

# Policy Committee Agenda

February 20, 2024  
5:00 - 6:00 PM  
Assembly Room

**Type of Meeting:** Lee County Schools Board Policy Committee

**Attendees:** All Policy Committee Members

**Revision Key:** Additions - double underline  
Deletions - ~~strikethrough~~  
NCSBA - **BLUE**  
General Statute Changes - **RED**  
Lee County Schools Changes - **ORANGE**

## AGENDA TOPICS

**Welcome and Call to Order** ..... Chris Gaster, Chair  
**Approval of February 20, 2024 Agenda**.....Chris Gaster, Chair  
**Approval of January 16, 2024 Minutes**.....Chris Gaster, Chair

## POLICIES FOR REVIEW

### For Review

Policy 6300 Goals of Student Transportation Services.....Chris Gaster, Chair  
Policy 6305 Safety and Student Transportation Services.....Chris Gaster, Chair  
(Including - Statute 20-137.4. Unlawful use of a mobile phone)  
Policy 6315 Drivers.....Chris Gaster, Chair  
Policy 6321 Bus Routes.....Chris Gaster, Chair  
Policy 1510/4200/7270 School Safety.....Chris Gaster, Chair  
Policy 7805 Superintendent Evaluation.....Chris Gaster, Chair  
Policy 2310 Public Participation at Board Meetings.....Dr. Chris Dossenbach

### Strongly Recommended / Required Updates:

Policy 6401/9100 Ethics and the Purchasing Function.....Dr. Trysha Mazzola  
Policy 7730 Employee Conflict of Interest.....Dr. Trysha Mazzola

# POLICY COMMITTEE AGENDA

Policy 6430/7830 Purchasing Requirements for Equipment, Materials &  
Supplies.....**Dr. Trysha Mazzola**

**Adjourn.....Chris Gaster, Chair**

Next Policy Committee Meeting  
March 19, 2024  
5:00 PM  
Assembly Room  
Heins Educational Building

*Required* means either (1) the provisions are required by law to be addressed in policy or (2) the modifications must be made to ensure the policy reflects current law.

*Strongly recommended* means the provisions are required by law, but they do not have to be addressed in policy, although NCSBA strongly recommends that the provisions be added to policy.

*Recommended* means the provisions are not required by law, but NCSBA considers them good practice.

**Lee County Board of Education  
Policy Committee Meeting  
Assembly Room, Basement  
Heins Education Building  
January 16, 2024  
5pm**

**Members Present:**

Chris Gaster-Lee County Board of Education member; Chairman-Policy Committee  
Sandra Bowen-Lee County Board of Education Member; Policy Committee member  
Eric Davidson-Chairman, Lee County Board of Education  
Dr. Chris Dossenbach-Superintendent  
Dr. Lisa Duffey-Executive Director of Student Services  
Dr. Trysha Mazzola-Mental Health Coordinator and Policy Advisor  
Sal Cosimo, Executive Director of Human Resources  
Elayne Monjar-AP, SanLee Middle School  
Melissa Brewer-Principal, JR Ingram, Jr. Elementary School  
Susan P. Britt-Administrative Assistant

**Members Present Remotely:**

Stephen Rawson-Board Attorney

Chairman Gaster called the meeting to order.

Approval of 1/16/2024 Agenda-The 1/16/2024, agenda was approved

Approval of 11/20/2023 Minutes-The 11/20/2023 minutes were approved.

### **Policies for Review**

Policy 4333-Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety

Policy 4300-Code of Student Conduct

Policy 4302-School Plan for Management of Student Behavior

The committee reviewed the policies and did not recommend any changes.

### **Recommended Updates:**

Policy 1310/4002-Parental Involvement

Policy 4720-Surveys of Students

Committee Member Bowen made the motion to accept the policy recommended updates for submission to the Board for first reading on February 13, 2024. The motion was seconded by Chairman Gaster, and approved unanimously.

### **Recommended and Required Updates:**

Policy 7100-Recruitment and Selection of Personnel

Committee Member Bowen made the motion to eliminate the “40 or older” language from the policy and accept the remaining updates for submission to the Board for first reading on February 13, 2024. The motion was seconded by Chairman Gaster, and approved unanimously.

### **Required Updates:**

Policy 4110-Immunization and Health Requirements for School Admissions

Policy 5210-Distribution and Display of Non-School Material

Policy 7130-Licensure

Committee Member Bowen made the motion to accept the policy recommended updates for submission to the Board for first reading on February 13, 2024. The motion was seconded by Chairman Gaster, and approved unanimously.



The next Policy Committee meeting is scheduled for Tuesday, February 20, 2024, 5pm, Assembly Room, HEB.

There being no further business, Policy Committee Chairman Gaster adjourned the meeting.

## **Policy Code: 6300 Goals of Student Transportation Services**

The local board elects to provide school transportation services for eligible students. The transportation system maintained by the Board shall meet or exceed minimum standards established by the state. The goals of the transportation services are as follows:

1. providing transportation to and from school to eligible students;
2. making safety a priority in maintaining quality transportation equipment and vehicles, including using video cameras as available;
3. teaching and expecting students to act in a safe and orderly manner while using school transportation;
4. planning and providing transportation services efficiently and economically;
5. using transportation services to support the types of learning opportunities available to students;
6. working effectively with students, parents, guardians, private contractors and other governmental agencies in providing transportation services; and
7. providing courteous service to students and responding promptly and courteously to requests by parents, guardians and students

Legal References: [G.S. 115C-36](#), [-239](#), [-240](#)

Cross References:

Issued: October 9, 2000

Revised: September 8, 2009

RNC: 4/9/09

**Lee County Schools**

## **Policy Code: 6305 Safety and Student Transportation Services**

Safety is of paramount concern in providing student transportation services. The board recognizes that providing safe transportation requires the cooperation of students, parents, volunteers, personnel and other governmental agencies. The superintendent of designee and all principals shall make reasonable efforts to inform affected individuals or entities about safety issues and monitor compliance with legal requirements and this policy.

### **A. Student Behavior**

A safe and orderly environment is critical whenever transporting students. The Code of Student Conduct and board policies on student behavior apply as provided in policy 4300, Code of Student Conduct. Students will receive training on school bus safety as required by law regardless of whether they regularly ride a school bus to and from school.

### **B. Transportation Safety Assistants and Bus Monitors**

Upon recommendation of a building principal and the superintendent, the board may employ transportation safety assistants to assist bus drivers with the safety, movement, management and care of students. In addition, the superintendent or designee may appoint a volunteer monitor to assist a bus driver with maintaining order and student safety for any bus assigned to a school. As necessary, the superintendent or designee shall designate in administrative guidelines the responsibilities of school bus transportation safety assistants and bus monitors in accordance with state law.

### **C. Purchase and Maintenance**

The board shall purchase school buses and other vehicles used to transport students that meet state and federal safety standards. Purchase and replacement of buses shall be an item of the capital outlay budget. Title to buses shall be in the name of the school district until disposed of according to law.

The superintendent or designee and principals shall fulfill all duties prescribed by state law and regulations for maintaining, inspecting and repairing school buses and other vehicles used to transport students. The superintendent or his/her designee shall maintain safety inspection records that shall be completed and signed by the individual(s) who conducts the inspection. All defects noted by local or state inspect

The Board shall comply with state laws concerning qualifications for school bus drivers and any applicable driving regulations. All drivers transporting students shall comply with board policy 6315, Drivers.

## **D. Safety Practices on School Buses and Activity Buses Unsafe Conditions**

In addition to any rules established by the superintendent or designee for the safe operation of the student transportation services, the board expects school employees to observe the following practices.

1. All school bus drivers must utilize the North Carolina crossing signal to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus.
2. The number of students transported on any school bus, activity bus, commercial bus or contracted vehicle will not exceed the official rated capacity for the specific vehicle being used.
3. All riders must be seated while the vehicle is in motion.
4. No person will be permitted to stand or sit in the aisle or step well when the vehicle is in motion.
5. All school bus drivers are expected to use good judgment in determining whether it is safe to operate a school vehicle, and to permit students to enter or leave the bus at particular locations.
6. Bus drivers must report immediately any suspected mechanical defects or other unsafe conditions, including road or traffic conditions which affect the safeness of the bus route or bus stops.

## **E. Training**

It is the responsibility of the superintendent or designee to see that:

1. Students and bus drivers receive training as required by law, including training on the use of the North Carolina crossing signal;
2. Students taking trips on activity buses or commercial buses receive safety instruction as needed, including, but not limited to, instruction on and demonstration of emergency exit operation for the vehicle on which they are riding for any specific trip; and
3. Records of student training are made as required by the State Board of Education.

## **F. Accident Reporting**



The driver of any school bus or other school vehicle must report immediately to the superintendent or designee regarding any accident involving death, injury or property damage. An accident includes, but is not limited to, when any part of the school vehicle rubs, scrapes or touches other objects or vehicles in such a manner as to cause damage to the school bus or other vehicle or object.

## **G. Insurance**

Insurance for school buses and other vehicles used to transport children shall be purchased pursuant to legal requirements and board policy 6330, Insurance for Student Transportation Services.

Legal References: [G.S. 15C-239, -240, -245, -248, -249.1](#); [16 N.C.A.C. 6B.0111](#); *Preventive Maintenance and Vehicle Replacement Manual (NC Bus Fleet Manual)*, State Board of Education Policy [TRAN-005](#), available at: [www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf](http://www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf); State Board of Education, [TRAN-011](#); *North Carolina School Bus Handout* Department of Transportation, Division of Motor Vehicles, available at <https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/school-bus-handbook.pdf>

Cross References: Student Behavior Policies (policy 4300), Authority of School Personnel (policy 4301), School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315)

Issued: May 11, 1992

Revised: October 9, 2000; September 8, 2009; April 17, 2012; December 8, 2015; June 13, 2017; November 27, 2018; January 14, 2020; December 8, 2020; May 11, 2021; January 11, 2022

RNC: 4/9/09

**Lee County Schools**



**§ 20-137.4. Unlawful use of a mobile phone.**

- (a) Definitions. - For purposes of this section, the following terms shall mean:
- (1) Additional technology. - As defined in G.S. 20-137.3(a)(1).
  - (2) Emergency situation. - Circumstances such as medical concerns, unsafe road conditions, matters of public safety, or mechanical problems that create a risk of harm for the operator or passengers of a school bus.
  - (3) Mobile telephone. - As defined in G.S. 20-137.3(a)(2).
  - (4) School bus. - As defined in G.S. 20-4.01(27)n. The term also includes any school activity bus as defined in G.S. 20-4.01(27)m. and any vehicle transporting public, private, or parochial school students for compensation.
- (b) Offense. - Except as otherwise provided in this section, no person shall operate a school bus on a public street or highway or public vehicular area while using a mobile telephone or any additional technology associated with a mobile telephone while the school bus is in motion. This prohibition shall not apply to the use of a mobile telephone or additional technology associated with a mobile telephone in a stationary school bus.
- (c) Seizure. - The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a mobile telephone or additional technology, unless otherwise provided by law.
- (d) Exceptions. - The provisions of subsection (b) of this section shall not apply to the use of a mobile telephone or additional technology associated with a mobile telephone for the sole purpose of communicating in an emergency situation.
- (e) Local Ordinances. - No local government may pass any ordinance regulating the use of mobile telephones or additional technology associated with a mobile telephone by operators of school buses.
- (f) Penalty. - A violation of this section shall be a Class 2 misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100.00). No drivers license points or insurance surcharge shall be assessed as a result of a violation of this section. Failure to comply with the provisions of this section shall not constitute negligence per se or contributory negligence by the operator in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a school bus. (2007-261, s. 1; 2017-102, s. 5.2(b).)

## **Policy Code: 6315 Drivers**

Safety is of paramount concern in the transportation of students and others. The superintendent shall require each principal to select, train and assign bus drivers in accordance with qualifications prescribed by the State Board of Education. Consistent with the board's goals for student safety, all drivers involved in transporting students or operating any vehicle in the course of carrying out their employment duties must comply with policy 6305, Safety and Student Transportation Services, and the following board requirements, as applicable.

### **A. School Bus and Activity Bus Drivers**

School bus and activity bus drivers must:

1. possess required licenses and all other qualifications required by law;
2. undergo and follow all training required by law governing school bus and activity bus passenger safety;
3. not operate a school or activity bus on a public street, highway, or public vehicular area while using a mobile telephone or related technology while the bus is in motion, unless such use is for the sole purpose of communicating in an emergency situation;
4. use the North Carolina crossing signal required by the State Board of Education to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus;
5. report to the principal any misconduct that is in violation of any of the student behavior policies in the 4300 series or school rules;
6. use reasonable judgment in the operation of the buses;
7. submit to the principal any records required by the state when such records are due;
8. make reasonable efforts to maintain good order of the students being transported;
9. not permit any person to ride who is not assigned to the bus or has not received express permission of the principal or other designated official;
10. promptly report to the principal or other designated official any defect or other concern regarding the safety of the school bus, activity bus, or other vehicle operated by the school system;

11. report to the principal or other designated official by the next work day any moving violation citations received while operating any motor vehicle, whether on or off duty.

12. promptly report to the principal or other designated official all accidents that occurred while driving a school vehicle; and

12. comply with the requirements of policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators.

## **B. Other Drivers**

Other drivers who transport students, including volunteer drivers, and drivers who operate a vehicle for other purposes in the course of carrying out their duties, must:

1. possess required licenses and all other qualifications required by law;
2. report to the principal by the next working day any moving violation citations received while operating any motor vehicle, whether on or off duty; and
3. carry insurance if operating a privately owned vehicle.

If the board requires a school social worker to increase his or her private automobile liability coverage and/or to add a business use rider in order to transport students in his or her private vehicle, the social worker will be reimbursed for the additional premium charged and/or for the increased liability limits of the added rider.

## **C. Guidelines for Transporting Students in Automobiles**

To ensure the safety of both students and staff all school personnel and volunteers must observe the following guidelines when transporting students in automobiles:

1. In any situation when a school administrator needs to transport a student home, the administrator must make arrangements to have another adult in the car. Preferably this should be a Lee County School employee. This applies to transporting either a male or female student.
2. In driver education courses, a minimum of two students must be present in order for a teacher to transport the students. Teachers will not transport solitary students. In emergency situations, a second adult, possibly a parent/relative or preferably a Lee County School employee, could ride in the car with the driver education teacher and the solitary student.



3. Lee County School personnel who agree to transport students in other situations must make arrangements to have another adult in the car. Preferably this should be a Lee County Schools employee of the opposite sex.
4. Under no circumstances shall an employee transport a solitary student in a car by themselves.
5. This policy does not prohibit a parent that is an employee from transporting their own child(ren).

The responsibility to follow these guidelines belongs to all Lee County School personnel and volunteers. One of the best ways to deal with sexual harassment charges is to avoid situations in which these charges could occur.

The superintendent or designee shall make copies of this policy and other related policies available to drivers.

Legal References: [G.S. 20-7\(f\)\(2\)](#), [-137.4](#), [-218](#); [115C-47\(25a\)](#), [-241](#), [-242](#), [-244 to -246](#), [-248](#), [-251](#), [-317.1](#); [16 N.C.A.C. 6B.0111](#); State Board of Education Policy [TRAN-010](#); *North Carolina School Bus Drivers Handout*, Department of Transportation, Division of Motor Vehicles, available at <https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/school-bus-handbook.pdf>

Cross References: Student Behavior Policies (4300 series), Safety and Student Transportation Services (policy 6305), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Insurance (policy 8340)

Issued: October 9, 2000

Revised: January 9, 2017; February 11, 2008; March 13, 2012; December 8, 2016; June 13, 2017; November 27, 2018; November 5, 2019; May 11, 2021; July 18, 2023; January 9, 2024

**Lee County Schools**

## **Policy Code: 6321 Bus Routes**

School buses shall be operated to and from school upon approved bus routes, and there shall be no variations made from the routes except as approved by the superintendent or designee in extraordinary circumstances.

The superintendent or designee shall develop school bus routes in accordance with state law and regulations. All bus routes will be kept on file in the superintendent's office. All changes will be filed with the superintendent within 10 days after such change becomes effective.

Students will be assigned to a bus that passes within one mile of the student's residence. To the extent practicable and economically feasible, ride time should be less than 45 minutes one way.

Parents will be informed of student's scheduled school bus arrival times. It is the parent's responsibility to ensure that a student is present at a bus stop prior to the scheduled arrival time.

### **A. Transportation to Locations Other Than Home**

Upon request, the superintendent or designee may, but is not required to, assign a student to a bus to transport the student to and/or from a location other than home if the following conditions are met.

1. The student's parent or guardian submits a written, signed request that states the specific location other than home to which the student is to be transported and acknowledges that the parent or guardian and not the school system is responsible for the student's safety once the child has departed from the bus.
2. The request for such transportation does not require a bus to deviate in any significant way from an established route.
3. There is capacity on the bus if the request would necessitate the student's riding a different bus from the regularly assigned bus.
4. The student's residence and requested bus stop are within the zone eligible for transportation service.
5. The request for such transportation does not cause the school system to incur any additional cost.
6. The proposed bus stop meets safety standards established by law, the board, the superintendent, or the principal.



Any changes in bus stops must be approved by the superintendent or designee.

## **B. Bus Routes in Hazardous Conditions**

School buses will not be allowed to operate if there is a serious threat to the safety of students or drivers. The superintendent may develop a more limited bus route for hazardous weather conditions in order to operate only on roads that are safe. To the extent possible, parents will be notified in advance of the bus route that will be used in hazardous conditions. The hazardous conditions bus route will be on file in the superintendent's office.

A student who is identified as having special needs following procedures in the North Carolina *Policies Governing Services for Children with Disabilities* will be provided with transportation services as required by law.

Legal References: Individuals with Disabilities Education Act Amendments of 1997, [20 U.S.C. 1400 et seq.](#); [G.S. 115C-240\(d\)](#), [-246](#); [16 N.C.A.C. 6B .0111](#) *Policies Governing Services for Children with Disabilities*, State Board of Education Policy [EXCP-000](#); State Board of Education Policies [TRAN-000](#), [-002](#)

Cross References:

Issued: May 11, 1992

Revised: October 9, 2000; September 8, 2009; March 13, 2012; June 13, 2017; December 12, 2017; May 11, 2021

RNC: 4/9/09

**Lee County Schools**

## **Policy Code: 1510/4200/7270 School Safety**

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

### **A. Supervision of Students**

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

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

### **B. Supervision of Visitors**

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

### **C. Safety of School Buildings and Grounds**

The board recognizes its duty to provide each of its employees with a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm.

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

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

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

### **D. Traffic and Parking Controls**



The Superintendent shall develop and enforce such rules and regulations necessary to ensure the safe flow and control of traffic on the grounds of the Lee County Public Schools. Designated fire lanes must be maintained.

Unauthorized motor vehicles and horseback riding are prohibited on school grounds. Licensed motor vehicles are permitted on school grounds in approved areas only. During special events, restricted areas, with the exception of fire lanes, may be approved for parking.

## **E. Establishing Processes to Address Potential Safety Concerns and Emergencies**

### **1. Responding to Student Altercations and Other Threats to Safety**

All school system employees have a duty to be alert at all times to situations that may pose a threat to the safety of students, employees, or visitors on school property, at school events, or in other situations in which the students are under the authority of school employees. Even an employee who does not have responsibility for supervising students is expected to make an immediate report if the employee observes or has reason to suspect that a situation poses a threat to safety and no administrator, teacher, or other supervisory employee is present and aware of the potential threat.

Teachers, teacher assistants, coaches, and other employees with responsibility for supervising students will use appropriate student behavior management techniques to maintain order and discipline on school property, at school events, and anywhere that students are under the employees' authority. Such employees must enforce the Code of Student Conduct and address student behavior in accordance with the school plan for management of student behavior (see policy 4302, School Plan for Management of Student Behavior).

When employees with responsibility for supervising students have personal knowledge or actual notice of a student altercation or other situation that poses an immediate threat to safety, they shall use their professional judgment to determine how best to address the situation to protect the safety of everyone in the vicinity. Emergency procedures identified in a student's Behavior Intervention Plan shall be followed to the maximum extent possible under the circumstances. For minor threats or altercations or altercations involving young children, the employee shall intervene directly to end the fight or address the safety threat if the employee can do so safely. An employee who encounters a situation that cannot be managed safely and effectively by that employee immediately shall request assistance from other employees or administrative staff and shall take steps to remove bystanders from the area. Only the degree of force or physical control reasonably necessary shall be used to re-establish a safe environment.

Employees should take further action as appropriate in accordance with any response protocols established by the principal or superintendent. All employees are responsible for knowing and following such protocols to the fullest extent reasonable under the circumstances at the time.

## 2. School Rules

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

## 3. Training for Staff and Students

Staff training must include detailed instruction on how to respond to a variety of emergency situations. Staff should also be able to recognize and respond to behavior, information, and related indicators that warn of impending problems. In addition, middle and high school employees must receive adequate training on the operation of the school's anonymous safety tip line. The anonymous safety tip line for middle and high schools will be in effect for the 2019-2020 school year.

School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety. Middle and high school students must also be informed of the anonymous safety tip line and its purpose and function. The anonymous safety tip line for middle and high schools will be in effect for the 2019-2020 school year.

## 4. Safety Equipment

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

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

The board, in coordination with local law enforcement and emergency management agencies, will adopt a school risk management plan relating to incidents of school violence for each school in the school system. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the school risk management plan and updated emergency response information when such updates are made. The superintendent



must also provide the Division and local law enforcement with schematic diagrams, including digital schematic diagrams, of all school facilities and updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams must meet any standards established by the Department of Public Instruction for the preparation and content of the diagrams. In addition, the superintendent shall provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices.

At least one school-wide tabletop exercise and drill that meets the requirements of state law and is based on the procedures documented in the school risk management plan will be held annually at each school. Principals shall also conduct fire drills as required by law.

## 6. Reporting Risks to the School Population

Students should notify any staff member of any acts of violence, harassment, or bullying or any other unusual or suspicious behavior that may endanger safety. Middle and high school students may also use the anonymous safety tip line to report any risks to the school population or buildings. The anonymous safety tip line for middle and high schools will be in effect for the 2019-2020 school year.

Ongoing student education efforts will aim at minimizing any fear, peer pressure, embarrassment, or other impediments to students reporting potential problems.

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

School officials shall investigate and act upon any report of such behavior, including, when appropriate, reporting criminal activities to law enforcement, the State Board, the State Superintendent of Public Instruction, and the superintendent or designee (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, 4040/7310, Staff-Student Relations, 4329/7311, Bullying and Harassing Behavior Prohibited, 4335, Criminal Behavior, and 7232, Discrimination and Harassment in the Workplace).



## 7. Potential Threats of Registered Sex Offenders

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

## 8. Student Behavior Standards

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

Legal References: [29 C.F.R. part 1904](#); [G.S. 14-208.18](#); [95-129\(1\)](#); [115C-36, -47, -105.49, -105.51, -105.53, -105.54, -166, -167, -288, -289.1, -307, -390.3, -391.1, -521, -524, -525](#); [13 N.C.A.C. 7A.0301](#); [16 N.C.A.C. 6E.0107](#) State Board of Education Policy [SCFC-005](#)

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), School Improvement Plan (policy 3430), Staff-Student Relations (policy 4040/7310), Student Sex Offenders (policy 4260), Student Behavior Policies (4300 series), Bullying and Harassing Behavior Prohibited (policy 4329/7311), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Public Records – Retention, Release, and Disposition (policy 5070/7350), Relationship with Law Enforcement (policy 5120), Discrimination and Harassment in the Workplace (policy 7232), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)

Other Resources: *Practical Information on Crisis Planning: A Guide for Schools and Communities*, U.S. Department of Education Office of Safe and Drug-Free Schools (January 2007), available at <http://www2.ed.gov/admins/lead/safety/crisisplanning.html>

Adopted:

Revised: December 12, 2017; December 11, 2018; December 8, 2020; June 8, 2021; January 11, 2022; February 21, 2023

**Lee County Schools**

## **Policy Code: 7805 Superintendent Evaluation**

It is the responsibility of the board to maintain and improve the quality of the administrative leadership of the school system. A primary method used to carry out this responsibility is to assist the superintendent in improving his or her effectiveness. To this end, the board shall annually evaluate the superintendent against the performance standards described below. The board may use the evaluation process and guidelines established by the State Board of Education, including the Rubric for Evaluating North Carolina Superintendents, or such other processes and evaluation tools as the board chooses. Except in extraordinary circumstances, every board member shall be involved in the evaluation.

### **A. Summary of Performance Standards**

The board sets for the superintendent the following standards as established by the State Board.

#### **1. Strategic Leadership**

The superintendent shall continually reevaluate and adjust, as necessary, expectations, processes and plans in an effort to help every student graduate from high school, globally competitive for work and postsecondary education and prepared for life in the 21st century. The superintendent shall promote a climate of inquiry that challenges the community to build on the school system's core values and beliefs about the preferred future and develop a pathway to reach it.

#### **2. Instructional Leadership**

The superintendent shall set high standards for instruction and shall create professional learning communities that result in highly engaging instruction and improved student learning. The superintendent shall set specific achievement targets for schools and students and then require the consistent use of research-based instructional strategies to reach the targets.

#### **3. Cultural Leadership**

The superintendent shall recognize the effect a school system's culture has on school performance. The superintendent shall gain an understanding of the people in the school system and community, their history and their traditions and motivate them to actively support the school system's efforts to achieve individual and collective goals. While supporting and valuing the history, traditions and norms of the school system and community, the superintendent shall "reculture" the school system, if necessary, to improve



learning and infuse the work of the adults and students with passion, meaning and purpose.

#### 4. Human Resource Leadership

The superintendent shall create within the school system a professional learning community with processes and systems in place that provide for the recruitment, induction, support, evaluation, development and retention of a high-performing, diverse staff. The superintendent shall use distributed leadership to support learning and teaching, plan professional development and engage in school system leadership succession planning.

#### 5. Managerial Leadership

The superintendent shall ensure that the school system has processes and systems in place for budgeting, staffing, problem solving, communicating expectations and scheduling that organize the work of the school system and give priority to student learning and safety. The superintendent must solicit operating and capital resources, monitor their use and assure the inclusion of all stakeholders in decisions about resources so as to meet the 21st century needs of the school system.

#### 6. External Development Leadership

The superintendent, in concert with the local board, shall design structures and processes that result in broad community engagement with, support for and ownership of the school system vision. Acknowledging that strong schools build strong communities, the superintendent shall proactively create opportunities for parents, community members, government leaders and business representatives to invest resources, assistance and good will in the school system.

#### 7. Micro political Leadership

The superintendent shall promote successful teaching and learning by understanding, responding to and influencing the larger political, social, economic, legal, ethical and cultural contexts. The superintendent shall bring his or her knowledge to the board and work with the board to define mutual expectations, policies and goals for the success of the school system.

The board may also provide the superintendent with additional specific standards, expectations, goals and objectives.

### **B. Evaluation Process**

Each year, the superintendent must conduct a self-assessment of his or her own performance needs using the Rubric for Evaluating North Carolina Superintendents or another instrument selected by the board. This self-assessment will become the basis for setting preliminary goals for the upcoming school year.

The superintendent shall then meet with the board and share the results of the self-assessment and his or her plans for the next school year. Such plans should address areas that need improvement as well as areas of strength that should be expanded and enhanced. At this meeting, the superintendent and the board will establish the conditions of the annual evaluation, including (1) the scope and timeline of the evaluation; (2) the goals and other performance expectations of the board; (3) the evidence and documentation necessary to demonstrate the expected level of performance; (4) the potential consequences of poor performance; and (5) the potential benefits of exemplary performance. The superintendent may develop, suggest or submit additional goals or initiatives for consideration by the board.

In preparation for the evaluation, the superintendent shall collect, analyze and synthesize the evidence and documentation needed to demonstrate his or her performance throughout the year. This information shall be provided to the board at least 30 days before the date of the annual evaluation.

Board members will independently rate the superintendent's performance using the Rubric for Evaluating North Carolina Superintendents or another instrument selected by the board. They will then meet to discuss their individual ratings and agree upon a single rating for each standard and each element associated with the standard. The board will make every effort to achieve consensus on the superintendent's ratings.

### **C. Each Year the Board Shall Establish a Timeline of Dates for Setting Goals and Performance Objectives**

#### **1. Goals and Performance Objectives**

Annually, the board and superintendent shall establish district goals and performance objectives. These may include, but are not limited to, those goals established in the long-range plan. As part of this process, the superintendent may develop, suggest or submit additional goals or initiatives for consideration by the board. The board and superintendent shall agree on an annual focus or prioritization of the goals and objectives.

#### **2. Informal Evaluation**

Progress Reports will be used to foster trust and communication by providing the superintendent an opportunity to update the board of the



progress of identified goals and by allowing the board to provide feedback regarding strengths, deficiencies and the board's expectations for improvement. The informal evaluation shall take place each December.

### 3. Annual Formal Evaluation

During the annual formal evaluation, the Board shall evaluate the Superintendent's performance as to the annual goals and performance objectives, as well as other performance standards specified in the Evaluation instrument. Each board member shall receive the formal evaluation instrument, the Superintendent's self-evaluation, and instructions regarding the completion of the evaluation instrument by March 1. Board members shall return the completed evaluation to the Board Chairperson by April 1. The Board shall meet to discuss and tabulate final results of the evaluation by April 15.

The board Chairperson shall provide the Superintendent with a copy of the completed evaluation and final summative report by May 1. By May 15, the Superintendent may reply to the evaluation in writing or request a meeting with the board to discuss the evaluation.

Legal References: [G.S. 115C-47, -271, -333\(f\)](#); *North Carolina Superintendent Evaluation Process* (North Carolina Department of Public Instruction, September 2, 2010), available at: <https://sites.google.com/dpi.nc.gov/ncees-informaiton-and-resource/home>

Cross References: Board and Superintendent Relations (policy 2010), Superintendent Selection and Contract (policy 7420)

Issued: May 11, 1992

Revised: May 8, 1995; July 16, 2001; January 9, 2006; May 15, 2009; January 11, 2011; September 10, 2013; October 8, 2013; June 3, 2014; June 9, 2020

**Lee County Schools**



## Policy Code: 2310 Public Participation at Board Meetings

Board meetings are conducted for the purpose of carrying on the official business of the school district. The public is cordially invited to attend board meetings to observe the board as it conducts its official business.

The board of education, as an elected representative body of the school district, also wishes to provide a forum for citizens to express interests and concerns related to the school district. To provide an opportunity for input while conducting an orderly meeting, individuals or groups may be heard by the board. A part of each regular scheduled meeting shall be set aside for public comments.

### Requests to Address the Board

In order that the board may fairly and adequately discharge its overall responsibility, citizens desiring to address the board shall be given the opportunity to sign-up the day of the meeting in order to be placed on the board agenda. The chairperson will allow three (3) minutes per person, not to exceed 30 minutes for public comments.

The sign-up sheet will include:

- The name and address of the person wishing to address the board.
- If the individual is speaking on behalf of a group, the group will be identified.
- Materials to be presented to the board are to be submitted at the time the chair recognizes the speaker.
- The sign-up sheet will be placed in a manner to allow the citizen(s) to sign 30 minutes prior to the meeting and will be collected, by the board clerk, **immediately before the start of the main open session portion of the meeting. ~~5 minutes prior to the "Call to Order" of the meeting.~~**

To ensure an orderly presentation and disposition of items, board members will not respond to individuals who address the board except to request clarification of points made by the presenter.

Information received during presentations shall not be acted upon at the meeting it is received. However, the above provision may be waived by unanimous vote of the board.

Public comments shall not interfere with the board's duty to conduct orderly and efficient meetings. Individuals who address the board shall not use language that is obscene, vulgar, contains fighting words or otherwise disrupts the orderly conduct of business. Discussions regarding particular employees, litigation, student records or other potentially confidential matters may not be discussed during the public comment

session. Persons who willfully interrupt, disrupt or cause disturbances at official meetings of the Board may be directed to leave by the board chair. The board chair shall determine whether matters of discussion are inconsistent with these restrictions or other requirements for public comment, and may rule the speaker out of order, if necessary. Disruptions by any person or persons of a public meeting shall be subject to action in accordance with G.S. 143-318.17.

If the board does not hold a regular scheduled meeting during a month, the board will not provide a time for public comment at any other meeting held during that month, unless a two-thirds majority of the board members present votes to allow public comment at the meeting or unless the purpose of the meeting is a public hearing.

Legal References: G.S. 115C-36; 143-318.10, -318.17

Cross References: Board Meetings (policy 2300), Board Meeting Agenda (policy 2330)

Issued: May 11, 1992

Revised: April 16, 2001; February 13, 2006, March 9, 2010; May 11, 2021, October 19, 2021

**Lee County Schools**



## Policy Code: 6401/9100 Ethics and the Purchasing Function

The board is committed to conducting the purchasing function in an ethical manner and in compliance with state and federal laws and regulations. The board expects all employees who are directly or indirectly involved in any aspect of the purchasing function to be aware of and comply with all current state and federal laws and regulations as these standards apply to the school system's purchasing activities.—

### A. STANDARDS OF CONDUCT

Employees directly or indirectly involved in any aspect of the school system's procurement, purchasing, and/or contracting process for apparatus, materials, equipment, supplies, services, real property, or construction or repair projects, regardless of source of funds, must adhere to the following standards of conduct and those established in policies 7730, Employee Conflict of Interest, and 8305, Federal Grant Administration.

1. Employees are expected to make all purchasing-related decisions in a neutral and objective way based on what is in the best interest of the school system and not in consideration of actual or potential personal benefit.

2. Employees shall not participate, directly or indirectly, in making or administering any contract from which they will obtain a direct benefit, unless an exception is allowed pursuant to law.

An employee obtains a direct benefit when the employee or his or her spouse will receive income, commission, or property under the contract or the employee or spouse has more than a 10 percent interest in an entity that is a party to the contract. See G.S. 14-234 and policy 7730, Employee Conflict of Interest.

Participation in making or administering a contract includes, but is not limited to, participating in the development of specifications or contract terms; obtaining or reviewing bids; preparation or award of the contract; and having the authority to make decisions about, interpret, or oversee the contract.

3. Employees shall not participate, directly or indirectly, in the selection, award, or administration of a contract supported in whole or part by a federal grant or award if the employee has a real or a contract supported in whole or part by a federal grant or award if the employee has a real or apparent conflict of interest. See 2 C.F.R. 200.318 and policy 8305, Federal Grant Administration.

A real or apparent conflict exists when the employee, his or her immediate family member or partner, or an organization which employs or is about to employ any of those individuals, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this subsection, a "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness, it does not include an



ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

4. Employees shall not influence or attempt to influence any person involved in making or administering a contract from which the employee will obtain a direct benefit as described in paragraph 2, above.
5. Employees shall not solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the school system.
6. Employees shall notify the superintendent or designee in writing if they have an actual or potential conflict of interest under this policy or applicable state or federal law that would disqualify them from performing any aspect of their job responsibilities.
7. Employees shall not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from current or recent (within the past year) contractors, subcontractors, or suppliers, or any persons or entities that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value (\$50 or less), and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other items from a single period.

Employees shall inform existing and potential contractors, subcontractors, and suppliers about these restrictions.

8. Employees shall not solicit or accept any gift from a current or potential provider of E-rate Services or products in violation of applicable federal E-rate program gifting rules.
9. Employees shall not divulge confidential information to any unauthorized pers. Confidential information includes, but is not limited to (1) the school district's cost estimate for any public contract prior to bidding or completion of other competitive purchasing processes and (2) the identity of contractors who have obtained proposals for bid purposes for a public contract until the bids are opened in public and recorded in the board minutes.
10. An employee shall not misuse information in violation of G.S. 14-234.1. Specifically, an employee shall not, in contemplation of the employee's own official action or that of the board or others acting on behalf of the employee's own official action or that of the board or others acting on behalf of the school system, or in reliance on information known to the employee in his or her official capacity and not made public, to:

- a. acquire a financial interest in any property, transaction, or enterprise;
- b. gain a financial benefit that may be affected by the information or contemplated action; or
- c. intentionally aid another to acquire a financial interest or gain a financial benefit from the information or contemplated action.

## **B. TRAINING**

The superintendent or designee shall ensure that all affected ~~personnel employees~~ are aware of board policy requirements and applicable laws.

As described in policy 7330, Employee Conflict of Interest, employees who are involved in the making or administering of contracts shall receive conflicts of interest training that includes position-specific education on conflicts or interest and ethical standards of conduct.

## **C. VIOLATIONS**

Any individual aware of any violation of this policy, policy 2121, Board member Conflict of Interest, policy 7730, Employee conflict of Interest, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 2121, policy 7730, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Legal References: 2 C.F.R. 200.318©; 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S.133-32, -33; 14-234.1; 115C-335.15; 133-32, -33; Attorney General Opinion requested by L.W.Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Bidders' List (policy 6441/9121), Employee conflict of Interest (policy 7730), Federal Grant Administration (policy 8305)

Issued: March 18, 2002

Revised: September 8, 2009; March 8, 2011; August 29, 2012; November 6, 2012; December 11, 2018



## **Policy Code: 7730 Employee Conflict of Interest**

Employees are expected to avoid engaging in any conduct that creates or gives the appearance to the public of creating a conflict of interest with their job responsibilities. Employees shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system. Although conflicts of interest are not limited to those described in this policy, at a minimum employees must comply with the board directives established below. In addition, employees engaged directly or indirectly in the school system's procurement, purchasing, and/or contracting process must comply with policy 6401/9100, Ethics and the Purchasing Function.

### **A. Contracts with the Board**

An employee shall not do any of the following:

1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;
2. participate in the selection, award, or administration of a contract supported in whole or in part by federal funds if the employee has a real or apparent conflict of interest as described in policy 8305, Federal Grant Administration.
3. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the employee will obtain a direct benefit from the contract; or
4. solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract by the board.

An employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. An employee is involved in making a contract if he or she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract.

An employee derives a direct benefit from a contract if the employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board and the spouse of the superintendent if approved by the board in an open



session meeting in accordance with the requirements of state law and subsection D.2 of policy 7100, Recruitment and Selection of Personnel.

## **B. MISUSE OF INFORMATION**

An employee shall not do any of the following;

1. Use information, which was learned in the employee's role as an employee and which has not been made public, to acquire a financial interest or gain a financial benefit, or to intentionally help another do so; or
2. Acquire or gain, or intentionally help another person to acquire or gain, a financial interest or benefit in contemplation of official action by the employee or the school system.

## **C. NON-SCHOOL EMPLOYMENT**

The board recognizes that some employees may pursue additional compensation on their own time. Any such employee shall not engage in the following:

1. non-school employment which adversely affects the employee's availability or effectiveness in fulfilling job responsibilities;
2. work of any type in which the sources of information concerning customer, client or employer originate from any information obtained through the school district;
3. work of any type that materially and negatively effects the educational program of the school system;
4. any type of private business using system facilities, equipment or materials, unless prior approval is provided by the superintendent; or
5. any type of private business during school time or on school property, unless prior approval is provided by the superintendent.

The superintendent may grant prior approval for work performed under subsections C.4 and C.5 above if such work enhances the employee's professional ability or professional growth for school-related work. The superintendent may establish reporting procedures that require employees to notify the school system of any non-school employment.

Except as otherwise provided in the superintendent's contract, the superintendent is subject to the provisions of this section on non-school employment and shall seek prior approval from the board before engaging in

consulting or other employment activities outside the school system. The board expects the superintendent to comply with all sections of this policy and all state and federal laws regarding conflicts of interest in his or her position as superintendent.

The board recommends that an employee who contemplates non-school employment confer with his/her immediate supervisor prior to accepting the employment. The superintendent may establish reporting procedures to require employees to notify the school district of any non-school employment.

#### **D. RECEIPT OF GIFTS**

No employee may solicit or accept any gifts from any potential or current provider of E-rate services or products in violation of federal E-rate program gifting rules.

No employee may solicit or accept trips, meals, favors, or other gifts or items of monetary value from any other person or group desiring to do or doing business with the school system, unless such gifts are of nominal value (\$50 or less) and (1) are instructional products or advertising items that are widely distributed, (2) are honorariums for participating in a meeting; (3) are meals served at a banquet; or (4) are approved for receipt by the superintendent or designee. These exceptions for gifts of nominal value do not apply to employees involved in purchasing and procurement activities except as provided in policies 6401/9100, Ethics and the Purchasing Function, and 8305, Federal Grant Administration, and applicable state and federal law.

#### **E. VIOLATIONS-TRAINING**

The superintendent or designee shall ensure that all personnel are aware of the requirements of this policy and applicable conflict of interest laws.

As required by G.S. 115-335.15 employees who are involved in the making or administering of contracts shall receive conflicts of interest training that includes position-specific education on conflicts of interest and ethical standards of conduct. The training must be provided by qualified sources approved by the board.

#### **F. VIOLATIONS**

Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 6401/9100, Ethics and the Purchasing Function, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 6401/9100, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Legal References: 2 C.F.R. 200.318©(1); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, -234.1; 133-32, -33; 115C-47 (17a), -47(18); 335.15; 133-32; Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to local Boards of Education, dated May 13, 1993

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Recruitment and Selection of Personnel (policy 7100), Federal Grant Administration (policy 8305)

Issued: June 1997

Revised: May 7, 2004; April 28, 2009; September 30, 2010; August 29, 2012, November 6, 2012; December 8, 2015; December 11, 2018; April 23, 2019

**Lee County Schools**



## **Policy Code: 6430/8730 State Purchasing Requirements for Equipment, Materials and Supplies**

All purchases of equipment, materials and supplies will be made in accordance with all applicable state laws and regulations, including Article 8 of Chapter 143 and Articles 6E and 6G of Chapter 147 of the North Carolina General Statutes, board policy and any school district purchasing procedures. Purchasing contracts subject to the E-Verify requirement will contain a provision stating that the contractor and contractor's subcontractors must comply with the requirements of G.S. Chapter 64, Article 2. Purchases using federal funds must also be made in accordance with all applicable requirements of federal law and regulation, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance issued by the U.S. Office of Budget and management. (See also policy 8305, Federal Grant Administration.) All employees involved in purchasing are expected to be familiar with applicable requirements.

The chief finance officer will ensure that written specifications for desired products are descriptive, clear and incorporate the quality requirements and service needs of the school district. There is no minimum number of bids, proposals or quotes required for the purchase of apparatus, goods, supplies and equipment (whether formally or informally bid); however, the board encourages the chief finance officer to obtain at least two (2) bids, proposals or quotes when feasible.

Except as otherwise required by law or specified by the board, the board delegates to the superintendent the authority to award contracts for the purchase of equipment, material and supplies, involving amounts up to \$50,000. Any purchases or contracts involving expenditures greater than this amount must be approved by the board. The chief finance officer and any additional staff deemed appropriate by the superintendent will review submissions of bids, proposals or quotes to determine if they are responsive to the district's specifications, and will make recommendations to the superintendent. The superintendent will award the contract based upon such recommendations or will make a recommendation to the board for award of the contract by the board.

Equipment, materials and supplies must be purchased in accordance with the following requirements.

### **A. Formal Bids (\$90,000 or More)**

The purchase of apparatus, supplies, materials or equipment for expenditures of \$90,000 or more must be secured through the competitive bid process governed by G.S. 143-129. The superintendent, in consultation with the purchasing officer, is authorized to determine the best method for formally bidding a product or, as appropriate, utilizing one of the exceptions to formal bidding as provided below in Section E. The chief finance officer will oversee the use of any purchasing method and will ensure that all state requirements are met, including

advertisement, sealed bids, maintaining records and public opening of bids. The board authorizes the use of newspaper advertisement, electronic advertisement or both for formal bids; however, the superintendent has the authority to determine which method will be used for a specific purchase or categories of purchases.

Awards will be made to the lowest responsible bidder(s) whose bid/proposal meets the requirements and criteria set forth by the school district, taking into consideration quality, performance and the time specified in the proposal for the performance of the contract. To be eligible for an award of a contract subject to G.S. 143-129, the contractor and its subcontractors, if any, must demonstrate compliance with all applicable provisions of G.S. Chapter 64, Article 2, including the responsibility to use E-Verify.

All contracts awarded must be in writing.

The board permits the use of the following processes for contracts that require formal bidding.

1. *Competitive Sealed Bids* – A competitive sealed bid (or invitation to bid) may be used to request the cost of particular goods by providing detailed specifications in advance.
2. *Reverse Auction* - Pursuant to G.S. 143-129.9(a) (1), the school district may use reverse auctions as an alternative to sealed bid procedures. For purposes of this policy, reverse auction means a real-time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment. The superintendent, in consultation with the chief finance officer, will determine whether reverse auctions are appropriate for a specific purchase or category of purchases. To conduct a reverse auction, the chief finance officer may use a third party, may use the state's electronic procurement system or, if appropriate equipment is available, may conduct the auction via school district equipment.
3. *Exceptions to Formal Bids* – Any of the processes outlined below in section E can be used in lieu of formal bidding, as long as all requirements of state law are met.

## **B. Informal Bids (\$30,000 to \$90,000)**

The purchase of apparatus, supplies, materials or equipment for expenditures of \$30,000 to \$90,000 must be secured through the informal bidding process governed by G.S. 143-131. The superintendent, in consultation with the chief finance officer, is authorized to determine the best method for informally bidding a product. The chief finance officer will oversee the use of any purchasing method and will ensure that all state requirements are met, including maintaining records



of all bids submitted. Records of informal bids will not be available for public inspection until the contract has been awarded. Awards will be made to the lowest responsible bidder(s) whose bid or proposal meets the requirements and criteria set forth by the school district, taking into consideration quality, performance and the time specified in the proposal for the performance of the contract.

1. *Competitive Sealed Bids* – Informal bid requirements may be met by the use of sealed bids. The chief finance officer may utilize the methods for formal competitive bids provided in section A or may determine other appropriate methods for soliciting sealed bids. The bid specifications will include the time, date and place for opening bids. No advertisement for bids is necessary (unless the formal bid process is used); however, the chief finance officer may advertise for bids as he/she deems appropriate.

2. *Quotations* – Informal bid requirements may be met by the solicitation of quotes from prospective vendors. Quotations may be solicited and submitted via telephone, fax, email or the North Carolina E-Procurement systems. Telephone quotes must be placed in writing before a final contract will be awarded. Written quotations must be on the vendor's letterhead or an official quotation form.

3. *Reverse Auction* – A reverse auction may be used to solicit informal bids, consistent with the process provided in section A.2.

4. *Exceptions to Informal Bids* – Any of the processes outlined below in section E can be used in lieu of informal bidding, as long as all requirements of state law are met.

### **C. Local Requirements for Purchases for Less Than \$30,000**

When competitive bidding is not statutorily required, purchases should be made under conditions that foster competition among potential vendors. Purchasing decisions should be made after considering price, quality, suitability for specified need, and timeliness of delivery and performance. The board may refuse to enter into a contract with a supplier or contractor whose performance on a previous contract was found to be unsatisfactory by the superintendent or the board.

If informal bidding is used, the informal bidding process described in Section B, above, will be followed.

### **D. Electronic Bidding**

Pursuant to G.S. 143-129.9(a) (2), the school district may receive bids electronically in addition to or instead of paper bids. If electronic bids are used for purchases that must be formally bid, procedures for receipt of electronic bids must



be designed to ensure the security, authenticity and confidentiality of the bids to at least the same extent as provided with paper bids. The superintendent, in consultation with the chief finance officer, will determine whether electronic bidding is appropriate for a specific purchase or category of purchases.

## **E. Exceptions to the Formal and Informal Bidding Requirements**

The school district may utilize the following purchasing options instead of pursuing competitive bidding. Formal or informal bidding is not required if any of these processes are used. The chief finance officer is responsible for gathering information to document the basis for the use of any exceptions to the competitive bidding requirements. The superintendent, in consultation with the chief finance officer, will determine whether using one of the following exceptions is appropriate for a specific purchase or group of purchases.

1. *Purchases from Other Governmental Agencies* – Pursuant to G.S. 143-129(e)(1), the school district may contract for the purchase, lease or other acquisition of apparatus, supplies, materials, or equipment from any other federal, state or local governmental agency.

2. *Special Emergencies* – Pursuant to G.S. 143-129(e) (2), competitive bidding is not required in cases of special emergencies involving the health and safety of people or their property. For an emergency to exist under the statute, the following factors must exist: (1) the emergency must be present, immediate and existing; (2) the harm cannot be averted through temporary measures; and (3) the emergency must not be self-created by the school district.

3. *Competitive Group Purchasing* – Pursuant to G.S. 143-129(e)(3), the school district may make purchases or order repair work involving a combination of installation labor and equipment acquisition for heating and cooling systems through a competitive bidding group purchasing program, through which another entity uses a competitive process to establish contracts on behalf of multiple entities at discount prices.

4. *State Term Contract* – Pursuant to G.S. 143-129(e)(9), the school district may purchase products included in state term contracts with the state vendor for the price stipulated in the state contract, if the vendor is willing to extend the school district the same or more favorable prices, terms and conditions as established in the state contract.

5. *Sole Source Items* – Pursuant to G.S. 143-129(e) (6), upon approval of the board of education, the school district may purchase an item through a single/sole source contract under the following circumstances: (1) when performance or price competition is not available; (2) when a needed product is available from only one source of supply; or (3) when

standardization or compatibility is the overriding consideration. When requesting a purchase under the sole source exception, the chief finance officer will provide the board with documentation that justifies the use of the exception.

6. *"Piggybacking" or Previously Bid Contracts* – Pursuant to G.S. 143-129(g), upon approval of the board of education, the school district may purchase from any supplier that, within the previous 12 months, has contracted to furnish the needed item to the federal government, to any state government, or to any agency or political subdivision of the federal government or any state government. Before recommending a purchase using the piggybacking exception, the chief finance officer will ensure that the following requirements are met: (1) the price and other terms and conditions of the contract are at least as favorable as the prior contract; (2) the contract was entered into following a public, formal bid process substantially similar to that required by North Carolina General Statutes; (3) the same vendor is used; and (4) notice of intent to award the contract without bidding is publicly advertised at least 10 days prior to the regularly-scheduled board meeting at which the contract will be approved. Before approving the contract, the board must determine that using the contract is in the best interest of the school district.

7. *Purchases of Information Technology Goods and Services* – Pursuant to G.S. 143-129(e) (7) and ~~143B-1324(b)~~ G.S. Chapter 143B, Article 15, the school district may purchase or lease information technology through contracts established by the Department of Information Technology. The chief finance officer will work with the information technology department to ensure that any such purchases meet the needs of the school district.

In addition, the school district also may purchase information technology goods and services by using a request for proposal (RFP) pursuant to G.S. 143-129.8, provided that the following requirements are met: (1) notice of the request is provided consistent with the formal bidding notice requirements and (2) contracts are awarded to the person or entity that submits the best overall proposal as determined by the chief finance officer and superintendent. The RFP should describe the scope of work, general terms and conditions, specifications of the product needed by the school district, and the application process. The information technology supervisor will assist the chief finance officer in reviewing the responsiveness of any RFP submitted pursuant to this subsection. RFPs will be evaluated using the "best value" method as defined in G.S. 143-135.9(a) (1), so that the district can select the most appropriate technological solution to meet the school district's objectives. However, in situations where the chief finance officer considers the purchase to be highly complex or is unable to clearly determine what the optimal solution for the school district is, the "solution-based solicitation" or "government-vendor partnership" method may be



used. The chief finance officer may negotiate with the proposer to obtain a final contract that meets the best needs of the school district, as long as the alterations based on such negotiations do not deprive proposers/potential proposers of the opportunity to compete for the contract and do not result in the award of the contract to a different person or entity than it would have been if the alterations had been included in the RFP.

8. *Gasoline, Fuel and Oil Purchases* – Pursuant to G.S. 143-129(e) (5), the school district may purchase gasoline, fuel and oil products without using formal competitive bidding, however, such purchases are subject to the informal bidding requirements provided above.

9. *Used Products* – Pursuant to G.S. 143-129(e) (10), the school district may purchase previously used apparatus, supplies, materials or equipment without using formal competitive bidding. Before purchasing used products, the chief finance officer will ensure that the products are in good, usable condition and will be sufficient to meet the school districts needs for a reasonable period of time.

10. *Published Materials*

Pursuant to G.S. 115C-522(a), compliance with Article 8 of the General Statute is not mandatory for the purchase of published books, manuscripts, maps, pamphlets, and periodicals. Such purchase shall be made in accordance with Section C of this policy.

## **F. Lease Purchase Contracts and Other Contracts Financed Over Time**

Lease purchase contracts, contracts that include options to purchase, and leases for the life of equipment all must be bid consistent with the requirements of G.S. 149-129 and 149-131. The chief finance officer will ensure that such contracts meet the legal requirements and the provisions of board policy 8720, Contracts with the Board.

## **G. Use of School District Term Contracts**

The school district may create and use term contracts for items that are routinely purchased by the school district. If the estimated expenditure for a routine item under the term contract exceeds \$90,000, the contract must be formally bid. If the estimated expenditure is between \$30,000 and \$90,000, the contract must be informally bid. The chief finance officer may incorporate the use of a term contract in the bidding specifications. If term contracts are used, the contracts will be created and/or reviewed by the board attorney, in consultation with the chief finance officer.

## **H. Historically Underutilized Businesses**



The board affirms the state's commitment to encourage the participation of historically underutilized businesses in purchasing functions. The board will comply with all legal requirements and the standards in policy 8702, Participation by Historically Underutilized Businesses.

Legal References: 2 C.F.R. 200.317-326; G.S.64, art. 2; 115C-36, -522; 143, article 8; ~~143B, art. 14~~ 143B, art. 15; 147, art. 6E, art. 6G; Sess. Law 2013-128

Cross References: Participation by Historically Underutilized Businesses (policy 8702), Organization of the Purchasing Function (policy 8710), Contracts with the Board (policy 8720), Federal Grant Administration (policy 8305)

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**Lee County Schools**