

TRANSYLVANIA COUNTY BOARD OF EDUCATION CUSTOM POLICY MANUAL PROJECT

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I. INTRODUCTION

A. THE ROLE OF THE BOARD AS "POLICY MAKER"

1. The board of education's role in a public school system is to establish policy, set goals, and evaluate the school system's mission.
2. According to the National School Boards Association, school board policies are statements that set forth the purposes and prescribe, in general terms, the **organization** and **program** of the school system. They create a framework within which the superintendent and the staff can discharge their duties with positive direction. They tell what is wanted. They may also indicate "why" and "how much."
3. It is inaccurate to simply state, "It is the board's role to make policy and the administration's role to implement policy." The board not only should adopt policies, but also should exercise the appropriate degree of oversight as the administration implements the policies. Are the policies, as adopted, being implemented? Are the policies achieving the desired results?

B. THE SCOPE OF THE BOARD'S AUTHORITY

State law provides that "[a]ll powers and duties conferred and imposed by law respecting public schools, *which are not expressly conferred and imposed upon some other official*, are conferred and imposed upon [the board]." School boards have "general control and supervision of all matters pertaining to the public schools in their respective administrative units and they shall enforce the school law in their respective units." G.S. 115C-36.

Further, state law provides that "[l]ocal boards of education, upon recommendation of the superintendent, shall have full power to make all just and needful rules and regulations governing the conduct of teachers, principals, and supervisors, the kind of reports they shall make, and their duties in the care of school property." G.S. 115C-47(18).

As with all actions taken by the local board of education, personnel policies adopted by the board must uphold the United States and North Carolina Constitutions, and

comply with applicable federal law and regulations, North Carolina law, regulations and policies adopted by the State Board of Education and the Department of Public Instruction, and federal and state case law that interprets the various statutes and regulations.

II. POLICIES: REQUIRED OR RECOMMENDED? – DEFINING THE TERMS

Question 1: What does it mean to say that a policy is “required”?

On the most literal level, a state or federal statute or regulation sometimes mandates that a local board adopt a policy on a specific topic.

Example 1. G.S. 115C-332(b) specifically states that “[e]ach local board of education shall adopt a policy on whether and under what circumstances an applicant for a school personnel position shall be required to be checked for a criminal history before the applicant is offered an unconditional job.”

Note: This statute requires local boards to adopt a policy, but it does not tell the board “which way” to go on the issue of criminal record checks.

Example 2. Title IX regulations require local boards of education, as recipients of federal funds, to adopt and disseminate a nondiscrimination policy and put grievance procedures in place to address complaints of discrimination on the basis of sex in educational programs and activities. The policy must state that the board does not discriminate on the basis of sex in the educational programs and activities that it offers. 34 C.F.R. Part 106.

Note: The board must adopt the nondiscrimination language mandated by the statute. Other aspects of the policy are left to the board to determine, such as how the policy will be disseminated and how the grievance procedure will be structured.

Question 2: What does it mean to say that a policy is “recommended”?

Classifying a policy as either “required” or “recommended” is not always possible. Many times a specific policy may include some provisions that are legally required, some provisions that are recommended, and some provisions that are optional.

Assuming a specific policy or a provision within a policy is not literally “required,” what does it mean to say the policy or provision is “recommended”?

At times, the General Assembly decides to “encourage” boards to take specific action. For example, in G.S. 115C-47(32a) the General Assembly “urges” local boards to adopt policies that prohibit the superintendent from assigning to any alternative learning program any professional employee who has received within the

last three years a rating on a formal evaluation that is less than above standard.

Other reasons a policy might be “recommended”:

- to direct school board employees to comply with provisions of the U.S. Constitution, the N.C. Constitution, and state and federal statutes and regulations;
- to ensure that school operations are conducted in compliance with applicable court decisions;
- to direct school employees to take action on a specific problem, such as (a) the existence of the academic achievement gap that exists between majority and minority groups of students, (b) the teacher shortage problem, or (c) a high teacher turnover rate in the school system; or
- to direct school officials in dealing with a societal trend such as the widespread use of email and cell phones.

III. THE TCS CUSTOM POLICY MANUAL PROJECT

A. THE PROCESS

The Transylvania County Board of Education has chosen to enter into a contract with the North Carolina School Boards Association to create a custom policy manual for the Transylvania County Schools. NCSBA has already begun the process of reorganizing and revising the Transylvania County Board of Education policy manual. The customized policy manual will be based on NCSBA’s Policies to Lead the Schools (PLS) model policy manual. NCSBA will follow the process outlined in the “NCSBA Custom Policy Service” document in customizing the manual.

B. ORGANIZATION OF THE NEW MANUAL

PLS Manual Section and New TCS Manual Section	Primary Corresponding Section(s) in Current TCS Manual
1000 – Governing Principles	A – Foundations and Basic Commitments
2000 – Board Operations	B – School Board Governance and Operations C – General School Administration
3000 – Educational Program	I – Instruction L – Education Agency Relations
4000 – Students	J – Students
5000 – Community Relationships	K – School-Community Relations
6000 – Support Services	E – Support Services
7000 – Personnel	C – General School Administration G – Personnel

PLS Manual Section and New TCS Manual Section	Primary Corresponding Section(s) in Current TCS Manual
8000 – Fiscal Management	D – Fiscal Management
9000 – Facilities	F – Facilities Development

C. HOW WILL THE NEW MANUAL BE DIFFERENT FROM THE OLD MANUAL?

- The biggest difference will be organization (see Section III.B, above). The new manual will have 9 sections instead of 11, and will be numerically coded instead of alphabetically coded.
- The new manual will be based on NCSBA’s sample policy manual, but will contain customized language and provisions from your current local policies.
- However, occasionally we will draft a policy based on your current policy manual that is not in our standard PLS manual.
- Since the time that your current policies were adopted, changes to legal requirements and educational trends may have necessitated mandatory and/or recommended changes to those policies. The new manual will be up to date with current laws, regulations, and policies. It will contain, to the extent possible, all policies required by state and federal law and regulations.
- The new manual will likely contain more policies than your current manual but will not contain any policies that have become obsolete.
- The new manual will be easily updated in the future using NCSBA’s Policy Update Service.

D. POLICIES VERSUS REGULATIONS

- Through policies, the board provides the superintendent and other school administrators with directions as to how to operate the school system.
- Generally, policies do not contain the details. Instead, policies are usually implemented through “regulations.”
- The superintendent is directly responsible to the board for creating and issuing regulations to implement policies. The superintendent often delegates some of this responsibility to senior administrators.
- **Regulations (in addition to guidelines, forms, and other policy-related “exhibits”) included in your current policy manual are not reviewed by NCSBA as part of the custom policy manual project.** However, we will highlight, to the extent possible, where your current policy manual may have regulations and other policy-related documents that should be reviewed

and/or updated to align with the board's new policies.

E. RESPONSIBILITY FOR FOLLOWING POLICIES AND REGULATIONS

- School principals and other administrators are responsible for being knowledgeable about both board policies and regulations in the day-to-day operation of their schools.
- Failure to follow policy directives and regulations leaves the school system at risk of liability if someone is injured as a result of the failure to follow board policies.
- Administrators may be held accountable on their performance evaluations and/or disciplined for failure to follow board policies and regulations.

F. MISCELLANEOUS

- A policy manual is never “done.” As the law continues to change, the policies and regulations will need to change. Never assume a policy is the same as it was several years ago.
- A policy manual, and even regulations, will never address every possible situation. When in doubt, school administrators are encouraged to seek guidance from their supervisor, senior administrators, and/or the school board attorney.
- **From this point on, and for as long as we are working with Transylvania County Schools on this project, should there be a need for a specific “new” policy or a “revision” to an existing policy, please contact us and we will assist you with finding sample policies or creating the needed policy.** We will also help you assign a policy code number to any policies you decide to adopt. The basic message for your staff is that before they spend time attempting to draft a policy on a given topic, please contact us. We might be able to save your staff time and effort by providing a model policy or a starting point for a desired policy.