

## Policy 3210 Parental Inspection and Objection to Instructional Materials

In board Policy [3200](#), Selection of Instructional Materials, the board established a process for the selection of instructional materials that should meet State Board of Education requirements and the educational goals of this board. That process provides an opportunity for parental input in the selection of materials.

The board recognizes that despite the opportunity to participate in the selection of materials, parents/guardians still may have concerns about instructional materials used in the school system district. Thus, to further involve parents/guardians in the education of their children, the board also provides opportunities for parents/guardians to review instructional materials and a process for parents to use when they object to instructional materials.

### A. Parental Right to Inspect Materials

Parents/guardians have a right under federal law to inspect all instructional materials which will be used in connection with any survey, analysis or evaluation as part of any applicable federally funded programs. Parents/guardians ordinarily also may review all other instructional materials following procedures provided by the school or superintendent. The term "instructional materials" does not include academic tests or assessments. Some materials available through the Internet and used in individual classes to provide up-to-date information or information on current events may not be available for review however all materials used in reproductive health and safety education shall be available for review as provided in policy [3540](#) Comprehensive Health Education Program.

### B. Parental Objection to Materials

Parents/guardians may submit objections in writing to the principal regarding the use of particular instructional materials. The principal may establish a committee to review the objection. While input from the community may be sought, the board believes professional educators are in the best position to determine whether a particular instructional material is appropriate for the age and maturity of the students and for the subject matter being taught.

If the principal or the committee determines that any material violates constitutional or other legal rights of the parent/guardian or student, the principal or the committee shall either remove the material from instructional use or accommodate the particular student and parent/guardian. Before any material is removed, the principal or the committee shall ensure that the curriculum is still aligned with current statewide instructional standards and articulated from grade to grade. If an objection made by a parent/guardian or student is not based upon constitutional or legal rights, the principal or the committee may accommodate the objections after considering the effect on the curriculum, any burden on the school, teacher or other students that the accommodation would create, and any other relevant factors. Books and other instructional materials may be removed from the school media collection only for legitimate educational reasons and subject to the limitations of the [First Amendment](#).

The decision of the committee or principal may be appealed to the superintendent. The decision of the superintendent may be appealed to the board.

The superintendent shall be responsible for developing any necessary administrative procedures.

Legal References: [U.S. Const. amend. I](#); [20 U.S.C. §1232h](#) [N.C. Const. art. I](#), §14; [Board of Educ. v. Pico](#), 457 U.S. 853 (1982); [G.S. 115C-45](#), [-47](#), [-81](#), [-101](#)

Cross References: Goals and Objectives of the Educational Program (policy [3000](#)), Curriculum Development (policy [3100](#)), Selection of Instructional Materials (policy [3200](#)), Comprehensive Health Education Program (policy [3540](#)).

Issued:

Revised: April 28, 2009; August 29, 2012; November 6, 2012; December 9, 2014

Lee County Schools



## **PARENTAL INSPECTION OF AND OBJECTION TO INSTRUCTIONAL MATERIALS**

*Policy Code:*

**3210**

In policy 3200, Selection of Instructional Materials, the board establishes a process for the selection of instructional materials to meet State Board of Education requirements and the educational goals of the board. That process provides an opportunity for parental input in the selection of materials.

The board recognizes that despite the opportunity to participate in the selection of materials, parents still may have concerns about instructional materials used in the school system. Thus, to further involve parents in the education of their children, the board also provides opportunities for parents to review instructional materials and a process for parents to use when they object to instructional materials.

### **A. PARENTAL RIGHT TO INSPECT MATERIALS**

~~Parents have a right under federal law to inspect all instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any applicable federally funded programs. Parents ordinarily also may review all other instructional materials, following procedures provided by the school or superintendent.<sup>1</sup> The term "instructional materials" as defined in policy 3200, Selection of Instructional Materials.<sup>2</sup> Instructional materials does not include academic tests or assessments. Some materials available through the Internet and used in individual classes to provide up-to-date information or information on current events may not be available for advance review; however, Parents who would like to inspect and review instructional materials should make a request in writing to the principal. The principal shall schedule a mutually agreeable date and time for the parent to come into the school to review the materials. All efforts should be made to schedule the time as soon as possible but no later than 10 business days from the date of the request.<sup>3</sup> a~~ All materials used in reproductive health and safety education shall be available for review as provided in policy 3540, Comprehensive Health Education Program.

<sup>1</sup> ~~20 U.S.C. 1232h mandates that parents be given the right to inspect instructional materials used in connection with applicable federally funded programs. This policy expands the right to include all instructional materials. This expansion is optional, as it is not required by federal law; however, the board should consider that parents (and other members of the public) have a right under state law to inspect public records, including instructional materials used by the LEA. See policy 5070/7350, Public Records – Retention, Release, and Disposition.~~

<sup>2</sup> ~~See 20 U.S.C. 1232h, G.S. 115C-76.25(a)(5), and G.S. 115C-76.35(b)(3), which give parents the right to inspect instructional materials used as part of the child's educational curriculum/with regards to the child's education/used in the child's classroom. This policy expands that to include review of all instructional materials in the school, not just those in that parent's child's classroom. This expansion is optional, as it is not required by law; however, the board should consider that parents (and other members of the public) have a right under state law to inspect public records, including instructional materials used by the school system. See policy 5070/7350, Public Records – Retention, Release, and Disposition.~~

<sup>3</sup> ~~The process for reviewing instructional materials may be modified but must comply with G.S. 115C-76.40.~~

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**B. PARENTAL OBJECTION TO MATERIALS<sup>4</sup>**

Parents may submit an objection in writing to the principal regarding the use of particular instructional materials. The principal may establish a committee to review the objection.<sup>5</sup> While input from the community may be sought, the board believes professional educators are in the best position to determine whether a particular instructional material is appropriate for the age and maturity of the students and for the subject matter being taught.

If the principal or the committee determines that any material violates constitutional or other legal rights of the parent or student, the principal or the committee shall either remove the material from instructional use or accommodate the particular student and parent. Before any material is removed, the principal or the committee shall ensure that the curriculum is still aligned with current statewide instructional standards and articulated from grade to grade. If an objection made by a parent or student is not based upon constitutional or legal rights, the principal or the committee may accommodate the objection after considering the effect on the curriculum; any burden on the school, teacher, or other students that the accommodation would create; and any other relevant factors. Books and other instructional materials may be removed from the school media collection only for legitimate educational reasons and subject to the limitations of the First Amendment.

The decision of the committee or principal may be appealed to the superintendent.<sup>6</sup> The decision of the superintendent may be appealed to the board.

The superintendent shall develop the necessary administrative procedures to implement this policy.

Legal References: U.S. Const. amend. I; 20 U.S.C. 1232h; N.C. Const. art. I, § 14; *Board of Educ. v. Pico*, 457 U.S. 853 (1982); G.S. 115C art. 8 pt. 1; 115C-45, -47, -76.25(a)(5), -76.35(b), -76.40, -98, -101

Cross References: Parental Involvement (1310/4002), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Selection of Instructional Materials (policy 3200), Comprehensive Health Education Program (policy 3540)

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<sup>4</sup> G.S. 115C-76.35(b)(4) requires board policy to establish a means for parents to object to textbooks and supplementary instructional materials consistent with the requirements of G.S. 115C-98.

<sup>5</sup> A different process may be established.

<sup>6</sup> The superintendent may establish a committee to review the objection and either make the decision or make a recommendation to the superintendent.



In board Policy 3200, Selection of Instructional Materials, the board established a process for the selection of instructional materials that should meet State Board of Education requirements and the educational goals of this board. That process provides an opportunity for parental input in the selection of materials.

The board recognizes that despite the opportunity to participate in the selection of materials, parents/guardians still may have concerns about instructional materials used in the school system district. Thus, to further involve parents/guardians in the education of their children, the board also provides opportunities for parents/guardians to review instructional materials and a process for parents to use when they object to instructional materials.

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factors. Books and other instructional materials may be removed from the school media collection only for legitimate educational reasons and subject to the limitations of the [First Amendment](#).

The decision of the committee or principal may be appealed to the superintendent. The decision of the superintendent may be appealed to the board.

The superintendent shall be responsible for developing any necessary administrative procedures.

Legal References: [U.S. Const. amend. I](#); [20 U.S.C. §1232h](#) [N.C. Const. art. I, §14](#); [Board of Educ. v. Pico](#), 457 U.S. 853 (1982); [G.S. 115C-45, -47, -76.25\(a\)\(5\), -76.35\(b\), -76.40, -81, -101](#)

Cross References: [Parental Involvement \(1310/4002\)](#), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Selection of Instructional Materials (policy 3200), Comprehensive Health Education Program (policy 3540).

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Legal References: [U.S. Const. amend. I](#); [20 U.S.C. §1232h](#) [N.C. Const. art. I, §14](#); [Board of Educ. v. Pico](#), 457 U.S. 853 (1982); [G.S. 115C-45, -47, -76.25\(a\)\(5\), -76.35\(b\), -76.40, -81, -101](#)

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Issued:

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## **Policy 3540 Comprehensive Healthful Living Program**

The board is committed to a sound, comprehensive health education program that provides students with accurate information and encourages them to be responsible for their own health and behavior. The board recognizes the primary role of parents in providing for the health and well-being of their children and seeks to involve parents as provided in this policy. The comprehensive health education program provided by the school district will meet the requirements of state law and the objectives established by the State Board of Education. The board may, in its discretion, expand on the subject areas to be included in the program and on the instructional objectives to be met.

### **A. COMPREHENSIVE HEALTH EDUCATION PROGRAM**

A comprehensive health education program must be taught to students from kindergarten through ninth grade. As required by law, the health education program must include age-appropriate instruction on bicycle safety, nutrition, dental health, environmental health, family living, consumer health, disease control, growth and development, first aid and emergency care, mental and emotional health, drug and alcohol abuse prevention, prevention of sexually transmitted diseases (STDs), including HIV/AIDS and other communicable diseases, and reproductive health and safety education.

As required by law and beginning in seventh grade, reproductive health and safety education will include age-appropriate instruction on sexual abstinence until marriage, STDs, the human reproductive system, preventable risks for preterm birth in subsequent pregnancies, the effectiveness of contraceptive methods in preventing pregnancy awareness of sexual assault and sexual abuse, and sex trafficking prevention and awareness.

The board of education recognizes the need to carefully select teachers who have the responsibility to teach health education, provide relevant in-service education and strengthen instructional resources to effectively implement the health education curriculum.

### **B. TEACHING ABOUT DRUGS**

Effective drug education requires both the acquisition of knowledge and the development of positive personal values. Parents, guardians, other community agencies and the board must share the development and implementation of programs to alleviate the problems of drug abuse.

The superintendent shall provide a drug education instructional program that:

1. is taught as an integral part of the health education program in the elementary schools and incorporated in relevant subject areas in grades 7 through 12;
2. is organized sequentially, is comprehensive in scope, and is directed toward the acquisition of factual information and the clarification of attitudes and values;
3. is directed towards causes and symptoms of abuse as part of an effective program of prevention;
4. presents a clear and consistent message that the use of alcohol and illicit drugs and the misuse of other drugs is unhealthy and harmful;
5. adapted to the specialized needs of the school community;
6. reflects current research and theory and utilizes information that is current and accurate;
7. includes all abusable substances;
8. uses age appropriate, interactive teaching methods;



9. promotes understanding and respect for the law and values of society;
10. encourages health, safe and responsible attitudes and behaviors;
11. includes information on intervention and treatment services;
12. includes strategies to involve parents, family members and the community; and
13. Is evaluated periodically and is continually open to revision, expansion and improvement.

The board recognizes the need to carefully select teachers who have the responsibility to teach drug education, provide relevant in-service education and strengthen instructional resources to effectively implement the drug education curriculum.

#### C. PHYSICAL EDUCATION

The board recognizes that physical education is a significant part of the health education program. The board further recognizes that it is important to provide a comprehensive physical education program based on the Standard Course of Study. The board requires that all students have documentation signed by a parent or legal guardian stating whether the child is physically able to participate in all physical education activities. If the child is not physically able to participate in all physical education activities, the child must have an appropriate statement from a physician verifying the child's medical limitations.

#### D. PARENTAL OPPORTUNITIES TO REVIEW MATERIALS AND WITHHOLD CONSENT FOR STUDENT PARTICIPATION

Each year before students participate in reproductive health and safety education or in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy, the principal or designee shall notify parents of the opportunity to review the materials and objectives that will be used in instruction. A copy of all objectives and materials will be available for review in the media center of each school where these subjects will be taught.

The principal or designee shall also notify parents of the right to withhold or withdraw consent for their child's participation in all reproductive health and safety education instruction or in specific topics such as STDs, the effectiveness and safety of contraceptive methods, awareness of sexual assault and sexual abuse, and sex trafficking prevention and awareness. Parents may also withhold consent to student participation in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy.

Any parent wishing to withhold consent must do so in writing to the principal.

#### E. STANDARDS FOR INSTRUCTION

For reproductive health and safety education, teachers shall follow the instructional objectives and only use the age-appropriate materials that have been made available to parents for review in accordance with this policy. Information conveyed during instruction will be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education or other field authorized by law. A determination of what is an appropriate education for a student with disabilities must be made in accordance with the student's individualized education plan, following all procedures as provided in the North Carolina *Policies Governing Services for Children with Disabilities*.

Legal References: [G.S. 115C art. 9](#); [115C-36](#), [-81.25](#), [-81.30](#)(el); *Policies Governing Services for Children with Disabilities*, available at <http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>, State Board of Education Policy [EXCP-000](#); State Board of Education Policy [SCOS-007](#)



Cross References:

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Lee County Schools

## **COMPREHENSIVE HEALTH EDUCATION PROGRAM**

*Policy Code:*

**3540**

The board is committed to a sound, comprehensive health education program that provides students with accurate information and encourages them to be responsible for their own health and behavior. The board recognizes the primary role of parents in providing for the health and well-being of their children and seeks to involve parents as provided in this policy.<sup>1</sup> The comprehensive health education program provided by the school system will meet the requirements of state law and the objectives established by the State Board of Education.<sup>2</sup> The board may, in its discretion, expand on the subject areas to be included in the program and on the instructional objectives to be met.<sup>3</sup>

### **A. COMPREHENSIVE HEALTH EDUCATION PROGRAM**

A comprehensive health education program must be taught to students from kindergarten through ninth grade. As required by law, the health education program must include age-appropriate instruction on bicycle safety, nutrition, dental health, environmental health, family living, consumer health, disease control, growth and development, first aid and emergency care, mental and emotional health, drug and alcohol abuse prevention, prevention of sexually transmitted diseases (STDs), including HIV/AIDS and other communicable diseases, and reproductive health and safety education.<sup>4</sup>

Instruction on gender identity, sexual activity, or sexuality will not be included in the health education program in kindergarten through fourth grade (see also policy 1310/4002, Parental Involvement).<sup>5</sup> As required by law and beginning in seventh grade, reproductive health and safety education will include age-appropriate instruction on sexual abstinence until marriage, STDs, the human reproductive system, preventable risks for preterm birth in subsequent pregnancies, the effectiveness of contraceptive methods in preventing pregnancy, awareness of sexual assault and sexual abuse, and sex trafficking prevention and awareness.<sup>6</sup>

### **B. PARENTAL OPPORTUNITIES TO REVIEW MATERIALS AND WITHHOLD CONSENT FOR STUDENT PARTICIPATION**

Each year before students participate in reproductive health and safety education or in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy, the principal or designee shall notify parents of the opportunity

<sup>1</sup> This paragraph should reflect the local board's philosophy. These statements may be modified or replaced.

<sup>2</sup> See G.S. 115C-81.25 and -81.30.

<sup>3</sup> See G.S. 115C-81.25(e) and -81.30(g).

<sup>4</sup> See G.S. 115C-81.25(c).

<sup>5</sup> See G.S. 115C-76.55.

<sup>6</sup> See G.S. 115C-81.30(a).



to review the materials and objectives that will be used in instruction.<sup>7</sup> A copy of all objectives and materials will be available for review in the media center of each school where these subjects will be taught.<sup>8</sup>

The principal or designee shall also notify parents of the right to withhold or withdraw consent for their child's participation in all reproductive health and safety education instruction or in specific topics such as STDs, the effectiveness and safety of contraceptive methods, awareness of sexual assault and sexual abuse, and sex trafficking prevention and awareness. Parents may also withhold consent to student participation in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy.<sup>9</sup> Any parent wishing to withhold consent must do so in writing to the principal.

### C. STANDARDS FOR INSTRUCTION

For reproductive health and safety education, teachers shall follow the instructional objectives and only use the age-appropriate materials that have been made available to parents for review in accordance with this policy. Information conveyed during instruction will be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education or other field authorized by law.<sup>10</sup>

A determination of what is an appropriate education for a student with disabilities must be made in accordance with the student's individualized education plan, following all procedures as provided in the North Carolina *Policies Governing Services for Children with Disabilities*.<sup>11</sup>

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<sup>7</sup> An opportunity for parents to review materials prior to student participation in these three subject areas is required by G.S. 115C-81.30(c). Also see G.S. 115C-81.25(d), -76.25(a)(1), -76.35(b)(5), and -76.40. These materials must remain available for review at least 60 days before use.

<sup>8</sup> The process for review provided in this policy may be modified or replaced.

<sup>9</sup> Alternatively, the board may adopt a policy that requires parental consent before a student may participate in instruction. G.S. 115C-81.30(b) states, "Each local board of education shall adopt a policy and provide a mechanism to allow a parent or legal guardian to withdraw his or her child from instruction required under subdivisions (10) through (13) of subsection (a) of this section." Those subdivisions concern teaching about sexually transmitted diseases; the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy; awareness of sexual assault, sexual abuse, and risk reduction; and sex trafficking prevention and awareness. G.S. 115C-81.30(c) requires board policy to provide parents and legal guardians the opportunity to consent or withhold consent for the student to participate in reproductive health and safety education; or any program that pertains to or is intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including HIV/AIDS, or to the avoidance of out-of-wedlock pregnancy.

<sup>10</sup> See G.S. 115C-81.30(a). Law enforcement and criminal justice agencies and nongovernmental organizations with experience in sex trafficking prevention and awareness may also provide materials and information. The authorized fields of expertise are sexual health education, adolescent psychology, behavioral counseling, medicine, human anatomy, biology, ethics, and health education.

<sup>11</sup> Different materials may be used if necessary to meet the objectives of an IEP. Parents of students with disabilities may review materials and withhold or withdraw consent in accordance with this policy.

Legal References: G.S. 115C art. 9; 115C-36, -76.25(a)(1), -76.35(b)(5), -76.40, -76.55, -81.25, -81.30; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; State Board of Education Policy SCOS-007

Cross References: Parental Involvement (policy 1310/4002)

Issued:

Revised: June 30, 2008; December 1, 2009; September 13, 2013; November 13, 2015; April 28, 2017; September 29, 2017; August 25, 2023



The board is committed to a sound, comprehensive health education program that provides students with accurate information and encourages them to be responsible for their own health and behavior. The board recognizes the primary role of parents in providing for the health and well-being of their children and seeks to involve parents as provided in this policy. The comprehensive health education program provided by the school district will meet the requirements of state law and the objectives established by the State Board of Education. The board may, in its discretion, expand on the subject areas to be included in the program and on the instructional objectives to be met.

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4. presents a clear and consistent message that the use of alcohol and illicit drugs and the misuse of other drugs is unhealthy and harmful;
5. adapted to the specialized needs of the school community;
6. reflects current research and theory and utilizes information that is current and accurate;
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9. promotes understanding and respect for the law and values of society;
10. encourages health, safe and responsible attitudes and behaviors;
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The principal or designee shall also notify parents of the right to withhold or withdraw consent for their child's participation in all reproductive health and safety education instruction or in specific topics such as STDs, the effectiveness and safety of contraceptive methods, awareness of sexual assault and sexual abuse, and sex trafficking prevention and awareness. Parents may also withhold consent to student participation in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy. Any parent wishing to withhold consent must do so in writing to the principal.

#### E. STANDARDS FOR INSTRUCTION

For reproductive health and safety education, teachers shall follow the instructional objectives and only use the age-appropriate materials that have been made available to parents for review in accordance with this policy. Information conveyed during instruction will be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education or other field authorized by law. A determination of what is an appropriate education for a student with disabilities must be made in accordance with the student's individualized education plan, following all procedures as provided in the North Carolina *Policies Governing Services for Children with Disabilities*.

Legal References: [G.S. 115C art. 9](#); [115C-36](#), [-81.25](#), [-81.30\(e\)](#); *Policies Governing Services for Children with Disabilities*, available at <http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>, State Board of Education Policy [EXCP-000](#); State Board of Education Policy [SCOS-007](#)

Cross References: [Parental Involvement \(policy 1310/4002\)](#)

Issued: May 11, 1992

Revised: December 11, 2000; April 21, 2009; June 8, 2010; December 10, 2013; February 9, 2016; June 13, 2017; December 12, 2017

## **Policy 4335 Criminal Behavior**

Criminal or other illegal behavior is prohibited. Any student who the principal reasonably believes has engaged in criminal behavior on school premises or at school activities will be subject to appropriate disciplinary action, as stated in applicable board policies, and also may be criminally prosecuted.

School officials shall cooperate fully with any criminal investigation and prosecution. School officials shall independently investigate any criminal behavior that also violates school rules or board policy.

### **A. Students Charged with or Convicted of Criminal Behavior**

The superintendent and principal may take reasonable or legally required measures to preserve a safe, orderly environment when a student has been charged or convicted with a serious crime, regardless of whether the alleged offense was committed on school grounds or related to school activities. Depending upon the circumstances, including the nature of the crime or alleged crime, the child's age, and the publicity within the school community, reasonable or legally required efforts may include changing a student's classroom assignment or transferring the student to another school. Transfer to an alternative school may be made in accordance with the criteria established in policy [3470/4305](#), Alternative Learning Programs/Schools. The student will continue to be provided with educational opportunities unless and until the student is found to have violated board policy or school rules and is suspended or expelled in accordance with procedures established in board policy.

### **B. Reporting Criminal Behavior**

A school employee is permitted to report to law enforcement an assault by a student on a school employee. Principals or other supervisors shall not, by threats or in any other manner, intimidate or attempt to intimidate the school employee from doing so.

The principal must report immediately to law enforcement officers and the superintendent the following acts when the principal has personal knowledge or actual notice from others that such acts occurred on school property, regardless of the age or grade of the perpetrator or victim:

1. assault resulting in serious personal injury
2. sexual assault
3. sexual offense
4. rape
5. kidnapping;
6. indecent liberties with a minor;
7. assault involving the use of a weapon;
8. possession of a firearm in violation of the law
9. possession of a weapon in violation of the law
10. possession of a controlled substance in violation of the law
11. assault on school officials, employees and/or volunteers
12. homicide, including murder; manslaughter and death by vehicle



13. robbery; or

14. armed robbery

The principal or designee shall notify the superintendent or designee in writing or by e-mail of any report made by the principal to law enforcement. Such notice must occur by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the following workday. The superintendent must inform the board of any such reports. In addition, the principal or designee must notify the parents of students who are alleged to be victims of any reported offenses. Threats made by a student to inflict harm on other students and/or staff may be considered under this policy. Appropriate consequences for threatening behaviors will be taken to ensure the safety and well-being of all students and staff.

Certain crimes must be reported to the Department of Public Instruction in accordance with [16 N.C.A.C. 6E.0107](#).

Legal References: Gun-Free Schools Act, [20 U.S.C. 7961](#); [G.S. 14-17](#), [-18 27.21](#), [-27.22](#), [-27.24 through -27.27](#), [-27.29](#), [-27.30](#), [-27.33](#), [-32 through -34.10](#), [-39](#), [-202.1](#), [-202.2](#), [-269.2](#); [ch. 90, art. 5](#); [115C-47\(56\)](#), [-288\(g\)](#), [16 N.C.A.C.6E.0107](#)

Cross References: Alternative Learning Programs/Schools (policy [3470/4305](#)), Drugs and Alcohol (policy [4325](#)), Theft; Trespass and Damage to Property (policy [4330](#)), Assaults and Threats (policy [4331](#)), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy [4333](#)), School-Level Investigations (policy [4340](#))

Issued: December 9, 2008; September 27, 2012; December 11, 2012; December 9, 2014; December 8, 2015; December 13, 2016; June 13, 2017; December 8, 2020

Lee County Schools

## **CRIMINAL BEHAVIOR**

Policy Code:

**4335**

Criminal or other illegal behavior is prohibited. Any student who the principal reasonably believes has engaged in criminal behavior on school premises or at school activities will be subject to appropriate disciplinary action, as stated in applicable board policies, and also may be criminally prosecuted.

School officials shall cooperate fully with any criminal investigation and prosecution. School officials shall independently investigate any criminal behavior that also violates school rules or board policy.

### **A. STUDENTS CHARGED WITH OR CONVICTED OF CRIMINAL BEHAVIOR**

The superintendent and principal may take reasonable or legally required<sup>1</sup> measures to preserve a safe, orderly environment when a student has been charged with or convicted of a serious crime, regardless of whether the alleged offense was committed on school grounds or was related to school activities. Depending upon the circumstances, including the nature of the crime or alleged crime, the child's age, and the publicity within the school community, reasonable or legally required efforts may include changing a student's classroom assignment or transferring the student to another school. Transfer to an alternative school may be made in accordance with the criteria established in policy 3470/4305, Alternative Learning Programs/Schools. The student will continue to be provided with educational opportunities unless and until the student is found to have violated board policy or school rules and is suspended or expelled in accordance with procedures established in board policy.

### **B. REPORTING CRIMINAL BEHAVIOR**

A school employee is permitted to report to law enforcement an assault by a student on a school employee. Principals or other supervisors shall not, by threats or in any other manner, intimidate, or attempt to intimidate the school employee from doing so.<sup>2</sup>

Principals must immediately report to law enforcement the following acts when they have personal knowledge or actual notice from school personnel that such acts have occurred on school property, regardless of the age or grade of the perpetrator or victim: (1) assault resulting in serious personal injury; (2) sexual assault; (3) sexual offense; (4) rape; (5) kidnapping; (6) indecent liberties with a minor; (7) assault involving the use of a weapon; (8) possession of a firearm in violation of the law; (9) possession of a weapon in violation of the law; and (10) possession of a controlled substance in violation of the law. A principal

<sup>1</sup> A student convicted of cyberbullying a school employee must be transferred to another school, or if there is no other appropriate school in the LEA, to a different class or teacher. The superintendent may modify the transfer on a case-by-case basis. G.S. 115C-366.4.

<sup>2</sup> See G.S. 115C-289.1.



who willfully fails to make a required report to law enforcement will be subject to disciplinary action, up to and including dismissal.<sup>3</sup>

Not in  
this  
policy

The principal or designee shall notify the superintendent or designee in writing or by e-mail of any report made by the principal to law enforcement.<sup>4</sup> Such notice must occur by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the following workday.<sup>5</sup> The superintendent must inform the board of any such reports.<sup>6</sup>

In addition, the principal or designee must promptly notify the parents if a school system employee suspects that any criminal offense has been committed against the parents' child, including but not limited to any of the offenses required to be reported to law enforcement, regardless of where the offense allegedly occurred, unless the incident has been reported to law enforcement or the county child services agency and notification of the parents would impede the investigation of students who are alleged to be victims of any reported offenses.<sup>7</sup>

Certain crimes must be reported to the Department of Public Instruction in accordance with 16 N.C.A.C. 6E .0107.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7961; G.S. 14-17, -18, -27.21, -27.22, -27.24 through -27.27, -27.29, -27.30, -27.33, -32 through -34.10, -39, -87, -202, -202.1, -202.2, -269.2; ch. 90 art. 5; 114A-10; 115C-47(56), -288(g); 16 N.C.A.C. 6E .0107

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Drugs and Alcohol (policy 4325), Theft, Trespass, and Damage to Property (policy 4330), Assaults and Threats (policy 4331), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333), School-Level Investigations (policy 4340)

Issued:

Revised: March 6, 1998; September 24, 1999; June 30, 2008; December 1, 2009; September 30, 2010; September 30, 2011; September 27, 2012; September 30, 2015; September 30, 2016; April 28, 2017; September 30, 2020; March 31, 2021; August 25, 2023

<sup>3</sup> This statement is optional.

<sup>4</sup> G.S. 115C-288(g) only requires such notification for reports involving any of the 10 offenses listed in the statute.

<sup>5</sup> See G.S. 115C-288(g).

<sup>6</sup> See G.S. 115C-288(g).

<sup>7</sup> G.S. 115C-47(56) requires that the board adopt a policy on the notification of parents or guardians of students alleged to be victims of acts that are required to be reported under G.S. 115C-288(g). G.S. 114A-10 gives parents the right to be promptly notified if a school system employee suspects that a criminal offense has been committed against the parent's child, unless the incident has first been reported to law enforcement or the county child welfare agency, and notification of the parent would impede the investigation.

Criminal or other illegal behavior is prohibited. Any student who the principal reasonably believes has engaged in criminal behavior on school premises or at school activities will be subject to appropriate disciplinary action, as stated in applicable board policies, and also may be criminally prosecuted.

School officials shall cooperate fully with any criminal investigation and prosecution. School officials shall independently investigate any criminal behavior that also violates school rules or board policy.

#### **A. Students Charged with or Convicted of Criminal Behavior**

The superintendent and principal may take reasonable or legally required measures to preserve a safe, orderly environment when a student has been charged or convicted with a serious crime, regardless of whether the alleged offense was committed on school grounds or related to school activities. Depending upon the circumstances, including the nature of the crime or alleged crime, the child's age, and the publicity within the school community, reasonable or legally required efforts may include changing a student's classroom assignment or transferring the student to another school. Transfer to an alternative school may be made in accordance with the criteria established in policy 3470/4305, Alternative Learning Programs/Schools. The student will continue to be provided with educational opportunities unless and until the student is found to have violated board policy or school rules and is suspended or expelled in accordance with procedures established in board policy.

#### **B. Reporting Criminal Behavior**

A school employee is permitted to report to law enforcement an assault by a student on a school employee. Principals or other supervisors shall not, by threats or in any other manner, intimidate or attempt to intimidate the school employee from doing so.

The principal must report immediately to law enforcement officers and the superintendent the following acts when the principal has personal knowledge or actual notice from others that such acts occurred on school property, regardless of the age or grade of the perpetrator or victim:

1. assault resulting in serious personal injury
2. sexual assault
3. sexual offense
4. rape
5. kidnapping;



6. indecent liberties with a minor;
7. assault involving the use of a weapon;
8. possession of a firearm in violation of the law
9. possession of a weapon in violation of the law
10. possession of a controlled substance in violation of the law
11. assault on school officials, employees and/or volunteers
12. homicide, including murder; manslaughter and death by vehicle
13. robbery; or
14. armed robbery

The principal or designee shall notify the superintendent or designee in writing or by e-mail of any report made by the principal to law enforcement. Such notice must occur by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the following workday. The superintendent must inform the board of any such reports.

In addition, the principal or designee must promptly notify the parents promptly notify the parents if a school system employee suspects that any criminal offense has been committed against the parents' child, including but not limited to any of the offenses required to be reported to law enforcement, regardless of where the offense allegedly occurred, unless the incident has been reported to law enforcement or the county child services agency and notification of the parents would impede the investigation of students who are alleged to be victims of any reported offenses.

Threats made by a student to inflict harm on other students and/or staff may be considered under this policy. Appropriate consequences for threatening behaviors will be taken to ensure the safety and well-being of all students and staff.

Certain crimes must be reported to the Department of Public Instruction in accordance with 16 N.C.A.C. 6E.0107.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7961; G.S. 14-17, -18 27.21, -27.22, -27.24 through -27.27, -27.29, -27.30, -27.33, -32 through -34.10, -39, -202.1, -202.2, -269.2; ch. 90, art. 5; 114A-10; 115C-47(56), -288(g), 16 N.C.A.C.6E.0107

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Drugs and Alcohol (policy 4325), Theft; Trespass and Damage to Property (policy 4330), Assaults and Threats (policy

4331), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), School-Level Investigations (policy 4340)

Issued: December 9, 2008; September 27, 2012; December 11, 2012; December 9, 2014; December 8, 2015; December 13, 2016; June 13, 2017; December 8, 2020 Policy Code: 4335



## **Policy 4720 Surveys of Students**

The superintendent will ensure that all notification and other requirements of the Protection of Pupil Rights Amendment are met, including all legal requirements regarding the surveying of students.

### **A. Surveys Involving Protected Topics**

#### **1. Definition of Protected Topic**

For purpose of this policy, the following are considered "protected topics":

- a. political affiliations or beliefs of the student or the student's parent;
- b. mental or psychological problems of the student or the student's family;
- c. sex behavior and attitudes;
- d. illegal, anti-social, self-incriminating or demeaning behavior;
- e. critical appraisals of other individuals with whom respondents have close family relationships;
- f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
- g. religious practices, affiliations or beliefs of the student or the student's parent; or
- h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

#### **2. Rules Regarding Surveys Involving Protected Topics**

##### **a. Protection of Student Privacy**

The school district will take measures to protect the identification and privacy of students participating in any survey concerning any of the protected topics. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

##### **b. Parental Notification**

The school district will notify parents at the beginning of each school year of the specific or approximate dates of administration of surveys concerning the protected topics. Parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey.

##### **c. Parental Consent**

Before a student is required to participate in any Department of Education-funded survey, analysis, or evaluation that reveals information concerning a protected topic, the parent or eligible student must provide prior written consent.

If prior written consent is not mandated for a survey involving a protected topic (because the survey either is not required or is not funded in whole or part by the Department of Education), the parent or eligible student must be given an opportunity to opt out.

## **B. Third Party Surveys**

Parents and eligible students have the right, upon request, to inspect any survey created by a third party before the survey is administered or distributed to a student

## **C. Collection of Student Data for Marketing Purposes**

The school district generally will not collect, disclose or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However; in the event the board approves a collection , disclosure, or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection , disclosure, or use, (2) allow parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student, and (3) offer the parent the opportunity to opt out of the collection, disclosure, or use of the student's personal information.

The preceding rules of the collection, disclosure, and use of personal student information do not apply if the school district collects, discloses, or uses such personal information from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

1. college or other postsecondary education recruitment, or military recruitment;
2. book clubs, magazines, and programs providing access to low-cost literary products;
3. curriculum and instructional material used by elementary schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
5. the sale by students of products or services to raise funds for school-related or education-related activities; and
6. student recognition programs.

## **D. Parent Involvement**

In addition to this policy, the board, with parental and community input, has developed other policies concerning surveys and related matters as required by the Protection of Pupil Rights Amendment. These policies include: [1310/4002](#), Parental Involvement; [3210](#), Parental Inspection of and Objection to Instruction Materials; [4700](#) Student Records; and 5340, Advertising in the Schools

Legal References: Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#), C.F.R. pt.99; Protection Of Pupil Rights Amendment, [20 U. S.C. 1232h](#); [G.S. 115C-36](#)

Cross References: Parental Involvement policy ([1310/4002](#)), Student and Parent Grievance Procedure (policy [1740/4010](#)), Parental Inspection of and Objection to Instructional materials (policy [3210](#)), Student Discipline Records (policy [4345](#)), Student Records (policy [4700](#)), Advertising in the Schools (policy [5240](#))

Issued: April 4, 2006

Revised: January 8, 2008; December 9, 2008; January 11, 2022

Lee County Schools



## **SURVEYS OF STUDENTS**

Policy Code:

**4720**

The superintendent shall ensure that all notification and other requirements of state law<sup>1</sup> and the Protection of Pupil Rights Amendment<sup>2</sup> are met, including all legal requirements regarding the surveying of students.<sup>3</sup>

### **A. SURVEYS INVOLVING PROTECTED TOPICS**

#### **1. Definition of Protected Topic Survey**

For purposes of this policy, the following are considered a “protected topic”:

- a. political affiliations or beliefs of the student or the student’s parent;
- b. mental or psychological problems of the student or the student’s family;
- c. sex behavior or attitudes;
- d. illegal, anti-social, self-incriminating, or demeaning behavior;
- e. critical appraisals of other individuals with whom respondents have close family relationships;
- f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g. religious practices, affiliations, or beliefs of the student or the student’s parent; or
- h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

For purposes of this policy, a “protected topic survey” is any survey, analysis, or evaluation that reveals information concerning any of the protected topics.

#### **2. Rules Regarding Protected Topic Surveys ~~Involving Protected Topics~~**

- a. Protection of Student Privacy

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<sup>1</sup> See G.S. 115C-76.65.

<sup>2</sup> 20 U.S.C. 1232h.

<sup>3</sup> This policy restates legal requirements.

The school system will take measures to protect the identification and privacy of students participating in any protected topic survey ~~concerning any of the protected topics~~. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

b. Parental Notification

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of protected topic surveys ~~concerning the protected topics~~.<sup>4</sup> At least 10 days prior to the administration of a protected topic survey, Parents and eligible students (students who are 18 years of age or older or who are emancipated minors) will be provided the opportunity to review both electronically and in person the process for providing consent to participate in the protected topic survey and the full text of the protected topic survey. ~~have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey.~~<sup>5</sup>

c. Parental Consent

Before a student ~~will be permitted~~ is required to participate in any protected topic Department of Education-funded survey, analysis, or evaluation that ~~reveals information concerning a protected topic~~, the parent or eligible student must provide prior written consent.<sup>6</sup>

If prior written consent is not mandated for a survey involving a protected topic (because the survey either is not required or is not funded in whole or part by the Department of Education), the parent or eligible student must be given an opportunity to opt out.<sup>7</sup>

**B. WELL-BEING QUESTIONNAIRES AND HEALTH SCREENING FORMS**<sup>8</sup>

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children. See also policy 1310/4002, Parental Involvement.

<sup>4</sup> See 20 U.S.C. 1232h(c)(2).

<sup>5</sup> See G.S. 115C-76.65(b) and 20 U.S.C. 1232h(c)(1)(B).

<sup>6</sup> See G.S. 115C-76.65 and 20 U.S.C. 1232h(b).

<sup>7</sup> See 20 U.S.C. 1232h(c)(2)(A)(ii); see also Protection of Pupil Rights Amendment Guidance, SPPO-21-01 (U.S. DOE January 2021), available at [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/20-0379.PPRA\\_508\\_0.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/20-0379.PPRA_508_0.pdf).

<sup>8</sup> See G.S. 115C-76.45(a)(3).



If a well-being questionnaire or health screening form falls under the definition of a protected topic survey, all rules for protected topic surveys, as described above in subsection A.2, also apply.

#### **B.C. OTHER SURVEYS CREATED BY A THIRD PARTY SURVEYS**

Parents and eligible students have the right, upon request, to inspect any other survey created by a third party before the survey is administered or distributed to a student.<sup>9</sup>

#### **C.D. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES**

The school system generally will not collect, disclose, or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose.<sup>10</sup> However, in the event the board approves a collection, disclosure, or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection, disclosure, or use,<sup>11</sup> (2) allow parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student,<sup>12</sup> and (3) offer the parent the opportunity to opt out of the collection, disclosure, or use of the student's personal information.<sup>13</sup>

The preceding rules for the collection, disclosure, and use of personal student information do not apply if the school system collects, discloses, or uses personal information from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:<sup>14</sup>

1. college or other postsecondary education recruitment or military recruitment;
2. book clubs, magazines, and programs providing access to low-cost literary products;
3. curriculum and instructional material used by elementary schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

<sup>9</sup> See 20 U.S.C. 1232h(c)(1)(A)(i).

<sup>10</sup> See 20 U.S.C. 1232h(c)(1)(E).

<sup>11</sup> See 20 U.S.C. 1232h(c)(2)(B).

<sup>12</sup> See 20 U.S.C. 1232h(c)(1)(F).

<sup>13</sup> See 20 U.S.C. 1232h(c)(2)(A)(ii).

<sup>14</sup> See 20 U.S.C. 1232h(c)(4)(A).

5. the sale by students of products or services to raise funds for school-related or education-related activities; and
6. student recognition programs.

#### **D.E. OTHER RELEVANT POLICIES**

In addition to this policy, the board, with parental and community input, has developed other policies concerning surveys and related matters as required by the Protection of Pupil Rights Amendment. These policies include: 1310/4002, Parental Involvement; 3210, Parental Inspection of and Objection to Instructional Materials; 4700, Student Records; and 5240, Advertising in the Schools.<sup>15</sup>

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h; G.S. 115C-36, -76.25(a)(11), -76.45(a)(3), -76.65, -402.15

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Parental Inspection of and Objection to Instructional Materials (policy 3210), Student Discipline Records (policy 4345), Student Records (policy 4700), Advertising in the Schools (policy 5240)

Issued: July 15, 2005

Revised: August 1, 2007; June 30, 2008; September 30, 2021; August 25, 2023

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<sup>15</sup> See 20 U.S.C. 1232h(c)(1) for the complete list of required local policies.



The superintendent will ensure that all notification and other requirements of state law and the Protection of Pupil Rights Amendment are met, including all legal requirements regarding the surveying of students.

### **A. Surveys Involving Protected Topics**

#### **1. Definition of Protected Topic Survey**

For purpose of this policy, the following are considered "protected topics":

- a. political affiliations or beliefs of the student or the student's parent;
- b. mental or psychological problems of the student or the student's family;
- c. sex behavior and attitudes;
- d. illegal, anti-social, self-incriminating or demeaning behavior;
- e. critical appraisals of other individuals with whom respondents have close family relationships;
- f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
- g. religious practices, affiliations or beliefs of the student or the student's parent; or
- h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

For purposes of this policy, a "protected topic survey" is any survey, analysis, or evaluation that reveals information concerning any of the protected topics.

#### **2. Rules Regarding Protected Topic Surveys ~~Involving Protected Topics~~**

##### **a. Protection of Student Privacy**

The school district will take measures to protect the identification and privacy of students participating in any protected topic survey ~~concerning of the protected topics~~. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

##### **b. Parental Notification**

The school district will notify parents at the beginning of each school year of the specific or approximate dates of administration of protected topic surveys ~~concerning the protected topics~~. At least 10 days prior to the administration of a protected topic survey, parents and eligible students (students who are 18 years of age or older or who are emancipated minors) will be provided the opportunity to review both electronically and in person the process for providing consent to participate in the protected topic survey and the full text of the protected topic survey. ~~Parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey.~~

c. Parental Consent

Before a student ~~will be permitted is required~~ to participate in any protected topic ~~Department of Education funded survey, analysis, or evaluation that reveals information concerning a protected topic~~, the parent or eligible student must provide prior written consent.

~~If prior written consent is not mandated for a survey involving a protected topic (because the survey either is not required or is not funded in whole or part by the Department of Education), the parent or eligible student must be given an opportunity to opt out.~~

**B. WELL-BEING QUESTIONNAIRES AND HEALTH SCREENING FORMS**

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children. See also policy 1310/4002, Parental Involvement.

If a well-being questionnaire or health screening form falls under the definition of a protected topic survey, all rules for protected topic surveys, as described above in subsection A.2, also apply.

**C. OTHER SURVEYS CREATED BY A Third Party Surveys**

Parents and eligible students have the right, upon request, to inspect any other survey created by a third party before the survey is administered or distributed to a student

**D. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES**

The school district generally will not collect, disclose or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However; in the event the board approves a



collection, disclosure, or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection, disclosure, or use, (2) allow parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student, and (3) offer the parent the opportunity to opt out of the collection, disclosure, or use of the student's personal information.

The preceding rules of the collection, disclosure, and use of personal student information do not apply if the school district collects, discloses, or uses such personal information from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

1. college or other postsecondary education recruitment, or military recruitment;
2. book clubs, magazines, and programs providing access to low-cost literary products;
3. curriculum and instructional material used by elementary schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
5. the sale by students of products or services to raise funds for school-related or education-related activities; and
6. student recognition programs.

#### **E. ~~Parent Involvement~~ OTHER RELEVANT POLICIES**

In addition to this policy, the board, with parental and community input, has developed other policies concerning surveys and related matters as required by the Protection of Pupil Rights Amendment. These policies include: 1310/4002, Parental Involvement; 3210, Parental Inspection of and Objection to Instruction Materials; 4700 Student Records; and 5340, Advertising in the Schools

Legal References: Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#), C.F.R. pt.99; Protection Of Pupil Rights Amendment, [20 U. S.C. 1232h](#); [G.S. 115C-36, -76.25\(a\)\(11\), -76.145\(a\)\(3\), -76.65, -402.15](#)

Cross References: Parental Involvement policy (1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Parental Inspection of and Objection to Instructional materials

(policy 3210), Student Discipline Records (policy 4345), Student Records (policy 4700), Advertising in the Schools (policy 5240)

Issued: April 4, 2006

Revised: January 8, 2008; December 9, 2008; January 11, 2022



# Policy 4520/6120 Student Health Services

## A. Student Health Services Generally

The board will provide health services to students as required by law. The school district will screen and observe students in order to detect health or dental problems and make efforts to obtain examination for such students. School employees may administer medications prescribed by a health care practitioner and upon written request of the parents; give emergency health care when reasonably apparent circumstances indicated that any delay would seriously worsen the physical condition or endanger the life of the student; and perform any other first aid or lifesaving technique in which training has been provided to school employees. A registered nurse will be available to provide assessment, care planning, and ongoing evaluation of students with special health care needs in the school setting. The school nurse and other health services staff will follow all requirements as provided in the North Carolina Nurse Practice Act.

The superintendent may develop procedures or delegate the development of procedures to each principal for providing these health services and meeting the board requirements listed below.

1. The principal, in collaboration with the school nurse, shall determine at the beginning of each school year prior to the beginning of classes, and thereafter as circumstances require, which employees will be selected to participate in the health services program. The principal shall inform her or her staff about which health services duties are delegated to which employees.
2. Any employee designated to provide health care services must receive appropriate training and where necessary or required must meet the requirements for delegation to unlicensed personnel as defined by the North Carolina Nurse Practice Act.
3. Health manuals prepared by the governing state agencies must be followed in developing appropriate procedures and for determining which tasks must be performed by registered nurses.
4. Procedures must be consistent with all related board policies, including policy [4230](#), Communicable Diseases - Students, policy [6125](#), Administering Medicines to Students;
5. Procedures must be consistent with state and federal law for students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The *Policies Governing Services for Children with Disabilities* will be followed, as applicable.
6. Procedures must be consistent with guidelines adopted by the State Board of Education under [G.S. 115C-12\(31\)](#) to serve students with diabetes, including developing and implementing individual diabetes care plans for such students and providing information and training to school personnel to appropriately support and assist such students, in accordance with their individual diabetes care plans.
7. Written information maintained by the school or school personnel regarding a student's medicinal and health needs is confidential. Parent and students must be accorded all rights provided by the Family Educational Rights and Privacy Act (FERPA) and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.
8. School personnel must obtain parental consent for medical services as required by law. Parents will be notified of their rights in accordance with policy [1310/4002](#) Parental Involvement.
9. Health professionals will be consulted in the development of health services, Opportunities also will be provided for input from staff, parents, and students on the health services provided.

## B. School System Mental Health Plan

The superintendent shall develop a school-based mental health plan that includes a mental health training program and suicide risk referral protocol that satisfies the requirements of State Board of Education Policy [SHLT-003](#). The superintendent shall submit the plan to the board for approval and direct implementation of the plan within all applicable deadlines.

By September 15 of each year, the superintendent shall report to the Department of Public Instruction on (1) the content of the school system's mental health plan, including the mental health training program and suicide risk referral protocol, and (2) the school system's prior school year compliance with the requirements of State Board of Education Policy [SHLT-003](#). The board will review the components of the school system's mental health plan at least every five years, starting August 1, 2025, and will update the mental health plan in accordance with any updated requirements provided by the State Board of Education.

Legal References: Americans with Disabilities Act 42 U.S.C. 12124, [28, C.F.R. pt 35](#); Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#); Individuals with Disabilities Education Act, [20 U.S.C. 1400 et seq.](#), [34 C.F.R. pt. 300](#); Rehabilitation Act of 1973, [29 U.S.C. 705\(20\)](#), [-794](#), [34 C.F.R. pt. 104](#); [G.S. 115C-12\(12\)](#), [12\(31\)](#), [-36](#), [-307\(c\)](#), [-375.1](#), [375.3](#); [16 N.C.A.C-015](#); [N.C.A.C. 36.01221](#), [.0224](#); *Policies Governing Services for Children with Disabilities*, State Board of Education Policies [EXCP-000](#), [SHLT-003](#)

Cross References: Parental Involvement (policy [1310/4002](#)), Communicable Diseases - Students (policy [4230](#)), Student Records (policy [4700](#)), Administering Medicines to Students (policy [6125](#))

Adopted: March 7, 2016; November 5, 2019; June 8, 2021

Lee County Schools



## STUDENT HEALTH SERVICES

Policy Code: 4520 6120

### A. STUDENT HEALTH SERVICES GENERALLY

<sup>1</sup>The board will provide health services to students as required by law.<sup>2</sup> State law authorizes school employees to administer medication prescribed by a health care practitioner only upon the written request of the parents; give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the student; and perform any other first aid or lifesaving technique in which training has been provided to school employees.<sup>3</sup> A registered nurse ~~also~~ will be available to provide assessment, care planning, and ongoing evaluation of students with special health care service needs in the school setting.<sup>4</sup>

<sup>1</sup> Not in LCS  
The superintendent may develop procedures or delegate the development of procedures to each principal for providing these health services and meeting the board requirements listed below.

1. The principal shall determine at the beginning of each school year prior to the beginning of classes, and thereafter as circumstances require, which employees will be selected to participate in the health services program. The principal shall inform his or her staff about which health services duties are delegated to which employees.
2. Any employee designated to provide health care services must receive appropriate training.
3. Health manuals prepared by the governing state agencies must be followed in developing appropriate procedures and for determining which tasks must be performed by registered nurses.<sup>5</sup>

<sup>1</sup> This policy primarily addresses legal requirements related to student health services. Local boards may choose to expand the policy to more fully describe available services. Depending on services provided, the board may want to consider more fully addressing parental consent to services.

<sup>2</sup> Please note that G.S. 90-21.10B contains language that prohibits health care practitioners, which includes school employees authorized under state law to perform health care services as part of their job, from providing, soliciting, or arranging medical procedures or treatments for a minor without first obtaining written or documented consent from that minor child's parent. That law goes into effect on December 1, 2023. We recommend that the board discuss the implications of that new law with its board attorney.

<sup>3</sup> Under G.S. 115C-375.1, "[n]o employee, however, shall be required to administer drugs or medication or attend lifesaving techniques programs." The board may choose to include this information in the policy.

<sup>4</sup> See 16 N.C.A.C. 6D .0402.

<sup>5</sup> References to particular manuals may be included, such as the North Carolina School Health Program Manual, published by the N.C. Department of Health and Human Services, Division of Public Health.

4. Procedures must be consistent with all related board policies, including policy 4230, Communicable Diseases – Students, and policy 6125, Administering Medicines to Students.
5. Procedures must be consistent with state and federal law for students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The *Policies Governing Services for Children with Disabilities* will be followed, as applicable.
6. Procedures must be consistent with guidelines adopted by the State Board of Education under G.S. 115C-12(31) to serve students with diabetes, including developing and implementing individual diabetes care plans for such students and providing information and training to school personnel to appropriately support and assist such students, in accordance with their individual diabetes care plans.
7. Written information maintained by the school or school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act (FERPA) and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.
8. School personnel must obtain parental consent for medical services as required by law. Parents will be notified of their rights in accordance with policy 1310/4002, Parental Involvement.
9. Health professionals will be consulted in the development of health services. Opportunities also will be provided for input from staff, parents, and students on the health services provided.

#### **B. SCHOOL SYSTEM MENTAL HEALTH PLAN**

The superintendent shall develop a school-based mental health plan that includes a mental health training program and suicide risk referral protocol that satisfies the requirements of State Board of Education Policy SHLT-003. The superintendent shall submit the plan to the board for approval and direct implementation of the plan within all applicable deadlines.<sup>6</sup>

By September 15 of each year, the superintendent shall report to the Department of Public Instruction on (1) the content of the school system's mental health plan, including the mental health training program and suicide risk referral protocol, and (2) the school system's prior school year compliance with the requirements of State Board of Education

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<sup>6</sup> Session Law 2020-7 established a deadline of July 1, 2021, for the board to adopt its initial school-based health plan. Employees must receive required training within six months of employment and subsequent trainings the next school year and annually thereafter.



Policy SHLT-003. The board will review the components of the school system's mental health plan at least every five years, starting August 1, 2025, and will update the mental health plan in accordance with any updated requirements provided by the State Board of Education.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), -794, 34 C.F.R. pt. 104; G.S. 90-21.10B; 115C-12(12), -12(31), -36, -307(c), -375.1, -375.3, -376.5; 16 N.C.A.C. 6D .0402; 21 N.C.A.C. 36 .0221, .0224; *Policies Governing Services for Children with Disabilities*, State Board of Education Policies EXCP-000, SHLT-003

Cross References: Parental Involvement (policy 1310/4002), Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Administering Medicines to Students (policy 6125)

Issued: June 1997

Revised: May 7, 2004; January 31, 2006; April 28, 2009; January 27, 2012; November 13, 2015; April 28, 2017; September 29, 2017; September 30, 2019; March 31, 2021; August 25, 2023

**A. Student Health Services Generally**

The board will provide health services to students as required by law. The school district will screen and observe students in order to detect health or dental problems and make efforts to obtain examination for such students. State law authorizes school employees may administer medications prescribed by a health care practitioner only upon written request of the parents; give emergency health care when reasonably apparent circumstances indicated that any delay would seriously worsen the physical condition or endanger the life of the student; and perform any other first aid or lifesaving technique in which training has been provided to school employees. A registered nurse will be available to provide assessment, care planning, and ongoing evaluation of students with special health care needs in the school setting. The school nurse and other health services staff will follow all requirements as provided in the North Carolina Nurse Practice Act.

The superintendent may develop procedures or delegate the development of procedures to each principal for providing these health services and meeting the board requirements listed below.

1. The principal, in collaboration with the school nurse, shall determine at the beginning of each school year prior to the beginning of classes, and thereafter as circumstances require, which employees will be selected to participate in the health services program. The principal shall inform her or her staff about which health services duties are delegated to which employees.
2. Any employee designated to provide health care services must receive appropriate training and where necessary or required must meet the requirements for delegation to unlicensed personnel as defined by the North Carolina Nurse Practice Act.
3. Health manuals prepared by the governing state agencies must be followed in developing appropriate procedures and for determining which tasks must be performed by registered nurses.
4. Procedures must be consistent with all related board policies, including policy 4230, Communicable Diseases - Students, policy 6125, Administering Medicines to Students;
5. Procedures must be consistent with state and federal law for students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The *Policies Governing Services for Children with Disabilities* will be followed, as applicable.
6. Procedures must be consistent with guidelines adopted by the State Board of Education under G.S. 115C-12(31) to serve students with diabetes, including developing and implementing individual diabetes care plans for such students and providing information and training to school personnel to appropriately support and assist such students, in accordance with their individual diabetes care plans.



7. Written information maintained by the school or school personnel regarding a student's medicinal and health needs is confidential. Parent and students must be accorded all rights provided by the Family Educational Rights and Privacy Act (FERPA) and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.

8. School personnel must obtain parental consent for medical services as required by law. Parents will be notified of their rights in accordance with policy 1310/4002 Parental Involvement.

9. Health professionals will be consulted in the development of health services. Opportunities also will be provided for input from staff, parents, and students on the health services provided.

## **B. School System Mental Health Plan**

The superintendent shall develop a school-based mental health plan that includes a mental health training program and suicide risk referral protocol that satisfies the requirements of State Board of Education Policy [SHLT-003](#). The superintendent shall submit the plan to the board for approval and direct implementation of the plan within all applicable deadlines.

By September 15 of each year, the superintendent shall report to the Department of Public Instruction on (1) the content of the school system's mental health plan, including the mental health training program and suicide risk referral protocol, and (2) the school system's prior school year compliance with the requirements of State Board of Education Policy [SHLT-003](#). The board will review the components of the school system's mental health plan at least every five years, starting August 1, 2025, and will update the mental health plan in accordance with any updated requirements provided by the State Board of Education.

Legal References: Americans with Disabilities Act 42 U.S.C. 12124, [28, C.F.R. pt 35](#); Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#); Individuals with Disabilities Education Act, [20 U.S.C. 1400 et seq.](#), [34 C.F.R. pt. 300](#); Rehabilitation Act of 1973, [29 U.S.C. 705\(20\)](#), [- 794](#), [34 C.F.R. pt. 104](#); [90-21.10B](#), [G.S. 115C-12\(12\)](#), [12\(31\)](#), [-36](#), [-307\(c\)](#), [-375.1](#), [375.3](#); [16 N.C.A.C-015](#); [N.C.A.C. 36.01221](#), [.0224](#); *Policies Governing Services for Children with Disabilities*, State Board of Education Policies [EXCP-000](#), [SHLT-003](#)

Cross References: Parental Involvement (policy 1310/4002), Communicable Diseases - Students (policy 4230), Student Records (policy 4700), Administering Medicines to Students (policy 6125)

Adopted: March 7, 2016; November 5, 2019; June 8, 2021

## Policy 7300 Staff Responsibilities and Ethics

For students to succeed, school employees must approach their responsibilities conscientiously, always remembering that the ultimate responsibility of the school district is to provide students with the opportunity to receive a sound basic education.

All school employees shall:

1. familiarize themselves with; comply with; support; and, when appropriate, enforce board policies, administrative procedures, school rules and applicable laws;
2. place the welfare of students as the first concern of the school district and attend to the safety and welfare of students, including the need to provide appropriate supervision of students;
3. properly use, take care of and protect school property, equipment and materials;
4. demonstrate integrity, respect and commitment to the truth through attitudes, behavior, dress, and communications with others;
5. regularly and promptly attend work;
6. carry out assigned responsibilities in a conscientious manner and maintain efficiency and knowledge of the developments in any relevant field(s) of work;
7. transact all official business with the properly designated officials in the school district and submit required reports promptly at the times specified;
8. work with other staff members to ensure the effective and efficient operation of the district's schools;
9. refrain from using school employment, contacts and privileges to promote partisan politics, personal or religious views or propaganda of any kind;
10. address or appropriately direct any complaints concerning school employees, the school program or school operations;
11. maintain just and courteous professional relationships with students, parents, staff members and others; and
12. support and encourage good school-community relations in all interactions with students, parents and members of the community, and establish cooperation between the community and the school district.

Employees shall notify the human resources officer if they are arrested for, charged with or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e. speeding, parking or a lesser violation). Notice shall be in writing, shall include all pertinent facts and shall be delivered to the human resources officer no later than the next scheduled business day following the arrest, charge or conviction, unless the employee is hospitalized or incarcerated, in which case the employee shall report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the employee must report the disposition and pertinent facts in writing to the human resources officer no later than the next business day following adjudication.

In addition, all driver education instructors must immediately report to the board any conviction that results in three or more points, and any conviction that could cause suspension or revocation of the driver license in any state. The board will notify the Department of Public Instruction when an instructor loses his or her privilege to drive in North Carolina or any other state. The superintendent or designee shall conduct annual checks of the driving records of all driver education instructors.

Failure by an employee to provide timely notice as described in this policy may lead to disciplinary action up to and including, dismissal.

Legal References: [G.S. 115C-47](#), [-307](#), [-308](#); State Board of Education Policies [DRV-003](#), [DRIV-004](#)

Cross References: Grievance Procedure for Employees (policy [1750/7220](#)), Employee Dress and Appearance (policy [7340](#)), Personnel Policies – Work Environment (7200 section policies), and Staff Responsibilities and Ethics ([7300](#) section policies)



Issued: May 11, 1992

Revised: July 16, 2001; November 4, 2008; December 11, 2018

Lee County Schools

*NOTE: Footnotes are for reference only. They should be eliminated from an individual board's policy.*

## STAFF RESPONSIBILITIES

Policy Code:

7300

For students to succeed, all school employees must approach their responsibilities conscientiously, always remembering that the ultimate responsibility of the school system is to provide students with the opportunity to receive a sound basic education.<sup>1</sup>

All school employees shall:<sup>2</sup>

1. be familiar with, support, comply with and, when appropriate, enforce board policies, administrative procedures, school rules, and applicable laws;
2. attend to the safety and welfare of students, including the need to provide appropriate supervision of students;
3. demonstrate integrity, respect, and commitment to the truth through attitudes, behavior, and communications with others;
4. address or appropriately direct any complaints concerning school employees, the school program, or school operations; and
5. support and encourage good school-community relations in all interactions with students, parents, and members of the community; and
6. support parents in effectively participating in their child's education and never encourage or coerce a child to withhold information from a parent.<sup>3</sup>

Employees shall notify the assistant superintendent for human resources<sup>4</sup> if they are arrested for, charged with or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the assistant superintendent for human resources<sup>5</sup> no later than the next scheduled business day following the arrest, charge, or conviction, unless the employee is hospitalized or incarcerated, in which case the employee must report the alleged violation within 24 hours after his or her release. Upon judicial

<sup>1</sup> Other board mission statements or objectives may be added.

<sup>2</sup> This list may be expanded or limited. A shorter list may be preferable for training purposes. Other requirements could include the following:

- —faithfully and promptly attend work;
- —diligently and promptly submit required reports;
- —comply with the employee dress code; and
- —maintain and protect school property.

<sup>3</sup> G.S. 114A-20 states that employees who encourage, coerce, or attempt to encourage or coerce a child to withhold information from his or her parent may be subject to disciplinary action.

<sup>4</sup> Replace "assistant superintendent for human resources" with the appropriate employee in your school system.

<sup>5</sup> Replace "assistant superintendent for human resources" with the appropriate employee in your school system.



action in the matter, the employee must report the disposition and pertinent facts in writing to the assistant superintendent for human resources<sup>6</sup> no later than the next business day following adjudication.

In addition, all driver education instructors must immediately report<sup>7</sup> to the board any conviction that results in three or more points, and any conviction that could cause suspension or revocation of the driver license in any state.<sup>8</sup> The board will notify the Department of Public Instruction when an instructor loses his or her privilege to drive in North Carolina or any other state.<sup>9</sup> The superintendent or designee shall conduct annual checks of the driving records of all driver education instructors.<sup>10</sup>

Failure by an employee to provide timely notice as described in this policy may lead to disciplinary action up to, and including, dismissal.

Legal References: G.S. 114A-20; 115C-47, -307, -308; State Board of Education Policies DRIV-003, DRIV-004

Cross References:

Issued:

Revised: April 7, 2008; September 28, 2018; August 25, 2023

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<sup>6</sup> Replace “assistant superintendent for human resources” with the appropriate employee in your school system.

<sup>7</sup> The board may add specifications for how the instructor is to report to the board. For example, such reports could be filed with the board chair on a specified form.

<sup>8</sup> See Section II of State Board of Education (SBE) Policy DRIV-003.

<sup>9</sup> See subsection II.11 of SBE Policy DRIV-004.

<sup>10</sup> Section II of SBE Policy DRIV-003 requires local boards of education to create a process for checking driving records for instructors annually.

For students to succeed, school employees must approach their responsibilities conscientiously, always remembering that the ultimate responsibility of the school district is to provide students with the opportunity to receive a sound basic education.

All school employees shall:

1. familiarize themselves with; comply with; support; and, when appropriate, enforce board policies, administrative procedures, school rules and applicable laws;
2. place the welfare of students as the first concern of the school district and attend to the safety and welfare of students, including the need to provide appropriate supervision of students;
3. properly use, take care of and protect school property, equipment and materials;
4. demonstrate integrity, respect and commitment to the truth through attitudes, behavior, dress, and communications with others;
5. regularly and promptly attend work;
6. carry out assigned responsibilities in a conscientious manner and maintain efficiency and knowledge of the developments in any relevant field(s) of work;
7. transact all official business with the properly designated officials in the school district and submit required reports promptly at the times specified;
8. work with other staff members to ensure the effective and efficient operation of the district's schools;
9. refrain from using school employment, contacts and privileges to promote partisan politics, personal or religious views or propaganda of any kind;
10. address or appropriately direct any complaints concerning school employees, the school program or school operations;
11. maintain just and courteous professional relationships with students, parents, staff members and others; and
12. support parents in effectively participating in their child's education and never encourage or coerce a child to withhold information from a parent. and;
13. support and encourage good school-community relations in all interactions with students, parents and members of the community, and establish cooperation between the community and the school district.

Employees shall notify the human resources officer if they are arrested for, charged with or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e. speeding, parking or a lesser violation). Notice shall be in writing, shall include all pertinent facts and shall be delivered to the human resources officer no later than the next scheduled business day following the arrest, charge or conviction, unless the employee is hospitalized or incarcerated, in which case the employee shall report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the employee must report the disposition and pertinent facts in writing to the human resources officer no later than the next business day following adjudication.

In addition, all driver education instructors must immediately report to the board any conviction that results in three or more points, and any conviction that could cause suspension or revocation of the driver license in any state. The board will notify the Department of Public Instruction when



an instructor loses his or her privilege to drive in North Carolina or any other state. The superintendent or designee shall conduct annual checks on the driving records of all driver education instructors.

Failure by an employee to provide timely notice as described in this policy may lead to disciplinary action up to and including dismissal.

Legal References: [G.S. 114A-20; 115C-47, -307, -308](#); State Board of Education Policies [DRV-003, DRV-004](#)

Cross References: Grievance Procedure for Employees (policy 1750/7220), Employee Dress and Appearance (policy 7340), Personnel Policies – Work Environment (7200 section policies), and Staff Responsibilities and Ethics (7300 section policies)

Issued: May 11, 1992

Revised: July 16, 2001; November 4, 2008; December 11, 2018



