



**Policy Committee Meeting**

**February 23, 2022**

**5:30 p.m.**

**Virtual**

**AGENDA**

|   |   |
|---|---|
| 1. Call to Order  | Jillian La Serna<br>Committee Chair                           |
| 2. Policy 4720: Surveys of Students   | Diane Villwork<br>Executive Director<br>Assessment & Research |
| 3. Policy 1720/4030/7235: Title IX<br>Nondiscrimination on the Basis of Sex | Brandy Reeves<br>Chief of Staff & School Leadership           |
| 4. Policy 2230: Board Committees  | Brandy Reeves<br>Chief of Staff & School Leadership           |
| 5. Adjourn  |   |

To: CHCCS Policy Committee Members  
From: Diane Villwock, ED of Assessment & Research  
Date: 2/21/2022  
Re: Updates to Policy 4720 – Surveys of Students

It appears that this policy is very out of date – last updated in 2007. This means there were a number of updates to include.

1. The recommendations included adding an outline structure. There are a number of new headings and subheadings, as a result.
2. Many of the references regarding the US Department of Education were removed from the policy.
3. The focus on the Protection of Pupil Rights Amendment was increased with it moving to the preamble from the next section down.
4. Section 2 used to sit in a paragraph format.
5. The Collection of Student Data for Marketing Purposes section has a lot of new verbiage, with the addition of examples. Information that had been in paragraphs was rearranged in the new format.
6. The Parental Involvement section was struck as this information was replaced with the note in section E.

## Policy Code: 4720 Surveys of Students

There are multiple purposes for gathering information from students by survey. Surveys used in direct service of a program evaluation are considered an important element in the educational process. Surveys for other purposes include external research related to education or children and research done by staff members as part of a graduate education program. The superintendent or designee will ensure that survey administrators will 1) offer anonymity when possible, 2) maintain student confidentiality when anonymity cannot be offered, 3) ensure that the surveying activity will not interfere with the educational mission of the district, and 4) that federal requirements are followed.

The superintendent will ensure that all notification ~~and other~~ requirements of the Protection of Pupil Rights Amendment (PPRA) ~~from the United States Department of Education (USED) Goals 2000: Educate America Act~~ are met, along with any ~~including all~~ legal requirements regarding the surveying of students.

### A. SURVEYS INVOLVING PROTECTED TOPICS ~~FUNDED BY US DEPARTMENT OF EDUCATION~~

#### 1. Definition of Protected Topic

The superintendent will ensure that all notification ~~and other~~ requirements of the Protection of Pupil Rights Amendment (PPRA) ~~from the United States Department of Education (USED) Goals 2000: Educate America Act~~ are met, along with any ~~including all~~ legal requirements regarding the surveying of students. This amendment specifies that districts must obtain written (active) consent for the student to participate in surveys ~~funded by the USED and which ask about the protected topics noted below, and that any instructional materials used in a federally funded evaluation must be available for parents to review.~~ The following are the topics that require active consent of parents for ~~USED evaluations~~ **protected topics**:

- a) political affiliations or beliefs of the student or the student's parent;
- b) mental and psychological problems potentially embarrassing to the student and his/her student family;
- c) sex behavior ~~and~~ **or** attitudes;
- d) illegal, antisocial, self-incriminating and 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 student's parent; or
- h) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

## 2. Rules Regarding Surveys Involving Protected Topics

### a. Protection of Student Privacy

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

### b. Parental Notification

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of surveys concerning the protected topics to the fullest extent possible. Upon request, parents have the right to review any USED survey that concerns one of the protected topics or any instructional materials used in any such survey.

### c. Parental Consent

~~Upon request, parents have the right to review any USED survey that concerns one of the protected topics or any instructional materials used in any such survey. The district will take measures to protect the identification and privacy of students participating in any survey concerning any of the protected topics. These measures may include limiting access to completed surveys and to survey results, as allowed by law.~~

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

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

## B. Third Party Surveys ~~OTHER SURVEYS~~

Parents and eligible students have the right, upon request, to inspect any survey created by a third party before the survey is administered or distributed to a student. For surveys concerning the protected topics that are not funded in whole or in part by the U.S. Department of Education, the school district will notify parents at the beginning of each school year of the specific or approximate dates when such surveys will be administered. Parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. Parents will also have the opportunity to opt their children out of participating in the survey(s).

1. Surveys from External Researchers or District Staff Members

Researchers who are not employed by the District are considered "external researchers." District staff members conducting research for graduate programs are considered "internal researchers." Both external and internal researchers are required to apply for permission to conduct their research with any students or staff through the superintendent's designee (see Policy 5230). When external or internal researchers use survey instruments, student anonymity is preferred. Confidentiality is allowed if procedures required by the Office of Human Research Ethics at the requesting researcher's university are strictly followed.

Active parental consent is required if the survey contains any of the protected topics noted above and/or when anonymity cannot be assured. However, there are cases in which passive consent may be used for anonymous surveys that include protected topics and which are deemed valuable to the attainment of the district mission. Health surveys from the State concerning risky behaviors would be an example. Passive consent requires notice to parents of a pending survey and a way to decline participation for their child in writing.

2. Surveys for Use in District Program Evaluation

Surveys to collect information for the sole purpose of evaluating educational programs may be conducted with the permission of the Superintendent's designee and do not require parent consent. Inclusion of questions regarding protected topics as listed above should be avoided in program evaluation surveys. If a question regarding a protected topic is essential to the evaluation the survey must be anonymous and have passive consent or if the survey is confidential, active parent consent is required.

**C. Collection of Student Data for Marketing Purposes** ~~COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES~~

The school district **generally** will not collect, disclose or use personal student ~~survey~~ data for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. ~~However, the district may collect anonymous survey data from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.~~

~~If the district collects such information from students for this purpose upon request parents may inspect any instrument used to collect the information, before it is administered or distributed to a student.~~

However, in the event the Board approves a collection, disclosure, or use of personal student information for one of those purposes, the district will 1) notify parents at the beginning of the 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 students, 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 for the collection, disclosure, and use of personal student information do not apply, if the school system collects, discloses or uses personal information from parents 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 Instructional Materials; 4700, Student Records; and 5240 Advertising in the Schools.

#### **PARENTAL INVOLVEMENT**

~~The board and superintendent will work with parents, through established district parent committees, to create guidelines concerning (1) the administration of surveys by third parties, (2) arrangements to protect student privacy in the administration of surveys containing a protected topic, (3) parental rights to review and inspect survey instruments, and (4) to collection, disclosure or use of personal information for marketing or selling purposes.~~

Legal References: Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#), ~~h~~, [34 C.F.R. pt. 99](#); [Protection of Pupil Rights Amendment, 20 U.S.C. 1232h](#); [G.S. 115C-36](#)

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Parental Involvement (policy 1310/4002), [Parental Inspection of and Objection to Instructional Materials \(policy 3210\)](#), [Student Discipline Records \(policy 4345\)](#), Student Records (policy 4700), Evaluation of Instructional Programs (policy 3140), and Participation in Research Projects (policy 5230), [Advertising in the Schools \(policy 5240\)](#)

Adopted: 02/01/2007; [Draft 02/23/2022](#).

**Chapel Hill-Carrboro Schools**



**TO:** Policy Committee

**FROM:** Brandy Reeves  
Chief of Staff & School Leadership

**RE:** Proposed Revisions to Policy 1720/4030/7235: Title IX Nondiscrimination on the Basis of Sex

**DATE:** February 21, 2022

The proposed revisions are strongly recommended by the N.C. School Boards Association:

- Adds parenthetical in first paragraph to indicate that “sex” includes pregnancy, childbirth, sexual orientation, and gender identity.
  - U.S. Department of Education regulations include discrimination based on pregnancy or childbirth as forms of discrimination on the basis of sex prohibited under Title IX.
- Updates legal references.
- Adds a reference.



## TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX

Policy Code: 1720/4030/7235

The school system does not discriminate on the basis of sex (including pregnancy, childbirth, sexual orientation, and gender identity) in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

### A. INQUIRIES ABOUT TITLE IX

The board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The Title IX Coordinator is: Ms Brandy Reeves  
Office Address: **750 S. Merritt Mill Rd., Chapel Hill, NC 27516**  
Email Address: [breeves@chccs.k12.nc.us](mailto:breeves@chccs.k12.nc.us)  
Phone Number: **919-967-8211 ext.28235**

The contact information for the Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW  
Washington, DC 20202-1475  
Telephone: 202-453-6020 TDD: 800-877-8339  
FAX: 202-453-6021 Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

### B. RESOLUTION OF GRIEVANCES

The board has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex (other than sexual harassment) in a program or activity of the school system occurring against a person in the United States. Students and parents or guardians may report such alleged discrimination through the process provided in policy 1740/4010, Student and Parent Grievance Procedure. Employees and applicants may use the process provided in policy 1750/7220, Grievance Procedure for Employees.

The board has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in the education program or activities of the school system occurring against a person in the United States in accordance with policy

1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The board encourages students, employees, and applicants to first make a report of sexual harassment in accordance with policy 1725/4035/7236 before filing a formal complaint.

**C. RETALIATION PROHIBITED**

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to the grievance processes established in policies 1740/4010 and 1750/7220. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

**D. NOTICE OF THE BOARD’S POLICY OF NONDISCRIMINATION BASED ON SEX**

The superintendent is responsible for providing notice of the board’s nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The superintendent shall also ensure that each principal or site supervisor makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board’s policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX coordinator or to the Assistant Secretary for Civil Rights.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*; 34 C.F.R. Part 106; [Grimm v. Gloucester County School Board, 972 F.3d 586 \(4th Cir. 2020\)](#)

Cross References: Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against Retaliation (policy 1760/7280), Staff-Student Relations (policy 4040/7310)

[Other Resources: Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County, U.S. Department of Education, Office for Civil Rights \(2021\)](#)

Adopted: 9/3/2020

Revised: 9/30/21





**To: Policy Committee**  
**Date: February 23, 2022**  
**From: Brandy Reeves**  
**Re: Policy 2230**

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### **2230- Board Committees**

At the inception of new Board members, the Board reviewed a list of committees. During the BOE October 1, 2021 Retreat it was decided that the BOE members would discuss committees in greater detail this year and revisit the purpose and time commitments associated with committees.

The Board elected to move forward with two Board Committees: Policy and Building and Facilities. The Board Committee also stated that they needed to have a Board Charter in place for all Board Committees.

All changes are outlined in the policy linked below. The BOE voted on these changes on January 20, 2022, these changes reflect the minutes of the meeting.

[Policy 2230](#)

**STANDING COMMITTEES**

The board will organize standing committees for the purpose of conducting thorough deliberations and investigations of issues and informing and recommending action to the board as appropriate.

Standing Committees allow board members with particular interests and expertise to more closely observe and participate in the oversight and operations of the school district. Each committee shall have at least two members. Each committee shall select a chairperson at the beginning of each calendar year.<sup>[1]</sup>~~The chairperson of the board shall appoint members and designate a committee chairperson at the beginning of each fiscal calendar year.~~ The committee chairperson will preside at all committee meetings and work with the superintendent or his or her designee to develop an agenda for each meeting. Committee members will be e-mailed the agenda and any agenda materials at least three-two business days before the meeting. Standing committees only make recommendations to the full board and have no authority to act on behalf of the board unless specifically authorized by the board. Each standing committee will report to the board following each committee meeting and make recommendations on pending action by the board. At the start of each calendar year, each Standing Committee will review its Committee Charter and propose necessary adjustments for the full board's consideration.<sup>[2]</sup><sup>[3]</sup>

**Standing Committees:**

~~The Building and Grounds Committee shall review and provide input into the district's 10-year facility plan, help establish repair and capital project priority lists, and review the status of all construction projects.~~

~~The Communications Committee shall review various district communications strategies, protocols and challenges – including those aligned with both gathering and disbursing information. Staff will share with Board representatives project ideas, and preview upcoming stories and events.~~

~~The Curriculum Committee shall review staff analyses of areas of improvement and discuss strategies for closing both programmatic and student performance gaps, provide feedback on all proposed curriculum changes, and review school improvement plans.~~

The Finance and Facilities Committee shall review all budget transfers and amendments, review the annual budget and the funding requests to the County Commissioners, receive an annual report from the external auditors when the annual financial report is ready for filing, and review financial trends.

The Policy Committee shall review all requests for policy amendments, direct staff to prepare draft policies for review, and establish a cycle for policy manual review.

The chairperson of each standing committee and the members of that committee will be named by the chairperson of the board on an annual basis. The assignment of individual board members to these committees will be published each year.

The committee chairperson will preside at all committee meetings and be responsible for reporting to the board on the activities of the committee. The committee chairperson will call meetings and establish an agenda for each committee meeting that includes any item suggested by the superintendent, committee member or board member.

The board chairperson will be an ex-officio member of each committee. The superintendent or designee shall assist the chairperson of each standing committee in the preparation of the agenda and in ensuring that information is available to the committee during its deliberation of issues.

A standing committee may only make recommendations to the board and has no authority to act on behalf of the board unless specifically authorized by law, board policy or the board.

#### **B. Ad Hoc Committees**

As time and situations demand, ad hoc committees may be appointed by the chairperson with the approval of the board. Whenever an ad hoc committee is created, a date will be established for reporting back to the board. Ad hoc committees have no final authority and are subordinate and advisory to the board.

#### **C. Open Meetings Law**

All committees of the board are public bodies within the meaning of the North Carolina Open Meetings Law and are subject to all requirements of that law pertaining to notice, closed sessions, minutes, voting and penalties.

Legal References: [G.S. 115C-36](#); [143-318.9](#) *et seq.*

Cross References: Compliance with Open Meetings Law (policy [2320](#))

Adopted: 4/23/98

Revised 11/19/2020

Cross References: Compliance with Open Meetings Law (policy 2320)

Adopted: 4/23/98