

Policy Committee Agenda

January 16, 2024
5:00 - 6:00 PM
Assembly Room

Type of Meeting: Lee County Schools Board Policy Committee

Attendees: All Policy Committee Members

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

AGENDA TOPICS

Welcome and Call to Order Chris Gaster, Chair

Approval of January 16, 2024 Agenda.....Chris Gaster, Chair

Approval of November 20, 2023 Minutes.....Chris Gaster, Chair

POLICIES FOR REVIEW

For Review

Policy 4333 Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.....Chris Gaster, Chair

Policy 4300 Code of Student Conduct.....Chris Gaster, Chair

Policy 4302 School Plan for Management of Student Behavior.....Chris Gaster, Chair

Recommended Updates:

Policy 1310/4002 Parental Involvement.....Dr. Trysha Mazzola

Policy 4720 Surveys of Students.....Dr. Trysha Mazzola

Recommended and Required Updates:

Policy 7100 Recruitment and Selection of Personnel.....Dr. Trysha Mazzola

Required Updates:

Policy 4110 Immunization and Health Requirements for School Admissions.....Dr. Trysha Mazzola

POLICY COMMITTEE AGENDA

Policy 5210 Distribution and Display of Non-School Material.....**Dr. Trysha Mazzola**

Policy 7130 Licensure.....**Dr. Trysha Mazzola**

Adjourn.....Chris Gaster, Chair

Next Policy Committee Meeting
February 20, 2024
5:00 PM
Assembly Room
Heins Educational Building

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

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

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

**Lee County Board of Education
Policy Committee Meeting
Assembly Room, Basement
Heins Education Building
November 20, 2023
5pm**

Members Present:

Chris Gaster-Lee County Board of Education member; Chairman-Policy Committee
Sandra Bowen-Lee County Board of Education Member; Policy Committee member
Jamey Laudate-Lee County Board of Education Member
Dr. Chris Dossenbach-Superintendent
Stacie Eggers-Assistant Superintendent of Operations
Dr. Lisa Duffey-Executive Director of Student Services
Kelly Jones-Chief Finance Officer
Dr. Trysha Mazzola-Mental Health Coordinator and Policy Advisor
Sal Cosimo, Executive Director of Human Resources
Elayne Monjar-AP, SanLee Middle School
Karen Barnhill-Principal, Lee County High School
Melissa Brewer-Principal, JR Ingram, Jr. Elementary School
Susan P. Britt-Administrative Assistant

Members Present Remotely:

Stephen Rawson-Board Attorney

Chairman Gaster called the meeting to order.

Approval of 11/20/2023 Agenda-The 11/20/2023 agenda was approved

Approval of 10/17/2023 Minutes-The 10/17/2023 minutes were approved.

Policies for Review

Returning Policies

Policy 4318-Use of Wireless Communication and Other Electronic Devices-Committee Member Bowen made the motion to accept the policy updates for submission to the Board for first reading on December 12, 2023. The motion was seconded by Chairman Gaster, and approved unanimously.

Policy 3400-Evaluation of Student Progress and Final Exams-Committee Member Bowen made the motion to accept the policy updates for submission to the Board for first reading on December 12, 2023. The motion was seconded by Chairman Gaster, and approved unanimously.

Proposed Policy Revision

Policy 6315-Drivers-Committee Member Bowen made the motion to accept the policy updates for submission to the Board for first reading on December 12, 2023. The motion was seconded by Chairman Gaster, and approved unanimously.

Proposed New Policy Adoption

Policy 7501-Employee Attendance-Committee Member Bowen made the motion to accept the policy updates for submission to the Board for first reading on December 12, 2023. The motion was seconded by Chairman Gaster, and approved unanimously.

Required Policy Revisions

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

Policy 4040/7310-Staff-Student Relations-Committee Member Bowen made the motion to accept the policy updates for submission to the Board for first reading on December 12, 2023. The motion was seconded by Chairman Gaster, and approved unanimously.

Policy 4240/7312-Child Abuse and Related Threats to Child Safety- Committee Member Bowen made the motion to accept the policy updates for submission to

the Board for first reading on December 12, 2023. The motion was seconded by Chairman Gaster, and approved unanimously.

Policy 7510-Leave- Committee Member Bowen made the motion to accept the policy updates for submission to the Board for first reading on December 12, 2023. The motion was seconded by Chairman Gaster, and approved unanimously.

Policy 7232-Discrimination and Harassment in the Workplace- Committee Member Bowen made the motion to accept the policy updates for submission to the Board for first reading on December 12, 2023. The motion was seconded by Chairman Gaster, and approved unanimously.

Policy 4342-Student Searches- Committee Member Bowen made the motion to accept the policy updates for submission to the Board for first reading on December 12, 2023. The motion was seconded by Chairman Gaster, and approved unanimously.

Regulations and Forms

Information Only

Updated Regulation

Administrative Regulation Code 4150-R(1)-Year-Round School(s)

New Regulations

- Administrative Regulation Code 4210-R-Dismissal Precautions for Release of Students During the School Day
- Administrative Regulation Code 7501-R-Employee Attendance

New Forms

- Administrative Regulation Code 6315-F1-Lee County Schools Commercial Drivers License Protocol
- Administrative Regulation Code 6315-F2-Lee County Schools Commercial Drivers License Protocol-Substitute Drivers

The next Policy Committee meeting is scheduled for Tuesday, January 16, 2024, 5pm, Assembly Room, HEB.

There being no further business, Policy Committee Member Bowen adjourned the meeting.

Policy Code: 4333 Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety

The board will not tolerate the presence of weapons or destructive devices, bomb or terrorist threats or actions that constitute a clear threat to the safety of students or employees. Any student who violates this policy will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning. Principals are required to report all cases involving weapons, bombs and terrorist threats to law enforcement. Except in cases when certain consequences for misbehavior are required by law, principals in the elementary grades are directed to use good judgment and reasonable discretion in determining the appropriate consequence for violation of board policies, school standards or school rules.

A. Prohibited Behavior

1. Weapons and Weapon-Like Items

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon, or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include, but are not limited to the following:

- a. loaded and unloaded firearms, including guns, pistols and rifles;
- b. destructive devices, as described in subsection B.2 of this policy including explosives, such as dynamite cartridges, bombs, grenades and mines
- c. nuclear, biological, or chemical weapons of mass destruction as defined in G.S. 14-288.21(c);
- d. knives, including pocket knives, bowie knives, switchblades, dirks and daggers;
- e. slingshots and slungshots;
- f. leaded canes;
- g. blackjacks;
- h. metal knuckles;
- i. BB guns;
- j. air rifles and air pistols;

- k. stun guns and other electric shock weapons, such as tasers;
- l. icepicks;
- m. razors and razor blades
- n. fireworks;
- o. gun powder, ammunition, or bullets; and
- p. any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance, and
- q. mace, pepper spray, and other personal defense spray

Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns.

No student may knowingly or willfully cause, encourage or aid another student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other persons with such an item, or who becomes aware that another student or other persons intends to possess, handle or use such an item, must notify a teacher or the principal immediately. Middle and high school students may also utilize the anonymous safety tip line for reporting risks to the school population. The anonymous safety tip line for middle and high school students will be in effect for the 2019-2020 school year.

This section does not apply to board approved and authorized activities for which the board has adopted appropriate safeguards to protect student safety.

2. Bomb Threats

Students are prohibited from:

- a. making a bomb threat regardless of whether the student intends to or has the means to carry out the threat;
- b. perpetrating a bomb hoax against school district property by making a report, knowing or having reason to know the report is false, that a bomb or other device designed to cause damage or destruction by explosion, blasting or burning is located on school system property or at a school system event;

c. perpetrating a bomb hoax by concealing, placing, or displaying any device on school system property or at a school system event, so as to cause any person reasonably to believe the same to be a bomb or similar device intended to cause injury to persons or property; and

d. knowingly or willfully causing, encouraging, or aiding another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately

3. Terrorist Threats

Students are prohibited from making a terrorist threat or perpetrating a terrorist hoax; making a false report that a device, substance or material designed to cause harmful or life-threatening injury to another person is located on school property or at a school event by:

a. threatening to commit an act of mass violence on school property or at a school system event, regardless of whether the student intends to or has the means to carry out the threat;

b. making a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on school property or at a school system event;

c. making a report, knowing or having reason to know the report is false, that a device, substance, or material designed to cause harmful or life-threatening injury to another person is located on school system property or at a school system event; or

d. concealing, placing, disseminating, or displaying on school system property or at a school system event any device, substance, or material, so as to cause a reasonable person to believe the same to be a weapon of mass destruction or to be intended to cause harmful or life-threatening illness or injury to another person.

No student may knowingly or willfully cause, encourage or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance or material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat, or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

4. Clear Threats to Student and Employee Safety

Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

- a. theft or attempted theft by a student from another person by using, or threatening to use a weapon;
- b. the intentional and malicious burning of any structure or personal property, including vehicles;
- c. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays it in a manner found threatening to that person;
- d. an attack by a student on any employee, adult volunteer, or another student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
- e. an attack by a student upon another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment at a hospital emergency room as a result of the attack;
- f. any intentional, highly reckless or negligent acts that results in the death of or serious injury of another person;
- g. confining, restraining, or removing another person from one place to another, without the victim's consent or the consent of the victim's parents, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;
- h. the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;
- i. taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
- j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;

k. the possession, manufacture, sale, or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the General Statutes;

l. resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and

m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

B. Consequences

1. General Consequences

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Code of Student Conduct. The superintendent or designee shall list in the Code of Student conduct the specific range of consequences that may be imposed on a student for violation of this policy.

2. Specific Consequences Mandated by Law

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365 day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365 day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel, and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon, or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) similar device. A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

Legal Reference: Gun-Free Schools Act, 20 U.S.C. 7961; G.S. 14-17 -18, -27.2 through 27.30 -32, -33, -34 through -34.2, -41, -49, -49.1 -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.1, -202.2, -208.18, -269.2, -277.5, -277.6, -283, -2858.8, -288.22, -288.23, -288.24; ch. 90, art. 5; 115C-47, -105.51, -276(r), -288, -307.1, -390.2, -390.10;

Cross Reference: Student Sex Offenders (policy 4260), Code of Student Conduct (policy 4300), Integrity and Civility (policy 4310), Disruptive Behavior (policy 4315), Theft, Trespass and Damage to Property (policy 4330), Assaults and Threats (policy 4331), Criminal Behavior (policy 4335)

Issued: January 8, 2008

Revised: October 14, 2008; February 10, 2009; July 19, 2011; June 3, 2014; July 12, 2016; December 13, 2016; December 11, 2018; December 10, 2019; December 8, 2020

Lee County Schools

Policy Code: 4300 Code of Student Conduct

The primary purpose of the Lee County Schools is to promote learning for all students. Good teachers, a good learning environment and regular attendance by students are all necessary to accomplish this goal. All decisions related to student behavior are guided by the board's educational objective to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating safe, orderly and inviting schools. Student behavior policies are provided in order to establish: (1) expected standards of student behavior; (2) principles to be followed in managing student behavior; (3) consequences for prohibited behavior; and (4) required procedures for addressing misbehavior. Teachers, school-based administrators, parents, and law enforcement will be consulted when existing student behavior policies are revised or new such policies are created.

In order to promote a good learning environment, the Lee County Board of Education establishes this Code of Student Conduct as a guide to students, parents and staff in meeting expected standards of student behavior both at school and in attendance at all school-sponsored activities. The superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school district.

A. Principles

The reasons for managing student behavior are to (1) create an orderly environment in which students can learn; (2) teach expected standards of behavior; (3) help students learn to accept the consequences of their behavior; and (4) provide students with the opportunity to develop self-control. The following principles apply in managing student behavior.

1. Student behavior management strategies will complement other efforts to create a safe, orderly and inviting environment.
2. Positive behavioral interventions will be employed as appropriate to improve student behavior.
3. Responsibility, integrity, civility and other standards of behavior will be integrated into the curriculum.
4. Disruptive behavior in the classroom will not be tolerated.
5. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior and to develop self-control.
6. Strategies and consequences will be age and developmentally appropriate.

B. Communication of Policies

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline and the range of disciplinary measures that may be used by school officials. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to implement the board's student behavior policies. To elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences each school will create a student behavior management plan that is consistent with the law, board policies, and the Code of Student Conduct (see policy 4302), School Plan for Management of Student Behavior). The Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct or disciplinary measures identified in student behavior management plans developed in accordance with policy 4302, provided such measures are consistent with law and board policy. The Code of Student Conduct must not impose mandatory long-term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct; (2) any board policies related to behavior that are not part of the Code Conduct; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents or guardians.

C. Applicability

The purpose of this code is to present in a single document system-wide policies on the proper conduct and behavior of students in the Public School. At the beginning of each school year, the principal is responsible for providing each student and his or her parent(s) or guardian with a copy of the Code of Student Conduct and any other school rules and procedures. Students enrolling during the school year and their parent(s) or guardian(s) shall receive a copy of the information upon enrollment.

Students must comply with the Code of Student Conduct in the following circumstances:

1. before, during and after school hours at school in any school building or on any school premises;

2. while on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities;
3. while waiting at any bus stop;
4. during any school function, extracurricular activity or other activity or event;
5. during any period of time when students are subject to the authority of school personnel; and
6. at any other place or time when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

Notwithstanding the foregoing, students will not be disciplined for constitutionally protected behavior. School officials are encouraged to consult with senior administrators before regulating student expression that may be protected by the First Amendment to the U.S. Constitution.

D. Authority of School Personnel

This code is not intended to restrict in any way the authority of principals or teachers to make such rules, not inconsistent with this code, as they are authorized by law to make for the operation of their respective schools or classes. The board encourages and supports the right of principals to employ a variety of disciplinary actions which may include but are not limited to in-school suspension, suspension from school events and activities, after-school detention and out-of-school suspension.

The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that, if violated, could result in short-term or long-term suspension or expulsion.

The teacher has the authority and responsibility to manage student behavior in the classroom and when students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the board, superintendent and school principal. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds or at any school-sponsored activity.

Teachers and other school personnel have the authority to manage or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to correct students;
2. to quell a disturbance threatening injury to others;
3. to obtain possession of a weapon or another dangerous object on the person, or within the control, of a student;
4. for self-defense;
5. for the protection of persons or property; or
6. to maintain order on school property, in the classroom, or at a school-related activity whether on or off school property.

Except as restricted by G.S. 115C-391.1, school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures. (See policy 4302, School Plan for Management of Student Behavior.)

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel. Any student who refuses to comply with rules, regulations or reasonable directives imposed by any principal, assistant principal, teacher or authorized school employee shall be held in violation of this code of conduct.

E. Consequences for Violations

Violations of the Code of Student Conduct must be dealt with in accordance with the guidelines established in the school's behavior management plan (see policy 4302, School Plan for Management of Student Behavior).

1. Minor Violations

Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations and

minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

Minor violations of the Code of Student Conduct, may result in disciplinary measures or responses up to and including short-term suspension. Further information regarding the procedures for short-term suspensions is provided in policy 4351, Short-Term Suspension. Other disciplinary measures or responses may include, but are not limited to the following:

- a. parental involvement, such as conferences;
- b. isolation or time-out for short periods of time with supervision;
- c. behavior improvement agreements;
- d. individual or small group sessions with the school counselor;
- e. in-school suspension;
- f. detention before and/or after school or on Saturday;
- g. community service on school grounds with supervision;
- h. exclusion from extracurricular activities;
- i. suspension from bus privileges;
- j. placement in an alternative school;
- k. instruction in conflict resolution and anger management;
- l. peer mediation;
- m. academic intervention
- n. exclusion from graduation ceremonies

2. Serious Violations

Serious violations of the Code of Student Conduct may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees or school visitors may result in long-term suspension or expulsion. Certain violations involving firearms or

explosive devices may result in a 365-day suspension. Further information regarding the standards and procedures for long-term suspension, 365 day suspensions and expulsions is provided in policies 4351, Short-Term Suspension, and 4353 Long-Term Suspension, 365 Day Suspension, Expulsion. (See also policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, for information regarding 365 day suspensions for certain violations involving firearms or explosive devices).

Principals are expected to use good judgment and reasonable discretion in applying board policies and in determining the appropriate consequences for violation of board policies or school standards or rules. The student's parent is responsible for transportation as may be required to carry out the consequence. With the exception of suspension from bus privileges, if a parent is unable to provide transportation, another consequence shall be substituted.

F. Disciplinary Action for Exceptional Children/Disabled Students

Disciplinary actions for students identified as exceptional children according to North Carolina guidelines shall conform to Procedures Governing Programs and Services for Children with Special Needs as adopted by the State Board of Education. If the Procedures manual does not fully address a particular issue, the director of exceptional children, if it is a Section 504 student, shall develop any necessary protocols consistent with state and federal law.

All disabled children shall be accorded all rights as required by state and federal law. See also board policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

G. Definitions

1. Student - any person attending any school that is part of the Lee County Schools.
2. Classroom - any location over which school officials have supervising responsibility.
3. Principal - the school principal or any school professional to whom the principal may officially delegate authority.
4. School Personnel - any principal, teacher, substitute teacher, student teacher, instructional assistant, supervisor, director, coordinator, administrator and all other personnel paid or unpaid working under the supervision and direction of the Lee County Schools.

5. Parent - natural parent, legal guardian, legal custodian, or person serving *in loco parentis*.

6. Board - Lee County Board of Education.

H. Conduct Rules

The Lee County Schools will annually adopt a "Student Code of Conduct" listing rules and consequences. This Student Code of Conduct will be distributed to students, staff, and parents annually and will be made available on the Lee County Schools website.

I. Enforcement

The superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system and consistent with students' constitutional rights.

Legal References: U.S. Const. amend. I; Mahanoy Area School Dist. V. B.L., 594 U.S. ___, 141 S.Ct 2038 (2021); G.S. 115C-47, -276(r), -288, -307, -390.1, -390.2, -390.3

Cross References: Goals and Objectives of the Educational Program (policy 3000), Counseling Program (policy 3610), Domicile or Residence Requirement (policy 4120), Student Behavior policies (4300 series)

Issued: October 9, 2000

Revised: May 17, 2004; December 6, 2004; March 14, 2005; February 11, 2008; June 9, 2008; June 30, 2010; July 19, 2011; January 11, 2022; April 11, 2023

Edited: August 9, 2006

The February 11, 2008 and April 10, 2008 revisions to this policy will be effective at the beginning of the 2008-2009 school year.

Lee County Schools

Policy Code: 4302 School Plan for Management of Student Behavior

Each school must have a plan for managing student behavior that incorporates effective strategies consistent with the purposes and principles established in policy 4300, Code of Student Conduct. School officials are encouraged to implement a system of positive behavior support and to seek other positive, innovative and constructive methods of correcting and managing student behavior in an effort to avoid repeated misbehavior and suspension.

A. Components of the Plan

The plan should address (1) the process by which student behavior will be addressed, including any use of the Student Services Team committee and the means by which students at risk of repeated disruptive or disorderly conduct are identified, assessed, and assisted; (2) positive behavioral interventions and possible consequences that will be used; and (3) parental involvement strategies that address when parents or guardians will be notified or involved in issues related to their child's behavior (see policy 4341, Parental Involvement in Student Behavior Issues.)

No school plan for managing student behavior may authorize the use of corporal punishment. Corporal punishment is the intentional infliction of physical pain on the body of a student as a disciplinary measure. It includes, but is not limited to, spanking, paddling and slapping. The board prohibits corporal punishment, believing that other consequences are more appropriate and effective for teaching self control. No teacher, substitute teacher, student teacher, bus driver, or other employee, contractor or volunteer may use corporal punishment with any student. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment.

Principals shall avoid removing students from the classroom for a long period of time, including in-school or out-of-school suspension unless necessary to provide a safe, orderly environment that is conducive to learning. The principal is authorized to remove students in accordance with board policies for prohibited or criminal conduct or for other behavior that interferes with a safe, orderly environment.

B. Process for Developing and Evaluating the Plan

Principals are encouraged to use a team approach in developing and evaluating the school's plan to manage student behavior. On at least an annual basis, the plan should be evaluated based upon data on disciplinary actions taken and the impact on student academic performance. Principals shall report on at least an annual basis to the superintendent and the board on the effectiveness of the plan in minimizing classroom disruptions, referrals to the principal's office and the use of out-of-school suspension. The report also will address the plan's effect on academic performance.

The superintendent also is encouraged to consider, develop and propose new and alternative discipline programs to the board.

Legal References: [G.S. 115C-47](#), [-288](#), [-307](#), [-309.1](#), [-309.2](#), [-390.3](#), [-391.1](#), [-397.1](#)

Cross References: Student Behavior Policies (4300 series), Parental Involvement in Student Behavior Issues (policy 4341)

Issued: October 9, 2000

Revised: January 9, 2007; December 9, 2008; September 8, 2009; January 11, 2011; July 19, 2011

Lee County Schools

Policy Code: 1310/4002 Parental Involvement

The board recognizes the critical role of parents in the education of their children and in the schools. The board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system, and his or her own child's progress. The board also encourages parents to participate in their children's education and in activities designed by school personnel to involve them, such as parent conferences, in order to foster effective teacher and parent communication. Parents are responsible for cooperating with school employees to facilitate their children's compliance with board policies concerning homework, school attendance, and behavior.

For purposes of this policy, "parent" includes parents, legal guardians, and legal custodians of students who are under 18 years old and who have not been emancipated.

A. Parental Involvement Plans

1. Parental Involvement Plan as Part of the School Improvement Plan

The board directs each principal to ensure that the school improvement team develops a plan for the school's parental involvement program as a part of the school improvement plan. The principal shall publicize drafts of the parental involvement plan prior to finalization and solicit input from parents of students in the school. This plan must include, at a minimum, efforts to enhance parental involvement by promoting the following priorities:

- a. regular, meaningful, two-way communication between home and school;
- b. responsible parenting;
- c. involvement of parents in student learning;
- d. parental volunteering in the school;
- e. involvement of parents in school decisions that affect children and families;
- f. parental training based on parents' informational needs;
- g. collaboration with community agencies and other organizations to provide resources to strengthen school programs, families, and student learning; and

h. student health awareness among parents by addressing the need for health programs and student health services, which are linked to student learning.

2. Title I Parent and Family Engagement Plan

Each school participating in the Title I program must develop a school-level written parent and family engagement plan in accordance with policy 1320/3560, Title I Parent and Family Engagement.

3. Parental Involvement Component of a School Plan for Managing Student Behavior

Each school's plan for managing student behavior should include parental involvement strategies that address when parents will be notified or involved in issues related to their child's behavior in accordance with policy 4302, School Plan for Management of Student Behavior.

B. Parent Communication, Participation, and Conferences

1. Communication with Parents

The board encourages school personnel to have regular contact with parents for informational purposes as well as for commendation of students and notification of concerns. School personnel shall communicate with parents about student behavior issues in accordance with requirements of policy 4341, Parental Involvement in Student Behavior Issues, and about student attendance as described in policy 4400, Attendance. In addition, parents will be notified promptly if school personnel suspect that a criminal offense has been committed against the parent's child, unless notification would impede an investigation by law enforcement or the child welfare agency.

The principal must effectively communicate to parents the manner in which textbooks are used to implement the school's curricular objectives. Any parent interested in learning more about their child's course of study or the source of any supplementary instructional materials should contact the principal for more information. If a parent would like to inspect and review particular instructional materials, the parent should make such a request in accordance with policy 3210, Parental Inspection of and Objection to Instructional Materials.

The principal also shall ensure that information about the nature and purpose of all clubs and activities, curricular and extracurricular, offered at the school is available at the school's main office. Any parent who would

like information about such clubs or activities should contact the school's main office.

The principal or designee shall strive, through oral or written communication or other means, to include the parents of students identified as at-risk in the implementation and review of academic and/or behavioral interventions for their children, in accordance with policy 3405, Students at Risk of Academic Failure.

The principal or designee shall provide the parent of each student in kindergarten, first, or second grade with written notification of the student's reading progress. The notice will be provided three times a year, following each benchmark assessment and will include: (1) assessment results, (2) whether the child may not reach reading proficiency by the end of third grade, and (3) instructional support activities for use at home.

2. Parent Participation at Schools

The board encourages parents to engage in activities in their children's schools. Parents are welcome to visit schools in accordance with policy 5020, Visitors to the Schools, and, if interested, are urged to participate in school volunteer programs as described in policy 5015, School Volunteers. In addition, opportunities exist for parents to participate on school advisory councils, such as the school health advisory council (see policy 6140, Student Wellness), school improvement teams (see policy 3430, School Improvement Plan), school media and technology advisory committees (see policy 3200, Selection of Instructional Materials), and the business advisory council (see policy 2670, Business Advisory Council).

3. Conferences

Teachers are responsible for scheduling conferences or meetings with parents. The board encourages the superintendent to work with local business leaders, including the local chambers of commerce, to encourage employers to adopt, as part of their stated personnel policies, time for employees who are parents or guardians to attend conferences with their child's teachers.

C. Parental Notification

1. Title I Notifications

Each principal or designee of a Title I school shall effectively notify parents of all parental rights and other required information regarding Title I schools and programs, in accordance with federal law. Parents of students in Title I schools shall receive a copy of the system-wide Title I parent and family

engagement policy (policy 1320/3560) and the school-wide parent involvement plan.

2. Parent Guide for Student Achievement

Each year, the superintendent or designee shall create a parent guide for student achievement that meets the requirements of state law and the State Board of Education. All parents will receive a written copy of the guide, and information in the guide will be discussed at the beginning of each school year in meetings of students, parents, and teachers.

At a minimum the guide will include the following:

- a. information for parents regarding the following as it pertains to their child: (1) requirements for promotion to the next grade, including the requirements of the North Carolina Read to Achieve Program as set forth in Part 1A of Article 8 of Chapter 115C; (2) the course of study, textbooks, and other supplementary instructional materials and policy 3210, Parental Inspection of and Objection to Instructional Materials, which provides for the inspection and review of those materials; (3) the child's progress toward achieving State and unit expectations for academic proficiency, including policies for student assessment, and the child's assessment results, report cards, and progress reports; (4) qualifications of the child's teachers, including licensure status; and (5) school entry requirements, including required immunizations;
- b. parental actions that can do the following: (1) strengthen the child's academic progress, especially in the area of reading as provided in the North Carolina Read to Achieve Program; (2) strengthen the child's citizenship, especially social skills and respect for others; (3) strengthen the child's realization of high expectations and setting lifelong learning goals; and (4) place a strong emphasis on the communication between the school and the home;
- c. services available for parents and their children, such as family literacy services; mentoring, tutoring, and other academic reinforcement programs; after-school programs; and college planning, academic advisement, and student counseling services (see policy 3610, Counseling Program);
- d. opportunities for parental participation, such as parenting classes, adult education, school advisory councils, and school volunteer programs;
- e. opportunities for parents to learn about rigorous academic programs that may be available for their child, such as honors programs, Career

and College Promise and other dual enrollment opportunities, advanced placement, Advanced International Certificate of Education (AICE) courses, International Baccalaureate, North Carolina Virtual High School courses, and accelerated access to postsecondary education;

f. educational choices available to parents, including each type of public school unit available to residents of the county in which the child lives and nonpublic school options, educational choice options offered within the school system, and programs for scholarship grants for nonpublic schools (Part 2A of Article 39 of Chapter 115C) and for personal education student accounts for students with disabilities (Article 41 of Chapter 115C);

g. rights of students who have been identified as students with disabilities, as provided in Article 9 of Chapter 115C;

h. contact information for school and unit offices;

i. resources for information on the importance of student health and other available resources for parents, including the following information on available immunizations and vaccinations: (1) a recommended immunization schedule in accordance with the United States Centers for Disease Control and Prevention recommendations; and (2) information about meningococcal meningitis and influenza, including the causes, symptoms, and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children as required by G.S. 115C-375.4; and

j. this policy (policy 1310/4002, Parental Involvement); policy 1320/3560, Title I Parent and Family Engagement; policy 2670, Business Advisory Council; policy 3210, Parental Inspection of and Objection to Instructional Materials; policy 3430, School Improvement Plan; policy 3540, Comprehensive Health Education Program; policy 4400, Attendance; policy 5015, School Volunteers; policy 5020, Visitors to the Schools; and policy 6140, Student Wellness.

3. Additional Annual Notifications

The principal or designee shall annually notify parents of the following information to the extent that it has not already been provided to parents as part of the parent guide for student achievement:

a. parental rights related to student records (see policy 4700, Student Records);

b. parental rights related to student surveys (see policy 4720, Surveys of Students);

c. the approximate dates of any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered and scheduled in advance by the school administration, and (c) not necessary to protect the immediate health and safety of students;

d. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see policy 9205, Pest Management);

e. student behavior policies, the Code of Student Conduct, and school standards and rules (see policies in the 4300 series);

f. the permissible use of seclusion and restraint in the schools (see regulation 4302-R, Rules for Use of Seclusion and Restraint in Schools);

g. policy 4329/7311, Bullying and Harassing Behavior Prohibited;

h. policy 1740/4010, Student and Parent Grievance Procedure;

i. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used, and whether each test is required by the State Board of Education or by the local board;

j. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress, and 3450, Class Rankings);

k. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;

l. if applicable, that their child will be provided advanced learning opportunities in mathematics or will be placed in an advanced mathematics course;

m. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;

n. a report containing information about the school system and each school, including, but not limited to:

i. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;

ii. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;

iii. the percentage and number of students who are:

1. assessed,

2. assessed using alternate assessments,

3. involved in preschool and accelerated coursework programs, and

4. English learners achieving proficiency;

iv. the per pupil expenditures of federal, state, and local funds; and

v. teacher qualifications;

o. the grade earned by the school on the most recent annual report card issued for it by the State Board of Education if the grade was a D or F;

p. supportive services available to students, including health services;

q. for parents of students in grades 5 through 12, information about cervical cancer, cervical dysplasia, and human papillomavirus, including the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and guardians may obtain additional information and vaccinations for their children;

- r. how to reach school officials in emergency situations during non-school hours;
- s. information about and an application form for free and reduced price meals and/or free milk (see policy 6225, Free and Reduced Price Meal Services);
- t. information about the school breakfast program;
- u. information about the availability and location of free summer food service program meals for students when school is not in session;
- v. for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
- w. information on the availability of the asbestos management plan and planned or in-progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities;
- x. education rights of homeless students (see policy 4125, Homeless Students);
- y. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);
- z. their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child's school as stated in G.S. 95-28.3 (see policy 5015, School Volunteers);
- aa. that the school system does not discriminate on the basis of race, color, national origin, sex, disability, or age, and that the school system provides processes for resolving discrimination and harassment complaints (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
- bb. that the school system provides equal access to its facilities, programs, and activities to the Boy Scouts and other designated youth groups (see policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law); and
- cc. the availability of and the process for requesting a waiver or reduction of student fees (see policy 4600, Student Fees).

4. Opportunities to Withhold Consent/Opt Out Notifications

As a part of the annual notification described above, parents will be effectively notified that they may opt out of any of the following:

- a. release of student directory information about their child for school purposes or to outside organizations (see policy 4700, Student Records);
- b. release of their child's name, address, and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);
- c. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS; (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;
- d. their child's participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parental notification and permission are not required for: (a) short-duration academic, career, personal, or social guidance and counseling and crisis intervention that is needed to maintain order, discipline, or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student's specific concerns or needs; and (c) counseling if child abuse or neglect is suspected (see policies 3610, Counseling Program, and 4240/7312, Child Abuse and Related Threats to Child Safety);
- [e. their child's participation in any protected information survey given as part of the Center for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey \(see policy 4720 Surveys of Students\);](#)
- [f.](#) their child's participation in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students;

gf. the collection, disclosure, or use of their child's personal information for marketing purposes (see policy 4720, Surveys of Students); and

hg. release of their child's free and reduced-price meal information to State Medicaid or State children's health insurance program (SCHIP).

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

D. Parental Permission Required

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);
2. the release of student records that are not considered directory information, unless the release is allowed or required by law (see policy 4700, Student Records);
3. off-campus trips;
4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);
5. all decisions or actions regarding special education or related services to students with disabilities that require written parental consent under the Individuals with Disabilities Education Act (IDEA);
6. certain health services, as required by law;
7. participation in a mental health assessment or mental health services under circumstances prescribed by federal law;
8. students' participation in programs or services that provide information about where to obtain contraceptives or abortion referral services;
9. students' participation in any protected information surveys that are conducted concerning protected topics other than those given as part of the Center for Disease Control and Prevention's Youth Risk Behavior

[Surveillance System or National Youth Tobacco Survey](#) (see policy 4720, Surveys of Students);

10. disclosure of students' free and reduced price lunch eligibility information or eligibility status; and

11. students' access to the Internet, as described in policy 3225/4312/7320, Technology Responsible Use.

E. Procedures for Parental Involvement in Student Health

1. Parent Notifications Regarding Student Physical and Mental Health

At the beginning of each school year, the principal or designee shall notify parents of (1) each health care service offered at their children's schools and the means for parents to provide consent for any specific services; (2) acknowledgement that consenting to a health care service does not waive the parents' right to access their children's educational records or health records or to be notified of changes in their children's services or monitoring; and (3) the procedures to exercise the parental remedies for concerns related to student health provided by [G.S. 115C-76.60](#) and described below in subsection E.6.

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.

The principal or designee shall notify parents of changes in services or monitoring related to their children's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for their children prior to or contemporaneously with the changes being made. In addition, the principal or designee shall notify parents before any changes are made to the names or pronouns used for their children in school records or by school personnel.

No school system policy, procedure, or form will expressly or otherwise prohibit school employees from notifying parents about their children's mental, emotional, or physical health or well-being or a change in related services or monitoring, nor will any school system policy, procedure, or form intentionally encourage or be designed in a manner that is reasonably likely to have the effect of encouraging any children to withhold from their parents information about their mental, emotional, or physical health or well-being or a change in related services or monitoring. School personnel shall not discourage or prohibit parental notification of and involvement in critical

decisions affecting a student's mental, emotional, or physical health or well-being.

2. Discussions Related to Student Well-Being

When issues of a student's well-being arise, school personnel shall encourage the student to discuss the issues with his or her parent. As appropriate, school personnel may facilitate discussions of such issues with parents.

3. Parent Access to Student Records

Parents will not be prohibited from accessing any of their children's education and health records created, maintained, or used by the school system, except as permitted by law. See policy 4700, Student Records.

4. Student Support Services Training

Student support services training developed or provided by the school system to school personnel will adhere to student services guidelines, standards, and frameworks established by the Department of Public Instruction.

5. Instruction on Gender Identity, Sexual Activity, and Sexuality

Instruction on gender identity, sexual activity, or sexuality will not be included in the curriculum provided in kindergarten through fourth grade, regardless of whether the information is provided by school personnel or third parties. For purposes of this subsection, curriculum includes the standard course of study and support materials, locally developed curriculum, supplemental instruction, and textbooks and other supplementary materials, but does not include responses to student-initiated questions.

6. Remedies for Parental Concerns

If a parent has a concern about the school system's procedure or practice under Part 4 of Article 7B of Chapter 115C, as described in Section E of this policy, the parent should submit the concern in writing to the principal at his or her child's school. The parent should include the following information in the written concern: (1) the specific school system procedure or practice with which the parent is concerned, (2) if applicable, the name of any school system employee(s) or other individual(s) whose actions are at issue, (3) any specific laws, regulations, or policies believed to be violated, and (4) the specific resolution desired.

The principal or designee shall review the written concern and may, in his or her discretion, schedule and hold a meeting with the parent within five days after the concern was submitted. The principal shall conduct any necessary investigation before rendering a decision. If possible, the principal should resolve the concern within seven days after the concern was submitted. In any event, the principal shall provide a written response within seven days after the concern was submitted, including the principal's decision regarding resolution of the concern and the basis for the decision. In responding to the concern, the principal shall not disclose information about other students or employees that is considered confidential by law.

If the principal cannot resolve the concern within seven days, the principal shall immediately notify the superintendent or designee and provide the superintendent or designee with a copy of the parent's written concern and the principal's written response. The superintendent or designee shall review the written documents and provide a written response within 14 days after the parent initially submitted the concern. In responding to the concern, the superintendent or designee shall not disclose information about other students or employees that is considered confidential by law.

If the concern has not been resolved within 15 days after the parent initially submitted the concern, the superintendent or designee shall refer the matter to the chair and vice chair of the board. The chair and vice chair shall consult and determine (1) whether the concern will be reviewed by the full board or by a panel of not less than two members of the board and (2) whether the review will be based solely on the written record or whether a hearing before the board or board panel will be scheduled per policy 2500. If the chair and vice chair are unable to agree on whether the concern will be reviewed by the full board or by a panel of board members, the matter will be referred to the full board. If the chair and vice chair are unable to agree on whether the concern will be reviewed solely on the written record, a hearing will be scheduled per policy 2500.

The board or board panel shall review the concern and notify the parent in writing of its decision within 30 days of the date on which the parent submitted the written concern to the school principal. If the concern is not resolved within this 30 day period, the board will provide a statement of the reasons for not resolving the concern.

If the concern is not resolved within 30 days of initial submission, the parent has the right to pursue additional remedies as provided in G.S. 115C-76.60(b).

F. Parent Requests for Information

A parent may request in writing from the principal of the school in which his or her child is enrolled any of the information the parent has the right to access under Part 3 of Article 7B of Chapter 115C. The request shall be submitted in writing and shall identify the specific information that the parent seeks. The superintendent is authorized to develop a form to be used for any such requests.

Within 10 business days after the written request has been received by the principal, the principal shall either provide the requested information to the parent or provide an extension notice to the parent that, due to the volume or complexity of the request, the information will be provided no later than 20 business days from the date of the parental request.

If the principal (1) denies or fails to respond to the request for information within 10 business days or (2) fails to provide information within 20 business days following an extension notice, the parent may then submit the written request for information to the superintendent, along with a statement specifying the time frame of the denial or failure to provide information by the principal.

If the superintendent denies or does not respond to the request for information within 10 business days after the written request has been received by the superintendent, the parent may appeal the denial or lack of response to the board no later than 20 business days from the date of the request to the superintendent. The board will place the parent's appeal on the agenda for the next board meeting occurring more than three business days after submission of the appeal. Prior to that meeting, the Chair and Vice Chair shall consult and determine whether the board's review will be based solely on the written record or whether a hearing before the board will be scheduled per policy 2500. If the Chair and Vice Chair are unable to agree, a hearing will be scheduled.

The board's decision is final and not subject to judicial review.

For purposes of this Section F, "business day" does not include Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full business day following the receipt of the written request.

The information in Section F of this policy will be posted on the school system's website along with the list of parents' legal rights for their child's education as described in G.S. 115C-76.25.

G. Community Services Available

A variety of community services are available to provide parents and families of students in the school system with needed information, support, and resources. Parents are encouraged to utilize applicable community services such as the following:

[G.S. 115C-76.35(a)(1) requires that board policy provides links to parents for community services. Insert here a list of applicable links to community services available to parents of students in your school system.]

H. Reporting Requirements

By September 15 of each year, the superintendent or designee shall report to the State Board of Education parental involvement information as required by G.S. 115C-76.70.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, et seq.; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 et seq., 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq.; National School Lunch Program, 42 U.S.C. 1751 et seq., 7 C.F.R. 210.12, 7 C.F.R. pt. 245; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; 20 U.S.C. 7908; G.S. 90-21.1, -21.10B; 95-28.3; 114A-10; 115C-47(47), -47(51), -47(54), -47(58), -76.1, -76.20, -76.25, -76.30, -76.35, -76.40, -76.45, -76.50, -76.55, -76.60, -76.65, -76.70, -81.25, -81.30, -81.36, -105.41, -109.1, -174.26(d), -307(c), -375.4, -390.2, -391.1, -402.15, -407.16; 16 N.C.A.C. 6D .0307; State Board of Education Policies KNEC-002, PRNT-000, TEST-001

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Business Advisory Council (policy 2670), Selection of Instructional Materials (policy 3200), Parental Inspection of and Objection to Instructional Materials (policy 3210), Technology Responsible Use (policy 3225/4312/7320), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), School Improvement Plan, (policy 3430), Class Rankings (policy 3450), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Parental Involvement in Student Behavior Issues (policy 4341), Attendance (policy 4400), Student Fees (policy 4600), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex

Offenders (policy 5022), Student Health Services (policy 6120), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Meal Services (policy 6225), Pest Management (policy 9205)

Issued: November 7, 2023

Lee County Schools

Policy Code: 4720 Surveys of Students

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

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. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

b. Parental Notification [and Consent](#)

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. 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.

~~c. Parental Consent~~

[Parents will be provided notice of the opportunity to opt out of any protected topic survey given as part of the Centers for Disease Control and Prevention's Youth Risk Behaviors Surveillance System or National Youth Tobacco Survey.](#) Before a student will be permitted to participate in any [other](#) protected topic the parent or eligible student must provide prior written or electronic consent.

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. 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; November 7, 2023

Lee County Schools

Policy Code: 7100 Recruitment and Selection of Personnel

A. General Principles

It is the policy of the board to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion and other Benefits of employment without regard to race, color, religion, national origin, military affiliation, sex, "genetic information" age ([40 or older](#)) or disability, except when sex, age or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions. All employment decisions will be consistent with the board's objective of providing students with the opportunity to receive a sound basic education, as required by state law.

The board also is committed to diversity throughout the programs and practices of the school district. To further this goal, the recruitment and employment program shall be designed to encourage a diverse pool of qualified applicants. Recruitment efforts shall extend to a wide variety of educational institutions and geographic areas, and shall take into account the characteristics of the school district, including the need for a heterogeneous staff from various cultural backgrounds. Efforts also shall be made to identify and recruit a pool of qualified applicants that are trained or capable of being trained to work in areas traditionally dominated by personnel of the opposite sex.

The employment of part-time personnel shall follow the same policies and procedures as for full-time personnel.

B. Recruitment

It is the responsibility of the superintendent, with the assistance of administrative personnel, to determine the personnel needs of the school district and to locate suitable candidates to recommend for employment. A continuous system of recruitment and selection of personnel shall be maintained to ensure the availability of competent candidates for vacancies, as needed. Recruitment for a specific vacancy will be undertaken only after the need and qualifications for the position are established and proper authorization is obtained.

All vacancies must be posted in each building owned by the board of education so that employees will be informed of opportunities for promotion or transfer to new jobs; however, the superintendent or designee may forgo publicizing a vacancy if the position will be filled through a lateral assignment, reassignment, or promotion of a current employee or if exigent circumstances necessitate that the position be filled immediately. The superintendent or designee will maintain a list of vacancies in classified positions and shall assist school administrators in filling them. Vacancies also may be publicized externally to attract qualified applicants.

C. Criminal History

Except as otherwise provided in Section D of this policy, applicants must notify the assistant superintendent of human resources immediately if they are arrested, 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 of human resources not later than the next scheduled business day following the arrest, charge or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing to the assistant superintendent of human resources no later than the next business day following adjudication.

A criminal history check and a check of sex offender registries must be conducted on all final candidates for licensed positions and classified positions that would place the candidates in a school building or other environments where they would interact regularly with students. Such positions include, but are not limited to, teachers, substitute teachers, driver training teachers, bus drivers, clerical staff, custodians, teacher assistants, assistant principals and principals. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy. Special requirements are described in Section D of this policy for Criminal history checks of candidates for certain positions working with pre-school children or working in afterschool or developmental day programs.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity.

If a final candidate is found to have been convicted (including entering a plea of guilty or nolo contendere) of a criminal offense, other than a minor traffic violation, the superintendent will determine whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. The requirements of this paragraph do not apply to a child care provider who is determined to be disqualified by the Division of Child Development and Early

Education on the basis of a criminal history check conducted pursuant to G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43. (See Section D of this policy).

The board has determined that every position with the school system regardless of whether the position is located in a school or elsewhere potentially entails contact with students, either on a regular, occasional or emergency basis. For that reason, no individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school district.

In addition, each contract executed by the board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries as specified in policy 5022, Registered Sex Offenders.

D. Criminal History Checks of Child Care Providers

For purposes of this section, a "child care provider" is:

1. any person who works or is a final candidate seeking to work in a classroom or program licensed by the Department of health and Human Services, Division of Child Development and Early Education (DCDEE); and
2. any person, including a volunteer, who has unsupervised contact with children enrolled in such classrooms or programs.

Before beginning initial employment or volunteer service and at least every three-five years thereafter, each child care provider must complete a criminal background check that meets the requirements of G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43 and present a letter issued by DCDEE indicating That the individual is qualified to have responsibility for the safety and well-being of children based on the individual's criminal history.

~~After September 30, 2019, n~~No person shall (1) be employed, continue to be employed, or be permitted to volunteer as a child care provider, or to otherwise have unsupervised contact with students enrolled in a licensed classroom or program operated by the school system or (2) be counted in the staff/child ratio of such classroom or program, unless the person holds a current valid qualification letter issued by DCDEE. However, a child care provider with provisional status may be employed pending final results of the criminal background check but shall be subject to the restrictions established by 10A N.C.A.C. 09.27093(f).

The application fee and cost of fingerprinting associated with the DCDEE criminal history check process shall be borne by the board.

A child care provider who has incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by DCDEE shall notify the assistant superintendent of human resources in writing of such

charges within five business days or before returning to work, whichever comes first. The assistant superintendent of human resources shall notify DCDEE within one business day of being notified.

The superintendent or designee shall include the criminal history mandatory reporting requirement in all new employee orientation information for child care providers. The superintendent or designee shall include the criminal history mandatory reporting requirement in all new employee orientation information for child care providers. The superintendent shall also be responsible for establishing effective recordkeeping methods and other processes as necessary to ensure compliance with all legal requirements pertaining to criminal history record checks of child care providers.

E. Selection

Candidates for employment must be selected based upon their likely ability to fulfill duties identified in the job description as well as performance standards established by the board. In making the determination, the following information must be considered:

1. application;
2. education and training;
3. licensure and certification (when applicable);
4. relevant experience;
5. personal interviews;
6. record of teaching or student teaching experiences, when applicable; and
7. references and/or background checks

When current employees apply for vacancies that would constitute a promotion, such applicants will be given full consideration. Qualifications and suitability for the job being equal, personnel within the district shall be given priority.

F. Nepotism

- a. For purposes of this subsection, the following definitions apply
 - i. "Immediate family" means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

- ii. "Central office staff administrator" includes directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents, and principals.
- b. Before any immediate family of any board of education member or central office staff administrator is employed by the board or engaged in any capacity as an employee, independent contractor, or otherwise, (1) the board member or central office staff administrator must disclose the familial relationship to the board in a duly called open session meeting.
 - i. An employee who knowingly fails to disclose a familial relationship to the board as required will be subject to disciplinary action up to and including dismissal.
 - ii. Notification by the employee to the assistant superintendent of human resources will be deemed disclosure to the board. The assistant superintendent of human resources is responsible for conveying the disclosure to the board before the board takes action on the prospective employment or engagement.
- c. When making recommendations for the selection of personnel, the superintendent shall give every consideration to conditions that could result in the employment of two members of an immediate family in a situation in which one member would occupy a position that has influence over the other's employment, promotion, salary or other related management and personnel considerations.
- d. No administrative or supervisory personnel shall directly supervise a member of his or her immediate family.

The superintendent shall ensure that all persons nominated for employment meet certification requirements and the qualifications established for the particular positions. All applicants selected for employment must be recommended by the superintendent and approved by the board. The superintendent or his or her designee shall inform such recommended employees that issuance of an employment contract is subject to approval by the board.

State guidelines must be followed in selection and employment procedures. The superintendent shall develop any other procedures necessary to implement this policy.

The superintendent shall develop procedures for verifying new employees' legal status or authorization to work in the United States as required by law.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Equal Pay Act of 1963, 29 U.S.C. 206; Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*; Genetic Information Nondiscrimination Act

of 2008, 42 U.S.C. 2000ff *et seq.*; Military Selective Service Act, 50 U.S.C. Appx. 453; Rehabilitation Act of 1973, 29 U.S.C. 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; 42 U.S.C. 9858f; 45 C.F.R. 98.43; *Bostock v. Clayton County*, 590 U.S. ___, 140 S. Ct. 1731 (2020); *Green v. Missouri Pacific Railroad*, 523 F.2d 1290 (8th Cir. 1975); *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission (April 25, 2012), available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm; G.S. 14-208.18; 15A-153; 110-90.2; 115C-12.2, -36, -47, -276(j), -332; 126-7.1(i), -16; 127A-202.1 *et seq.*; 127B-10, -12, -14; 143B-421.1, -[1209.11934](#); *Leandro v. State*, 346 N.C. 336 (1997); 10A N.C.A.C. 09 .0102, -.2701, -.2702, -.2703; 16 N.C.A.C. 6C .0313; State Board of Education Policy BENF-009

Cross References: Board Authority and Duties (policy 1010), Registered Sex Offenders (policy 5022), Superintendent Selection and Contract (Policy 7420)

Issued: May 11, 1992

Revised: July 16, 2001; October 13, 2003; January 13, 2009; March 13, 2012; June 11, 2013; December 10, 2013; June 3, 2014; December 9, 2014; February 9, 2016; June 13, 2017; June 12, 2018; June 11, 2019; December 10, 2019; May 11, 2021

Lee County Schools

Policy Code: 4110 Immunizations and Health Requirements for School Admission

The board of education requires all students to meet the eligibility requirements for school admission established by the State and the board, including immunization and health assessments. The principal or designee will maintain on file immunization and health assessment records for all students and these records may be inspected by officials of the county or state health departments in accordance with state and federal law. Each school principal shall file required reports with the Department of Health and Human Services and the Department of Public Instruction.

A. Immunization

1. Requirements for Initial Entry

Within 30 calendar days of his or her day of attendance in the school system, each student must show evidence of age-appropriate vaccination in accordance with state law and regulation, including the following vaccines as applicable:

- a. DTaP (diphtheria, tetanus, and pertussis);
- b. Poliomyelitis (polio);
- c. Measles (rubeola);
- d. Rubella (German measles);
- e. Mumps;
- f. Haemophilus influenza, type b (Hib);
- g. Hepatitis B;
- h. Varicella (chickenpox);
- i. pneumococcal conjugate (only for children entering school before age 5); and;
- j. any other vaccine as may be required by law or regulations

The current required vaccination schedule is available from the N.C. Immunization Branch online at <http://www.immunize.nc.gov/>.

2. Additional Requirements

- a. All students entering seventh grade or who have reached age 12, whichever comes first, are required to receive the following:
 - i. booster dose of Tdap (tetanus, diphtheria, and pertussis vaccine), if they have not previously received it; and
 - ii. the meningococcal conjugate vaccine (MCV)
- b. All students entering the twelfth grade or who have reached age 17 are required to receive a booster dose of MCV.

3. Certificate of Immunization

- a. Evidence of immunizations must be shown in the form of a certificate furnished by a licensed physician or by the health department. A student who received immunizations in a state other than North Carolina must present an official certificate that meets the immunizations requirements of G.S. 130A-154(b).
- b. Principals are required to refuse admittance to any child whose parent or guardian does not present a medical certification of proper immunizations within the allotted time. If, following approved medical practice, the administration of a vaccine requires more than 30 calendar days to complete, upon certification of this fact by a physician, additional days may be allowed in order to obtain the required immunizations.
- c. Exception to the immunization requirement will be made only for religious reasons or for medical reasons approved by a physician pursuant to state law and regulation.

B. Health Assessment/Vision Screening

Within 30 calendar days of the first day of school entry, all students entering public schools for the first time, regardless of grade level, must furnish to the principal a form that meets the requirements of state law indicating that the student has received a health assessment pursuant to G.S. 130A-440. A student who fails to meet this requirement will not be permitted to attend school until the required health assessment form has been presented. Such absences will not be considered suspensions, and the student will be given an opportunity to make up work missed during the absence as described below. The principal or designee shall, at the time of enrollment, notify the parent, guardian, or person standing in loco parentis that the completed health assessment form is needed on or before the child's first day of attendance. The date the student's health assessment form is received will be recorded in the student's official record, and the form will be maintained on file in the school. The assessment must include a medical history

and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. The health assessment must be conducted no more than 12 months prior to the date of school entry. Exceptions to the health assessment requirement will be made only for religious reasons.

~~Vision screening must comply with the vision screening standards adopted by the former Governor's Commission on Early Childhood Vision Care.~~ Within 180 days of the start of the school year, the parent of the child must present to the principal or designee certification that within the past 12 months, the child has obtained a comprehensive eye examination performed by an ophthalmologist or optometrist or has obtained a vision screening conducted by a licensed physician, an optometrist, a physician assistant, a nurse practitioner, a registered nurse, an orthoptist, or a vision screener certified by Prevent Blindness North Carolina.

Children who receive a fail to pass the required vision screening, must obtain a comprehensive eye exam conducted by a duly licensed optometrist or ophthalmologist. The provider of the exam must present to the parent a signed transmittal form which the parent must submit to the school. If a member of the school staff has reason to believe that a child enrolled in kindergarten through third grade is having problems with vision, the staff member may recommend to the child's parent that the child have a comprehensive eye examination.

No child will be excluded from attending school solely for a parent's failure to obtain a comprehensive eye exam. If a parent fails or refuses to obtain a comprehensive eye exam or to provide the certification of a comprehensive eye exam, school officials shall send a written reminder to the parent of required eye exams.

Upon request, the teacher(s) of a student subject to an absence from school for failure to provide the health assessment form required by this section shall provide to the student all missed assignments, and to the extent practicable, the materials distributed to students in connection with the assignments. The principal or designee shall arrange for the student to take home textbooks and school-furnished digital devices for the duration of the absence and shall permit the student to take any quarterly, semester, or grading period examinations missed during the absence period.

C. Homeless Students

Notwithstanding the provisions of this policy, admissions for homeless students will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The homeless liaison shall work with the student, parent/guardian, school personnel or other agencies to obtain documentation of immunization and/or the health assessment or to arrange for such immunizations and/or assessments in a timely manner.

D. Foster Children

Notwithstanding the provisions of this policy, admissions for students in foster care will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The enrolling school will immediately contact the school last attended by the foster child to obtain any relevant documentation.

E. Children of Military Families

The board acknowledges that immunization requirements for newly enrolling children of military families are governed by the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5) and G.S. 115C-407.12. Children of military families, as defined in policy 4050, Children of Military Families, will have 30 days from the date of enrollment to obtain any required immunization. For a series of immunizations, initial vaccinations must be obtained within 30 days.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6311(g)(1)(E); McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq.; G.S. 115C-390.2(l), -407.5, -407.12; 130A-152 to -157, -440 to -443; 143B-216.75; 10A N.C.A.C. 41A .0401

Cross References: Children of Military Families (policy 4050), Homeless Students (policy 4125), Attendance (policy 4400)

Other Resources: N.C. Immunization Branch, available at <http://www.immunize.nc.gov/>

Issued: October 9, 2000

Revised: October 9, 2007; March 11, 2008; April 21, 2009; March 13, 2012; October 13, 2015; May 10, 2016; December 13, 2016; July 14, 2020; June 14, 2022; February 14, 2023

Policy Code: 5210 Distribution of Non-School Material

Students and the educational program must be the focus of the school district. In order to maintain an educational environment conducive to learning and to minimize intrusions upon instructional time, distribution and display of non-school material shall be limited in accordance with this policy and policy 5240, Advertising in the Schools. Therefore, the superintendent's designee must carefully screen and approve the distribution of any non-school material on school property. (The term "non-school material" is defined in Section F below.)

This policy applies to the distribution and display of non-school material by students and school-related groups (as defined in Section F below) and by governmental agencies, educational institutions, and non-profit entities as permitted in Section C below. This policy does not apply to the distribution and display of materials by individuals or groups that are on school property in accordance with policy 5030, Community Use of Facilities. Except as provided in Section A below, this policy will not be construed as applying to or prohibiting the display of compliant political or farm signs permitted by G.S. 136-32.

A. Display of Compliant Political and Farm Signs in the Right-of-Way During Designated Periods

Any person may display compliant political of farm signs in the right-of-way of the state highway system ~~or in municipal street rights-of-way~~ in accordance with the standards established in G.S. 136-32, even if such right-of-way constitutes school grounds. Compliant political signs may also be placed in municipal street rights-of-way in accordance with the standards established in G.S. 136-32 and any applicable local ordinance.

Compliant political signs may be displayed in ~~such the~~ right-of-way from 30 days before the first day of "one-stop" early voting to 10 days after the primary or election day. Compliant farm signs may be displayed in the right-of-way until the end of the farm's season. School officials may remove and dispose of any political sign remaining in the right-of way more than 40 days after the primary or election day and may remove and dispose of any farm sign remaining in the right-of-way more than 30 days after the end of the farm's season. - School officials shall observe any different rules established by applicable local ordinance for ~~placement and~~ removal of political signs on municipal street rights-of-way.

School officials shall not remove any political or farm sign lawfully placed except as provided in this section but may request the Department of Transportation to remove a sign that is not in compliance with G.S. 136-32.

B. Distribution and Display by Students

Students wishing to distribute or display on campus any publication, leaflet, or other written material that is not school sponsored must submit the material to the public information officer or superintendent's designee for review. The public information officer or superintendent's designee shall prohibit distribution or display when the publication or material contains speech that is prohibited as specified in Section D.1, below. The public information officer or superintendent's designee shall decide whether or not to allow the publication to be distributed within ten school days of its submission for review. The material shall be distributed at reasonable times and places as designated by the public information officer or superintendent's designee.

C. Distribution and Display by Non-Students

Except as provided in this policy, non-students shall not be permitted to distribute publications on school grounds during the school day or at school activities if the materials are unrelated to instruction or a school-sponsored activity. Materials directly related to the subject of a school-sponsored activity or a youth-related activity beneficial to children may be distributed with the prior approval of the public information officer or superintendent's designee pursuant to the standards in section D but otherwise shall not discriminate on the basis of viewpoint in granting or denying a non-student permission to distribute or display non-school publications or materials. If permission to distribute or display a publication or material is denied, the non-student may request review of the public information officer or superintendent's designee decision as specified in Section D below.

1. Distribution and display of "school-sponsored or curriculum-related publications and materials" as defined in Section F are permitted during the school day, on school grounds and at school activities.
2. Distribution and display of publications and materials from school-related groups that have received prior approval of the public information officer or superintendent's designee pursuant to the standards in Section D below and the standards for review of the decision in Section E below are permitted at reasonable times and places as designated by the public information officer or superintendent's designee. The term "school-related group" is defined in Section F. The public information officer or superintendent's designee shall not discriminate on the basis of viewpoint in granting or denying permitted school-related groups permission to distribute or display non-school material.

In all schools of this school system, the following agencies and organizations are permitted to distribute or display educational information or information about programs and activities of interest to students:

- a. local, state and federal government agencies and departments;

b. non-profit organizations that offer educational, recreational, cultural or character development activities or programs for school-aged children, including but not limited to Scouts, YMCA or YWCA, organized youth sport leagues, etc.;

c. school/business partnerships or incentive programs that directly enhance or support the school's educational program; and

d. community colleges, universities, and other non-profit institutions of higher education.

All publications and materials that one of the permitted agencies or organizations would like to distribute or display must be submitted to the public information officer or superintendent's designee for approval prior to distribution or display. Approval for distribution or display shall be granted pursuant to the standards in Section D below and the standards for review of decisions in Section F below. If approved, the publications and materials shall be distributed or displayed at reasonable times and places as designated by the public information officer or superintendent's designee.

3. In addition to the distribution and display of publications and materials permitted in all schools in Item # 2 above, the distribution and display of other publications and materials are permitted only in middle schools and high schools in order to provide students with access to a wide variety of materials from various viewpoints. All materials to be distributed or displayed under this provision must be submitted to the principal, public information officer or superintendent's designee for approval prior to distribution or display. Approval for distribution or display will be granted pursuant to the standards in section C below and the standards for review of the decision in section D below.

In addition, distribution and display of publications and materials under this provision are subject to the following restrictions.

a. Distribution or display of these materials is limited to one time per year per organization.

b. Distribution or display of these materials is limited to a table in a location such a hallway in front of the library or a similar location where students would not feel pressured to take materials.

c. Groups approved to distribute or display these publications or materials are responsible for setting up the table and taking it down at the end of the day.

d. The table may contain a sign that says, "Free materials. Please take one."

e. Distribution and display of these materials in classrooms or in any other instructional setting is not permitted.

f. No announcements advertising the availability of these materials are permitted over the PA or through other school media.

g. Neither members of the group providing the material nor any other individual may stand at the table and encourage students to accept the publications or material.

h. The table where the publication or materials are located must display a sign stating that materials are neither sponsored nor endorsed by the school system, its agents, or its employees and that the views and information contained in the materials do not reflect the approval or disapproval of the school board or school officials.

i. The principal, public information officer or superintendent's designee shall not discriminate on the basis of viewpoint in granting or denying permission to distribute or display publications and materials under this provision.

j. The superintendent is authorized to adopt any additional regulations deemed necessary to implement distribution or display of materials under this provision.

k. The principal is responsible for enforcing the restrictions imposed by the board on distribution and display of materials and publications under this provision.

4. The superintendent is authorized to adopt regulations regarding approval forms, how many times a year groups may distribute or display publications or materials, delivery and bundling requirements, etc.

5. Nothing in this policy shall be construed to create a public forum that would allow non-students unrestricted access to school property for the purpose of distributing displaying publications or materials.

D. Distribution Standards for Students and Non-Students

The public information officer or superintendent's designee shall apply the following standards to approve the distribution or display of all non-school material on school property:

1. The public information officer or superintendent's designee must review the materials. While materials shall not be screened for viewpoint, the public information officer or superintendent's designee shall prohibit the distribution of any material that substantially disrupts the educational environment or for which the subject matter is conveyed (a) is vulgar, indecent or obscene; (b) contains libelous statements, personal attacks or abusive language such as language defaming a person's character, race, religion, ethnic origin, sex family status, or disability; (c) causes or clearly threatens to cause a material and substantial disruption of normal classroom activity, any normal school function, or other school activity; (d) encourages the commission of unlawful acts or the violation of lawful school regulations; (e) is inappropriate considering the age of the students in the school; (f) contains information that is inaccurate, misleading or false; or (g) advertises any product or service not permitted to minors by law.

The public information officer or superintendent's designee shall notify the superintendent before approving or prohibiting distribution or display of any publications or materials that raise a question as to whether a specific action by school officials might violate the Establishment of Religion Clause, the Free Exercise of Religion Clause, or the free speech rights guaranteed by the First Amendment of the U.S. Constitution. The superintendent shall consult with the board attorney to determine the legally appropriate course of action.

2. The distribution of non-school material shall not interfere with instructional time.

3. Non-school publications and materials distributed or displayed to students must be clearly identified, through the method of distribution or otherwise, as non-school materials that are neither endorsed nor necessarily reflective of the views of the school or school district.

4. In order to minimize disruption to the learning environment, political campaign materials may not be distributed to students or employees (including through employee mailboxes and e-mail) or made available on school grounds during school time or at school events. However, on election days, posters and printed materials are permitted at school buildings used as polling places in accordance with state law and board of elections requirements.

This provision does not prohibit a teacher from using political literature or campaign material for instructional purposes. However, any teacher using these materials for instruction purposes shall not use his or her position to promote a particular candidate, party, or position on a specific issue. The teacher shall also attempt to use a variety of materials that represent balanced and diverse viewpoints on the political spectrum.

5. Materials shall be beneficial to the student's wellbeing.

E. Procedures for Requesting Distribution or Display of Non-School Materials

1. Any individual or organization wishing to distribute or display non-school-sponsored publications or materials must first submit for approval a copy of the publication or material to the public information officer or superintendent's designee at least five school days in advance of the distribution or display time, along with the following information: (a) the name and phone number of the individual submitting the request; (b) the date(s) and time(s) of day of intended distribution or display; (c) the desired location for distribution or display of material; and (d) if the distribution or display is intended for students, the grade(s) of students for whom the distribution or display is intended.

2. Within five school days, the public information officer or superintendent's designee shall review the request and render a decision. In the event permission to distribute or display the material is denied or restricted, the individual submitting the request shall be informed in writing of the reasons for the denial or restriction.

3. Any request denied or restricted by the public information officer or superintendent's designee may be appealed in writing to the superintendent. Any request denied or restricted by the superintendent may be appealed in writing to the board. The board will review the request at its next regularly scheduled meeting. As appropriate, the school board attorney will be consulted concerning a request to distribute or display non-school literature.

4. Permission or denial of permission to distribute or display material does not imply approval or disapproval of its contents by school system administrators, the school board or the individual reviewing the material submitted.

F. Definitions

The following terms used in this policy are defined as follows:

1. Obscene

"Obscene" describes any speech or work that the average person, applying contemporary community standards (as opposed to "national standards"), would find, taken as a whole, appeals to prurient interest; or that depicts or describes, in a patently offensive way, sexual conduct specifically defined by

applicable law; and that, taken as a whole, lacks serious literary, artistic, political or scientific value.

2. Libelous Statement

Libelous statements are false and unprivileged statements about a specific person that injure that person's reputation in the community.

3. Non-School Material

Non-school material includes any publication or other written information that is not a school-sponsored or curriculum-related publication or material.

4. Material and Substantial Disruption

A material and substantial disruption is any conduct that for any reason, including inappropriateness of time, place or type of behavior, significantly interferes with school functions, classroom instruction or with the rights of other students or school employees. Examples of material and substantial disruption include, but are not limited to, demonstrations, destruction of property, injury to students or other persons, shouting or boisterous conduct, and anything that significantly distracts students from instruction or prevents school personnel from performing their educational responsibilities.

5. School-Sponsored or Curriculum-Related Publications and Materials

School-related materials or publications are: (a) materials published by the school system for distribution (i.e. school calendars, menus, school newsletters, etc.); (b) materials that are approved by school officials and related to activities or events that are officially sponsored by the school (i.e. announcements for sports teams, clubs, field trips, school plays and concerts); or (c) materials that are directly related to instruction.

6. School-Related Group

School-related groups are organizations formed to support the school in an area of recognized need, such as the PTA, PTO, teachers' and principals' organizations and booster clubs.

Nothing in this policy shall be construed to create an open forum that would allow non-school groups or persons access to school property for the purpose of distributing materials.

The superintendent shall adopt necessary regulations to ensure that this policy is implemented throughout the school district.

Legal References: U.S. Const. amend. I; *Peck v. Upshur*, 155 F.3d 274(1998); G.S. 115C-36, -47; 136-32; 163-129, -166.4

Cross References: Community Use of Facilities (policy 5030), Fundraising and Solicitations (policy 5220), Advertising in the Schools (policy 5240)

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Lee County Schools

Policy Code: 7130 Licensure

The board intends to fully comply with all licensure requirements of the Elementary and Secondary Education Act, state law and State Board of Education policies.

A. Licensure and Other Qualification Requirements

1. Except as otherwise permitted by the State Board of Education or state law, a person employed in a professional educator position must hold at all times a valid North Carolina professional educator's license appropriate to his or her position.

To the extent possible all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy.

2. The board may employ candidates entering the teaching profession from other fields who hold a residency license or an emergency license.

3. In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a lateral entry license are available to fill a position, the board may employ an individual who holds a permit to teach issued by the state Board of Education. An emergency permit is not renewable.

B. Exceptions to Licensure Requirements

1. Adjunct CTE Instructors

An unlicensed individual who meets the adjunct hiring criteria established by the State Board of Education for a specific career and technical education (CTE) career cluster may be employed as an adjunct CTE instructor for up to 20 hours per week or up to five full consecutive months of employment, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by [G.S. 115C-15r7.1](#).

2. Adjunct Instructors in Core Academic Subjects, Fine and Performing Arts, and Foreign Languages

In accordance with [G.S. 115C-298](#), an unlicensed faculty member of a higher education institution who meets the adjunct hiring criteria established by the State Board of Education may be employed as a temporary adjunct instructor for specific core academic subjects, fine and performing arts, and foreign language courses in grades kindergarten through twelve provided

the individual first completes preservice training and meets all other statutory and State Board of Education requirements.

In addition, an individual with a related bachelor's or graduate degree may be employed as a temporary adjunct instructor to teach high-school level courses in core academic subjects, fine and performing arts, and foreign language in the individual's area of specialized knowledge or work experience provided the individual first completes preservice training required under B.S. [115C-298.5\(a1\)](#).

3. Interim Principals

A retired former principal or assistant principal may be employed as an interim principal for the remainder of any school year, regardless of licensure status.

4. Cherokee Language and Culture Instructors

An individual approved to teach in accordance with an MOU entered into pursuant to [G.S. 115C-270.21](#) will be authorized to teach Cherokee language and culture classes without a license.

5. Driver Education Instructors

An individual, ~~who is~~ not licensed in driver education, is authorized to work as a driver education instructor if the individual holds Certified Driver Training Instructor status according to minimum standards established by State Board of Education [Policy DRIV-003](#).

[6. Service Members and their Spouses Relocating to North Carolina](#)

[A service member or the spouse of a service member who is under military orders to relocate to North Carolina, is in possession of a current educator's license from another jurisdiction, and meets any other conditions established by 50 U.S.C. 4025a or State Board of Education Policy LICN-001 will be considered to hold a valid North Carolina educator's license until the military orders expire or June 30th of the year in which the military orders expire, whichever is later.](#)

C. Beginning Teacher Support Program

The superintendent or designee will develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and the Department of Public Instruction and kept on file for review. The plan must be aligned to the State Board of Education's beginning teacher support program standards and, when monitored, must demonstrate proficiency. The school district

will also participate in implementing a regionally-based annual peer review and support system.

Teachers with fewer than three years of teaching experience will be required to participate in the Beginning Teacher Support Program.

D. License Conversion

The superintendent or designee shall designate a school official in the Beginning Teacher Support Program plan to be responsible for approving the acceptance of all continuing (Standard Professional 2) Licenses automatically converted from the initial (Standard Professional 1) license. The designated official shall reject an automatic conversion license and immediately notify DPI if (1) the teacher has not taught three years; or (2) the official has knowledge of any reason related to conduct or character to deny the individual teacher a continuing license.

Teachers must meet all requirements of the State Board of Education in order to move from an initial professional license or residency license to a continuing professional license or to move from a continuing professional license to a lifetime license.

E. License Renewal

Licensure renewal is the responsibility of the individual, not of the school district. Any employee who allows a license to expire must have it reinstated prior to the beginning of the next school year. A teacher whose license has expired is subject to dismissal.

The school district may offer courses, workshops, and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered must be consistent with State Board of Education policy. In addition, the superintendent or designee will develop procedure to determine the appropriateness of any credit offered in advance of renewal activities.

Decisions regarding the employment of teachers who fail to meet the required proficiency standard for renewal of a continuing license will be made in accordance with G.S. 115C-270.30 (b)(4) and applicable State Board of Education requirements. The superintendent or designee shall determine the professional development required of a teacher whose continuing professional license has reverted to an initial professional license and/or has expired due to performance issues. The superintendent or designee may authorize or direct principals to prescribe professional development to such employees in accordance with the employee's demonstrated deficiencies.

Although lifetime license holders do not have to complete continuing education credits to maintain licensure, the superintendent may require them to participate in

professional development opportunities as a condition of employment. (See policy 1610/7800, Professional and Staff Development.)

F. Parental Notification

At the beginning of each school year, school district officials shall notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction; whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived; whether the teacher is teaching in the field of discipline of his or her certification; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

The school district will give notice within 10 school days to the parents of children who have been assigned or, after four consecutive weeks, have been taught by a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

G. Equitable Distribution of Highly Qualified Teachers

The superintendent shall assess whether income, minority, learning disabled and/or English learners are being taught by inexperienced, ineffective, or out-of-field at higher rates than students who do not fall into these categories and shall develop a plan to address any such disparities. If DPI does not require such a plan of the LEA, the superintendent is not required to develop a plan under this subsection unless he or she determines that one is needed to address inequities within the school district.

Legal References: Elementary and Secondary Education Act 20 U.S.C. 6301 et seq.; 50U.S.C. 4025a; 34 C.F.R. 200.55-57, 200.61; G.S. 115C art. 17E; 115C-157.1, -270.15, -270.20, -270.21, 284, -295, -298.5, -325(e) (1) (m) (applicable to career status teachers), -325.4(a) (12) (applicable to non-career status teachers), -333, -333.1, State Board of Education Policies CTED-004, DRIV-003, DRIV-004, EVAL-004, EVAL-023, LICN-001, -004, -005, LICN-021, LINC-018, LINC-021, LINC-022, NCAC-6C.0102, NCAC-6C.0307, TCED-016; *Beginning Teacher Support Program Handbook* (NCDPI) available: <https://sites.google.com/dpi.nc.gov/ncref/bt-support-program-resources>

Cross References: Professional Personnel Contracts (policy 7415); Professional and Staff Development (policy 1610/7800)

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Lee County Schools