORMS

The board attorney shall review any contract forms developed for use by a school or the school.

C. LEASE PURCHASE CONTRACTS

The finance officer must approve any request to enter lease purchase contracts, regardless of the dollar amount. After considering the principal and amount of interest, the director must determine that the lease purchase is a fiscally prudent choice that is consistent with board policy.

The finance officer shall provide the board with periodic reports on lease purchase contracts, including the amount of the principal, interest paid, and the amount of the outstanding obligation.

D. OTHER APPLICABLE POLICIES AND LAWS

Purchases may be made through the State Division of Purchase and Contract in accordance with the Division's rules and regulations, as authorized by G.S. 115C-522.

All contracts involving construction or repair work or purchase of apparatus, supplies, materials, or equipment must be undertaken in compliance with Chapter 143 of the North Carolina General Statutes, except as provided elsewhere by state law. Contracts must also comply with applicable board policies, including, but not limited to, policies 6430, Purchasing Requirements for Equipment, Materials, and Supplies; 6450, Purchase of Services; 9030, Facility Construction; 9110, Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk; and 9120, Bidding for Construction Work.

All contracts subject to the E-Verify requirement will contain a provision stating that the contractor and the contractor's subcontractors must comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

Legal References: G.S. 64 art. 2; 115C-36, -47, -264, -440, -441, -522, -528; 143-49 and art. 8; 147 art. 6E, art. 6G

Cross References: Preaudit and Disbursement Certifications (policy 6421), Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430), Purchase of Services (policy 6450), Budget Resolution (policy 8110), Facility Construction (policy 9030), Use and Selection of

Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110), Bidding for Construction Work (policy 9120)

Adopted: June 26, 2024

7000

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8000- Fiscal Goals

The board is committed to obtaining, managing, and using financial resources to support a system of free public schools and to further the educational goals of the board and the State. All decisions regarding the use of financial resources will be consistent with the board's objective of providing all students with a sound basic education, as required by law.

Legal References: *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010), Goals and Objectives of the Educational Program (policy 3000)

Adopted: June 26, 2024

8300- Fiscal Management Standards

In recognition of the trust and responsibility placed with the board to manage financial resources for the local educational program, the board establishes the following standards.

1. The board and all employees of the school will manage and use available funds efficiently and effectively to meet the goals of the local board and State.
2. Effective accounting, financial reporting, and management control systems will be designed, maintained, and periodically reviewed to (a) enable the board and school to have access to accurate, reliable, and relevant data; (b) provide assurance that school obligations are paid in a timely manner and that accounts are not overspent; (c) provide assurance that funds and records are safeguarded at all times; and (d) permit audits and periodic reports adequate to show that those in charge have handled funds within legal requirements and in accordance with board policy.
3. The superintendent and finance officer shall keep the board sufficiently informed regarding the budget through periodic financial statements showing the financial condition of the school, other periodic reports, and any other appropriate means so that the board can deliberate upon and evaluate the budget.
4. All receipts and disbursements shall be accounted for according to generally accepted accounting principles for governmental entities.
5. Each employee responsible for handling school funds or funds of individual schools shall comply with all applicable state and federal laws and regulations, board policies, administrative procedures, and any applicable procedures, requirements, or guidelines established by the finance officer.

Legal References:

Cross References:

Adopted: June 26, 2024

8341- Limited Claim Settlement

A. APPLICABILITY TO CERTAIN CLAIMS

On occasion, the board of trustees is presented with claims against the board from students, parents, or other citizens for injuries to person or property sustained while on a board property or at a school-sponsored event. The board adopts this policy in order that it may consider and process all such claims in a fair and equitable manner, taking into consideration the economic resources available to the board.

The board will only consider claims under this policy when the applicable insurance agreement and/or coverage agreement, if any, does not provide for the consideration, settlement, and/or adjustment of claims prior to legal action being filed by the claimant in a court of competent jurisdiction. Upon the filing of a complaint, the board will immediately refer all claims to the appropriate insurance company or coverage provider for appropriate action.

B. PROCEDURE FOR FILING CLAIM

All claims must be made to the superintendent in writing and must include a detailed account of how the injury occurred, whether board employees were involved, and the amount of damages suffered by the claimant. The claimant should include all supporting documentation and any other information he or she believes is relevant. The superintendent or designee shall investigate the incident and, if necessary, provide supplemental information to the board.

After receiving the claim, the board, in consultation with its attorney, will determine whether to pay the claim, deny the claim, or make an offer to settle the claim.

C. SETTLEMENT

The resolution of claims requires the exercise of discretion by the board. Therefore, to treat similarly situated claimants (claimants who are alike in all relevant respects) alike, the board will be consistent in its settlement practices by using the factors listed below to evaluate all claims. The board recognizes, however, that separate claimants often will be dissimilar with respect to one or more of the relevant factors, so the final decision regarding each claim will be based upon the specific circumstances. All factors need not be given equal weight and no one factor will be controlling.

1. Whether there was a negligent act or omission by an employee or agent of the board.
2. Whether an employee or agent of the board intentionally caused an injury.

3. Whether an employee or agent of the board violated any board policies.
4. What, if any, defenses are available to the board in the event of litigation and the viability of those defenses based upon the facts known at the time of settlement consideration.
5. The claimant's likelihood of success in litigation.
6. The likely costs of defending the case.
7. The administrative burden and disruption that litigation would likely cause.
8. Whether the demand is within the retention or deductible level for monetary payments pursuant to any applicable insurance or liability coverage agreement and whether there is, or is likely to be, coverage under such agreements, if known.
9. Goodwill on behalf of the citizens of the school community.
10. The best use of public funds in an effective manner.

The payment of any claim will be subject to the claimant's execution of a full release of liability in favor of the board, its employees, and its agents. The release must be on a form approved by the board attorney.

By considering whether to settle a claim, the board does not waive any affirmative defenses available to it or its employees, including but not limited to the defenses of governmental, sovereign, qualified, or public official immunity, or contributory negligence. The board may assert these defenses should the claimant choose to file a lawsuit.

Legal References: *Clayton v. Branson*, 170 N.C. App. 438 (2005); *Dobrowolska v. Wall*, 138 N.C. App. 1 (2000)

Cross References:

Adopted: June 26, 2024

8510- School Finance Officer

A. SELECTION AND EVALUATION

The superintendent shall select and the board will approve a school finance officer. The finance officer serves at the pleasure of the superintendent. The superintendent shall evaluate the finance officer to help ensure that all duties as required by law, board policy, and/or the superintendent are met.

B. DUTIES

The school finance officer provides critical services for the effective planning and use of fiscal resources. The school finance officer shall be responsible to the superintendent for:

1. keeping the accounts of the school in accordance with generally accepted principles of governmental accounting, board policy, and the rules and regulations of the State of North Carolina applicable to state agencies;
2. utilizing an encumbrance system for tracking obligations;
3. approving or disapproving a disbursement, in accordance with the rules and regulations of the State of North Carolina applicable to state agencies, when a bill, invoice, or other claim is presented and establishing procedures to assure compliance with all applicable legal requirements for disbursements;
4. ensuring that school personnel are adequately trained about the procedures to be followed for electronic transactions;
5. receiving and depositing all moneys accruing to the school;
6. preparing and filing a statement of the financial condition of the school as often as requested by the superintendent;

7. preparing and filing a statement of the financial condition of the school when requested by the board of trustees, but only if such requests are in writing and copied to the superintendent;
8. providing the board a quarterly budget-to-actual statement that includes budgeted accounts; actual payments made; amounts encumbered, including electronic obligations; and the amount of the budget that is unobligated for all major funds;
9. performing such other duties as may be assigned by law, by the superintendent, or by rules and regulations of the State of North Carolina applicable to state agencies
10. evaluating all continuing contracts, including the principal and interest to be paid, and making recommendations to the superintendent and reports to the superintendent and board;
11. assisting the superintendent in the development of the budget;
12. making salary deductions as provided by law and policy;
13. maintaining custody of insurance policy and programs as applicable.

Legal References:

Cross References:

Adopted: June 26, 2024

9000

9000- Planning To Address Facility Needs

A. PRINCIPLES

The board strives to provide safe, orderly, and inviting schools for students and staff. The board also strives to provide other facilities needed to support the educational program. Long-range planning by the board and superintendent is essential for providing an educational environment that offers students the opportunity to receive a sound basic education and that supports student success.

B. LONG-RANGE PLAN

The board will adopt a long-range plan that identifies the facility needs of the school and sets forth a plan for how to meet these needs. The plan will address the issue of whether to renovate existing facilities or build new facilities. The plan also will incorporate, where appropriate, creative options for meeting the needs of the educational program, such as expansion or reduction through modular construction, future alternative uses of space, the availability of community facilities, the use of temporary facilities or leasing arrangements, opportunities for capital lease financing of facilities through public/private partnerships, and sharing facilities with other school systems.'

C. PROCESS

The following information will be considered in developing and adopting a long-range plan:

1. data that reflect the possibility of enrollment declines or increases as well as other demographic changes in the population of students that is or may be served;
2. a facilities inventory that includes the size of sites, building capacities, age of buildings, energy consumption, ability to utilize technology, the suitability of the space for its current or future purpose, and accessibility by the community; and

3. the availability or anticipated availability of innovations in construction or design that would allow existing buildings to be renovated or new facilities to be constructed at a lower cost, in a more energy-efficient manner, or in a way that would better meet the needs of the educational program.

The superintendent may utilize the services of consultants to obtain information necessary for the long-range planning process.

The board and superintendent will endeavor to communicate with governmental bodies and the public in a positive and persuasive manner about the need for school construction and, consequently, the need for necessary funding.

Legal References: *Leandro v. State*, 346 N.C. 336 (1997)

Cross References:

Adopted: June 26, 2024

9130- Supervision Of Construction Contracts

The superintendent is responsible for monitoring construction contracts with the architect and/or engineer and all contractors. The superintendent or designee shall report periodically to the board on the progress being made by the contractors, architects, and/or engineers, including whether the work is being performed in accordance with plans, specifications, contracts, and specified deadlines.

Change orders for construction contracts shall be managed in accordance with the requirements established in policy 9030, Facility Construction.

The superintendent may utilize consultants in performing the review required by this policy. Any contract for such services must be included in the budget for the project.

Legal References:

Cross References:

Adopted: June 26, 2024

9200- Care and Maintenance Of Facilities

The board strives to maintain the school's facilities in good condition in order to:

1. continue to provide a safe, orderly and inviting educational environment;
2. protect financial investments in the facility;
3. reduce the need for major repair; and
4. facilitate the conservation of energy resources.

All staff, students and visitors to the school are expected to use reasonable care to prevent property damage. Principals and teachers are to instruct students in the proper care of public property. Anyone who willfully or carelessly damages school property may be held financially liable, as provided by law as applicable.

Principals must inspect their school buildings for health, fire and safety hazards on a regular basis and as required by law. Principals shall notify the superintendent immediately of unsanitary conditions or repairs needed to meet safety standards. Any employee who observes a potential hazard shall notify his or her supervisor or the principal immediately. Proper signs indicating potential hazards or recommended safety precautions must be posted.

The maintenance department shall make reasonable efforts to maintain the facilities in good condition and to make needed repairs.

The superintendent is directed to ensure that facilities are evaluated and inspected in accordance with the facilities inventory as provided by state law as applicable.

Legal References: G.S. 1-538.1

Cross References:

Adopted: June 26, 2024

9205- Pest Management

Pests are significant problems for people and property. The pesticides that are commonly used in pest control may pose a potential risk to human health and the environment. The board is committed to maintaining a safe educational environment while also protecting the physical conditions of school facilities. To this end, the board will utilize Integrated Pest Management (IPM) programs or incorporate IPM procedures into the maintenance program conducted by the school. The superintendent will appoint an IPM contact person to facilitate the use of IPM techniques. As necessary, the superintendent will develop administrative procedures for the IPM program.

A. OVERVIEW OF INTEGRATED PEST MANAGEMENT

IPM is a comprehensive approach that combines effective, economic, environmentally sound and socially acceptable methods to prevent and solve pest problems. IPM emphasizes pest prevention and provides a decision-making process for determining if, when and where pest suppression is needed and what control tactics are appropriate.

Through its IPM program, the school will strive to do the following:

1. minimize any potential health, environmental and economic risks from pests or from the use of pest control methods;
2. minimize loss or damage to school structures or property from pests or from the use of pest control methods;
3. minimize the risk of pests spreading into the community; and
4. enhance the quality of facility use for the school and community.

Pesticide use will not be based *solely* on a schedule. School personnel in charge of pest management will consider how and when pesticides need to be used to achieve the pest management goals.

B. USE OF IPM IN FACILITY AND MAINTENANCE OPERATIONS

The school shall include pest management considerations in facilities planning and maintenance. The IPM contact person, in conjunction with the school’s contracted pest management professional, will recommend to the superintendent any landscaping changes, structural modifications and sanitation changes needed to reduce or prevent pest problems. The superintendent will review such recommendations and may authorize action to address necessary minor changes in a timely manner, as the budget permits. For significant changes or changes that require a significant expenditure of funds, the superintendent will recommend changes to the board for approval.

C. PROVIDING INFORMATION ON IPM TO THE SCHOOL COMMUNITY

Staff, students, pest managers, parents and the public will be informed about potential school pest problems, school IPM policies and procedures, and their respective roles in achieving the desired pest management objectives. Each year, the principal or designee will ensure that the student handbook includes the schedule of anticipated pesticide use on school property and a notice to parents, guardians and custodians of their right to request notification of nonscheduled pesticide use. Additionally, the principal or designee shall annually notify school staff of scheduled pesticide use on school property and of their right to request notice of nonscheduled pesticide use. Notice of nonscheduled pesticide use should be made at least 72 hours in advance of such use, to the extent possible.

D. RECORDKEEPING

Records of all pest management activities must be maintained, including inspection records, monitoring records, pest surveillance data sheets or other indicators of pest populations, and records of structural repairs and modifications. If pesticides are used, records must be maintained on site to meet the requirements of the state regulatory agency and school board.

Legal References:

Cross References:

Adopted: June 26, 2024

9220- Security Of Facilities

Security of school facilities is an important part of maintaining a safe learning environment for students and staff and for protecting the investments of the school. The superintendent or designee shall develop and implement programs or procedures as necessary to meet, at a minimum, the following board requirements for security of facilities.

1. All school buildings must use a security control system that limits access to keys or other building entry devices to authorized personnel and safeguards against unauthorized individuals gaining entry to buildings.
2. The superintendent is responsible for determining the need for and responsibilities of security personnel and shall make recommendations as appropriate to the board for funding security personnel positions or contracts.
3. 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 updated emergency response information when such updates are made. 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 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 must provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices.
4. Staff shall make reasonable efforts to secure buildings and other valuable property on school grounds when the school is closed or vacated.
5. Teachers are to make reasonable efforts to secure their assigned classrooms or other designated spaces when the school is closed or vacated or when their classrooms or other designated spaces are not in use.
6. Principals shall implement programs or make recommendations to the superintendent and board as appropriate to address the security needs of the school.

Other board policies regarding the maintenance of facilities, safety, and visitors to the school also are important to maintaining the security of the school environment. All professional employees and other employees with job duties related to the security of the facilities are responsible for being familiar with these policies and carrying out duties specified by board policies or the superintendent or designee.

Legal References:

Cross References:

Adopted: June 26, 2024