

TO: Mr. Jeremy R. Gibbs, Director of Human Resources
Transylvania County Schools

FROM: Janine Murphy, Assistant Legal Counsel
North Carolina School Boards Association

RE: **NCSBA Policy Services Overview**

DATE: January 28, 2015

As per your request, I have prepared a policy services overview memo for consideration by Transylvania County Schools. The Legal/Policy staff of the North Carolina School Boards Association strives to provide assistance to any North Carolina school board that seeks our help with revising or improving its school board policy manual. Based on a brief review of the Transylvania County Schools policy manual online, the following legal/policy service options might be of interest to the Transylvania school board.

Option 1. "NCSBA Assisted" Policy Manual Conversion Project (Cost to the school system \$12,500).

Note: Cost divided across two fiscal years or \$6,250/year for two years

The **NCSBA Assisted Policy Manual Conversion Project** is designed for a school board that has decided that it would like to "convert" from its current board policy manual to a manual that is very closely based on and aligned with the NCSBA model manual known as "Policies to Lead the Schools" or PLS.

This is how a NCSBA Assisted Policy Manual Conversion Project works. Using the current Transylvania (TCS) board policy manual, NCSBA attorneys will create two correlation tables (charts). The first table will compare the policies in the PLS manual with those in the current TCS manual and the second table, in reverse, will compare the policies in the TCS manual to those in the PLS manual. These tables will indicate which policies are legally required and give general information about the provisions in each policy. In addition, an NCSBA attorney, assigned to work with the school system, will review each existing TCS policy and provide notations about that policy in comparison with a policy or policies included in the PLS manual. For example, some notations may simply say "this TCS policy is comparable to PLS policy XYZ." If the current TCS policy is not something addressed in the PLS policy manual, the notation may say "legally acceptable" or it might say "needs to be revised to reflect new state (or federal) law." The recommendation might also be "we recommend that this information be shifted into

a regulation rather than being retained in a policy.” At times the notation in the chart will advise TCS to discuss an issue with its board attorney. ***(A sample chart from the NCSBA conversion project for Clinton City Schools is included with this memo and email.)***

With this option the NCSBA attorney who reviews the TCS manual will work with TCS school officials to develop a schedule for the policy manual conversion process and for the order in which NCSBA will deliver and the board will consider each policy section. Most school systems opt to receive a new section of policies to work on every six to eight weeks. This deliberate schedule creates a structure that will help school administrators and the board to keep moving forward with the policy conversion project. The NCSBA attorney will be available to consult with TCS school officials on policy issues via email or telephone calls.

During the course of the policy conversion project, NCSBA attorneys will notify TCS if a policy previously sent to the board has been updated due to a change in state or federal law or regulations. By receiving these updates, TCS can go ahead and consider newer versions of a policy even as the policy conversion process goes on. Thus when the manual conversion project is completed, the manual will be “up to date” as of that point in time.

Most boards complete a section by section conversion to a new manual based on the PLS manual in about a year to a year and a half. With the NCSBA Assisted Policy Conversion Project, NCSBA will provide TCS with zip files containing word document copies of all PLS policies with the TCS footer added at the bottom of each policy page on a section by section basis as the board progresses through the manual project. This would provide TCS with a current, clean word document to use as a starting point when school officials are ready to consider each policy and make any revisions necessary due to local circumstances. With this option, TCS staff would make any edits or changes to each PLS policy after it is sent to the school system and as it progresses from the review stage to the adoption stage. NCSBA is currently doing a “NCSBA assisted conversion project” with Rowan-Salisbury Schools and in the past has completed conversion projects with Hyde County Schools and Clinton City Schools.

*****Note that with Option 1, the cost to the board can be divided into two payments spread over two fiscal years. Also, the PLS annual subscription fee (currently \$950/fiscal year) will be waived for one year during the conversion process.***

Option 2. “Local School Board Attorney Assisted” Policy Manual Conversion Project (Cost to the School System: \$5000 paid to NCSBA, plus whatever additional fees are charged by the local board attorney).

As with Option 1, a NCSBA staff attorney, using the current Transylvania (TCS) board policy manual, would create two correlation tables (charts). The first table would compare the policies in the PLS manual with those in the current TCS manual and the second table, in reverse, would compare the policies in the TCS manual to those in the PLS manual. These tables would indicate which policies are legally required and give general information about the provisions in each policy. In addition, the NCSBA attorney will review each existing TCS policy and provide commentary on the substance of the policy as needed. With this Option, NCSBA will deliver the two charts along with a word copy of each policy in the PLS manual to TCS at a single agreed upon point in time and NCSBA’s involvement with the manual revision process would then be complete. In other words, with Option 2, NCSBA does the “preliminary work” and then hands off the project to the local board.

After receiving the correlation tables with information and recommendations from NCSBA, TCS school officials would then work with their board attorney to develop their own “in house” process for reviewing and converting the TCS manual to a policy manual based on the NCSBA policy manual. IF TCS is interested in pursuing this option, we recommend that TCS have a discussion with its board attorney to determine the review process, the anticipated timeline, and the anticipated cost for the board attorney’s assistance with this project.

Option 3. NCSBA Customized Policy Manual (Cost: \$24,900).

Note: (Cost divided across three fiscal years or \$8,300/year for three years)

The **NCSBA Customized Policy Manual** option is designed for local boards that would like their “new” board policy manual to be based on and aligned with the PLS manual, but the board also wants to incorporate a fair amount of material from the existing TCS manual into the new TCS manual. This option provides the school system with maximum legal and administrative assistance as the school system works on this project.

With Option 3, NCSBA attorneys and NCSBA administrative staff will do the “actual work” of creating a customized draft of each policy as necessary to incorporate current material the board wants to keep in the policies adopted for the new manual. The revisions to each draft policy will be indicated using strike out and underline. These “drafts” of customized policies will be sent to TCS section by section, every six weeks or so, and will be “ready for review” by TCS administrators and then the board. At each step of the process, TCS may consult with NCSBA

attorneys about draft policy changes and at each step of the process NCSBA administrative staff will create, revise and/or clean up each policy as it progresses from the “consideration and revision” stage at the administrative level, to the first board read/revision stage and then to final adoption by the board. ***(See the included sample materials from Cumberland County Schools that illustrate how this is done.)*** After TCS adopts a new policy, TCS will send NCSBA a copy of the newly adopted policy and NCSBA will “clean-up” the policy (i.e. fix the formatting, save changes, review the policy to make sure all information is correct, etc.) and then send the new policies to the NCSBA webhost to be uploaded to the existing TCS online policy manual.

At the end of the custom manual process, NCSBA will do a “clean up” of the whole manual to check and make sure that all the “old” TCS policies have been considered and either incorporated into the new manual, superseded by new policies or repealed. Also, at the end of the project, NCSBA staff will check to make sure all legal references and cross references in the adopted policies are correct.

A full custom manual project usually takes a year to 18 months. NCSBA has recently completed custom manual projects for Caldwell County Schools, Tyrell County Schools, Beaufort County Schools and Duplin County Schools. NCSBA is currently working with Haywood County Schools, Watauga County Schools, Wake County Public Schools, Durham Public Schools and others.

Summary: I hope this overview is helpful. Please note that only Option 3 includes a commitment by NCSBA to draft customized specific policies for TCS and assist with the administrative tasks of creating a new policy manual. Also, please note that none of the options discussed in this memo includes a commitment by NCSBA to review school system administrative procedures or regulations.

*****A note about online webhosting: Because Transylvania County Schools already uses NCSBA to host its board policies online, we can work with TCS to manage the online site if the process for revision selected by TCS would involve having some existing policies remain in effect for a period of time, even as the board has replaced some of the existing policies with “new policies.” Please check the Rowan-Salisbury School System web page to see how this school system is managing the process of having postings both of the remaining “old” policies and the “new policies” that have been adopted by the board.**