



To: CHCCS Board Policy Committee
Date: May 25, 2021
From: Erika Newkirk, Senior Executive Director of Human Resources
Re: Policy 7510 LEAVES OF ABSENCE; Policy 1710/4020/7230- DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW; 4040/7310 STAFF-STUDENT RELATIONS

The following change to CHCCS BOE Policy 7510-Leaves of Absence is recommended by the North Carolina School Boards Association.

- Updates the temporary requirement related to COVID-19 to require adherence to state guidelines. **(Required)**

The following changes to CHCCS BOE Policy 1710/4020/7230-Employee Use of Social Media are recommended by the North Carolina School Boards Association.

- Corrects age discrimination standard. **(Required)**
- Updates legal reference. **(Recommended)**

Note: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq.

The following changes to CHCCS BOE Policy 4040/7310-Staff-Student Relations are recommended by the North Carolina School Boards Association.

- Updates the reporting requirements in subsection C.4. **(Required)**
- Updates legal references. **(Required)**

Policy Code: 1710/4020/7230 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 (~~over 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, school system 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 school system.

1. Discrimination

Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system 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 school system'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 school system.

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 school system, 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 principal or assistant principal of the school at which either the alleged victim or alleged perpetrator attends or is employed;

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 or designee or site supervisor 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 school system-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 school system to provide an environment free of discrimination and harassment.

I. Contacts for Inquiries

The superintendent has appointed individuals to coordinate the school system'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 as follows.

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| a. | The Section 504 Coordinator is: Ms. Janet Cherry
Office Address: 750 S. Merritt Mill Rd., Chapel Hill, NC 27516
Email Address: jcherry@chccs.k12.nc.us
Phone Number: 919-967-8211 ext.28287 |
| b. | The ADA Coordinator is: Ms. Erika Newkirk
Office Address: 750 S. Merritt Mill Rd., Chapel Hill, NC 27516
Email Address: enewkirk@chccs.k12.nc.us
Phone Number: 919-967-8211 ext.28230 |
| c. | The Age Discrimination Coordinator is: Ms. Erika Newkirk
Office Address: 750 S. Merritt Mill Rd., Chapel Hill, NC 27516
Email Address: enewkirk@chccs.k12.nc.us
Phone Number: 919-967-8211 ext.28230 |
| d. | The Coordinator for Other Non-discrimination Laws is: Dr. Misti Williams
Office Address: 750 S. Merritt Mill Rd., Chapel Hill, NC 27516
Email Address: mwwilliams@chccs.k12.nc.us
Phone Number: 919-967-8211 ext.28235 |

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
FAX: 202-453-6021

TDD: 800-877-8339
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](#) ~~State Board of Education Policy SSGH-000~~; *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: 9/3/2020, 4/22/21, 5/25/2021

Chapel Hill-Carrboro Schools

Policy Code: 4040/7310 Staff-Student Relations

The board expects all employees to maintain the highest professional, moral, and ethical standards in their interactions with students. Employees are required to provide an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries. Employees are expected to motivate each student to perform to his or her capacity while modeling the behavior expected of students in staff-student relationships.

The interactions and relationships between staff and students must be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students inside and outside of the educational setting. Employees are expected to demonstrate good judgment and to avoid the appearance of impropriety in their interactions with students. Employees must consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other board policy.

For the purposes of this policy, the terms “staff” and “employees” include independent contractors, school safety officers, and volunteers, but do not include student employees or student volunteers.

A. Romantic Relationships and Sexual Contact Prohibited

All employees are prohibited from dating, courting, or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in [G.S. 14-202.4](#) and [14-27.32](#). Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

B. Restrictions on Electronic Communications

1. In accordance with policy 7335, Employee Use of Social Media, employees are prohibited from communicating with current students through non-school-controlled social media without parental permission except to the extent that the employee and student have an appropriate relationship which originated outside of the school setting. Any communication through social media authorized under policy 7335 must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policy.
2. Instant messages will be treated as a form of communication through social media subject to the terms of policy 7335 and subsection B.1 above,

regardless of whether the messaging service is actually provided through a social media service or otherwise.

3. Employees are prohibited from engaging in other forms of one-to-one electronic communications (e.g., voice, voice mail, email, texting, and photo or video transmission) with students without written prior approval of the employee's supervisor and the student's parent. This rule shall not apply, however, if one or more of the following circumstances exist:

- a. the communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years; (this requirement does not apply to telephone or voice mail communications), or is conducted via an electronic video-conferencing platform (e.g., Zoom, Webex, Google Meet) that has been approved by the superintendent or designee for instructional use and (3) occurs after the employee has given prior notice to his or her supervisor or designee that such communications will occur; and when they will occur unless the communication occurs during pre-determined office hours or during asynchronous blocks of time when teachers are providing live instruction support;
- b. the communication serves an educational purpose and is simultaneously copied or transmitted to the employee's supervisor or designee and, upon request, to the parent or guardian;
- c. the communication is necessary in a bona fide emergency, provided the communication is disclosed to the supervisor and parent or guardian as soon as reasonably possible; or
- d. the communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other board policy.

Any one-to-one electronic communication permitted by this subsection must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policies.

4. It is the duty of every employee to notify his or her supervisor of any unsolicited one-to-one communication, in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.

5. Violations of this section will be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:

- a. the content, frequency, subject, and timing of the communication(s);
- b. whether the communication(s) was appropriate to the student's age and maturity level;
- c. whether the communication(s) could reasonably be viewed as a solicitation of sexual contact or the courting of a romantic relationship, including sexual grooming;
- d. whether there was an attempt to conceal the communication(s) from the employee's supervisor and/or the student's parent or guardian;
- e. whether the communication(s) created a disruption of the educational environment; and
- f. whether the communication(s) harmed the student in any manner.

C. Reporting Inappropriate Conduct

1. Reporting by Employees

Any employee who has reason to believe any of the following shall immediately report that information to the superintendent or designee:

- a. that another employee is involved in a romantic or other inappropriate relationship or has had sexual contact with a student;
- b. that another employee has engaged in other behavior prohibited by this policy; or
- c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid purpose.

An employee who fails to inform the superintendent or designee as provided in this section may be subject to disciplinary action, up to and including dismissal.

2. Reporting by Students

Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

3. Report of Criminal Misconduct

Any principal who has reason to believe that a student has been the victim of criminal conduct shall immediately report the incident in accordance with policy 4335, Criminal Behavior.

4. Report to State Superintendent of Public Instruction

Any administrator, including the superintendent, a deputy/associate/assistant superintendent, a personnel administrator, or a principal, who knows or has reason to believe that a licensed employee has engaged in conduct ~~which~~ that would justify automatic revocation of the employee's license pursuant to G.S. 115C-270.35(b) or involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction within five working days of any disciplinary action, dismissal, or resignation based on the conduct. For purposes of this subsection, physical abuse is the infliction of physical injury other than by accidental means or in self-defense, and sexual abuse is the commission of any sexual act upon a ~~child~~ student or causing a ~~child~~ student to commit a sexual act, regardless of consent and the age of the ~~child~~ student. Failure to report such conduct may result in the suspension or revocation of an administrator's license by the State Board of Education.

This reporting requirement applies in addition to any duty to report suspected child abuse in accordance with state law and policy 4240/7312, Child Abuse – Reports and Investigations, as applicable.

Legal References: Elementary and Secondary Education Act, [20 U.S.C. 7926](#); Title IX of the Education Amendments of 1972, [20 U.S.C. 1681 et seq.](#), [34 C.F.R. pt. 106](#); [G.S. 14-27.32](#), [-202.4](#); [115C-47\(18\)](#), [-270.35\(b\)](#); [16 N.C.A.C. 6C.0372](#), [.03730342](#), [.0601](#), [.0602](#); State Board of Education Policies [EVAL-014](#), [LIGN-007](#), [NCAC-039](#)

Cross References: Governing Principle – Removal of Barriers (policy 1700), 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), Student and Parent Grievance Procedure (policy 1740/4010), Child Abuse – Reports and Investigations (policy 4240/7312), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Criminal Behavior (policy 4335), School Volunteers (policy 5015), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Adopted:

Revised: 0/24/99; 4/7/08; 12/1/09; 2/16/17, 3/1/18, 3/19/20, 9/3/2020, 3/4/2021,
5/25/2021

Chapel Hill-Carrboro Schools

Policy Code: 7510 Leaves of Absence

The board of education believes that it is important for employees to have leave available to attend to personal, civic and professional matters as well as to meet family commitments. This need for leave will be balanced with providing an effective instructional program for students. No employee will be discharged, demoted or otherwise subjected to adverse employment action for taking leave in accordance with board policies and administrative procedures.

All requests for leave, with or without pay, must be addressed in accordance with state and federal law, as well as policies promulgated by the State Board of Education, including those specified in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual*, available at <https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy>.

In addition to applicable laws and regulations, this board policy applies to leave requests. The information in this policy is intended to supplement, not replace, the requirements of law and the State Board of Education. In the event that changes to State or federal law or regulation conflict with current State Board or local board policies, the board intends that its leave practices be modified to the extent necessary to comply with current law until such time as conforming changes to State Board and/or local board policy are made.

The superintendent will develop any necessary administrative procedures and make them available to employees on request.

Temporary Requirement ~~Related to COVID-19~~ **for Employee Health Certificate**

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic, employees who test positive for COVID-19, have COVID-19 symptoms, or have a COVID-19 exposure, shall not return to work until they meet the criteria set forth in the most recent guidance from the North Carolina Department of Health and Human Services and North Carolina Department of Public Instruction ~~will be required to provide a health certificate from a medical professional as a condition of returning to work following isolation due to COVID-19 symptoms or exposure.~~ This temporary requirement shall remain in effect for as long as the state guidance remains in effect ~~the remainder of the 2020-2021 school year or until repealed by the board, whichever occurs first.~~

GENERAL PROCEDURES

Instructional personnel (i.e. teachers, counselors, family specialists, teacher assistants, etc.) must use leave in at least half-day increments. Other employees may take leave in increments of hours.

Under no circumstance will any employee be absent from work without the knowledge of the site administrator or immediate supervisor.

When an absence may be known in advance (personal business, surgery, school approved business, etc.), approval will be obtained at least five workdays in advance of the absence.

It is desirable that notification of an absence be provided the prior day or night. Except in cases of extreme emergency, the employee will, at a minimum, provide at least 2 1/2 hours notice prior to the established reporting time.

A. MINIMUM LEAVE TIME

An employee may take any type of leave in increments of hours unless otherwise specified in this policy.

B. CONTINUOUS LEAVE OF MORE THAN 10 DAYS

An employee or representative of the employee must provide notification to the immediate supervisor (who will forward the information to the human resources office) and must comply with the notice and verification requirements provided in policy 7520, Family and Medical Leave, for any continuous leave of more than 10 days if: (1) the leave also is eligible for leave under the Family and Medical Leave Act (FMLA), defined in policy 7520, and (2) the leave is designated as FMLA-eligible at the time it is taken or as soon as is feasible thereafter. See policy 7520, Family and Medical Leave.

C. SICK LEAVE

The superintendent or designee may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to illness or injury. Employees who anticipate using sick leave for five or more consecutive days must inform the principal or immediate supervisor in advance, so that continuity of duties may be maintained.

Extended Sick Leave: Instructional personnel (classroom teachers and media specialists) who are absent due to their own personal illness or injury in excess of their accumulated sick leave are allowed extended sick leave up to 20 workdays throughout the regular term of employment. Counselors, social workers, psychologists, or other personnel able to use annual leave on a student attendance day are excluded. Extended sick leave provides for the teacher to receive full salary less state substitute teacher pay for one or more days up to

twenty teaching days in a school year. These days do not have to be used consecutively and do not carry forward to succeeding years. The use of the days must be approved by the principal. Medical verification may be requested.

Maternity/ Family Leave: The use of sick leave due to pregnancy, miscarriage, abortion, childbirth and/or postnatal recovery shall be treated in the same manner as any other temporary disability. Female employees shall not be penalized nor given preferential treatment in their condition of employment because they require time away from work caused by or attributed to pregnancy, miscarriage, abortion, childbirth or recovery. A pregnant employee who requests leave for postnatal recovery may use accrued personal leave, sick leave, extended sick leave (as appropriate), accrued annual vacation leave during the disability period, or the leave may be without pay.

When they have been employed by the district for at least 12 months and have worked at least 1,250 hours during the previous 12 month period, all permanent full or part-time employees are entitled to use up to 12 weeks of unpaid leave for the birth of a child of the employee and in order to care for the child; the placement of a child with the employee for adoption or foster care. Such leave will be in accordance with provisions of the Family Medical Leave Act described in policy 7520.

The employee may elect to use appropriate earned leave (sick, annual, or personal leave) during the time of a family leave of absence. Such leave must be used in accordance with State Board of Education policy-- i.e. sick leave during the temporary disability period of the employee or in the event of illness of a family member. Currently, a teacher may use earned annual vacation leave or earned personal leave to care for a newborn or for a child placed with the teacher for adoption or foster care. The use of annual leave must be for consecutive workdays during the first 12 months after the date of birth or placement of the child.

Employees should make a written request for leave to the director of human resources at least 30 days in advance of the time the leave is to begin.

D. PERSONAL LEAVE

Personal leave may be requested by application in accordance with the policies of the State Board of Education. Teachers will receive salary minus the cost of a substitute teacher for days absent for personal leave. Personal leave is not permitted on the first day teachers are required to report for the school year, on required teacher workdays, on days scheduled for state testing, or on the last working day before or the next working day after holidays or vacation days scheduled in the calendar. In instances where an absence proceeds or follows a scheduled holiday or annual leave day, a full loss of salary will result. Personal

leave must be used in half or whole day units. Personal leave may be used only upon the authorization of the teacher's immediate supervisor.

E. ANNUAL VACATION LEAVE

The primary purpose of annual vacation leave is to allow and encourage an employee to renew his/her physical and mental capabilities and to remain fully-productive. Employees are encouraged to request leave during each year in order to achieve this purpose. Vacation may be taken only upon the authorization of the employee's immediate supervisor and in accordance with legal requirements and procedures established by the superintendent. To promote the efficient operation of the schools, the superintendent may designate certain periods during the nonacademic year as preferred vacation periods for twelve-month employees.

Full-time or part-time permanent employees who are working or are on paid leave for one-half of the calendar days in a month will earn annual leave at the same rate provided for state employees. The rate of earning is based on length of aggregate state service in North Carolina.

Ten annual vacation leave days, the minimum number of days an employee can earn, will be scheduled within the calendar(s) of employment for ten-month employees. Each year, the board or the principal in consultation with the school improvement team may designate specific scheduled teacher workdays for required attendance.

Earned leave also may be transferred to a state agency or institution, a community college or technical institute, or a position subject to the State Personnel act in a local mental health, public health, social services or emergency management agency, if that agency is willing to accept the leave. If the agency does not accept the leave, the employee will be paid in a lump sum for accumulated leave not to exceed thirty (30) workdays. When an employee transfers from one of the agencies listed above, other than a local education agency, to the Chapel Hill-Carrboro Schools, the board will not accept the transfer of accumulated annual vacation leave.

All annual vacation leave taken will be upon the authorization of the employee's immediate supervisor. Other employees assigned to individual schools are discouraged from taking vacation leave during times when students are in attendance.

Teacher assistants in the regular classroom assignment do not normally require a substitute and must obtain the approval of their principal in order to take annual leave when students are attending school. No more than 3 consecutive days can be approved. However, teacher assistants in the preschool and exceptional education setting require a substitute and, therefore, are not allowed to take annual leave when school is in session. Upon separation from service

(resignation, retirement, death, dismissal, reduction-in-force), an employee may be paid in a lump sum for accumulated annual vacation leave not to exceed a maximum of thirty (30) workdays.

F. LEGAL DUTY LEAVE

No deduction shall be made from the salary of any employee who is absent from work to serve on a jury or as a witness for any division of government. In addition, the employee is entitled to keep any fees provided for jury duty. If the employee reports for scheduled jury duty and is dismissed by the court, or if the employee is scheduled to serve only a portion of a day, the employee is expected to report for work for any portion of the day for which he/she is regularly scheduled to work. Any exceptions to returning for work on partial days must be determined and approved by the employee's supervisor.

Attendance in court as plaintiffs or defendants for personal matters does not entitle the employee to legal duty leave.

G. PROFESSIONAL LEAVE

The board believes that there is a great value to the individual and to the school system for its personnel to participate in appropriate professional meetings, conferences, and similar activities. To this end, teachers are allowed up to ten days of leave each year for professional purposes. The superintendent or his/ her designee will approve in advance absences for professional purposes. Teachers taking professional leave may have the amount of the cost of a substitute deducted from their salary, unless funds are budgeted for such purposes and prior approval for their use has been granted by the superintendent or his /her designee.

While the State Board of Education's policy on professional leave does not apply to classified employees, the Chapel Hill-Carrboro Board acknowledges the value of professional development activities for all employees. As such, classified employees may request and receive approval from the supervisor for the designation of a workshop, training session, conference, etc. to be the workplace for a particular day(s). Limited funds are budgeted for this purpose whose use must be approved in advance.

H. RELIGIOUS LEAVE

Any employee may be allowed to be absent from school with pay to observe his/her bona fide religious holiday for a maximum of two days within any one school year, provided the employee works on another day for the amount of time for which the absence has been excused. The make-up date for religious leave will be agreed upon by the employee and his/her principal or immediate supervisor. The make-up date must be determined prior to the time of the holiday

and must be indicated on the leave request form. Leave for observance of religious rites is available only to members of the particular faith observing the rite.

I. COMPENSATORY LEAVE

Since professional employees are expected to fulfill all job duties, compensatory leave should only apply to extraordinary circumstances or as stipulated in the contract.

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) as described in policy 7500, Workday and Overtime. Supervisors will arrange for employees to take comp time within one pay period following the time it is earned if possible; however, the superintendent or designee may exempt certain employees or categories of employees from this requirement when deemed necessary for the proper administration of the school district.

All employees must obtain approval from their immediate supervisors before accruing and taking compensatory leave.

J. DISCRETIONARY LEAVE OF ABSENCE WITHOUT PAY

An employee, who wishes to take leave that is not eligible for any other specific type of leave, may be granted a leave of absence without pay for a period of up to one calendar year at the discretion of the superintendent with approval from the board. Teachers and other professional personnel, full or part-time, who have been employed for four or more consecutive years may be granted a leave of absence without pay for a semester or a year. In unusual circumstances, an employee may be granted a second year of leave at the recommendation of the superintendent and at the approval of the board of education. Classified employees also may be granted a leave of absence without pay after four years of continuous service.

Leaves will not be granted for such reasons as engaging in non-school related business, taking vacation trips or accepting another position of employment.

The employee who desires a leave of absence without pay is expected first to consult with his or her immediate supervisor and then to provide advance written notice (60 days if possible) stating the beginning and ending dates of the desired leave of absence. The principal or supervisor, after indicating his/her response, shall forward the request to the director of human resources who, in turn, will submit his/her recommendation to the superintendent for approval or disapproval. The principal, immediate supervisor, director of human resources or superintendent may request documentation in support of the request. In determining the length of the leave of absence approved without pay, due and proper consideration will be given to the welfare of the students as well as the

employee. The superintendent may require notice of intent to return to work at reasonable time intervals during the leave. The director of human resources will notify the employee of action taken on his/her request.

An employee on leave of absence from the school system may not enter into employment elsewhere while on leave, unless circumstances dictate the necessity for outside employment. Employment as a substitute within the district is permissible, but must be approved in advance by the board.

At the end of the leave of absence, every effort will be made to return the employee to his/her original position. The system, however, reserves the right to return the employee to a comparable position if it is not deemed possible or in the best interest of the school system to return the employee to his/her original position. A career employee granted leave will maintain his/her career status upon return from the leave of absence.

Once a leave of absence without pay has been requested and approved by the board of education, the dates are binding unless both parties agree to a change. If circumstances dictate that an employee cannot follow the terms of his/her leave agreement, the employee must notify the board through the superintendent and ask that the terms of the original leave be reevaluated. The board must approve any changes in the leave agreement. If the employee willfully violates the terms of the leave granted without prior approval of the superintendent, the board's obligation to the employee is dissolved.

K. SABBATICALS/EXCHANGE TEACHING LEAVE

Sabbaticals: The board, upon recommendation of the superintendent, may grant a professional growth leave of absence for a semester or for a full year without pay to a maximum of five (5) professional personnel who have completed at least seven (7) years of continuous and satisfactory full-time service in the Chapel Hill-Carrboro City School System. A sabbatical will be granted no more than once for an individual employee during any seven-year period. A person who accepts sabbatical leave must agree to return to the school system for a period of at least one year following the period of the sabbatical. Upon return to service, the employee will be assigned to the same duties or those of a similar nature as were performed prior to the beginning of the sabbatical.

Exchange Teaching: The board, upon recommendation of the superintendent, may grant to career teachers a leave of absence of not more than two (2) semesters for exchange teaching. While engaged in an exchange of teaching service, the career teacher will be paid the same salary as he/she would have received in his/her regular assignment. The career teacher must agree to return to the service of the Chapel Hill-Carrboro City Board of Education for a period of at least one year following the period of exchange. Upon return to service, the career

teacher will be assigned to the same duties or those of a similar nature as were performed prior to the beginning of the leave.

Other board policies related to leave are the following: Voluntary Shared Leave, 7540; Family and Medical Leave, 7520; Military Leave, 7530; and Absences Due to Inclement Weather, 7550.

Legal References: [G.S. 95-28.3](#), [115C-12](#), [-36](#), [-47](#), [-84.2](#), [-218.90\(a\)\(3\)](#), [-238.68\(3\)](#), [-285](#), [-302.1](#), [-316](#), [-336](#), [-336.1](#); [116-239.10\(4\)](#); [16 NCAC 6C-.0405](#); State Board of Education Policy [BENF-001](#), *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at <https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy>

Cross References: Workday and Overtime (policy 7500), Compliance with State Board of Education Employment Policies (policy 7505), Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540), Absences Due to Inclement Weather (policy 7550)

Adopted: 9/24/99

Revised: April 9, 2008, February 5, 2015, May 1, 2017, June 7, 2018, April 8, 2021, May 25, 2021

Chapel Hill-Carrboro Schools



TO: Board of Education Policy Committee

FROM: Jessica O'Donovan

RE: Discussion of Wording of Policy 4001

Date: January 26, 2021/ May 25, 2021

Policy 4001: Equal Educational Opportunities

- Makes various revisions to the first paragraph to clarify the board's obligations under state and federal law to provide equal educational opportunities. Language was cross- referenced with other policies for consistency. Citizenship and immigration status were added as protected characteristics. (Recommended)
- Deletes references to repealed policy 1720/4015/7225 and adds references to new policies in the second paragraph and cross references. (Required)
- Deletes last paragraph requiring superintendent to develop procedures to avoid overlap with similar requirements in policy 1730/4022/7231. (Recommended)
- Updates the legal references. (Required)
- Adds and deletes footnotes. (Informational only)

Policy Code: 4001 Equal Educational Opportunities

The board affirms the principle that every student ~~regardless of race, creed, color, national origin, gender, gender identity, class, socioeconomics, ethnicity, sexual orientation, cognitive/physical ability, diverse language fluency, religion, status as an English Language Learner, marital status, pregnancy, parenthood, or other characteristic protected by federal law,~~ shall be given an equal opportunity for a sound basic education. Students shall not suffer discrimination or be excluded from school programs or services based on any characteristic protected by law, regulation, or Board policy. Protected characteristics include, but are not limited to race, culture, color, religion, ancestry, national origin, citizenship, immigration status, gender, gender identity, socioeconomic status, academic status, physical appearance, sexual orientation, and disability. ~~will not be excluded from participating in the programs and services of the school system, denied the benefits of, subjected to discrimination under any educational program or activity conducted by the district.~~ The school district will treat its students without discrimination in accordance with applicable law in regard to course offerings, athletics, counseling, employment assistance, ~~and~~ extracurricular activities and educational resources.

Any student or parent or guardian who feels that this policy has been misinterpreted, misapplied or violated may file a complaint in accordance with ~~board policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law; policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex; policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities; or policy 1740/4010, Student and Parent Grievance Procedure, as appropriate.~~

The superintendent will develop appropriate procedures to ensure that public education is provided to each qualified student with disabilities in accordance with [34 C.F.R. pt. 104, subpart D.](#)

Legal References: Americans with Disabilities Act, [42 U.S.C. 12101](#), *et seq.* [28 C.F.R. pt. 35](#); Equal Educational Opportunities 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 IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c *et seq.*; Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*; 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; [G.S. 115C-1](#), [-367](#), [art 9](#) [-375.5](#), [-407.15](#) through [-407.18](#), [-407.30](#); *Leandro v. State*, [346 N.C. 336 \(1997\)](#); *Parent Rights and 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: ~~Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Bullying and Harassing Behavior Prohibited (policy 4329), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Grievance Procedure for Students and Parents (policy 1740/4010), Complaint Procedure for Students (policy 1745) and Education for Pregnant and Parenting Students (policy 4023)~~

Adopted: 11/19/98

Revised: 12/1/09, 9/7/17

Chapel Hill-Carrboro Schools



TO: Policy Committee
FROM: Janet Cherry
DATE: May 25, 2020

Subject: Revision of **Policy 4240/7312**

Subject: **Child Abuse and Related Threats to Child Safety**

PURPOSE: To approve the recommended revisions and updates to Board Policy 4240/7312

Background:

This update reflects revisions of the following:

- Updates the reporting requirements in the last paragraph of policy 4240/7310. **(Required)**
- Updates legal references. Which includes the adopted school-based mental health policy SHLT-003 **(Required)**
- Updates footnotes¹⁶ N.C.A.C. 6C .0373. **(Informational only)**

CHILD ABUSE AND RELATED THREATS TO CHILD SAFETY

Policy Code: **4240/7312**

The board is concerned with the health, safety, and welfare of all children and recognizes the legal and ethical obligations that school employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has two separate systems that mandate reports to state authorities of suspected child abuse, neglect, dependency, or maltreatment and a third system for mandated reporting of certain crimes against juveniles to local law enforcement.

When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or dependent, this information must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude, and sexual servitude of a child and death of a child as a result of maltreatment are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services, Division of Child Development and Early Education. When the source of the harm or threat of harm to the child is uncertain, a report should be made to both the county child welfare agency and the Department of Health and Human Services, Division of Child Development and Early Education.

In addition, state law mandates reports to local law enforcement when a child is a victim of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

The board of education supports all employees who in good faith make a report under North Carolina's mandated reporting laws.

A. Duty to Report Certain Crimes Against Children to Local Law Enforcement

A school employee, contractor, or volunteer is legally required to report to local law enforcement when the employee or volunteer knows or reasonably should know that a child has been a victim of any of the following crimes:

1. a sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to inappropriate sexual contact with a child);
2. an offense that inflicts serious bodily injury or serious physical injury upon the child by non-accidental means;

3. an attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or

4. misdemeanor child abuse, which occurs when a parent or any other person providing care or supervision to a child who is under the age of sixteen (1) inflicts or allows to be inflicted physical injury to the child by non-accidental means or (2) creates or allows a substantial risk of physical injury to the child by non-accidental means.

Compliance with this reporting requirement does not relieve the employee or volunteer from his or her duty to report pursuant to Sections B and C of this policy. The employee, contractor, or volunteer also shall immediately report the case to the principal.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

B. Duty to Report Child Abuse, Neglect, Dependency, or Death as a Result of Maltreatment to the County Child Welfare Agency

A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the director of social services. The employee, contractor, or volunteer also shall immediately report the case to the principal. Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately.

A school employee, contractor, or volunteer is immune by statute from any civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

C. Duty to Report Child Maltreatment in a Child Care Facility to the Division of Child Development and Early Education

A school employee, contractor, or volunteer who has cause to suspect that a child in a child care facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a child care facility is legally required to report the case to the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE).

A “child care facility” includes any DHHS-licensed classroom or program operated by the CHCCS school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs, and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child’s care is being provided in a child care facility must be resolved in favor of reporting, and the report should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by board, the principal shall immediately notify the superintendent of the suspected maltreatment. No reprisals of any kind may be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed classroom or program operated by the board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system.

D. Cooperation with State and Local Agencies

1. The principal may establish a contact person in the school to act as a liaison with state and local agencies charged with investigating reports made pursuant to this policy.
2. Employees shall cooperate fully with agency personnel conducting an investigation.

3. In a case under the jurisdiction of local law enforcement in which the child's parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.
4. In a case under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.
5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.
6. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.
7. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly connected with carrying out the responsibilities of the school system or the employee.

E. Sharing Information with Other Agencies

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any assessment by the department of social services of a report of child abuse, neglect, dependency, or death as a result of maltreatment; (2) the provision or arrangement of protective services in a child abuse, neglect, or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court.

F. Child Sexual Abuse and Sex Trafficking Training Program: Professional Development

The superintendent will provide ongoing development opportunities for staff, and shall require participation by such personnel as appropriate. Professional development shall include topics required by law or board policy, to include in even numbered years, a two-hour child sexual abuse and sex trafficking education and awareness training program for all school-based personnel working directly with students, including teachers, instructional support personnel,

classified personnel, principals, and assistant principals in grades K-12, as required by G.S. 115C-375.20., and other personnel working directly with students including district personnel and school volunteers. Input from staff members will be sought in developing district-wide programs. School-based professional development programs will be planned jointly by the principal and staff members.

The superintendent shall develop any necessary procedures for making a report pursuant to this policy, for sharing information with designated agencies, and for cooperating with agency investigations.

In addition to the requirements of this policy, any administrator who knows or has reason to believe that a licensed employee has engaged in conduct that would justify automatic revocation of the employee's license pursuant to G.S. 115C-270.35 (b) or which involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction in accordance with subsection C.4 of policy 4040/7310, Staff-Student Relations.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -105.5; 115C-270.35 (b), -375.20, -400, -402; 126-5; 16 N.C.A.C. 6C .0312 .0373; State Board of Education Policies ~~LIGN-007 and NCAG-039~~ SHLT-003

Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student Relations (policy 4040/7310), Student Records (policy 4700)

Adopted: 11/19/98

Revised: 4/7/05, 7/21/08, 9/3/08, 12/5/19, 5/7/2020, 9/3/2020



To: Policy Committee
Date: May 25, 2021
From: Jonathan Scott
Re: Policy 8341 - Limited Claim Settlement

The following Policy 8341 - Limited Claim Settlement will be a new policy. Policy 8341 is a comprehensive policy that would ensure that the Board has a consistent process for evaluating and deciding whether to settle claims. This will reduce its susceptibility to a claim that arbitrarily waives its immunity.

This policy is a North Carolina School Boards Association (NCSBA) recommended policy. NCSBA's basis for recommendation is that "School boards may be liable for denial of the constitutional rights of due process and equal protection if they arbitrarily settle some claims for injury ("tort" claims) but not others when the board has governmental immunity to those claims and has not waived the immunity by the purchase of insurance. *Dobrowolska v. Wall*, 138 N.C.App.1 (2000). The revisions to this policy are intended to reduce the risk that a board will be found to have acted arbitrarily in deciding whether to settle claims prior to a lawsuit being filed."

This policy was reviewed with the District's legal counsel. They recommend that the Board have a consistent process for evaluating and deciding whether to settle claims so that it can reduce its susceptibility to a claim that arbitrarily waives its immunity. This is especially important since the Board participates in the North Carolina School Boards Trust. It was their recommendation to adopt the policy as drafted by the NCSBA.

A. APPLICABILITY TO CERTAIN CLAIMS

On occasion, the board of education 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:



Memorandum

To: Policy Committee

From: Roslyn Moffitt

Date: May 25, 2021

Re: Homeless Students Policy 4125

Background: The Chapel Hill-Carrboro City School Board of Education is committed to providing a free appropriate education for all students enrolled in the school system. In accordance with the McKinney-Vento Homeless Assistance Act and the North Carolina State Plan for Educating Homeless Children, the board will make reasonable efforts to identify homeless children and youth of school age within the area served by the school system, encourage their enrollment, and eliminate barriers to their receiving an education, which may exist in district policies or practices.

Policy Revisions:

The Homeless Student Policy 4125 was updated and reorganized to include deletions for clarity triggered by new language in the administrative rules and to update legal references and footnotes in accordance with state board policy and in Transportation Section C: to remove redundant language.

Homeless Students**Policy Code: 4125**

The Chapel Hill-Carrboro City School Board of Education is committed to providing a free appropriate education for all students enrolled in the school system. In accordance with the McKinney-Vento Homeless Assistance Act and the North Carolina State Plan for Educating Homeless Children, the board will make reasonable efforts to identify homeless children and youth of school age within the area served by the school system, encourage their enrollment, and eliminate barriers to their receiving an education, which may exist in district policies or practices. Based on individual need, homeless students will be provided services available to all students, such as preschool, free or reduced school meals, services for English learners, special education, career and technical education (CTE), academically or intellectually gifted (AIG), and before- and after-school care.

The provisions of this policy will supersede any and all conflicting provisions in board policies that address the areas discussed in this policy.

A. DEFINITION OF HOMELESS STUDENTS

Homeless students are children and youth who lack a fixed, regular, and adequate nighttime residence. The term “homeless student” will also be deemed to include the term “unaccompanied youth” which includes a youth who is not in the physical custody of a parent or guardian. Homeless children and youth include those students who are as follows:

1. sharing the house of other persons due to loss of housing, economic hardship, or a similar reason;
2. living in motels, hotels, transient trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals;
5. living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; or
7. living in a migratory situation that qualifies as homeless because the child lacks a fixed, regular, and adequate nighttime residence.

Homeless Students

Policy Code: 4125

B. ENROLLMENT, ASSIGNMENT, AND TRANSPORTATION OF HOMELESS STUDENTS

1. ENROLLMENT

a. Eligibility

Notwithstanding the enrollment eligibility requirements established by the board elsewhere in policy, school personnel shall immediately enroll homeless students even if they do not have proof of residency, school and immunization records, birth certificates, or other documents; have missed application or enrollment deadlines during a period of homelessness; have outstanding fees; or are not accompanied by an adult. The homeless liaison shall assist the students and parents or guardians in securing appropriate records or otherwise meeting enrollment requirements.

b. Records

Homeless students transferring into the school district may provide cumulative and other records directly to the school district. The superintendent or designee shall not require that such records be forwarded from another school system before the student may enroll. However, school personnel shall immediately request the official records from the previous school.

Information regarding a child or youth's homeless situation must be treated as a student record and protected accordingly. See Policy 4700 Student records.

2. Assignment

A homeless student (or the student's parent or guardian) may request to (1) attend his/her school of origin or (2) any public school that other students living in the same attendance area are eligible to attend. The school of origin is defined as the school the student attended before losing permanent housing or the school in which the student was last enrolled, including a preschool. When a student completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools. Unless, not in the student's best interest, a homeless student who continues attending the school of origin will remain enrolled in the school of origin for the entire time the student is homeless and until the end of any academic year in which the student moves into permanent housing.

The superintendent shall designate the director of student assignment or other appropriate personnel to decide, in consultation with the homeless liaison, which school a homeless student will attend. The decision must be based upon

Homeless Students**Policy Code: 4125**

consideration of student-centered factors related to the student's best interest including factors concerning the impact of mobility on achievement, education, health, and safety of homeless students, giving priority to the request of the student's parent or guardian or unaccompanied youth. The superintendent's designee must presume that keeping the student in the school of origin is in the student's best interest unless contradicted by the student's parent or guardian or the unaccompanied youth. If the superintendent's designee determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian or unaccompanied youth, he/she must provide a written explanation of the reasons for the determination to the parent/guardian, or unaccompanied youth along with information regarding the right to appeal the placement decision as described in Section D, below.

3. TRANSPORTATION

The board of education will provide homeless students with transportation services comparable to those of other students. In addition, at the parent/guardian's request (or the request of the homeless liaison for unaccompanied youth), the board will provide transportation services to/from the school of origin. The superintendent or designee and the homeless liaison will coordinate homeless students' transportation needs, based on the child's best interest. In situations where a student attends school in this system but his/her temporary housing is in another district (or vice versa), the superintendent or designee shall work with the other district to share the cost and/or responsibility for transportation. If an agreement cannot be reached between the districts, the cost of such transportation will be divided evenly.

If a homeless student becomes permanently housed and chooses to remain in his/her school of origin, the board will provide transportation to the student for the remainder of the school year.

C. ELIGIBILITY FOR TITLE I SERVICES

Homeless students are automatically eligible for Title I services. The homeless liaison and the Title I director will collaborate to identify the needs of homeless students ~~and the Title I director shall collaborate to identify the needs of the homeless students.~~

D. DISPUTE RESOLUTION PROCESS

A parent, guardian, or unaccompanied youth who disagrees with a decision of school officials with regard to eligibility, school selection, or enrollment of a student who is

Homeless Students

Policy Code: 4125

homeless (hereinafter, referred to as a “complainant”) may appeal the decision to the school system’s homeless liaison in accordance with this section upon registering or attempting to register the child or youth at the school in which enrollment is sought.

Any employee who is aware that an unaccompanied youth or a parent or guardian of a homeless student is dissatisfied with a decision of school officials with regard to eligibility, school selection, or enrollment should immediately refer that individual to the school system’s liaison for homeless students.

As used in this section, “school days” means days when students are scheduled to be in attendance.

1. Notice, Stay Put, and Informal Resolution

Upon learning of a complainant’s disagreement with a decision of school officials, the homeless liaison shall take the following actions.

- a. The homeless liaison shall arrange to have the student immediately admitted to the school in which enrollment is sought, (either the school of origin or the school located in the attendance zone of the students’ temporary residence) shall receive all services for which he/she is eligible and must be allowed to participate fully in school activities, pending resolution of the dispute.
- b. ~~Immediately, but not later than~~ **Within** one school day ~~after of~~ learning of the complainant’s disagreement, the homeless liaison shall provide the complainant a copy of the school system’s uniform statement of rights and procedures that is written. ~~to the extent practicable, in a language that the complainant can understand.~~ The written statement must include all of the following:
 - 1) contact information, including telephone number, e-mail address, and physical address of the homeless liaison and of the State Coordinator for homeless education, with a brief description of their roles;
 - 2) notice that, within two school days of the school’s decision, the complainant has the right to notify the homeless liaison that the

Homeless Students

Policy Code: 4125

complainant intends to appeal the decision;

3) an explanation of the ~~appeal procedure including the timeline and~~ process for making the initial appeal and for pursuing a subsequent appeal to the superintendent and board, as provided by this policy;

4) a ~~simple~~ complaint form that a complainant can complete and submit to the homeless liaison to initiate the dispute resolution process and to pursue any subsequent appeals to the superintendent and board;

5) notice that the board of education or a designated panel of the board will make the final decision on behalf of the school system;

6) notice of the right to appeal the final decision of the school system to the State Coordinator within three school days and the option to request an extension from the State Coordinator. ~~, along with a step-by-step description of how to appeal the school's decision;~~

7) notice of the right to enroll ~~immediately~~ in the school located in the assignment area of the student's temporary residence or remain in the school of origin with transportation provided pending resolution of the dispute if such transportation is requested by the parent, guardian, or homeless liaison on behalf of the youth;

8) notice that immediate enrollment includes full participation in all school activities;

c. The homeless liaison shall attempt to informally resolve the matter. Complainants are encouraged to attempt informal resolution through discussion with the homeless liaison when possible.

d. If informal resolution is unsuccessful, the homeless liaison shall inform the complainant of the right to appeal the matter by initiating the dispute resolution process provided in subsection D.2, below.

e. If the complaint initiates the dispute resolution process, the homeless liaison shall

Homeless Students

Policy Code: 4125

expedite the process so that a final decision in the dispute is reached within 15 school days or 30 calendar days, whichever is less.

2. Steps in the Dispute Resolution Process and Related Timelines

a. Homeless Liaison Review

i. If informal resolution of a complaint is unsuccessful, the complainant may initiate the dispute resolution process by making a formal appeal to the homeless liaison, either directly or through the principal of the school in which enrollment is sought. The appeal must be presented within five school days of the decision-giving rise to the complaint unless the homeless liaison agrees to an extension of up to five additional school days for good cause.

ii. The appeal may be made orally or in writing on the designated complaint form. If the complainant makes an oral appeal, the homeless liaison shall complete the written complaint form on the complainant's behalf without delay.

iii. The complaint should include the date of the filing, a description of the disputed action pertaining to eligibility, school selection, or enrollment, the name of the person(s) involved, and a description of the relief requested. The complainant must be informed of the right to provide supporting written or oral documentation and to seek the assistance of an advocate or attorney.

iv. The local liaison shall inform the superintendent, other appropriate school officials, and the State Coordinator of the dispute immediately after the parent, guardian, or unaccompanied youth has initiated the dispute resolution process.

~~v. Within two school days after receiving the formal complaint, the homeless liaison shall provide a written decision, including the reasons for the decision, to the complainant and the superintendent.~~

b. Appeal to the Superintendent of the Liaison's Decision

i. Within two school days of receiving the liaison's decision, the complainant may

Homeless Students

Policy Code: 4125

appeal the decision to the superintendent orally or in writing using the form designated for this purpose. Oral appeals must be made to the homeless liaison, who shall commit the appeal to writing on the designated form. The homeless liaison shall ensure that the superintendent receives copies of the written complaint and the response of the liaison.

ii. The superintendent or designee shall schedule a conference with the complainant to discuss the complaint.

iii. Within four school days of receiving the appeal, the superintendent or designee shall provide a written decision to the complainant including a statement of the reasons for the decision.

c. Appeal to the Board of the Superintendent's Decision

i. If the complainant is dissatisfied with the superintendent's decision, he or she may file an appeal with the board of education within two days.

ii. The appeal may be filed orally or in writing using the form designated for this purpose. Oral appeals must be made to the homeless liaison, who shall commit the appeal to writing on the designated form.

iii. The board or a panel of at least two board members acting on behalf of the board will ~~hear~~ **render a decision on the appeal**. The board or board panel will provide the complainant with a written decision within five school days of receiving the appeal. In unusual circumstances the board or board panel may extend this time but will avoid exceeding the lesser of (1) 15 school days from when the complaint was received or (2) 30 calendar days from when the complaint was received.

iv. The board or board panel's decision will constitute the final decision of the school system for purposes of the complaint's right to appeal to the State Coordinator.

Homeless Students**Policy Code: 4125**

v. If the matter under appeal is a school assignment, a board panel decision will be a recommendation that must be submitted to the full board for a final determination as required by state law and policy 4150, School Assignment. However, in order to ensure an expedited appeals process for students who are homeless, the recommendation of the board panel shall be considered the final decision of the board for purposes of appeal to the State Coordinator if a final determination by the full board reasonably cannot be accomplished by the deadline described in the previous paragraph.

vi. The written statement of the final decision will include the name and contact information of the State Coordinator for homeless education and will describe the appeal rights to the State Coordinator. If the matter under appeal is a school assignment and the appeal was not heard by the full board, the written decision will also note that review of the matter by the full board as required by state law is pending.

d. Appeal to the State Coordinator of the Board's Decision

If the complainant is dissatisfied with the decision of the board or board panel, he or she may file an oral or written appeal with the State Coordinator for homeless education within three school days of receiving the board or panel's decision. The State Coordinator will issue a final decision on the complaint. The appeal must include:

- i. the name, physical address if available, e-mail address, and telephone number ~~of the complainant~~;
- ii. relationship or connection of the person to the child in question;
- iii. the name of the school system and the ~~specific~~ school in question;
- iv. the federal requirement alleged to have been violated;
- v. how the requirement is alleged to have been violated; and

Homeless Students

Policy Code: 4125

- vi. the relief the person is seeking.

Within three school days following a request from the State Coordinator, the homeless liaison shall provide the record of complaint, a copy of the board or panel's decision, and any other supporting documents necessary to complete the record.

E. HOMELESS LIAISON

The superintendent or the superintendent's designee will appoint and train a school employee to serve as the homeless liaison. The homeless liaison's duties include, but are not limited to, the following:

1. ensuring that school personnel identify homeless children and youth;
2. ensuring school/pre-school enrollment of and opportunities for academic success for homeless children and youth;
3. ensuring that homeless families and children have access to and receive educational services for which they are eligible;
4. ensuring that homeless families receive referrals to health care, dental, mental health and substance abuse, housing and other appropriate services;
5. informing parents or guardians of unaccompanied youth of available transportation services and helping to coordinate such services;
6. ensuring that public notice of the educational rights of homeless students is disseminated in all school locations frequented by parents or guardians and unaccompanied youth;
7. informing parents of educational and related opportunities available to their children and ensuring that parents or guardians have opportunities to participate in their children's education;
8. communicating the dispute resolution process to parents, guardians and unaccompanied youth experiencing homelessness;
9. helping to mediate enrollment disputes including ensuring that a homeless child or youth is enrolled immediately pending final resolution of the dispute;

Homeless Students

Policy Code: 4125

10. developing a uniform written notice that explains to parents, guardians, and unaccompanied youth their rights and the process for appealing a decision of school officials, as required by subsection D.1.b of this policy. The notice must be written in a simple and understandable format and translated to other languages as needed and practicable;
11. ensuring that when parents, students, and unaccompanied youth initiate the dispute resolution process, all parties comply with the dispute resolution policy and that parents, students and unaccompanied youth are provided with the information listed in subsection D.1.b of this policy;
12. informing unaccompanied youth of their status as independent students and assisting in verifying such status for the purposes of the free application for federal student aid;
13. ensuring that school personnel providing services to homeless students receive professional development and other support;
14. working with school personnel, the student, parents or guardians and/or other agencies to obtain critical enrollment records, including immunization and medical records, in a timely manner; and
15. working with the superintendent or his/her designee to identify board policies or procedures that might serve as a barrier to enrollment of homeless students, including those related to immunization records, medical records, uniforms or dress codes, school fees, and school admission.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; U.S. Department of Education Non-Regulatory Guidance on Education for Homeless Children and Youth Program (July 2016) G.S. 115C-366(a2); 16 N.C.A.C. 6H.0112; State Board of Education Policy EEO-I-000

Cross References: Immunization and Health Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Discretionary Admission (policy 4130), School Assignment (policy 4150), Student Records (policy 4700)

Issued

Revised: December 20, 2006; August 1, 2007, December 20, 2007, December 2010, February 16, 2017, March 7, 2019



TO: Policy Committee
FROM: Vernon Hall
Coordinator of Social and Emotional Learning
DATE: May 20, 2021

Subject: Counseling Program: Policy Code 3610

PURPOSE: This update to Policy 3610 incorporates a new state-mandated recommendation and updated language reflects the current structure and goals of the counseling program. The proposed changes include minor terminology and editorial changes, name changes to on policy, and moving text from one area of the current policy into one of the sections listed below.

As stated the policy title is revised and is recommended to reflect the expanded breadth of the policy.

- o The introductory paragraph - several updates were made to reflect the current vision and direction of the school counseling program at the state leave.
- o Added 6 new sections to the current policy.
 - Section A - Parental Involvement and Others - added additional information about parental notification
 - Section B - Provisions for Counseling Services - minor updates to this section.
 - Section C - Academic Advising - this information was moved from a previous section of our existing policy.
 - Section D - Notification of Safe Surrender Law - this information was moved from a previous section of our existing policy.
 - Section E -Employee Mandatory Reporting- added language to cover all instances of child maltreatment that are required by law to be reported.
 - Section F - Confidentiality - there was one legal update in this section.
- o Updated old legal reference

Guidance and counseling programs are provided by the school district with the ultimate aim of improving student performance by implementing strategies and activities that support and maximize student learning; helping students to grow in their personal and social development; and providing a foundation for acquiring the skills that enable students to graduate career and college ready and prepared to be lifelong learners. ~~to improve student performance by increasing skills; helping students make adjustments; addressing problems that interfere with learning or the classroom environment; and assisting in career and college planning.~~ Each school shall develop a counseling program that is data-driven and to meets the academic, career, and social/emotional developmental needs of the student population at that school. The program will include individual and group counseling, classroom presentations, academic advising, career development services, consultation, parent education, and other responsive services.

In addition, the counseling program will incorporate the following specific elements.

~~with the objective of improving student performance. The State Board of Education (HSP-L-006) requires school guidance counselors and other guiding adults in the middle and high school settings to:~~

- ~~● provide guidance and information to students about course selection and requirements prior to ninth grade;~~
- ~~● know and understand the number and nature of credits required for college entrance;~~
- ~~● encourage ninth grade students to complete these requirements in less than four years where feasible and appropriate;~~
- ~~● help students set up schedules that promote their early completion (within three years) of requirements for college entry, to the extent appropriate for the individual students, as they assist and advise ninth grade students in annual/semester course selection and in career planning activities;~~
- ~~● inform students about opportunities to accelerate completion of graduation requirements and early college entrance opportunities;~~
- ~~● provide information in such settings as orientation sessions, class and grade-level meetings, small group settings, and/or one to one sessions; and~~
- ~~● distribute and explain this information to school staff and parents.~~

A. Involvement of Parents and Others

The counseling program should operate in collaboration with teachers and others involved in educating students, including those who assist children with special needs or students who are at risk of dropping out of school or not meeting performance expectations. Input from parents and students should be sought in accordance with the school's parental involvement plan. ~~All~~

~~schools must follow the Parental Involvement Plan —(See policy 1310/4002, Parental Involvement.) in regard to parental notification/permission for counseling programs. Parents shall be informed of all guidance and counseling services available to students. Parents will be notified of the right to opt their students out of participation in certain group academic or career guidance or personal or social counseling services of a generic nature. All school personnel must follow the Parental Involvement Plan (see policy 1310/4002). All counselors will make special efforts to invite all parents to attend Information sessions for course selection, proficiency standards, diploma options, planning courses of study for middle and high school students, and other team based student discussions. In addition, school personnel shall annually provide all students in Grades 9 through 12 with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500 (G.S. 115C-47(50)).~~

B. PROVISION OF COUNSELING SERVICES

Counseling may be provided on an individual basis or in small or large groups. School counselors may refer students who have extensive needs or needs that go beyond the purpose of the counseling program to community resources.

Counselors will work with other staff to reduce the effects of the crisis on students and staff. Procedures are outlined in the Safe Schools Manual.

Students may seek counseling or be referred by staff or parents. Counselors should help students recognize behaviors that indicate a student is contemplating suicide and inform students to notify the counseling staff of these concerns. If a student notifies a counselor, the counselor will follow procedures established by the district and school. ~~Any staff member who is aware or suspects that a student is contemplating suicide, threatening acts of violence, or is otherwise suffering from an emotional or psychological crisis must immediately notify the counseling staff in accordance with any rules established by the superintendent or principal. Any counselor or other staff member who knows or has cause to suspect child abuse, neglect, or sexual harassment must report the information as provided in Policy 4240 (Child Abuse – Reports and Investigations) and Policy 4310 (Anti-Social Behavior) and as required by law.~~

School officials, support staff, and teachers working as an intervention team may recommend a counseling program to help a student meet standards of conduct and academic performance established by the Board and school district. Counseling programs are most effective when voluntarily entered into by a student. Counseling is open to all students who wish to participate voluntarily to address personal issues. ~~However,~~ Students will not be required to attend individual or small group counseling sessions to address identified significant personal issues unless agreement has been reached with the parent(s)/guardian(s) and student in a behavior contract, an intervention plan or, for special education students, in an individualized education plan. (See Student Behavior Policies (4300 series), **Student Promotion and Accountability Student Progression and Placement** (Policy 3420), Special Education Programs/Rights of Disabled Students (Policy 3520).

C. ACADEMIC ADVISING

School counselors and other guiding adults in middle and high schools shall support equitable access to opportunities and rigorous and relevant curricula for all students. Prior to the ninth grade, students will be informed about the course requirements for regular and accelerated college entry. School counselors shall encourage ninth grade students to complete the requirements for college entry in less than four years, if feasible and appropriate.

D. NOTIFICATION OF SAFE SURRENDER LAW

School personnel shall annually provide all students in grades 9 through 12 with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.

E. EMPLOYEE MANDATORY REPORTING

Any staff member who is aware that a student is contemplating suicide or is otherwise suffering from an emotional or psychological crisis must immediately notify the counseling program in accordance with any rules established by the superintendent or principal.

Any counselor or other staff member who knows or has cause to suspect maltreatment of a child must report the information as provided in policy 4240/7312, Child Abuse and Related Threats to Child Safety, and as required by law.

F. Confidentiality

Information obtained in a session with a counselor may be privileged and protected from disclosure as provided by law. A counselor cannot be required to testify concerning privileged information unless, as provided by [G.S. 8-53.4](#), the student waives the privilege or the court compels testimony as necessary to the proper administration of justice. The school counselor privilege does not, however, exempt the counselor from reporting child abuse as required by **law and policy 4240/7312**. ~~G.S. 7B-301~~. Any notation made by a counselor for his or her own use is a confidential document and is neither a public record nor a part of the student's record. Such confidential documents do not have to be shared with parents or others except as required by law. Any document prepared by a counselor that is shared or intended to be shared with other staff is considered an educational record of the student and is available to the parent or eligible student in accordance with board policy [4700](#), Student Records.

Legal References: Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#); [G.S. 7B-301](#), [-500](#); [8-53.4](#), [110-105.4](#); [115C- 12](#), [-47](#), [-400](#), and [-401](#); State Board of Education Policy [SCOS-011](#), [GRAD-006](#).

Cross References: Parental Involvement (Policy [1310/4002](#)), Goals and Objectives of the Educational Program (policy [3000](#)), **Student Promotion and Accountability** ~~Student Progression and Placement~~ (Policy [3420](#)), Special Education Programs/Rights of Disabled Students (Policy [3520](#)), **Child Abuse and Related Threats to Child Safety** ~~Child Abuse - Reports and Investigations~~ (Policy [4240](#)), Student Behavior Policies ([4300](#) series), Student Records (Policy [4700](#))

Adopted:

Revised: 9/5/02; 11/27,06, 1/18/07, 9/3/08, 4/28/09, 5/1/17



TO: Board of Education Policy Committee

FROM: Jessica O'Donovan

RE: Policy 3460

Date: May 25, 2021

Attachment(s): [Draft Revised Policy 3460 with tracked changes](#)

Changes to Policy 3460: Graduation Requirements:

- Update the graduation requirement charts with regards to the Math Options Chart, the finalized four new courses in Social Studies, and the [revision of the Occupational Preparation courses](#) to embed employment preparation into all core content areas.
(Required)
- Update terminology (e.g., from “guidance counselors” to “school counselors.”)
(Recommended)
- Update legal references. **(Recommended)**

Policy Code: 3460 Graduation Requirements

The Board recognizes the importance of setting rigorous graduation requirements in order to help ensure that students are receiving an education that will prepare them to be productive members of society.

In order to graduate from high school, students must meet the following requirements:

1. successful completion of all course unit requirements
2. successful completion of cardiopulmonary resuscitation (CPR) instruction.

The principal shall ensure that students and parents are aware of all graduation requirements. School counselors shall assist students in selecting their high school courses to ensure that students are taking all of the required units and selecting electives consistent with their post-graduate plans. For students who have transferred to the school system during high school, or who for other reasons have completed course work outside of the school system, the principal shall determine what course work will be applied as credit for graduation. The principal shall consider the requirements of the Interstate Compact on Education Opportunities for Military Children ([G.S. 115C-407.5](#)) and the requirements of Section D.4 of this policy in determining the graduation requirements for children of military families.

A. Course Units Required

A “credit” is a course for which credit is awarded toward high school graduation and which qualifies as part of the instructional day. Credit will not be awarded for office, teacher, or laboratory assistance.

All students must fulfill the course unit requirements of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study. The tables below list the course unit requirements for the Future-Ready Core Course of Study and the Future-Ready Occupational Course of Study based on the student’s year of entry into ninth grade for the first time. In accordance with policy 3101: Options to Earn High School Credit, and State Board of Education requirements, students may:

- earn high school credit for college courses completed;
- earn credit for certain high school courses in the Future-Ready Core Course of Study completed while in middle school, as authorized by the State Board of Education; and
- have the opportunity to meet credit unit requirements without completing the regular period of classroom instruction by demonstrating mastery of the course material in accordance with policy 3420: Student Promotion and Accountability, and State Board of Education requirements.

All awards of high school course credit must be consistent with State Board of Education requirements. Any inconsistency between board policy and State Board graduation requirements will be resolved by following the State Board requirements. While the board endeavors to keep its policy up to date with current State Board of Education graduation requirements, students should verify current requirements with their ~~guidance~~ [school](#) counselors when planning course schedules or making other decisions based on graduation requirements.

1. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time before 2020-21.

Courses Required*	State Requirements	Local Requirements
English	4 sequential (English I, II, III, and IV)	or AP English Language, or AP English Literature
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math unit/credit aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and earth/environmental science)	
Social Studies	4 (including: 1) a founding principles course which shall be either American History: Founding Principles, Civics & Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy;**** 2) two American history courses, which shall be either (a) American History I and II, (b) American History I or II and another Social Studies course; and (3) World History)	OR AP U.S. History and one additional social studies elective
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-unit/credit concentration is recommended.)*****	1 elective in Career-Technical Education or Arts Education Students on a math substitution: 4 elective credits required (four course concentration)

		from one of the following: <ul style="list-style-type: none"> • CTE • JROTC • Arts • Any other subject area
Total Credits	22	

* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy [GRAD-008](#).

** Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at <http://bit.ly/DPIMemo> [and the math options chart linked below](#).

*** Students seeking to complete minimum courses requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at:

<https://sites.google.com/dpi.nc.gov/k-12-mathematics/resources/hs-mathematics/math-options-charts?authuser=0>

**** The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy, must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses. See SBE Policy GRAD-004.

***** Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

2. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021 [and Thereafter](#)

Courses Required*	State Requirements
English	4 sequential (English I, II, III, and IV)
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math unit/credit aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***
Science	3 (a physical science course, Biology, and earth/environmental science)

Social Studies	4 (including: (1) a founding principles course, which shall be either American History: Founding Principles, Civics, and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy****; (2) an American History course, which shall be either (a) American History I, (b) American History II, or (c) American History; (3) World History; and (4) Economics and Personal Finance*****)
Health/P.E.	1
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-unit/credit concentration is recommended *****)
Total Credits	22

* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy [GRAD-008](#).

** Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at <http://bit.ly/DPIMemo> [and the math options chart linked below](#)

*** Students seeking to complete minimum courses requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at:

<https://sites.google.com/dpi.nc.gov/k-12-mathematics/resources/hs-mathematics/math-options-charts?authuser=0>

**** The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses. See SBE Policy [GRAD-004](#).

-Students will take World History (World History, Honors World History, or AP World History) in the first year of their high school Social Studies course sequence due to the nature of the adoption of the new Social Studies Standard course of Study effective in 2021-22.

*****This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

***** Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

3. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2021-2022

Courses Required*	State Requirements
<u>English</u>	4 sequential (English I, II, III, and IV)
<u>Mathematics</u>	4 (NC Math 1, 2, and 3 and a fourth math unit/credit aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***
<u>Science</u>	3 (a physical science course, Biology, and earth/environmental science)
<u>Social Studies</u>	4 (including: (1) Founding Principles of the United States of America and North Carolina: Civic Literacy****; (2) American History; (3) World History; and (4) Economics and Personal Finance*****)
<u>Health/P.E.</u>	1
<u>Electives</u>	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended *****)
<u>Total Credits</u>	<u>22</u>

* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

** Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at <http://bit.ly/DPIMemo> and the math options chart linked below

*** Students seeking to complete minimum courses requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at:

<https://sites.google.com/dpi.nc.gov/k-12-mathematics/resources/hs-mathematics/math-options-charts?authuser=0>

**** The Founding Principles course must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses. See SBE Policy GRAD-004.

-Students will take World History (World History, Honors World History, or AP World History) in the first year of their high school Social Studies

course sequence due to the nature of the adoption of the new Social Studies Standard course of Study effective in 2021-22.

*****This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

***** Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

4. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade prior to 2020-21 (only available to certain students with disabilities who have an IEP)

Courses Required	State Requirements	Local Requirements
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Introduction to Math, NC Math I, and Financial Management)	
Science	2 (including Applied Science and Biology)	
Social Studies	2 (including American History I and American History II* OR (1) American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy; and (2) American History I or American History II or American History)**	
Health/P.E.	1	
Career/Technical	4 (CTE electives)	
Occupational Preparation	<u>6 (including: (1) Occupational Preparation I or Employment Preparation I: Science; 2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3)</u>	1 elective in Career-Technical Education or Arts Education Students on a math substitution: 4 elective credits required (four course concentration)

	<u>Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB; and (4) Occupational Preparation IV: Math II, III, and IV, which require 150 hours of school-based training, 225 hours of community-based training, and 225 hours of paid employment or when paid employment is not available, 225 hours of any combination of unpaid vocational training, unpaid internship experience, paid employment at community rehabilitation facilities, and volunteer and/or community service hours may substitute for 225 hours of paid employment)</u>	from one of the following: <ul style="list-style-type: none"> • CTE • JROTC • Arts • Any other subject area
<u>Work Hours***</u>	<u>600</u>	
Electives	0	
Other Requirements	<ul style="list-style-type: none"> • Completion of IEP objectives • Career Portfolio 	
Total Credits	22	

* Applicable only to students entering the ninth grade for the first time prior to 2017-18.

** Applicable only to students entering the ninth grade for the first time between 2017-2018 and 2019-2020.

*** The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours. Paid employment is the expectation; however, when paid employment is not available, 225 hours of unpaid vocational training, unpaid internship experience, paid employment at community rehabilitation facilities, and volunteer and/or community service hours may substitute for 225 hours of paid employment.

5. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021 (only available to certain students with disabilities who have an IEP)

Courses Required	State Requirements
English	4 (including English I, II, III, and IV)
Mathematics	3 (including Introduction to Math, NC Math I, and Financial Management)
Science	2 (including Applied Science and Biology)
Social Studies	2 (including (1) <u>a founding principles course which shall be either American History: Founding Principles, Civics and Economics or</u> Founding Principles of the United States of America and North Carolina: Civic Literacy and (2) Economics and Personal Finance)
Health/P.E.	1
Career/Technical	4 (Career/Technical Education electives)
Occupational Preparation	6 (including: (1) Occupational Preparation I <u>or Employment Preparation I: Science</u> ; (2) <u>Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB</u> ; (3) <u>Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB</u> ; and (4) <u>Occupational Preparation IV or Employment Preparation IV: Math, II, III, and IV, which require 150 hours of school-based training, 225 hours of community-based training, and 225 hours of paid employment*</u>)
<u>Work Hours*</u>	<u>600</u>
Electives	0
Other Requirements	<ul style="list-style-type: none"> • Completion of IEP objectives • Career Portfolio
Total Credits	22

* The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours. Paid employment is the expectation; however, when paid employment is not available, 225 hours of unpaid vocational training, unpaid internship experience, paid employment at community rehabilitation facilities, and volunteer and/or community service hours may substitute for 225 hours of paid employment.

6. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2021-2022 (only available to certain students with disabilities who have an IEP)

<u>Courses Required</u>	<u>State Requirements</u>
<u>English</u>	<u>4 (including English I, II, III, and IV)</u>
<u>Mathematics</u>	<u>4 (including Introduction to Math, NC Math I, Financial Management, and Employment Preparation IV: Math (to include 150 work hours))</u>
<u>Science</u>	<u>3 (including Applied Science, Biology, and Employment Preparation I: Science (to include 150 work hours))</u>
<u>Social Studies</u>	<u>4 (including Founding Principles of the United States of America and North Carolina: Civic Literacy, Economics and Personal Finance, Employment Preparation II: Citizenship IA (to include 75 work hours), and Employment Preparation II: Citizenship IB (to include 75 work hours))</u>
<u>Health/P.E.</u>	<u>1</u>
<u>Career/Technical</u>	<u>4 (Career/Technical Education electives)</u>
<u>Additional Employment Preparation*</u>	<u>2 (including Employment Preparation III: Citizenship IIA (to include 75 work hours) and Employment Preparation III: Citizenship IIB (to include 75 work hours))</u>
<u>Electives</u>	<u>0</u>
<u>Other Requirements</u>	<u>• Completion of IEP objectives</u> <u>• Career Portfolio</u>
<u>Total Credits</u>	<u>22</u>

*** The work hours included in Employment Preparation I, II, III, and IV are as follows: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.**

B. High School End-of-Course and Other Testing

High school students must take all end-of-course (EOC) tests and Career and Technical Education (CTE) State Assessments required by the State Board of Education and pursuant to policy 3410, Testing and Assessment Program.

C. Additional Local Board Requirements

1. Student Course Load

Students are generally required to be enrolled in seven (7) courses or six (6) courses and a study period. Students are not allowed to take more than three (3) Advanced Placement courses per year without informed parental consent. Students may be enrolled in no more than eight (8) courses per academic year (including summer), including NCVPS courses.

2. Service Learning Graduation Requirement

In recognition of the importance for students to become responsible citizens, the Board endorses service learning as a vehicle for students to provide service utilizing skills they have acquired in the classroom. There is a distinction between service learning and volunteerism.

Service Learning is a teaching/learning method that connects meaningful community service experiences with academic learning, personal growth, and civic responsibility. In service learning, students learn and develop through active participation in thoughtfully organized service experiences that:

- Meet community and school needs;
- Are coordinated in collaboration with the school and the community;
- May be integrated into the curriculum;
- Provide structured time for a student to think, talk, and write about what he/she learns during the actual service activity;
- Provide students with skills and knowledge in real life situations in their own communities;
- Enhance what is taught in the school by extending student learning beyond the classroom; and
- Help foster the development of a sense of caring for others.

a. Service Learning Hour Requirements

1) Students are required to complete 25 hours of service learning, as outlined below, to receive a diploma. Students enrolled in the Occupational Course of Study (OCS) are not required to meet the service learning requirement in order to be a junior or senior in good standing, including eligibility for parking privileges for juniors and seniors and off-campus privileges for seniors.

2) The hour requirements for students enrolling in the district as seniors will be prorated to 15 hours.

3) Students in the Occupational Course of Study meet this requirement by completing 150 hours of school-based vocational training and 225 hours of community-based vocational training. The student's status in meeting this requirement will be appropriately prorated in determining "good standing" as a junior or senior.

4) Students who achieve 100 or more hours of service learning in at least two different projects will be awarded recognition at graduation.

D. Special Circumstances Regarding Graduation

The Board adopts the following policies to address special circumstances regarding graduation:

1. Honor Graduates

Honor graduates may be designated by the principals on the basis of criteria established by the superintendent. Recognition of honor graduates may be included in graduation programs. This includes recognition of students who earn designation as North Carolina Academic Scholars. Honor graduates may wear tassels or other cords signifying this honor.

2. Students with Disabilities

Graduation requirements must be applied to students with disabilities to the extent required by state and federal law and State Board policy.

3. Graduation Certificate

a. A student who does not earn a high school diploma shall receive a graduation certificate and shall be allowed to participate in graduation exercises provided the following:

1) has been identified as a “child with a disability” as defined by [G.S. 115C-106.3\(1\)](#); and

2) has completed the course requirements or reached the maximum age of entitlement (22 years old).

b. A Principal may recommend a graduation certificate to any student.

c. After completing four years of high school, a student may participate in graduation exercises before they begin an approved externship transition program.

Participation in graduation exercises will not waive a student’s right to return to school as permitted by law.

4. Children of Military Families

The superintendent shall give special consideration to children of military families to facilitate on-time graduation including the following provisions for students covered by the Interstate Compact on Opportunity for Military Children.

a. Waiver Requirements

Specific course work required for graduation will be waived if similar course work has been satisfactorily completed in another school system. If a waiver is not granted, school administrators shall provide the student with reasonable justification for the denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the superintendent or designee shall provide the student with an alternative means of acquiring the required coursework so that graduation may occur on time.

b. Testing Requirements

The superintendent shall accept the following in lieu of local tests required for graduation: 1) exit or end-of-course exams required for graduation from the sending state; 2) national norm-referenced achievement tests; or 3) alternative testing. If these alternatives are not

feasible for a student transferring in his or her senior year, section c below will apply.

c. Transfers During Senior Year

If a child of a military family transferring at the beginning or during his or her senior year is ineligible to graduate from the school system after all the alternatives listed above have been considered and the student meets the graduation requirements at his or her sending school, then school officials from the school system and the sending school system shall collaborate to ensure that the student will receive a diploma from the sending board of education.

5. Early Graduation

Graduation prior to that of one's class may be permitted on the basis of criteria approved by the board upon recommendation by the superintendent.

6. Diploma Endorsements

Students will have the opportunity to earn one or more of the following diploma endorsements identifying a particular area of focused study including: (1) Career Endorsement, (2) College Endorsement, (3) North Carolina Academic Scholars Endorsement, and/or (4) Global Languages Endorsement. No endorsement is required to receive a diploma, and a student may earn more than one endorsement.

E. Notification and Support

Students who seek assistance or are identified as likely to need assistance in meeting an academic requirement must be provided opportunities for remedial or additional instruction in accordance with Board Policy 3420: Student Progression and Placement.

The Board may require that students successfully complete additional graduation requirements. Students and their parents/guardians will be notified of any change in local graduation requirements at least by the spring of their sophomore year.

Legal References: [G.S. 115C-12\(40\)](#), [-47](#), [-81.25\(c\)\(10\)\(c\)](#), [-81.45\(d\)](#), [-81.65](#), [-174.11](#), [-276](#), [-288](#), [-407.5](#); [16 N.C.A.C. 6D .0309](#); State Board of Education Policies, [CCRE-001](#), [GRAD-004](#), [GRAD-007](#), [GRAD-008](#), [GRAD-010](#), [TEST-003](#)

Cross References: Goals and Objectives of the Educational Program (Policy 3000), Options to Earn Course Credit for Graduation (Policy 3101), Testing and Assessment Program (Policy 3410), Student Progression and Placement (Policy 3420), Class Rankings (Policy 3450), Citizenship and Character Education (Policy 3530), Children of Military Families (Policy 4050), *District Course Catalog

Adopted: 4/10/03

Revised: 12/15/05, 6/7/07, 8/14/08, 2/5/09, 10/1/09, 5/20/10, 5/5/11, 4/23/15, 4/20/17, 3/15/18, 3/7/19, 7/23/2020, 4/22/21



To: Policy Committee
Date: May 25, 2021
From: Jeff Nash
Re: Policy 7720

7720 – EMPLOYEE POLITICAL AND COMMUNITY ACTIVITIES

We bring this policy to the Committee with four changes:

- 1. Clarifies language in the second paragraph expressing that employment or volunteer service with the school system does not preclude an individual from participating in certain political activities. This is the only change that is required.*
- 2. Adds language to the last paragraph reminding employees of the standards regarding political speech in the classroom. This change is strongly recommended*
- 3. Cleans up verbiage in a few smaller areas.*
- 4. Updates legal references.*

The board encourages participation in community activities by school personnel, not only to fulfill general citizen responsibilities, but also as an effective method for increasing general public awareness of the school system and for promoting a progressive community spirit among its patrons. The board will limit or discourage participation in community activities, including political activities and public speaking, only if such participation could cause either considerable interference with the activities of the school district or substantial interference with the employee's ability to function effectively in the school district.

PARTICIPATION IN POLITICAL ACTIVITIES

Employment or volunteer service with the school system does not preclude an individual from participating in political activities, such as ~~The employee's right of citizenship, involving~~ registering, ~~discussing political issues, and~~ voting, campaigning for candidates or issues, running for or serving in public office, attending political events, and contributing funds to partisan groups or candidates, and participating on a committee or board that seeks to serve the welfare of the community, will not be infringed upon due to employment by the school system.

These political activities will not:

1. Take place during ~~school time~~ work hours;
2. Involve school ~~system monies~~ funds or materials;
3. Involve the posting of promotional materials on school grounds except as provided by the Board of Elections; or
4. Make use of an official school position to encourage or to coerce students, ~~or other~~ employees, ~~or others of the system~~ to support in any way or oppose a political party, candidate, or issue.

School employees engaging in political activity will make it clear that they are speaking and acting as individuals, and that they do not represent the school district or the views of the board.

This policy should not be construed as prohibiting the impartial study and discussion of political or other controversial issues in the classroom setting. However, employees must be mindful of their responsibility to deliver the curriculum of the school system and may not present their personal political views to students in the classroom or when otherwise engaged in the instruction of students.

Legal References: U.S. Const. amend. I; G.S. 115C-46.1, -47(18); Boring v. Buncombe County Bd. of Educ., 136 F.3d 364 (4th Cir. 1998); Lee v. York County Sch. Div., 484 F.3d 687 (4th Cir. 2007)

Cross References: Official School Spokesperson (policy 2220)

Adopted: