

# **STERLING'S COMPREHENSIVE POLICY RECORD**

Last Updated: November 7, 2024

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**GENERAL  
POLICIES  
APPLICABLE TO  
THE STERLING  
COMMUNITY**

**P.3  
Harassment  
& Bullying**

## **Prohibition Against Discrimination, Harassment and Bullying**

*Approved 5/2020*

Sterling Montessori acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. Sterling Montessori prohibits discrimination on the basis of race, color, national origin, sex, disability, or age. Sterling Montessori will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities or programs. Any violation of this policy will be considered serious and school officials shall promptly take appropriate action to address the violation.

### **1. Prohibited Behavior**

Sterling Montessori expressly prohibits unlawful discrimination, harassment and bullying by students, employees, LHU Board members, volunteers or visitors. “Visitors” includes parents/guardians and other family members and individuals from the community, as well as vendors, contractors and other persons doing business with or performing services for Sterling Montessori.

This policy applies to unlawful discriminatory, harassing and bullying behavior that takes place: (1) in any school building or on any school premises before, during, or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) during any school-sponsored activity or extracurricular activity; (4) at any time or place when the individual is subject to the authority of school personnel; or (5) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the school.

### **2. Definitions**

- a. **Discrimination:** Discrimination means any act or failure to act, whether intentional or unintentional, that unreasonably and favorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age or disability.
- b. **Bullying and harassment:** Bullying and harassment means any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that:

1. Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
  2. Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits.
- c. Hostile environment: Hostile environment means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, extortion of money or possessions, implied or stated threats, assault, impending or blocking movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, as described below, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students or between non-employees, including visitors or volunteers, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

- d. Cyber-bullying and cyber-harassment: Cyber-bullying and cyber-harassment are any words, actions or conduct that meet the definition of bullying or harassment as described in this policy and are conveyed via e-mail, text message, internet message boards, interactions on social media or other electronic media.
- e. Sexual harassment: Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  1. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's

employment, academic progress, or completion of a school-related activity;

2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
3. Such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of (a) unreasonably interfering with an employee's work or performance or a student's educational performance, (b) limiting a student's ability to participate in or benefit from an educational program or environment, or (c) creating an abusive, intimidating, hostile, or offensive work or educational environment.

Sexually harassing conduct may include, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, sexual assault, sexual violence, or the display of sexually suggestive drawings, objects, pictures, or written materials. Acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

It is possible for sexual harassment to occur at various levels: between peers or coworkers, between supervisors and subordinates, between employees and students, between students or imposed by non-employees on employees and/or students. Sexual harassment may be committed by members of the same sex or by members of the opposite sex.

Romantic or sexual advances toward students by employees or romantic or sexual relationships between school employees and students are never appropriate, whether they are consensual or otherwise outside the definition of sexual harassment. Such relationships are prohibited. Employees engaging in inappropriate relationships with students will be subject to disciplinary action, up to and including dismissal.

- f. Gender-based harassment: Gender-based harassment means acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

### **3. Reporting and Investigating Complaints of**

## **Discrimination, Harassment, or Bullying**

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, LHUF board member, volunteer, or visitor, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should inform the Executive Director, or any Section Director. Employees are required to report violations of this policy. Students may report any violation to any Sterling Montessori employee, and may report any violation anonymously.

### **4. Consequences**

- a. Any violations of this policy are serious and shall result in prompt and appropriate action. Students who violate this policy will be disciplined in accordance with applicable policies and procedures governing student conduct and discipline. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and/or remedial actions ranging from positive behavioral interventions up to, and including, exclusion.
- b. Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal; additionally, they may be reported to law enforcement as appropriate. The same will apply to LHUF board members.
- c. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement as appropriate.
- d. The actions taken in response to harassment or bullying behavior shall be reasonably calculated to end any harassment or bullying, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. When considering whether a response beyond the individual level is appropriate, administrators should consider the nature and severity of the misconduct or violation to determine whether a classroom or school-wide response is necessary. Such classroom or school-wide responses may include staff training, harassment and bullying prevention programs, and/or other measures deemed appropriate by the Executive Director or designee.
- e. Nothing in this policy precludes Sterling Montessori from taking disciplinary action against a student or employee where the evidence does not establish discrimination, harassment or bullying, but the conduct violates other applicable disciplinary policies or codes of conduct.



## **5. Training and Programs**

As necessary, the Executive Director or designee shall implement training and other programs that are designed to prevent discrimination, harassment, and bullying, and to foster an environment of understanding and respect for all members of the school community; additionally, to the extent necessary, the Executive Director or designee shall request funds from the LHUF for the purposes of providing additional training for students, employees, and volunteers who have significant contact with students regarding Sterling Montessori's efforts to address discrimination, harassment, and bullying and will create programs to address these issues.

## **6. Notice**

Sterling Montessori shall provide notice to students, parents/guardians, and employees of this policy and of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying established in the policy: Discrimination, Harassment, and Bullying Complaint Procedure. Sterling Montessori shall ensure that students, employees, and parents/guardians or other responsible caregivers are provided notice of these policies at the beginning of each school year. In addition, these policies shall be

posted on the school website, and copies of the policies shall be available at the school. Notice of the policies shall appear in all student and employee handbooks.

## **7. Coordinator**

The Executive Director or designee shall coordinate Sterling Montessori's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to the school alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws.

## **8. Records and Reporting**

The Executive Director or designee shall maintain confidential records of complaints or reports of discrimination, harassment, or bullying. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The Executive Director or designee also shall maintain records of training conducted and corrective action(s) or other steps taken by the school to provide an environment free of discrimination, harassment, and bullying.

The Executive Director shall report to the President of the LHUF

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Board of Directors all verified cases of discrimination, harassment, or bullying.

**9. Evaluation**

The Executive Director or designee shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment, and bullying and shall share these evaluations periodically with the LHUF Board of Directors.

**P.10**  
**Use of**  
**Technology**

## **Use of Technology Policy**

Sterling attempts to provide an extensive technology infrastructure toward the purpose of improving the School's educational, administrative, and clerical functions. The significant ongoing investment in technology prepares students for life and work and increases the productivity of current and future faculty and staff.

Sterling Montessori Academy and Charter School (Sterling) will maintain a Responsible Use of Technology Policy that is similar to Wake County Public School System ([https://boardpolicyonline.com/bl/?b=wake\\_new](https://boardpolicyonline.com/bl/?b=wake_new)).

Sterling intends that students and employees benefit from these Technology Resources while remaining within the bounds of safe, legal, and responsible use. Accordingly, Sterling establishes this policy to govern student and employee use of Sterling Technology Resources. This policy applies regardless of whether such use occurs on or off Sterling property, and it includes all, but not limited to computer networks and connections, resources, tools, and learning environments made available by or on the networks, and all devices that connect to those networks, including personal devices.

Sterling's technology resources shall always be used in an approved, ethical, and lawful manner to avoid loss or damage to Sterling's reputation or compliance with various federal, state and local requirements.

Students, employees, visitors, and other users should have no expectation of privacy in anything they create, store, send, delete, receive, or display when using Sterling's technology resources, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Sterling may, without notice,

- monitor, track, and/or log network access, communications, and use
- access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes, and system outputs, such as printouts, for any lawful purpose.

Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with school policies and applicable laws and regulations, protecting Sterling from liability, and complying with public records requests. Sterling personnel shall monitor online activities of individuals who access the Internet via a school-owned device.

By using Sterling's network, Internet access, email system, devices, or other technology resources, individuals consent to have that use monitored by authorized Sterling personnel as described in this policy.

## **Expectations**

The use of Sterling's technology resources, including access to the Internet, is a privilege, not a right. Individual users of Sterling's technology resources are responsible for their behavior and communications when using those resources. Responsible use of Sterling's technology resources is use that is ethical, respectful, academically honest, and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette.

General student and employee behavior standards, including those prescribed in other policies, regulations and rules, apply.

In addition, anyone who uses Sterling computers or electronic devices or who accesses the school network or the Internet using Sterling or personal resources must comply with all rules listed below. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

Before using the Internet, all students must be trained about appropriate online behavior and, with their parent/guardian, sign the CONSENT FOR TECHNOLOGY AND DIGITAL RESOURCE USE form.

All students and employees must be informed annually of the requirements of this policy and the methods by which they may obtain a copy of this policy. Before using Sterling's technology resources, students and employees must sign a statement indicating that they understand and will strictly comply with these requirements and acknowledging awareness that Sterling uses monitoring systems to monitor and detect inappropriate use of technology resources. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuse may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

## **Rules**

- Sterling technology resources are provided for school-related purposes only. Acceptable uses of such technology resources are limited to responsible, efficient, and legal activities that support learning and teaching. Use of Sterling technology resources for commercial gain or for profit is prohibited. Student personal use of Sterling technology resources for amusement or entertainment is also prohibited. Because some incidental and occasional personal use by employees is

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inevitable, Sterling permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with Sterling business, and is not otherwise prohibited by any other policy, procedure or guidelines.

- Under no circumstance may software purchased by Sterling be copied for personal use.
- Students and employees must comply with all applicable laws, including those relating to copyrights and trademarks, confidential information, and public records. Any use that violates state or federal law is strictly prohibited. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism.
- No user of technology resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors.
- The use of anonymous proxies to circumvent content filtering is prohibited.
- Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
- Users of technology resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
- Users must respect the privacy of others. When using e-mail, chat rooms, blogs, or other forms of electronic communication, students must not reveal personal identifying information or information that is private or confidential, such as the home address or telephone number, credit or checking account information, or social security number of themselves or fellow students. In addition, school employees must not disclose on Sterling websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA). Users also may not forward or post personal communications without the author's prior consent.
- Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of any user connected to Sterling technology resources. Users

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may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance (e.g. consuming excessive amounts of Network bandwidth and other System resources.) Users must scan any downloaded files for viruses.

- In cases where Sterling Montessori determines that the student or faculty member has intentionally, recklessly or negligently caused damage to occur to the device, Sterling reserves the right to require full or partial payment to cover the costs associated with the repair or replacement of the device from the student or faculty member.
- Users may not create or introduce games, network communications programs, or any foreign program or software onto any Sterling computer, electronic device, or network without the express permission of the technology team or designee.
- Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems, or accounts.
- Users are prohibited from using another individual's ID or password for any technology resource without explicit authorization from the Section Director, Executive Director or LHU Board.
- Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner's express prior permission.
- Employees shall not use passwords or user IDs for any data system (e.g., the state student information system, etc.) for an unauthorized or improper purpose.
- If a user identifies a security problem on a technology resource, he or she must immediately notify a member of the technology team or other appropriate school administrator. Users must not demonstrate the problem to other users. Any user identified as a security risk will be denied access.
- Teachers shall make reasonable efforts to supervise students' use of the Internet during instructional time.
- Views may be expressed on the Internet or other technology resources as representing the view of Sterling or part of Sterling only with prior approval by the Executive Director or designee.

## **Restricted Material on the Internet**

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The Internet and electronic communications offer fluid environments in which students may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. Sterling Montessori recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless, Sterling Montessori personnel shall take reasonable precautions to prevent students from accessing material and information that is obscene, pornographic, or otherwise harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose.

Sterling Montessori shall ensure that technology protection measures are used and are disabled or minimized only when permitted by law and LHU Board approved policy. Sterling Montessori is not responsible for the content accessed by users who connect to the Internet via their personal cell phone over the cellular network.

### **Parental Consent**

Sterling Montessori recognizes that parents/guardians of minors are responsible for setting and conveying the standards their children should follow when using media and information sources. Accordingly, before a student may independently access the Internet, the student's parent/guardian must be made aware of the possibility that the student could obtain access to inappropriate material while engaged in

independent use of the Internet. The parent/guardian and student must consent to the student's independent access to the Internet and to monitoring of the student's Internet activity and e-mail communication by school personnel. In addition, in accordance with Sterling Montessori's goals and visions for

technology, students may require accounts in third party systems for school related projects designed to assist students in mastering effective and proper online communications or to meet other educational goals. Parental permission will be obtained when necessary to create and manage such third-party accounts.

### **Use of Personal Technology on Sterling Property**

“Refer to Policy on Cell Phone and Other Electronic Devices.” Sterling Montessori assumes no responsibility for personal technology devices brought to school. To prevent the introduction of malicious code and protect the integrity of Sterling Montessori's Information Resources, Sterling Montessori's technology team may restrict the use of any hardware or software it deems inappropriate.

### **Personal Websites and Social Media**

The Executive Director or designee may use any means available to

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request the removal of personal websites and social media accounts that substantially disrupt the school environment or that utilize Sterling Montessori school names, logos, or trademarks without permission.

Students

Though school personnel generally do not monitor students' Internet activity conducted on non-Sterling Montessori devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the school, the student may be disciplined in accordance with school policy and applicable federal, state and local laws.

Employees

Pictures that show Sterling Montessori students should not be uploaded to an employee's social media account or personal website without the parent or guardian's express consent.



## P.11

### Admissions & Enrollment

#### Charter Admission and Enrollment Policy

Approved 7/2019

Modified 2/15/2023

Sterling Montessori is a tuition free public school. Any student who is qualified under the laws of this state for admission to a public school is qualified for admission at Sterling Montessori. According to NC G.S.115C-238.29F (g), a charter school shall not discriminate against any student on the basis of ethnicity, national, origin, gender, or disability.

All students eligible for enrollment in a North Carolina public school are eligible for enrollment at Sterling Montessori. All students are required by NC Charter School law to complete an application for admission. All applicants to the lottery must be North Carolina residents at the time of the application process with a physical North Carolina address. However, North Carolina county boundaries or school attendance areas do not affect charter school enrollment. In addition, Sterling does not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry.

#### Enrollment Priority

Sterling Montessori Charter School follows all rules and regulations regarding enrollment priority as specified in North Carolina Charter School Law 115C-218.45. The LHU Board of Directors has decided to offer admissions priority for the following tiers and will implement them in the manner described below:

1. **SCHOOL EMPLOYEES:** Priority is given to children and grandchildren of full-time Sterling Montessori employees.
2. **BOARD MEMBERS:** Priority is given to children and grandchildren of Sterling Montessori LHU Board Members. Total number of School employees and Board Members children and grandchildren are limited to no more than 15% of the school's total enrollment, unless granted a waiver by the State Board of Education.
3. **SIBLINGS:** Once a child in a family is enrolled at Sterling Montessori Charter School, any siblings applying for admission will receive priority enrollment status for the current school year. If there are no openings for their respective grade level, they will be placed at the bottom of the sibling waitlist. If Sterling is not able to offer a seat to a sibling for the current school year, the sibling will receive

priority enrollment status when they apply for the following year's lottery.

**Note:** The term "siblings" applies to any of the following students who reside in the same household: half-siblings, step-siblings, and children residing together in the same family foster home.

4. **SIBLINGS OF STERLING ALUMNI:** This refers to siblings of students who have completed the highest grade offered by Sterling Montessori and attended for at least four years at Sterling.

## **Special Circumstances**

1. Multiple Birth Siblings (twins, triplets, etc.)

Multiple birth siblings applying for admission shall enter one surname into the lottery to represent all of the multiple births applying at the same time. If that surname of the multiple birth siblings is selected, then all of the multiple birth siblings shall be admitted.

- If the names are drawn and placed directly on a wait list, the parents/guardians must determine which student is placed first on the waitlist.
- If the multiple birth siblings are in different grades, the parents/guardians will need to decide at the time of applications are submitted which grade level they would like for their surname to be entered.

2. Exclusion/Suspension from a Public School:

Notwithstanding to any law to the contrary, a charter school, in this case Sterling Montessori may refuse admission to any student who has been excluded or suspended from a public school under N.C.G.S.11SC-391 until the period of suspension or exclusion has expired.

## **Application Process**

There is no application fee for charter school admission.

Prior to the application period, Sterling Montessori will announce on its website when the online application for admission will be made available (opens in January), the deadline for submission (closes in February), and the date/time/location of the public lottery drawing (lottery drawing in March). The application period will be no less than 30 calendar days. Applications must be completed by the prospective student's parent(s)/guardian(s) or legal guardian. For those without digital access, a computer will be available located in the Main Office from 9:00 am to 3:00 pm on school days during the time of the application period.

For Kindergarten admissions, the student must be 5 years old on or before August 31st of the enrollment year (NC G.S. 115C-364).

Parents/guardians who accept enrollment for their child/children to attend Sterling, must be able to provide transportation to and from school, as there are no transportation services available from the school.

## **The Lottery Process**

The lottery will be conducted in the following manner:

1. Applications completed are digitally recorded and made available for the online enrollment program.
2. The online enrollment program eliminates the necessity for parents/guardians to come to campus to be notified of the results, however, anyone is welcome to attend in person should you want to witness the process. The details of this information can be found on the Sterling website.
3. The enrollment process is activated by Sterling Admissions who will then generate and record the lottery results.
4. The process is instantaneous and the results will be shared with families via the email addresses that were supplied on the digital application.
5. After the program has selected students for all available spaces and parents/guardians are notified, the drawing will continue to determine the order of a waiting list.
6. If a student has been selected in the lottery, the parent/guardian of the student will receive an acceptance notification via email. If the parent is unable to receive email, an acceptance letter will be mailed to the child's residence.
7. The school's wait list will be updated regularly and parents/guardians of students placed on the waitlist will receive periodic communication as to their student's place.

## **After Lottery Submissions**

Applications submitted after the lottery application deadline will be date and time stamped. These submissions will be placed at the bottom of the wait list according to the student's applicable grade level.

Applicants who would have received priority placement during the lottery process will still have priority placement if applications are received after the lottery drawing, if seats are available.

## **Acceptance of Enrollment**

The lottery results and waiting lists are posted on <https://www.sterlingmontessori.org>, and updates are provided as changes occur.

As stated, offers of enrollment will be delivered to lottery-selected children through the emails that were provided on their digital application. Prospective families are required to either accept or decline the offer via email or in writing, to document their response.

Parents/guardians or court appointed legal guardians of prospective students, will have 7 days to communicate their decision to either accept or decline Sterling Montessori's offer of enrollment. If Sterling Montessori does not receive a written response to the offer of enrollment by the close of business (4 PM) of the seventh (7th) day, the lack of response will be considered an effective declining of the offer. The student's name will be placed at the end of the waitlist for their grade level, and the offer will be presented to the next prospective student on that specific grade's waiting list.

- Thirty days prior to the first day of school, parents/guardians or court appointed legal guardians of prospective students will have 3 days to reply to an offer.
- Beginning one week prior to the first day of school and through the 35th student day, parents/guardians or court appointed legal guardians will have 24 hours to accept or decline Sterling Montessori's offer of enrollment.

Families that have accepted an offer of enrollment must then submit required enrollment documents to include a copy of their student's birth certificate, proof of residency and immunization records within 7 days after receiving the aforementioned documents. If we do not receive the enrollment documents within 7 days, the student's offer/seat is forfeited and the seat will be offered to the next student on the waiting list.

The wait list will only be applicable to the academic year that the lottery was conducted. Sterling will continue to fill open Charter seats from the waitlist as they become available for the first 35 academic days of the school year. After 35 days, no additional Charter students will be admitted to avoid disruptions to the classroom.

## **Attendance: First 20 Days of School**

Newly enrolled and returning students are expected to be in attendance each day for the first 20 days of school.

Once a parent/guardian accepts a seat, the student must attend school immediately. Parents/guardians are responsible for notifying our staff in advance if their student will not be in attendance at once. If a student does

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not attend school within the first three (3) days of school, the Admissions staff will email and call the parent/guardian of the admitted student. If the student does not attend school by the close of business on the third (3rd) day of school, that student will be automatically un-enrolled and the seat will be offered to the next person on the wait list.

Parents/guardian may appeal our decision to withdraw a student due to failure to adhere to the Admission Attendance Policy. A written appeal must be sent to the Section Director and Executive Director via email by close of business (4PM) the next day after receiving the withdrawal notification. The Section Director and/or Executive Director reserves the right to grant or deny re-enrollment based on the information provided in the appeal process.

### **Sterling's Right to Refuse Enrollment**

Sterling Montessori reserves the right to refuse to enroll any student currently under a term of exclusion or suspension by his or her school until that term is over.

If we become aware of misrepresentations on the application and it is discovered prior to the public lottery drawing, we will address them prior to the lottery. Post lottery, any misrepresentation may result in this application being discarded and/or applicant's dismissal from the school. Sterling Montessori reserves the right to refuse to enroll a student if a parent/guardian willingly and knowingly provided incorrect information on either the student's application for admission, or on the documents submitted at the time of enrollment.

**P.20**  
**Homebound**  
**& Modified Day**

## **Guidance for Homebound and Modified Day Placement**

*Approved: 10/2021*

### **Purpose**

In the fall of 2016, Disability Rights NC approached the NCDPI Exceptional Children Division with concerns about homebound placements of students with disabilities in NC. Concerns about the placements included lack of legal justification, length, frequency, lack of appropriate academic instruction, effects on educational outcomes, hardship on working parents, and use with other forms of exclusion, including suspension and modified day schedules. In response, DPI reviewed internal data about homebound placements and proposed that Disability Rights and DPI partner to facilitate a stakeholder group to attempt to address these concerns.

Professionals from schools, advocacy organizations, community disability and mental health providers, and others met to establish the stakeholder group. The focus was to create an open, thoughtful dialogue about the challenges of serving students with significant behavior support and/or intensive education needs, and offer guidance for improved solutions for addressing those needs.

This guidance document is the product of this stakeholder collaboration. It is designed to guide (Individualized Education Plan) IEP teams that are considering a homebound or modified day placement for a child and represents the collective thoughts of the stakeholder group on best practices to be followed by IEP teams. This document should be used in conjunction with the North Carolina Policies Governing Children with Disabilities, the Individuals with Disabilities Education Act (IDEA) and the federal regulations. It reinforces the basic legal requirement that every child is entitled to a free appropriate public education in the least restrictive environment; and it supports teams in their efforts to implement that requirement.

### **Introduction**

Homebound instruction is instruction provided in a setting outside of school for students with disabilities who are unable to attend school.

Instruction is provided by certified staff from the local education agency (LEA).

A homebound setting may be used in several distinct situations for

students with or without disabilities. This guidance document focuses on students with disabilities served with an IEP.

## **Child with a Disability**

As defined by the Individuals with Disabilities Education Act (IDEA), a child with a disability means a child who has autism, deaf-blindness, deafness, developmental delay (applicable to children ages 3 – 7), hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, serious emotional disability, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment, and who by reason of the disability, needs special education and related services.

Eligibility for services pursuant to the IDEA must be supported by an evaluation. Evidence must show that the child has at least one of the disabilities identified above, that the disability has an adverse effect on educational performance, and that the child requires specially designed instruction.

## **Homebound or Modified Day Placements - Students with IEPs Overview**

A homebound or modified day placement may be appropriate for a student served under the IDEA who is unable to attend school due to a medical or mental health condition. Additionally, in some situations, suspended students served under the IDEA may be placed in a homebound setting, as may students whose behaviors jeopardize the safety of themselves or others in the school building.

For students with disabilities served under IDEA, decisions regarding homebound or modified day placement are made by the student's IEP team. The IEP team must consider what will be the appropriate least restrictive environment for the student. Homebound isolates students from their peers - both those with and without disabilities – as well as from the variety of educators in the school building and the general learning environment. A modified day” for a special education student is a partial homebound placement and is highly restrictive because it similarly segregates students with disabilities.

When in a homebound or modified day placement, students with disabilities are entitled to receive a free, appropriate, public education

(FAPE). As it is modifying the IEP for implementation in a setting outside of school, the team must determine how the student will continue to access the general curriculum as well as the special education and related services identified in the student's IEP.

## **Student with IEPs and Medical Conditions**

Students with disabilities under the IDEA, like other students, may, at

times, be unable to attend school due to either temporary or long-term medical or mental health conditions. The student's IEP team must obtain written documentation from the student's medical and/or mental health providers when considering a homebound or modified day placement for medical or mental health reasons. Documentation from the medical providers must support the conclusion that the student's condition prevents the student from attending school. At the time a homebound placement is determined, the team should set a reasonable time for review of the placement.

## **Student with IEPs Serving Long-Term Suspensions**

A student who has been long-term suspended (i.e., suspended for more than ten school days) could be placed in a homebound setting in some circumstances. Under the IDEA, this type of removal from school is called a disciplinary change of placement." If the IEP team, which includes the parents, finds that the student's conduct is a manifestation of his/her disability, then the suspension may not occur, and the student must return to school. If, however, the IEP team finds that the conduct leading to the suspension was not a manifestation of the student's disability, then the long-term suspension may be implemented, and the student can be subjected to a disciplinary change in placement.

If a student with a disability is suspended for more than ten days, the student is entitled to a continuation of a free appropriate public education (FAPE) during the period of suspension. The IEP team must determine the alternative educational setting for the student. This could be in an alternative school in the district or in another setting. The student may not be placed in a homebound setting during the period of suspension unless the student's IEP team, which includes the parents, determines that such a placement is the least restrictive alternative environment for that student. If it is determined that the homebound placement is the least restrictive environment, the continued appropriateness of the setting must be reviewed at least monthly by a designee of the IEP team.

## **Student with IEPs Exhibiting Dangerous or Other Highly Disruptive Behavior**

A student who displays repeated dangerous or other highly disruptive behaviors, despite various staff interventions, may need to be removed from his or her current placement. A homebound placement may be necessary for a temporary period when the student's behaviors put the safety of the student, staff and other students in jeopardy and all less restrictive options on the continuum of placements have been considered to the extent appropriate.

Prior to the implementation of a homebound/modified day placement for a student exhibiting dangerous or other highly disruptive behaviors, the IEP team should consider the following actions unless, for some reason,



they are inappropriate or inapplicable for the situation: Initiate a reevaluation for the purposes of obtaining consent to conduct a Functional Behavioral Assessment (FBA) for the purposes of programming (reviewing/revising the student's IEP).

- Develop a strong, appropriate Behavioral Intervention Plan (BIP) based on the results of the FBA using evidenced-based practices.
- Implement the BIP with fidelity; evaluate and revise the BIP as needed.
- Review and revise the current IEP to determine if additional supplemental aids and supports in the current school setting are needed.
- Consult with school-based staff (counselors, school psychologists, etc.) who are familiar with the student to obtain information about the student's behaviors.
- Consult with district-level exceptional children administrators, behavior specialists, and/or disability-specific specialists about alternative strategies, supplemental aids, and supports.
- Consult with private behavior specialists and/or disability-specific program specialists from DPI about alternative strategies, supplemental aids, and supports.
- Request a release of confidential information to seek the recommendations of
  - the treating physicians or other mental health providers regarding supports that would allow the student to remain in a school setting and/or community agencies.
- Consider all alternative placements along the full continuum.
- Provide placement in a school setting that will offer the student a free, appropriate public education in the least restrictive environment.
- Thoroughly and accurately document consideration of additional supplemental aids and supports in the school, as well as consideration of all options along the continuum.

## **Evaluating the Appropriateness of a Homebound/Modified Day Placement**

When evaluating the appropriateness of a homebound/modified day placement, the IEP team should consider:

Factors regarding the nature and type of the services to be provided.

1. Current classes, schedule, course of study, and method of instruction/delivery (with consideration of both general

curriculum and special education curriculum)

2. Need for related services
3. Need for revisions to BIP for implementation in the home setting
4. Requirements for standardized testing
5. Impact of any ongoing medical conditions or treatment
6. Need for social or emotional instruction to address behavior that triggered the homebound/modified day placement
7. Coordination with community resources and supports

Factors affecting the amount of services provided.

8. Current classes, schedule, course of study, and method of instruction/delivery (with consideration of both general curriculum and special education curriculum)
9. Credit needed to progress to the next grade
10. Impact of any ongoing medical conditions or treatment

Factors affecting the scheduling of services.

11. The need to schedule instructional time around medical or mental health services or appointments
12. Coordination of multiple service providers (with consideration of both general and special education)
13. Coordination with family (supervision, work schedules, etc.)

## **Guidelines for Functional Behavioral Assessments**

Evidence-based strategies include the use of a Functional Behavioral Assessment (FBA) to develop a Behavioral Intervention Plan (BIP). When conducting an FBA, the IEP team should:

1. Assume the student wants to behave appropriately but lacks essential skills to respond to demands at school in an adaptive way.
2. Consider the scope of the assessment activities
  - A. Impartial observations conducted by professionals with particular expertise,

B. Multiple documented data-based observations across settings (For example, collect ABC data. ABC data consists of detailed data collection about the antecedents, behavior, and consequences. ABC data is not complete if it does not include antecedents. ABC data must be systematically documented, taken in real time, and taken over time. ABC data is not a description of an incident relayed verbally by a staff person at an IEP meeting.),

C. Parent/student/teacher interviews (Include meaningful input from the student, parents, teachers, and other relevant school personnel, including behavior specialists, to help identify the underlying causes of the behaviors. For example, does a student who is seeking adult attention act in an inappropriate manner and lack effective skills to appropriately communicate his wants and needs?), and

D. Analysis of behavior that prompted suspensions or lead to a change of placement

## **Guidelines for Behavior Intervention Plans**

1. Include meaningful input from the student, parents, teachers, and other relevant school personnel, behavior specialists, disability-specific specialists (such as autism specialists), and outside experts with knowledge and expertise.
2. Begin by identifying one or two target behaviors that a student can change, based on the result of the FBA.
3. Identify the replacement behaviors that will fulfill the same function as the undesired behaviors.
4. Provide the student repeated and consistent instruction in replacement behaviors. Identify the methods for this instruction in the BIP.
5. Include explicit and proactive strategies that staff will use to make the student's target behaviors unnecessary for the student.
6. Identify changes that can be made to the environment, if necessary, to minimize triggers to dangerous behaviors, and identify the personnel responsible for ensuring the changes occur.
7. Provide positive reinforcements for positive behavior that are selected specifically with and for the student. The IEP team could ask, "What will motivate this particular student to change his behavior?"
8. Identify the specific staff members who will implement the plan.
9. Include a plan for collecting and analyzing behavioral data and measurable criteria for success.

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10. Allow time for the BIP to be implemented with fidelity while recording data to track progress. Then, meet with the team again to review progress and make any necessary changes. Regular reviews of the student s progress and adjustments to the plan should occur monthly.
  
11. If the dangerous behaviors have not responded to the intervention plan, the team needs to meet to review and revise the BIP. The team should also consider whether the hypothesis made regarding the function of the undesired behavior was correct. If the team concludes the hypothesis was in error, it should revisit that aspect of the FBA or complete a new FBA.

## **P.21**

### **Concussion**

*Approved: 3/2019*

#### **Concussion Policy**

*This policy is mandated by North Carolina Statute GS 115C-12(12) titled Return-to-Learn After Concussion.*

#### **Head Injury Protocol**

911 should immediately be called for any injury resulting in loss of consciousness, significant neck pain, significant changes in mental state, severe headache, or uncontrolled bleeding or vomiting. A seriously injured child should not be moved.

#### **Concussion Defined**

A concussion is defined as an alteration in mental state, with or without loss of consciousness that occurs immediately after a head injury. Symptoms of concussion may include: loss of consciousness, headache, nausea, vomiting, disorientation, visual changes, disorientation, or slowed cognition. Long-term consequences of concussion can include cognitive impairment, mood changes, declining academic performance, and more severe brain injury.

##### **(1) Exclusion from Physical Activity / Intramurals / PE**

If any significant symptoms listed above occurs after a head injury, the student will be prohibited from participating in physical activity until he/she is cleared for participation in writing by a healthcare professional.

##### **(2) Classroom Accommodations**

Students who show significant symptoms of concussion, should be excluded from school until written clearance is received from a health care professional.

##### **(3) Medical Care Plan/ Educational Care Plan**

When a student returns to school following a concussion, Return-to-learn accommodations may include, but are not limited to: monitoring of learning, emotional functioning and behavior across all school settings, targeted strategies to support learning and behavior - including reasonable periods of cognitive rest and physical restrictions, a Medical Care Plan, or other interventions, as deemed necessary for the student by

the health care professional.

## **Employee Resources**

The Executive Director or designee shall arrange for information and professional development annually to all employees regarding topics on return-to-learn issues and other concerns related to concussion and brain injuries.

**P.22**  
**Suicide**

## **Suicide Intervention Policy**

*Approved 10/2021*

*Modified 2/25/2023*

We take **ALL** threats seriously. In the case of a suicide threat, the school's counselor and appropriate administrator should be notified immediately. The school will investigate all cases and take necessary steps to keep the student safe. **Do not leave the student alone at any time or permit them to leave campus without an adult present.**

The school's counselor or administrator will contact the student's parents/guardians and will link the student's parents/guardians with appropriate resources and recommendations, e.g., mental health professionals.

Parents/guardians may also be required to sign a release of information to allow teachers and staff members to speak with the student's therapist. Staff members may need to communicate with health professionals for suicide assessment or other needed services.

At the discretion of the Executive Director or School Counselor, the school may require an evaluation by a qualified health professional before the student is permitted to return to school

A conference may need to be held with the appropriate staff to determine appropriate steps for support.

## **Suicide Attempt at School**

The following notifications should be made immediately:

1. Call (911). Do not communicate the incident as a suicide attempt, but as a serious injury.
2. Notify the Director or designee.
3. Contact the parent(s)/guardian(s).
4. Keep all students and uninvolved school staff away from the scene.
5. Notify the school Counselor in order to activate the intervention plan.

**P.23**  
**Student**  
**Release**

## **Student Release Policy**

Parents/guardians must provide the school with a list of people authorized to pick up the student on their Parent s Authorization for Release Form. No child will be dismissed to any unauthorized person at any time. Even persons authorized to pick-up but unknown to the school may be asked to identify themselves with a valid picture ID. Sterling Montessori requires a written, signed note from the parent or guardian indicating any and all changes to this list of authorized persons. The school will not under any circumstances release a child to an unauthorized person on the strength of a telephone call or third-party request. To avoid frustration and inconvenience, parents/guardians must keep their forms up-to-date and on file in the School office.

If a student is to be released to a person other than someone named on the Parent s Authorization for Release Form, the following procedure will be followed:

- Sterling Montessori requires a written and signed notification from the parent or guardian. A note must be sent naming the person who will pick up the Student; phone calls and messages from a third party will not suffice.
- A staff member must call the parent/guardian and verify the dismissal;
- Person picking up child must show pictured driver's license

Student is then released to the person who must sign the dismissal log.

If, in an emergency, someone other than a pre-authorized person needs to pick up the student, the parent or guardian must call the school with the name and description of that person and wait for a call back from the School.

The legal guardian is responsible to advise the school of court restraining or custody orders and must submit copies of such, for the child s file. Under no circumstances will a student be released to someone who is intoxicated or under the influence of drugs.

## **Expectation of Privacy**

It is the responsibility of every employee to protect the school s and each student s confidential information. The business affairs of the school should

not be discussed outside the organization except when required in the normal course of business. Information concerning students should be regarded as confidential information. Access to any sensitive school or student information and operating procedures will be limited to those employees on a need to



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know” basis only. Unauthorized employees are prohibited from attempting to obtain or observe this information.

Any employee in the possession of confidential information is responsible for their security and extreme care must be taken to ensure that this information is safeguarded to protect the school, its students, and its employees.

**P. 24**  
**Custody**

## **Verification of Child Custody Policy**

It is the responsibility of Sterling Montessori to determine that any person appearing at the school requesting permission to take a student from the school be properly identified and approved before allowing that person to do so. For this reason, any person other than an authorized parent, guardian, or legal custodian, will not be permitted to take a student from school unless the Administration is satisfied that such person has the approval of the authorized parent or guardian. A Custodial Release Form is available to parents/guardians who would like to submit documentation prohibiting the release of their children to other family members.

If there is a legal custody order attesting legal guardianship/custodial proceedings, parents/guardians must notify the school and provide the school with a copy of the following:

- Any binding court orders or separation agreements
- Sterling Montessori Custodial Release Form, which is available upon request in the front office.

Please note: Custody orders obtained in another state are not valid. Parents/guardians must have out of state orders registered in North Carolina. If a parent cannot provide the school with a court order or separation agreement concerning custody, the school assumes that both parents/guardians have equal access to the child(ren). If the school does not have the proper documentation either parent or legal guardian will be able to see the child(ren) at school and have the child(ren) released to them.

**P. 25**  
**Donated**  
**Stock**

## **Acceptance of Donated Stock/Marketable Securities Policy**

*Approved 2/2020*

Donations of stock or marketable securities to the Laura Holland Uzzell Foundation (LHU) shall be immediately liquidated and converted into cash.

LHU's brokerage account(s) shall maintain a minimum balance of cash required by the account(s) to facilitate donations of stock or marketable to LHU and subsequent liquidation of the donation; however, all cash exceeding the minimum balance shall be transferred into the LHU development bank account.

The maintenance of the LHU development bank account and brokerage account(s) shall be the responsibility of the LHU Treasurer or his/her designee in conjunction with the Development Committee and the Finance Committee.

The Finance Committee shall conduct an internal audit of the development bank account and brokerage account(s) on or before the last Finance Committee meeting prior to LHU's annual meeting to ensure the accuracy and integrity of the account balance(s). The Finance Committee shall then report the verified balance(s) to the LHU Board at the annual meeting.

Donated stock and marketable securities and any sales proceeds resulting from the sale of these donations are considered unrestricted contributions to LHU; however, if the donor imposes a restriction as a condition of the donation, procedures for accounting of the restricted contribution shall be determined by the Finance Committee.

**P.26**

**Service  
Animals**

## **Service Animals Policy**

In accordance with Section 504 of the Rehabilitation Act of 1973 (Rehab Act”), the Americans with Disabilities Act of 1990 (ADA”), and state law, Sterling Montessori may be required to accommodate an otherwise qualified individual with a disability by making a reasonable modification in its services, programs, or activities. Sterling Montessori acknowledges the health and safety interests of the general community. This policy addresses the use of service animals on campus by qualified individuals with disabilities. Pets and therapy animals are not considered service animals and therefore are not covered by this policy.

This policy applies to any guide animal, signal animal, or other approved animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair, fetching dropped items, or other tasks that are directly related to the individual's disability. The animal must be a dog or in limited circumstances, a miniature horse. No other type of service animal will be permitted. An animal must meet this definition to be considered a service animal for purposes of this policy, regardless of whether it has or has not been licensed or certified by a state or local government, or by a private agency. Animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, to promote emotional well-being, or to act as a deterrent to crime are not service animals.

Sterling Montessori adheres to the Americans with Disabilities Act and state laws permitting the use of service animals by individuals with disabilities. When not readily apparent, school officials may inquire as to whether the service animal is required because of a disability and what work or task the service animal has been trained to perform. School officials and staff are not allowed to request any documentation for the service animal, require that the service animal demonstrate its task, or inquire about the nature of an individual's disability; however, the individual with disability or his/her parent or guardian may wish to share information about the nature of the disability to assist Sterling Montessori in providing accommodations.

## **Requirements**

The use of service animals by staff or students with a disability is subject to the following requirements:

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1. Service animals must be housebroken; must have received all vaccinations as required by state law; must wear a rabies tag; must be free of parasites, must be kept clean and groomed, and otherwise in good health; must be under the control of its handler; and must be on a harness, leash or other tether, unless the service animal is required to perform a task that it could not accomplish while on a leash/lead or the handler is otherwise unable to maintain the service animal on a leash/lead due to a disability. In such a case, the handler still must be able to maintain control over the service animal through other means.
2. All costs related to the handling and care of the service animal are the responsibility of the staff member or the parent/guardian of the student for whom the service animal provides service.
3. Sterling Montessori is not responsible for the care or supervision of a service animal, including walking the service animal or responding to the service animal's need to relieve itself. A student or employee with a service animal is expected to care for and supervise the service animal. In the case of a young child, or a student with disabilities who is unable to care for or properly supervise a service animal, the parent/guardian is responsible for providing a handler to care for and supervise the service animal. Any handler provided for a service animal must be able to meet all statutory and day care licensing regulations (background check, fingerprinting, etc.) in order to be in the presence of students, including the requirements set forth in other Sterling Montessori policies. The handler for the service animal is not allowed to interact with the students, other than to inform them of the needs of the service animal, and the handler shall not interfere in any way with the functioning of the classroom. If the handler is unable to meet the applicable statutory, day care licensing regulations, and/or other Sterling Montessori policies related thereto, or if the handler's behavior interferes with the proper functioning of the classroom environment, then Sterling Montessori has the right to exclude that particular handler.
4. A designated area for the service animal to eliminate will be identified. Any solid waste deposited by the service animal must be immediately removed by the student or employee with a service animal or the handler and disposed of properly in the garbage. If the service animal eliminates inside, the urine or stool must be cleaned promptly, and the area properly disinfected. Any elimination on carpet must be steam cleaned before students can be exposed to the carpet, and that cost shall be the sole and exclusive responsibility of the staff member (when the service animal is required by a staff member) or the parent/guardian of the student for whom the service animal provides service.
5. The use of a service animal on Sterling Montessori property by a student or employee will be subject to a Service Animal Plan, which covers the introduction of the service animal to the school

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environment, and any appropriate training for staff and students regarding interaction with the service animal.

6. For students, the need for a service animal may require a specific classroom placement, in order to accommodate the allergies/fears of the existing students or faculty. Final decisions on classroom placement are within the sole discretion of the Executive Director or designee, and those decisions are not eligible for appeal to the LHU Board. If there are staff or students at the school with severe allergies to, or severe phobias of, the service animal, the service animal may be restricted from that particular classroom, but service animals will not be excluded from the common areas of the school.
7. The owner or handler of a service animal shall be solely and exclusively liable for any damage to Sterling Montessori or personal property to the same extent required by other regulations that impose liability for property damage. The owner or handler of a service animal shall also be solely and exclusively liable for any physical damage or injuries caused by the service animal. The student and parent/guardian of a student or the staff member (when the service animal is required by a staff member) who uses a service animal on Sterling Montessori property shall hold Sterling Montessori harmless from any and all liability and indemnify the school from any such damages and liability.

## **Grounds for Removal of Service Animal**

Any service animal that causes injury to staff or students or that demonstrates any form of aggression no matter how mild (e.g. growling, lunging forward, biting or snapping, etc.) shall be immediately isolated and permanently removed from Sterling Montessori premises. In addition, Sterling Montessori may also remove or exclude a service animal for any of the following reasons:

1. If the service animal is out of control and/or the service animal's handler does not effectively control the service animal's behavior, the service animal may be removed from the premises, either temporarily or permanently, depending on the severity of the behaviors. The decision on whether to temporarily or permanently remove the service animal from Sterling Montessori premises is within the sole discretion of the Executive Director or designee.
2. All service animals must be properly housebroken. Any service animal that eliminates inside the building more than once in a school year will be considered not properly housebroken and may be removed from Sterling Montessori premises. The decision on whether to temporarily or permanently remove the service animal from Sterling Montessori premises is within the sole discretion of the Executive Director or designee.
3. If the service animal poses a direct threat (perceived or real) to the

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health or safety of others that cannot be eliminated by reasonable modifications, the service animal may be removed from Sterling Montessori premises. The decision on whether to temporarily or permanently remove the service animal from Sterling Montessori premises is within the sole discretion of the Executive Director or designee. The presence of students or staff members with allergies or fears of animals is not sufficient grounds for the exclusion of a service animal.

4. If the service animal's presence or behavior fundamentally interferes in the functions of Sterling Montessori, the service animal may be removed from Sterling Montessori premises. The decision on whether to temporarily or permanently remove the service animal from Sterling Montessori premises is within the sole discretion of the Executive Director or designee.

Decisions regarding the use of service animals may be appealed through the process identified in the Sterling Montessori Parent/Guardian Grievance Policy.

**P.27**

## **Sick Policy**

### **Sick Policy**

*Approved 5/2020*

*Sterling will follow all CDC and DHHS guidelines. These guidelines, may at times, differ from those found in the policy below.*

Sick children in grades 1-8 are brought to the office. Parents/guardians are then contacted to come to school to pick up their children during the day. Children are to be kept out of school if any of the following symptoms develop at home:

- Fever
- Fever is determined by a thermometer reading 100.4 or higher **or** by subjective signs such as flushed cheeks, fatigue, extreme fussiness, chills shivering, sweating, aches, headache, not eating or drinking.
- Strep throat, until 24 hours after treatment has started
- If the child has vomited within a 24-hour period
- A red eye with white or yellow discharge, until 24 hours after treatment
- Scabies or lice (a child with any nits in their hair will be sent home until they are nit-free)
- Chicken pox, or a rash suggestive of chicken pox
- Impetigo, until 24 hours after treatment
- Tuberculosis, until 2 weeks after treatment
- Pertussis, until five days after appropriate antibiotic has been taken
- Hepatitis A, viral infection, until one week after onset of illness or jaundice
- Sudden onset of diarrhea characterized by an increased number of bowel movements compared to the child's normal pattern
- When a physician or other health professional issues a written order that the child should be separated from other children
- Open sores that cannot be covered, until a health professional states that the child is not infectious
- COVID symptoms according to CDC and DHHS



**When necessary, classroom communities will be notified of a spreading illness. CDC and DHHS requirements for reporting to the health department will be followed at all times.**

**Children may not return to school for a period of 24 hours after being sent home due to fever, vomiting or diarrhea.**

**P.28**

## **Off-Campus**

### **Off-Campus Field Trip Policy**

Field Trips apply to Kindergarten through Middle School Aged Children.

The purpose of this policy is not only to ensure the safety of all students, staff, and volunteers, but also to enhance the classroom educational experience. All off- campus field trips require pre-approval from the Section Director. Only curriculum-related study and trips in adherence to the safety precautions outlined below will be approved.

#### **Definitions**

##### Off-Campus Field Trip

An off-campus field trip is one that requires students to leave the school grounds for an educational purpose and/or to take part in co-curricular activities.

Types of field trips include:

- Day field trips
- Recurring field trips (such as participation in annual events for co- curricular activities)
- Overnight field trips

#### **Approval Process**

Section Director(s) must approve all field trips before making arrangements. A full description of the proposed arrangements and activities shall be included on the Field Trip Approval Form and submitted to the Section Director. The form shall be submitted before reservations are made and at least two (2) weeks prior to the commencement of the field trip.

#### **Parental Information and Consent**

Information about the trip should be completed by the teacher on the parent field trip permission form (available in the Appendix of the

Employee handbook). A signed parent permission form from the student s parent/guardian is required before the student can participate. Verbal consent from the parent/guardian is not acceptable.

## **Pre-Trip Preparation of the Student**

Attending a school field trip is considered a privilege for students who are in good academic and behavioral standings for the current school year. A student's eligibility is determined through advanced discussion and partnership with Lead Teacher, Section Director(s) and parents/guardians.

Preparing the students in advance is a key component to the success of any field trip. Below is list of several items to discuss with students:

- The school's Code of Conduct and Behavioral Model applies while on all field trips.
- Highlight itinerary, activities and special hazards in which the students will be participating. This includes the type of clothing and equipment needed.
- Health and Safety procedures, e.g. hand washing, staying with the group, the buddy system and what to do if a child is separated from the group.
- The Cell Phone/Device Policy applies on field trips
- For all trips, teachers will approve final room/group assignments and plans.

## **Teacher Preparation and Responsibilities**

Ensuring the safety of all Sterling Montessori students is a priority during any and all trips. In this regard, the following safeguards are followed:

- Make arrangements for students who do not attend field trips
- All overnight school trips that include male and female students shall have male and female chaperones.
- Ensure chaperones complete the required paperwork. This includes: copies of their current driver's license and a completed criminal background check. In addition, all chaperones who are driving are required to have completed the current Approved Field Trip Driver form.
- All teachers should bring red bags with them on trip. This bag includes Student information sheets and accident/Incident reports.

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- Chaperones should be given a copy of emergency information of students in their group.
- Students must notify the adult if they leave the group and should travel in pairs when leaving the group.
- Any vitamins, supplements, prescription or non-prescription medications will need to be turned into classroom teacher before the day of the trip in a zip-locked bag clearly labeled with child's name including all required medical forms. Teachers are not able to administer any medication without the necessary forms.
- Students are not to be in opposite gender specific areas (such as tents or restrooms) unsupervised at any time.
- Arrangements will be made to provide secure storage and administration of medication.
- Teacher will alert administration of their arrival
- For overnight trips: teacher will notify parents/guardians of arrival
- Receipt of Funds: As money comes in to pay for field trips with fees, place it in an envelope with your room number amount and field trip location on it. Then deposit it in the locked tuition box in the main office on a daily basis. Money should not be kept in your room. You will receive a receipt once the money is deposited.
- Check Request: Two weeks prior to your trip, request a check from the Data Manager using the Check Request Form regardless of whether all the money has been collected. If the check ends up being for more money than is necessary, ask the field trip site to mail a refund to the school.

## **Chaperone Preparations and Responsibilities**

It is essential that staff coordinate a meeting with chaperones in order to review what is required of them for the duration of the trip. These expectations include the following:

- A detailed itinerary
- Review Supervision, Medication and Emergency procedures including sleep expectations during overnight trips
- Rules of conduct: explain the "School Code of Conduct Discipline Model" including student expectations regarding cell

phones/technology.

- It is necessary for chaperones to be aware that the school does not allow: alcohol consumption, illegal substances, weapons, driving while texting or talking on a cell phone, sleeping arrangements where men and women share the same room on extended stay field trips.
  
- To ensure the safety of the chaperones and students, chaperones should not be alone with any individual student. Any individual interactions with students should take place in open, visible public spaces.
  
- If it is necessary for adults to sleep in the same room as students, the adult should never share a bed with any student unless it is their own child. There should be two adults in each room with students.
  
- Chaperones are permitted to use phones for instructional or medical purposes. They are encouraged to carry a cell phone with them and share that number with office administration and attending faculty as an added security resource. When possible, chaperones should avoid reading or sending personal text messages when with students. If this is not possible, we ask that chaperones notify another adult who can assume responsibility for their students, and step away to use their phone.
  
- All issues of discipline of students and communication with parents/guardians will be handled by the classroom teacher.

## **Handling Emergencies**

All Sterling Montessori employees are First Aid/CPR certified. In the event of any minor injuries or accidents teachers will administer First Aid as outlined in their training and will follow Sterling Montessori Employee Handbook Protocols.

### Types Of Emergencies That Can Occur While On Field Trip

- Life Threatening emergencies
  
- Lost or missing student
  
- Natural disasters, i.e. inclement weather
  
- Physically dangerous acts, illegal acts, overt defiance, or serious disciplinary problems

### Actions That Should Be Taken When an Emergency Occurs on A Field Trip

- In the event of a life-threatening emergency, 911 will be called

immediately then parents/guardians will be notified.

- The teacher will notify Sterling Montessori's front office, who will then call parents/guardians if not already contacted
- Complete necessary Accident/Incident Reports within 24 hours.

## **Transportation Information for All Drivers and Chaperones**

### Private Vehicles

- It is most important to ensure the safety of students by making sure drivers:
  - Are at least 21 years old
  - All Drivers/chaperones must have submitted a copy of a valid driver's license, insurance Declaration Page, current background check
  - It is recommended that all drivers have a fully charged electronic device in order to communicate with staff and other drivers on the trip
  - Necessary to have emergency contact information of the children being transported.
  - Ensure that all drivers have knowledge of North Carolina State Law regarding child restraints and that this statute has been applied:
  - Children age 5 (or 40 pounds) to age 8 (or under 80 pounds) require a booster seat.
  - According to N.C. law, children less than age 5 and less than 40 pounds must sit in the back seat of any vehicle with passenger-side airbags. Safety organizations advise leaving kids in the back until they are 13
  - Children age 6 to age 15 and adult passengers/driver require both lap and shoulder belts secured to the framework of the seat

### Charter Bus Services

If a charter bus service is used, the school must ensure the safety of its students by:

- Adhering to North Carolina Motor Vehicle laws in addition to the

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Federal Motor Carrier Safety Regulations (FMCSR). North Carolina Law requires that a driver of a bus designed to transport more than 15 passengers including the driver have a valid Commercial Driver's License (CDL) with a passenger endorsement. North Carolina requires that buses be registered properly and that a carrier transporting passengers for hire must have a for-hire license.

- The company hired must be approved by administration and be able to provide all documentation to show that it is compliant with all applicable FMCSR's – certificate of insurance in which the school is named as an additional insured.
  
- A staff member must be present on the bus with the students during the trip.

**P.32**  
**Attendance**

## **Attendance Policy**

*Approved 7/2019*

### **The following policy applies only to Charter students:**

In accordance with North Carolina's compulsory attendance law, G.S. 115C-378, the school shall notify the parent, guardian, or custodian of his or her child's excessive absences after the child has accumulated 3 unexcused absences in a school year. After 6 unexcused absences, the school shall notify the parent, guardian, or custodian that he or she may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the State and Sterling Montessori. Once the parents/guardians are notified, the school shall work with the child and the child's family to analyze the causes of the absences and determine steps to eliminate the problem.

After 10 accumulated unexcused absences in a school year, the school shall review any report or investigation prepared under G.S. 115C-381 and shall confer with the student and the student's parent, guardian, or custodian, if possible, to determine whether the parent, guardian, or custodian has received proper notification and made a good faith effort to comply with the law. If the school determines that the parent, guardian, or custodian has not made a good faith effort to comply with the law, the school shall notify the district attorney and the director of social services of the county where the child resides. If, however, the school determines that the parent, guardian, or custodian has made a good faith effort to comply with the law, the school may file a complaint with the juvenile court counselor pursuant to Chapter 7B of the General Statutes that the child is habitually absent from school without a valid excuse. Upon receiving notification by the Executive Director or designee, the director of social services shall determine whether to undertake an investigation under G.S. 7B-302.

The NC Department of Public Instruction defines excused absences as:

- Illness or injury which prevents the student from being physically able to attend school.
- Quarantine ordered by the local health official or the State Board of Health.
- Death in the immediate family (includes, but is not necessarily limited to, grandparents, parents, brothers, and sisters).
- Medical or Dental appointments



- Court or administrative proceedings
  
- Religious observance
  
- Educational opportunity (approval must be granted by the Executive Director or designee one week prior to the absence).
  - Educational opportunities will be limited to ten (10) academic days in one academic calendar.
  
  - Educational opportunity will not be approved as an excused absence within the first 20 school days of an academic year or during testing days, except under special circumstances at the discretion of the Executive Director or designee.
  
- Absence related to deployment activities: A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone.

Any absence not falling into one of these exceptions will be determined to be an unexcused absence.

Attending school on the first day is crucially important. Sterling Montessori receives full state funding for a student ONLY if the student is present on the first day of school, at the minimum 3.5 hours. Charter schools in North Carolina are funded through a formula that's based on average daily membership, or ADM. 1/20th of the full year funding is deducted each day your child is not enrolled. The state reviews Sterling Montessori's ADM for the first 20 days of school and determines the school's per-student funding based on that number. The higher our average membership, the more state funding Sterling Montessori receives.

If a student does not attend school on the first day, the school will contact the student's parent or guardian. If an enrolled student does not attend Sterling Montessori by the close of business on the third (3rd) day of school, the school's funding will be negatively affected. Sterling Montessori requires written explanation for the reason of the student's absence as well as confirmation of the intent to remain enrolled.

**Twenty (20) absences of any kind, including whole day absences, tardy absences, early dismissal absences (excused and unexcused combined) may be considered as a criteria for retention.**

**P.34**  
**Retention**

## **Student Policy for Retention**

*(approved 4/2019)*

Montessori instruction accommodates the varying interests and academic development of individual students. Students will progress each year by completing the Montessori and State Standard curriculum necessary to support their success at the next grade level.

Retention (remaining at the same grade level for a second year) is an action that may be taken to assist a student to be more successful in their learning. Risk for retention should be identified as early in a child's school career as possible. As soon as identified, the staff should begin interventions to assist the student in areas of concern. The retention team, made up of parents/guardians, teachers, MTSS, and administration will determine if this is the best course of action for the student by using criteria such as intellectual maturity, academic achievement, including standardized testing, physical, social, psychological, and emotional considerations.

The demonstration of individual student learning is to be measured by, but not limited to, the following:

- Student progress in Reading/Language Arts and Math (more than one grade level below)
- Assessments in Reading/Language Arts and Math (more than one grade level below)
- State testing scores in Language Arts and Math (assessing below or far below basic in all subject levels)
- Conclusion of intervention goals determined by the MTSS team

### **Timeline**

Discussions for promotion and retention should take place all throughout the student's school year. Promotion and Retention decisions must be made by the end of the child's school year.

### **Criteria to Consider:**

#### Social

- Who is the child's peer group/who do they relate to?

- What is their ability to express their needs?
- Are they able to work well with adults?
- How do they work in a group? Are they willing to participate in small group/large group?
- Does the child have behavior problems? (Retention will not usually help the child with behavior problems to improve. Again, efforts need to be made to find the causes of the misbehavior and to intervene accordingly).
- Is the student socially/emotionally immature? (Social/emotional maturity is a significant factor. Students need to be ready to learn the curriculum for that grade and to fit in socially with the peer group. This factor becomes significant when presented with other symptoms. Students at this age who appear immature may only be slower to mature and may “catch up” later (it is “normal”, during the middle school years, for different students who are the same age to be two or three years apart in maturity). Retention for this reason alone is not recommended.

### Emotional

- Do they have the stamina to work for longer periods of time?
- Do they meet the expectations for emotional maturity that is needed for the next level?
- Are they able to handle transitions with little to no adult redirection or support?

### Academic/Work Habits

- Are they able to work in a group and to sustain attention for at least 20 minutes in a large group?
- Are they able to choose work independently and sustain attention for a developmentally appropriate amount of time?
- Are they able to start and finish tasks?
- Do they have good attention span?
- Do they show appropriate application and interest in doing the academic works?

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- Are they demonstrating steady progress in curricular areas?
- Are they able to follow 2-3 step directions?
- Is the child getting additional support or services? If so, in what areas?
- Does the child have average to above average ability? (Lower ability students are less likely to benefit from retention. Lower ability students may benefit more from other interventions in the classroom.)
- Is the child developmentally young, or delayed? (A developmentally young child may experience difficulties learning and may be unable to meet the demands of the current grade. This child may certainly be a candidate for retention, particularly in the primary grades)

Physical

- What is the child's physical size (small or large for their age?)

Birthdate

- What is the child's birthdate?

\*\* If transitioning child meets 4 of the 5 criteria the child is ready to move to next level.

\*\* If transitioning child meets 3 of the 5 criteria success in transition would be questionable.

\*\* If transitioning child meets 2 or less criteria transitioning to next level is NOT recommended.

## **Other Questions to Consider**

Attendance

- Does the child have attendance problems? (The cases of poor attendance need to be addressed. However, at this level this is not an area to consider for retention unless linked to maturity or peer relationships).
- Has the child changed school frequently? (Transience can be a temporary factor in poor school performance. Students who have changed schools frequently should be given time to adjust. Retention will not usually help unless other factors are present, (e.g. chronologically ore developmentally young or immature).

**P.36**  
**Cell**  
**Phone Use**

## **Cell Phones and Other Electronic Devices Policy**

*Approved 4/2019*

The purpose of this policy is to regulate the use of cell phones and other electronic devices by students while on campus. This ensures that lessons and student work will not be interrupted, safeguards students against cyber bullying, and prevents theft of such devices.

“Other electronic devices” refers to any device (such as computers, smartwatches, tablets, etc.) that can be used for oral conversation, and other means of communication, such as texting and emailing.

The term “misuse” as it is used in Sterling Montessori’s Code of Conduct And Discipline policies includes, but is not limited to, the disruption of classroom instructional activities, the use of inappropriate language, the sharing of inappropriate content, harassment, bullying, and/or communicating threats or violation of this policy.

During the school day, cell phones or other electronic devices must be stored in the student’s locker, backpack, purse, or tote, hidden from view and turned completely off.

Cell phones and other electronic devices are not permitted on any field trips and shall be subject to immediate confiscation by staff or administration unless otherwise approved by the Executive Director or designee. Should cell phones or other electronic devices be permitted on a school trip, the classroom teacher will set guidelines specific to that field trip’s needs to be approved by the Executive Director or designee. All students must adhere to these guidelines.

Cell phones and other electronic devices are subject to confiscation by the staff or administration if any of the following occur:

- The cell phone or other electronic device is visible.
- The cell phone or other electronic device rings or vibrates during the school day.
- The cell phone or other electronic device’s use during an emergency inhibits the safety or rescue efforts of emergency crews and/or violates safety regulations.
- The cell phone or other electronic device is used for plagiarism or other academic dishonesty, is used to view inappropriate content, or is used to

bully, harass, and/or threaten others.

Any cell phone or other electronic device that is confiscated will only be returned to the student's parent or guardian. Sterling Montessori shall not be liable for any damage to any student's cell phone or other electronic device.

### **Disciplinary Measures**

If a student violates this policy two (2) or more times during an academic calendar year, the student shall be prohibited from possessing any cell phone or other electronic device while on school property.

If a student is found in violation of both this policy and the Sterling Montessori conduct guidelines outlined in the "Sterling Montessori Discipline Model" (Parent Handbook), it shall be taken into consideration with regard to disciplinary measures.

### **Responsibility**

All students who bring cell phones or other electronic devices to Sterling Montessori are doing so at their own risk. Sterling Montessori shall not be held responsible for lost, stolen, or damaged cell phones or other electronic devices.

**P.37**  
**Student**  
**Records**

## **Student Records Policy**

All student records shall be up-to-date and shall be maintained with appropriate measures of security and confidentiality. Sterling Montessori abides by the Family Educational Rights and Privacy Act of 1974 (FERPA) with regard to the procedures for inspection, review and disclosure of student records as set forth in 20 U.S.C. § 1232g, 34 C.F.R. Part 99. Records protected by this policy include any recorded information directly related to a student and maintained by Sterling Montessori. Student records do not include the records of school personnel that are in the sole possession of the maker and which are not accessible or revealed to any other person except a temporary substitute for the person who made the record. Each student's official record must be maintained permanently and must include: the student's date of birth, attendance data, grading and promotion data. Student official record will also contain any notice and notice of any suspension of more than 10 days (long-term suspension) or exclusion and the conduct for which the student was suspended or excluded.

The Executive Director or designee may expunge a notice of long-term suspension or exclusion from the student's record if the following criteria are met:

- The student graduates from high school or is not suspended or excluded during a two-year period following the student's return to school after the suspension or exclusion.
- The Executive Director or designee determines that maintenance of the record is no longer required to maintain safe and orderly schools.
- The Executive Director or designee determines that the maintenance of the record is no longer needed to adequately serve the student.

The Executive Director or designee shall expunge a notice of long-term suspension or exclusion from the student's record if all of the above criteria are met and a request for expungement is made by a parent, legal guardian, custodian, student who is at least 16 years old or student who is emancipated.

Additional rights of parents/guardians and eligible students concerning a student's special education records are explained in the *Handbook on Parents' Rights* and the *North Carolina Policies Governing Services for Children with Disabilities*.

## **Student Records Request Policy**

North Carolina Public Schools, along with Sterling, use an electronic student database. Once a student signs up for another school, a request is sent to Sterling, and records are released to the school. Once we receive a student record request, the student is dropped from our enrollment and the position is filled with another student.

## **Expungement of Disciplinary Information From Student Records**

The official record of each student enrolled in Sterling Montessori shall be permanently maintained in the files until after the student graduates, or should have graduated, from high school.

The official record shall contain, as a minimum, adequate identification data including date of birth, attendance data, grading and promotion data, and such other factual information as may be deemed appropriate by the school. Each student's official record also shall include notice of any long-term suspension or exclusion imposed pursuant to G.S. 115C-390.7 through G.S. 115C-390.11 and the conduct for which the student was suspended or excluded. The President of the LHU Board shall expunge from the record the notice of suspension or exclusion if the following criteria are met:

- One of the following persons makes a request for expungement:
  - The student's parent, legal guardian, or custodian.
  - The student, if the student is at least 16 years old or is emancipated.
  
- The student either graduates from high school or is not excluded or suspended again during the two-year period commencing on the date of the student's return to school after the exclusion or suspension.
  
- The President of the LHU Board determines that the maintenance of the record is no longer needed to maintain a safe and orderly school.
  
- The President of the LHU Board determines that the maintenance of the record is no longer needed to adequately serve the child.

The President of the LHU Board may opt to expunge the disciplinary record even if not requested by the parent, legal guardian, custodian, or student, if all the other provisions have been met.

The official record of each student is not a public record as the term "public record" is defined by G.S. 132-1. The official record shall not be subject to inspection and examination as authorized by G.S. 132-6.

The actual address and telephone number of a student who is a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes or a student with a parent who is a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes shall be kept confidential from the public and shall not be disclosed except as provided in Chapter 15C of the General Statutes.



**P.38**  
**Dress Code**

## **Sterling Montessori Dress Code**

*Approved 5/2020*

The purpose of this policy is to make sure children are dressed appropriately in clothes that allow for safe movement, independence and the possibility of getting dirty. We discourage distracting clothing such as those with lights, or which squeak, etc.

Academy/Kindergarten students are required to provide a spare change of clothing that is seasonally appropriate. In case of an accident, children who do not have a change of clothing will be sent home to change. Sterling Montessori does not have spare clothing or laundry at our facilities.

### **Prohibited Attire**

Prohibited attire includes, but is not limited to, that which involves:

- Exposed undergarments, buttocks, chest, or pubic areas (includes see-through clothing) at any time while walking, running, sitting, standing, squatting and bending over.
- Exposed midriffs.
- Messages or illustrations that are lewd, indecent or vulgar or that advertise any product or service not permitted by law to minors.
- Chains, spikes or other apparel reasonably perceived to be weapon.
- Clothing with images or language of hate groups or clothing or symbols worn with the intent of intimidating or oppressing other students.

### **Dress Code Violations**

Administration may use their discretion in implementing the dress code. If a student is found in violation of the Dress Code they may be asked to:

- Turn offensive clothing inside out.
- Remove offensive clothing (if possible).
- Change their clothing.

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- Students will be sent home or parents/guardians could be contacted to bring in appropriate clothing if they are unable to change, or remove the clothing that is in violation of the Dress Code.

**P.39**  
**Grievance**

## **Parent & Guardian Grievance Policy**

*Approved 8/2018*

Sterling Montessori Academy and Charter School (“Sterling Montessori”) encourages resolutions of any grievance through informal means, however it recognizes that, at times, a formal process may be necessary for certain types of grievances or if the informal process did not produce satisfactory results. Grievances will be dealt with in accordance with all applicable laws, policies, and regulations. Grievance proceedings and all information pertaining to them shall be kept confidential at all levels to the extent feasible and permitted by law.

The LHU Board believes that effective school governance requires that the primary responsibility for grievances involving the day-to-day management and decisions regarding school management remains with the Administrative team. Examples of day-to-day management and decisions include, but are not limited to, student discipline, curriculum, assessment and promotion. Day-to-day management and decisions should be made by the staff, the Section Directors and the Executive Director (“ED”), as these individuals are best equipped to resolve grievances that arise with respect to these issues.

It is in direct violation of this policy for anyone to retaliate against a parent, guardian, or student who files a grievance under this policy.

If the grievance is against any Director of the Laura Holland Uzzell Foundation, then please see LHU Board Grievance section below for the applicable procedure.

### **Informal Grievance**

#### **Step One:**

Any grievance of a student and/or a student’s parent or guardian shall begin with an open and respectful dialogue by bringing the matter to the attention of those involved. If the issue involves another student, the Lead Teacher should be the first point of contact. The involved parties shall use their best efforts to reach a satisfactory resolution of the grievance.

### **Formal Grievance**

If Step One does not result in a satisfactory resolution of the grievance(s), then please proceed as set forth in this section.

If the grievance is against a teacher, then please bring the grievance directly to

the attention of the Section Director pursuant to the procedure set forth in Step Two below.

If the grievance is against the Section Director, then please bring the grievance directly to the attention of the ED pursuant to the procedure set forth in Step Three below.

If the grievance is against the ED, then please see the Executive Director Grievance section below for the applicable procedure.

### **Step Two:**

If Step One does not result in a satisfactory resolution of the grievance(s), an aggrieved person shall bring the grievance directly to the attention of the Section Director through a formal written notice and may request a conference with the Section Director to address the grievance(s). If the aggrieved person is a student, then the student's parent or guardian shall submit the written notice. The notice shall succinctly describe the specific grievance(s) and related details, and shall identify any specific policy, rule, regulation or law believed to have been violated. Following receipt of the written notice, the Section Director, if requested by the parent or guardian, will conduct a conference with the aggrieved student and his or her parent or guardian within five working days of the written notice (or with just the parent or guardian if the aggrieved person is the parent or guardian). Within five working days following the conference, or, if no conference is requested within five working days of receipt of the written notice, the Section Director shall issue a written decision on the grievance and provide a copy of the written decision to the parent or guardian.

### **Step Three:**

The parent or guardian may appeal the Section Director's decision directly to the Executive Director through a formal written appeal. The appeal shall succinctly describe the specific grievance(s) and related details, shall identify any specific policy, rule, regulation or law believed to have been violated, and (assuming the grievance is not directly against the Section Director as noted above in Step One) shall describe why the parent or guardian believes the Section Director's decision should be reviewed, changed, modified, vacated, or overturned. The ED shall review the grievance and (if applicable) appealed Section Director's decision and conduct an informal hearing within five working days following receipt of the written appeal when feasible or as soon as reasonably practicable thereafter with the aggrieved student and his or her parent or guardian (or with just the parent or guardian if the aggrieved person is the parent or guardian). The ED shall issue a written decision within five working days following the hearing, create a written record of the evidence received, and provide a copy of the written decision to the parent or guardian.

Decisions of the ED are final, and not subject to further appeal, except in the following instances:

- Decisions involving an alleged violation of a contractual right;
- Decisions involving an alleged violation by Sterling Montessori of state or federal law; or
- Decisions based on allegations of conduct by the ED in violation of law or school policy.

### **Step Four:**

If the ED's written decision involves one of the three exceptions noted above, then the parent or guardian may appeal the ED's written decision to the President of the LHU Board of Directors through a formal written appeal. The appeal shall include a description of the specific grievance(s) and related details, all rationales for concern, a description of the steps taken to resolve the grievance(s), a description and/or argument why the parent or guardian believes the ED's written decision should be reviewed, changed, modified, vacated, or overturned, any and all other evidence that the parent or guardian wishes for the Board to consider on appeal (in addition to the evidence presented throughout the foregoing process), and the remedy sought. Upon the receipt of a written appeal, the President shall take the matter under advisement and, in his or her discretion, bring the appeal to the Executive Committee of the Board of Directors for final adjudication and provide notice to the parent or guardian of the Executive Committee meeting, add the appeal to the agenda of the next Board meeting and provide the parent or guardian with notice of the addition of the appeal to the agenda, and/or convene a committee of the Board to review the appeal and issue a recommended final adjudication for the Board's review and consideration and provide notice to the parent or guardian of the committee meeting. Decisions by the LHU Board shall be the final step in the grievance process. The decision shall be made in writing, and it shall be issued by the Board and provided to the parent or guardian within sixty days of the President's receipt of the written appeal.

### **Executive Director Grievance**

If the student or the student's parent or guardian has a grievance or grievances against the ED, then the parent or guardian shall bring the grievance directly to the attention of the President of the LHU Board through a formal notice. The notice shall describe the specific grievance(s) and related details, shall identify any specific policy, rule, regulation, or law believed to have been violated, shall include any and all evidence that the parent or guardian wishes for the Board to consider, and shall set forth a statement of the remedy sought and any and all rationale and argument supporting the remedy sought. Upon receipt of the notice, the President shall instruct the Secretary to add the grievance to the agenda of the next Board meeting for review and consideration by the Board. The President shall ensure that all Directors have a complete copy of the notice and accompanying documents in advance of the Board meeting. Within fifteen days after the Board meeting

where the Board reviewed the notice, the President shall issue a written decision and provide a copy of the decision to the parent or guardian. The President's decision shall be final and not subject to further appeal to the LHU Board.

## **LHU Board Grievance**

If the student or the student's parent or guardian has a grievance or grievances against one or more of the Directors of the Laura Holland Uzzell Foundation, then the parent or guardian shall bring the grievance directly to the attention of the President of the LHU Board through a formal notice. The notice shall describe the specific grievance(s) and related details, shall identify any specific policy, rule, regulation or law believed to have been violated, shall include any and all evidence that the parent or guardian wishes for the Board to consider, and shall set forth a statement of the remedy sought and any and all rationale and argument supporting the remedy sought. Upon receipt of the notice, the President shall instruct the Secretary to add the grievance to the agenda of the next Board meeting for review and consideration by the Board. The President shall ensure that all Directors have a complete copy of the notice and accompanying documents in advance of the Board meeting. Within fifteen days after the Board meeting where the Board reviewed the notice, the President shall issue a written decision and provide a copy of the decision to the parent or guardian. The President's decision shall be final and not subject to further appeal to the LHU Board.

If the grievance or grievances is/are against the President of the LHU Board (or the President and any one or more Directors other than the Vice President), then the foregoing procedure shall apply, except that the Vice President of the LHU Board shall issue a written decision within fifteen days after the Board meeting where the Board reviewed the notice and provide a copy of the decision to the parent or guardian. The Vice President's decision shall be final and not subject to further appeal to the LHU Board.

If the grievance or grievances is/are against the President of the LHU Board and the Vice President, then the foregoing procedure in the first paragraph of this section shall apply, except that a written decision, signed by all Directors of the LHU Board, shall be issued within fifteen days after the Board meeting where the Board reviewed the notice and a copy of the decision provided to the parent or guardian. The decision shall be final and not subject to further appeal to the LHU Board.

**P.40**

**Suspension  
& Exclusion**

## **Long Term Suspension and Exclusion from the Charter School**

Sterling Montessori is a close-knit community, where student retention throughout the entire K-8 school pathway is valued. Therefore, long term suspensions and exclusions from the Charter School should be a very rare event. This action should be taken only when there is either a clear and present danger to the school community because of a student's actions, or as a last resort after multiple, lower level disciplinary actions have been implemented. The procedure leading up to a decision for a long-term suspension (defined as a suspension lasting more than 10 instructional days), or exclusion from Sterling Montessori is outlined as follows:

1. The Section Director will collaborate with the MTSS Committee, consisting of, at a minimum, the student's Lead Teacher and the Section Director, to discuss the proposed long-term suspension or exclusion from Sterling Montessori. This committee will make a recommendation regarding whether a long-term suspension or exclusion from Sterling Montessori is appropriate.
  
2. If the committee recommends a long-term suspension or exclusion from the charter school, the Section Director shall give written notice to the student's parent. The notice shall be provided to the student's parent by the end of the workday during which the suspension was recommended when reasonably possible or as soon thereafter as practical. The written notice shall provide at least the following information:
  - A description of the incident and the student's conduct that led to the long-term suspension recommendation.
  
  - A reference to the offense that the student is alleged to have committed.
  
  - The specific process by which the parent may request a hearing to contest the decision, including the number of days within which the hearing must be requested.
  
  - The process by which a hearing will be held.
  
  - Notice that the parent is permitted to retain an attorney to represent the student in the hearing process.
  
  - Notice that Sterling Montessori permits the parent to have an advocate, instead of an attorney, accompany the student to assist in

the presentation of his or her appeal.

- Notice that the parent has the right to review and obtain copies of the student's educational records before the hearing.
- A reference to the G.S. 115C-402, which covers the process for the expungement of discipline records.

Written notice may be provided by certified mail, fax, e-mail, or any other written method reasonably designed to achieve actual notice of the recommendation for long-term suspension. When school personnel are aware that English is not the primary language of the parent or guardian, the notice shall be written in both English and in the primary language of the parent or guardian when the appropriate foreign language resources are readily available.

No long-term suspension shall be imposed on a student until an opportunity for a formal hearing is provided to the student. If a hearing is timely requested, it shall be held, and a decision issued before a long-term suspension is imposed. The student and parent shall be given reasonable notice of the time and place of the hearing.

If no hearing is timely requested, the LHU Board will review the decision of the committee, and issue a final, written decision, either upholding, modifying, or rejecting the Section Director's recommendation of suspension and containing at least the following information:

1. The basis for the decision, including a reference to any policy or rule that the student is determined to have violated.
2. Notice of what information will be included in the student's official record pursuant to G.S. 115C-402.
3. The student's right to appeal the decision and notice of the procedures for such appeal.

If the student or parent requests a postponement of the hearing, the hearing shall be scheduled, but the student shall not have the right to return to school

pending the hearing. If neither the student nor the parent appears for the scheduled hearing, after having been given reasonable notice of the time and place of the hearing, the parent and student are deemed to have waived the right to a hearing.

If a formal hearing is requested, the hearing will be conducted by the LHU Board of Sterling Montessori, who shall determine the relevant facts and credibility of witnesses based on the evidence presented at the hearing. Following the hearing, the LHU Board shall make a final decision regarding the long-term suspension or exclusion from Sterling Montessori. The formal hearing will follow North Carolina General Statutes concerning due process for the student, including the following:



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- The right to be represented at the hearing by counsel, or a non-attorney advocate.
- The right to be present at the hearing, accompanied by his or her parents/guardians.
- The right of the student, parent, and the student's representative to review before the hearing any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information supporting the suspension that may be presented as evidence at the hearing, including statements made by witnesses related to the charges.
- The right of the student, parent, or the student's representative to question witnesses appearing at the hearing.
- The right to present evidence on his or her own behalf, which may include written statements or oral testimony, relating to the incident leading to the suspension, as well as any other factors to be considered, including the student's intent, disciplinary and academic history, the potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors.
- The right to have a record made of the hearing.
- The right to make his or her own audio recording of the hearing.
- The right to a written decision, based on substantial evidence presented at the hearing, either upholding, modifying, or rejecting the Section

Director's recommendation of suspension or exclusion from Sterling Montessori, and containing at least the following information:

- The basis for the decision, including a reference to any policy or rule that the student is determined to have violated.
- Notice of what information will be included in the student's official record pursuant to G.S. 115C-402.
- The student's right to appeal the decision and notice of the procedures for such appeal.

Following the issuance of the decision, the Section and Executive Director shall implement the decision of the LHU Board by authorizing the student's return to school or by imposing the suspension or exclusion from Sterling Montessori that is reflected in the decision.

**P.41**

## **Background Checks**

### **Criminal History and Background Check Policy**

Sterling Montessori Academy and Charter School strives to provide the safest possible learning environment for all students, teachers, staff, employees, and parents/guardians. Sterling Montessori requires compliance with this Criminal History and Background Check Policy to achieve this goal.

#### **ACADEMY**

**“Academy Personnel” means any:**

- Employee of Sterling Montessori, including, but not limited to, administrators, lead teachers, teacher s aides or assistants, custodians, clerical staff, before and after school care employees, floaters, and substitute teachers, whether full time or part time, who are in contact with Academy students on a regular basis.
  
- Independent contractor or employee of independent contractor of Sterling Montessori, if the independent contractor or employee of independent contractor has significant access to Academy students, including tutors.
  
- Volunteers or club vendors of Sterling Montessori who are or will be in contact with Academy students in conjunction with roles, duties, or any other matter relating to volunteering or providing services as a club vendor.

If classification as Academy Personnel is disputed, the Director of Academy shall have the final decision-making authority to determine whether an employee, independent contractor, employee of independent contractor, volunteer, or club vendor of Sterling Montessori, or a potential employee, potential independent contractor (or employee of independent contractor), potential volunteer, or potential club vendor of Sterling Montessori, shall be classified as Academy Personnel and thus subject to this policy. The Director of Academy’s determination is non-appealable.

**“Criminal History” means:**

A county, state, or federal criminal history of conviction or pending indictment of a crime or criminal charge, whether a misdemeanor or a felony, that bears upon an individual’s fitness to have responsibility for the safety and well-being of children. Such crimes include, but are not limited to, the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes:

- Article 6, Homicide
- Article 7B, Rape and Other Sex Offenses
- Article 8, Assaults
- Article 10, Kidnapping and Abduction
- Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material
- Article 14, Burglary
- Article 15, Arson and Other Burnings
- Article 16, Larceny
- Article 17, Robbery
- Article 19, False Pretenses and Cheats
- Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means
- Article 19C, Identity Theft
- Article 20 Frauds
- Article 21, Forgery
- Article 26, Offenses Against Public Morality and Decency
- Article 26A, Adult Establishments
- Article 27, Prostitution
- Article 29, Bribery
- Article 35, Offenses Against the Public Peace
- Article 36A, Riots and Civil Disorders
- Article 39, Protection of Minors
- Article 40 Protection of the Family
- Article 52, Miscellaneous Police Regulations
  
- Article 59, Public Intoxication
- Article 60, Computer-Related Crime.

Such crimes also include cruelty to animals in violation of Article 3 of Chapter 19A of the General Statutes, possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed herein, such crimes also include similar crimes under federal law or under the laws of other states.

**“Criminal History Records Check” means:**

Mandatory Criminal History Record Check as required by N.C. Gen. Stat. § 110-90.2 pursuant to and in accordance with “CHILD CARE PROVIDER MANDATORY CRIMINAL HISTORY CHECK” set forth in N.C. Gen. Stat. § 110-90.2. This check must be completed by the Department of Health and

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Human Services (DHHS) Criminal Background Check Unit (or its successor).  
Please see <https://ncchildcarebc.nc.gov/> for more information.

**Requirements**

- Per N.C. Gen. § 110-91, no person shall be Academy Personnel who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotics or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.
- All Academy Personnel who have been arrested and/or incurred pending charges, indictments, or convictions (other than minor traffic offenses i.e. speeding, parking, or a lesser violation), including entering a plea of guilty or nolo contendere, since the date of his or her most recent Qualification Letter must notify the Director of Academy within five (5) business days of the arrest and/or pending charges, indictments, and/or convictions prior to returning to work (or resuming role as volunteer, etc.), whichever occurs first. A qualification letter is written notification, provided by DHHS, qualifying an individual to be employed as a child care provider as defined by N.C. Gen. Stat. § 110.90.2.
  - Notice must be in writing, must include all pertinent facts, and must be delivered to the Director of Academy no later than the next scheduled business day following the arrest, charge, indictment, or conviction (unless said person is hospitalized or incarcerated, in which case said person must report the alleged violation within 24 hours after his or her release).
  - Upon judicial action in the matter, said person must report the disposition and pertinent facts, in writing, to the Director of Academy no later than the next business day following adjudication.
- Prior to commencing employment as Academy Personnel, statewide criminal records checks will be conducted by NCDHHS for employees who have lived and worked within the state of NC for the five years before the date of application; and record checks in all states identified for individuals who have lived or worked outside of North Carolina during the five years before the date of application.
- All Academy Personnel must have a Qualification Letter that is no more than three years old. It is recommended that, prior to the expiration of the Qualification Letter (i.e. prior to three years from the date of issuance from DHHS), Academy Personnel renew his or her Criminal Background Check through DHHS and secure a new Qualification Letter.
- A completed Child Care Provider Mandatory Notice Criminal History Check, and a completed Prior Conviction/Pending Indictment Statement, shall be provided by Academy Personnel to the Director of Academy and

placed in the Academy Personnel's file at Sterling Montessori.

- A check of sex offender registries shall be conducted on all applicants seeking to become Academy Personnel.

### **Costs**

- a. Except as otherwise provided below, Sterling Montessori shall reimburse Academy Personnel one hundred percent (100%) of the cost charged by DHHS for the process and background check associated with obtaining a Qualification Letter and all renewals thereof, including fingerprinting fees.
- A copy of the receipt evidencing the cost submitted for reimbursement must be provided by the person requesting reimbursement from Sterling Montessori. Tutors and substitute teachers shall be responsible for fifty percent (50%) of the cost charged by DHHS for the process and background check associated with obtaining a Qualification Letter and all renewals thereof, including fingerprinting fees. Sterling Montessori shall reimburse tutors and substitute teachers fifty percent (50%) of the cost charged by DHHS for the process and background check associated with obtaining a Qualification Letter and all renewals thereof, including fingerprinting fees. A copy of the receipt evidencing the cost submitted for reimbursement must be provided by the person requesting reimbursement from Sterling Montessori.
- Volunteers and club vendors shall be responsible for the cost charged by DHHS for the process and background check associated with obtaining a Qualification Letter and all renewals thereof, including fingerprinting fees.

## **CHARTER SCHOOL**

### **Definitions:**

#### **“Academy Personnel” means:**

See definition provided above in the Academy Section of this Policy.

#### **“Charter Personnel” means:**

- Any employee of Sterling Montessori not classified as Academy Personnel.
- Any independent contractor or employee of independent contractor of Sterling Montessori not classified as Academy Personnel, and who carries out duties customarily performed by school personnel, whether paid with federal, State, local, or other funds, who has significant access to students. School personnel includes teachers, assistants, substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians.
- Any volunteer or club vendor of Sterling Montessori not classified as

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Academy Personnel who has or will have significant access to Sterling Montessori students in conjunction with roles, duties, or any other matter relating to volunteering.

**Criminal History” means:**

A county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates the employee (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel.

Such crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes:

- Article 5A, Endangering Executive and Legislative Officers
- Article 6, Homicide
- Article 7B, Rape and Kindred Offenses
- Article 8, Assaults
- Article 10, Kidnapping and Abduction
- Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material
- Article 14, Burglary and Other Housebreakings
- Article 15, Arson and Other Burnings
- Article 16, Larceny
- Article 17, Robbery
- Article 18, Embezzlement
- Article 19, False Pretense and Cheats
- Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means
- Article 20, Frauds
- Article 21, Forgery
- Article 26, Offenses Against Public Morality and Decency
- Article 26A, Adult Establishments
- Article 27, Prostitution
- Article 28, Perjury
- Article 29, Bribery
- Article 31, Misconduct in Public Office
- Article 35, Offenses Against the Public Peace
- Article 36A, Riots, Civil Disorders, and Emergencies
- Article 39, Protection of Minors
- Article 60, Computer-Related Crime.

Such crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General

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Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.

In addition to the North Carolina crimes listed herein, such crimes also include similar crimes under federal law or under the laws of other states.

**Requirements for Applicants and Employees of Sterling Montessori Academy and Charter School:**

- Prior to commencing employment, all Charter employees, independent contractors, or employees of independent contractors (or applicants to be employed) (hereinafter referred to collectively as “Charter Employees”) classified as Charter Personnel shall conduct a statewide criminal records checks by NCDHHS for employees who have lived and worked within the state of NC for the five years before the date of application; and record checks in all states identified for individuals who have lived or worked outside of North Carolina during the five years before the date of application.
- A Charter Employee checked by the Department of Public Safety shall be fingerprinted and provide any additional information required by the Department of Public Safety to the local sheriff or the municipal police, whichever is more convenient for the employee, and sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State and National Repositories of Criminal Histories. The Executive Director or designee shall consider refusal to consent when making employment decisions. All Charter Employees shall provide the results of his or her criminal history check to the Executive Director or designee.
- A check of sex offender registries shall be conducted on all Charter Employees.
- The Executive Director or designee shall review the criminal history it receives on Charter Employees and determine whether the results of the review indicate that the person (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel and shall use the information when making employment decisions for Charter Employees. The Executive Director or designee shall make written findings with regard to how it used the information when making employment decisions and decisions with regard to independent contractors.
- After the expiration of two (2) years from the date of his or her last criminal history check, and every two (2) years thereafter, each Charter Employee shall secure a background check and provide the results to the Executive

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Director or designee. The background check shall be conducted by Castle Branch. The link to Castle Branch is [https://mycb.castlebranch.com/online\\_submission/package\\_code.php](https://mycb.castlebranch.com/online_submission/package_code.php). Sterling Montessori's package code is ST74. If the background check through Castle Branch causes any concern of the Executive Director or designee, then the Charter Employee shall secure a new criminal history check through the North Carolina Department of Public Safety as soon as reasonably practicable and provide the results to the Executive Director or designee. The Executive Director or designee may require that the Charter Employee not return to work at Sterling Montessori until the Executive Director or designee has reviewed the new criminal history check and made written findings with regard to how he or she used the criminal history check to determine whether employment at Sterling Montessori should be continued or terminated.

- The Executive Director or designee may provide to the State Board of Education the criminal history it receives on a person who is certificated, certified, or licensed by the State Board of Education if required by law.
- The Executive Director or designee may require a Charter Employee to provide a current background check through Castle Branch within a reasonable time period if the Charter Employee has not completed one within the past two years prior to the date this of this Policy's adoption by the LHU Board.
- It is recommended that, prior to the expiration of the two-year period since a Charter Employee's last background check, the Charter Employee obtain a new background check through Castle Branch.

**Requirements for Volunteers of Sterling Montessori Academy and Charter School:**

- All Charter Personnel who are volunteers shall secure a background check and provide the results to the Executive Director or designee. The background check shall be conducted by Castle Branch. The link to Castle Branch is [https://mycb.castlebranch.com/online\\_submission/package\\_code.php](https://mycb.castlebranch.com/online_submission/package_code.php). Sterling Montessori's package code is ST74.
- If the background check through Castle Branch causes any concern of the Executive Director or designee, then the Executive Director or designee shall, in his or her discretion, is authorized to refuse to allow the person seeking to volunteer at Sterling Montessori to be permitted to volunteer. No written findings are required, and the Executive Director or designee's decision is final and non-appealable.
- A check of sex offender registries shall be conducted on all Charter Personnel who are volunteers.



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- Each contract executed by the Board with an independent contractor or for services of independent contractors must require the contractor to conduct a sex offender registry check.

**Costs:**

- Except as otherwise provided below, Sterling Montessori shall reimburse Charter Personnel one hundred percent (100%) of the cost charged by the North Carolina Department of Public Safety for obtaining a criminal history check and all renewals thereof, including fingerprinting fees and fees charged by Castle Branch for a background check. A copy of the receipt evidencing the cost submitted for reimbursement must be provided by the person requesting reimbursement from Sterling Montessori.
- Volunteers and club vendors shall be responsible for the cost charged by Castle Branch for obtaining a background check and all renewals thereof.

**Other:**

- All Charter Personnel who have been arrested and/or incurred pending charges, indictments, or convictions (other than minor traffic offenses i.e. speeding, parking, or a lesser violation), including entering a plea of guilty or nolo contendere, since the date of his or her most recent criminal history check or background check (whichever check was most recently submitted to the Executive Director or designee) must notify the Executive Director or designee of the arrest and/or pending charges, indictments, and/or convictions. Notice must be in writing, must include all pertinent facts, and must be delivered to the Executive Director no later than the next scheduled business day following the arrest, charge, indictment, or conviction (unless said person is hospitalized or incarcerated, in which case said person must report the alleged violation within 24 hours after his or her release). Upon judicial action in the matter, said person must report the disposition and pertinent facts, in writing, to the Executive Director or designee no later than the next business day following adjudication.
- Sterling Montessori shall not require Charter Personnel or Charter Personnel applicants to disclose any expunged criminal records.

**Any information obtained by Sterling Montessori through the implementation of this Policy shall be kept confidential as provided by North Carolina law.**

**P.42**  
**Returned Checks**

**Returned Check Policy**

The purpose of this policy is to ensure compliance with processing and accounting for returned checks. A \$25 fee for each check returned by the bank for any reason shall be remitted by the check issuer to Sterling Montessori. The check issuer shall be notified and informed that they have 10 days to make payment to Sterling Montessori in the amount of the returned check along with the \$25 fee and any applicable late fees via certified funds or money order.

**P.43**  
**Tutoring**

## **Tutoring Policy**

*Approved 7/2019*

B. Modified 8/17/2022

### **Tutoring**

Sterling Montessori provides academic and positive behavior support to all students during the regular school day. Each teaching staff member provides direct instruction using the Montessori materials to meet the N.C. State Standards. Accommodations, interventions and modifications are incorporated in the curriculum for those students who require additional support.

Some students may be identified as benefiting from receiving additional tutoring on individual subject topics, study skills or any other areas that will help them achieve success. Sterling Montessori provides support in compliance with all applicable laws and regulations. School administration will determine the nature of that support.

Sterling Montessori does not offer for-fee tutoring to students. **Sterling Montessori Teachers and Staff are prohibited from tutoring any Sterling Montessori student for pay either during or after school hours, whether or not that student is in the Teacher's or Staff Member's classroom.**

Teachers interested in providing private tutoring services to non-Sterling students may do so off-campus on their own time.

External tutors are not permitted on Sterling Montessori's campus at any time.

### **Off-Campus Tutoring**

All requests from parents/guardians regarding off-campus tutoring and/or part day school options needs to be approved by the administration.

Parents/guardians must contact the Section Director with the request outlining the reasoning for outside services during school hours for their child. The Section Director(s) and classroom teacher will review the request and make a decision if they feel it is in the best interest of the student. Many factors are considered when making the decision to approve the off-campus tutoring request during school hours including

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but not limited to, the time needed to be dismissed, how the tutoring will affect the classroom instruction and meeting N.C. State Standards and evaluating the student's needs. We take each request on a case by case basis.

**Off-Campus tutoring is not permitted before 2:30 under any circumstances. It is required for all students to attend school a minimum number of hours to meet all Attendance requirements.**

## **P.44 Acceleration**

### **Student Policy for Acceleration**

Montessori instruction accommodates the varying interests and academic development of individual students. Students will progress each year by completing the Montessori and State Standard curriculum necessary to support their success at the next grade level.

Acceleration (accelerating a student an additional grade level) is an action that may be taken to assist a student to be more successful in their learning. The Acceleration Team, made up of parents/guardians, teachers, MTSS, and administration will determine if this is appropriate by using criteria such as intellectual maturity, academic achievement, standardized test results, physical, social, psychological, and emotional development.

#### **Criteria to Consider**

The demonstration of individual student learning is to be measured by, but not limited to, the following:

#### **Social**

- Who is the child's peer group/who do they relate to?
- What is their ability to express their needs?
- Are they able to work well with adults?
- How do they work in a group? Are they willing to participate in small group/large group?
- Does the child have behavior problems?
- Is the student socially/emotionally mature? Social/emotional maturity is a significant factor. Students need to be ready to learn the curriculum for that grade and to fit in socially with the peer group.

#### **Emotional**

- Do they have the stamina to work for longer periods of time?
- Do they meet the expectations for emotional maturity that is needed for the next level?

- Are they able to handle transitions with little to no adult redirection or support?

### **Academic/Work Habits**

- Are they able to work in a group and to sustain attention?
- Are they able to choose work independently and sustain attention for a developmentally appropriate amount of time?
- Are they able to start and finish tasks?
- Do they show appropriate application and interest in doing the academic works?
- Are they demonstrating accelerated progress in curricular areas?
- Are they able to follow multi-step directions?
- Is the child getting additional support or services? If so, in what areas?
- Does the child have average to above average ability?
- Student progress in Reading/Language Arts and Math (more than one grade level ahead)
- Assessments in Reading/Language Arts and Math (more than one grade level ahead)
- State testing scores in Language Arts and Math (assessing above in all subject levels)
- Conclusion of goals determined by the MTSS team

### **Birthdate**

- What is the child's birthdate?

### **Attendance**

Attendance will be included as a part of the criteria in considering acceleration.

*Our complete Attendance Policy (P.32) can be found in the Policies section of this handbook.*

### **Timeline**

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Discussions for acceleration will take place all throughout the student's school year. Acceleration decisions will be made by the end of the child's school year.

**Appeals Process**

When the recommendation for acceleration is not agreed upon by the parents/guardians, they have the right to appeal to the Section and Executive Directors.

**P.45  
Enrichment**

## **After School Activities/Clubs Enrichment Policy for Outside Vendors**

*Approved 2/2020*

### **Procedure:**

Anyone interested in providing an after school or enrichment program at Sterling Montessori must submit an application for consideration. The Supervisor of After School Activities/Clubs will review all applications and choose programs based on what is deemed the best use of space and resources that will most benefit students. After school programs are only permitted on campus with the approval of the Executive Director or designee.

The daily usage fees for outside vendors is set at \$15 per classroom rented, per day for 10 or fewer students in the class. The charge will be \$30 per classroom rented, per day, if there are 11-25 students in the class.

### **Vendor Policies:**

1. All adults on campus for enrichment programs must have current criminal background checks (this includes instructors, volunteers, substitutes etc.). A copy of all background checks must be filed in the HR office of Sterling Montessori before the first meeting date.
2. You must submit a complete roster of all student participants to the After School Activity/Club Supervisor before the first day of the program.
3. Children's House and Lower Elementary students must be collected from their classrooms at 3:45pm and taken to their enrichment classrooms. Upper Elementary and Middle School students will be permitted to walk to their enrichment classrooms at 3:30pm. A list of classrooms will be provided to you by the After School Supervisor.
4. You are responsible for informing families and students of class cancellations or date changes. For day of cancellations, you must receive confirmation from each family that they will pick up their child from carpool. You must maintain updated contact information for all participants.



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5. Enrichment programs may not use items on the school/classroom property. This includes but is not limited to computers, books, Montessori materials, art supplies and audiovisual equipment.
6. The space your program uses must be left as you found it (cleaned, organized etc.).
7. You must obtain prior approval from Sterling Montessori before storing any materials at the school between meetings.
8. Students must remain in your assigned classroom/ field, students are not permitted to wander around campus unattended.
9. Any late student pick-ups are your responsibility, you are permitted to charge a predetermined "late pickup fee" but children may not be left unattended or dropped off in on-campus after care. Buildings close at 5:50pm, all buildings will be locked no later than 6:00pm by the Before and After Care Director.
10. Non-Sterling Montessori students are not permitted to participate in on-campus after school enrichment programs.
11. A program may be canceled in its entirety due to lack of enrollment or unforeseen circumstances. In this case, a full refund will be granted to all participants.
12. You must maintain a student to teacher ratio of 15:1 with a maximum of 25 students for A building and lower elementary age students and 30 students for upper el/middle school.
13. Contracts are issued by the semester, and fees are due by the end of the second week of the program. Checks should be made payable to Sterling Montessori and turned into the front office.
14. Sterling Montessori requires a minimum insurance policy carried by all outside vendors. A COI Certificate of Insurance must be submitted to the office before your first meeting. The policy must be written for \$2 million dollars, \$1 million per occurrence with 2 occurrences allowed, with \$5,000 coverage for medical expenses. "The Laura Holland Uzzell Foundation doing business as Sterling Montessori Academy and Charter School" needs to be listed as an additional insured.
15. Students must provide their own snack and water refillable water bottle. No food or drink may be provided by an outside vendor.

**Policies for Parents/Guardians:**

1. **Code of conduct:** Students are expected to maintain the same behavioral standard that they would have during the formal school day. If a child is consistently disruptive and prevents the instructor

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from conducting class, the Enrichment provider/instructor reserves the right to ask the child to drop the class. Parents/guardians will be given a formal warning before these measures are taken. There will be no refunds if a child is asked to leave for behavior.

2. **Pick up policy:** For after-school activities, parents/guardians are expected to arrive by the end of the enrichment program for pickup. If you are going to be late, contact the activity provider directly as soon as possible. Fees may apply for late pick-ups.
  
3. **Medication:** Parents/guardians of students participating in after school activities that require medication are responsible to notifying the activity's coordinator of their child's medical needs. The activity coordinator must know where a student's medication can be found and what procedures must be followed in case a medical need should occur.

**P.47**  
**Pets**

## **Policy on Classroom Pets**

*Approved 7/2019*

Sterling Montessori allows the appropriate and safe inclusion of some live animals in instructional programs and as classroom pets, in accordance with this policy. The teacher is directed to develop and distribute procedures governing the use of animals in class as part of the curriculum or as classroom pets, including procedures to prevent the transmission of animal-borne diseases, proper handling of animals and their waste, and protocols for preventing and responding to injuries. This policy only addresses animals used for curricular or classroom purposes, and it does not create a right for staff, students, or others to bring non-service animals onto school property.

The use of live animals, as part of the curriculum or as classroom pets, requires authorization from the Executive Director or designee prior to introduction.

Use of animals by staff or students for instructional purposes is subject to the following requirements and to adherence to approval procedures:

1. Staff must investigate any known student or staff allergy problems in advance.
2. Parental notification and an opportunity to object or opt out of participating in the activity with the animal will be required prior to the use of animals for classroom or instructional purposes.
3. Animals must be kept clean and groomed, and otherwise in good health. Animals can be displayed in enclosed cages or tanks.
4. Staff are responsible for the care or supervision of any animals used as part of the curriculum or as classroom pets and are expected to practice humane treatment at all times.
5. Cages and dishes must be kept clean at all times. Students and teachers must wear gloves when cleaning the equipment and wash hands and surfaces when finished.
6. Any animal that causes injury to staff or students or that demonstrates aggression or a safety risk of any kind, or interferes with orderly school operations, will be immediately isolated and removed from the school premises.

**(1)**

**(2) Examples of classroom pets to be approved may include:**

- Frogs
- Gecko
- Snails

- Fish
- Hermit Crabs

**All of the guidelines set forth by the North Carolina Sanitation  
Department will be adhered to.**

## P.48 Discipline

### **Philosophy of Discipline at Sterling Montessori**

*Approved 7/2019*

When children receive positive, non-violent, and empathetic guidance from adults, they develop good self-concepts, problem-solving abilities, and self-discipline. Based on this belief about how children learn and develop values, Montessori will use the Pyramid of Intervention as its discipline model. This tiered model was emulated after the Multi-Tiered System of Support (MTSS) in an effort to respond to a student's needs. Directors, teachers, specialists and other school staff at Sterling Montessori are members of the MTSS team. They work as a team to assess students and plan MTSS interventions. Each member has responsibilities to ensure the success of all the children at Sterling Montessori. The MTSS Core team oversees the MTSS process and procedures and ensures proper documentation. This model strives to provide a way for Sterling Montessori to support students with learning and behavior problems by systematically delivering a range of interventions based on demonstrated levels of need.

### **Discipline Model**

Based on the Pyramid of Intervention model (illustrated in section 6.1 of this handbook), this discipline plan reflects the graduated and documented response to a student's inappropriate choices. The items listed in this plan are examples and do not represent all possible situations. The Section and Executive Directors have the discretion to evaluate issues on a case by case basis in order to determine the appropriate Administrative Level and related consequences.

This plan is consistent with the Montessori philosophy that holds respect and responsibility as key elements and builds confidence, self-esteem, and leadership.

#### **Classroom Management Level (Tier I)**

**Includes:** Lead Teacher, Parents/Guardians, and Student.

Eighty to ninety percent of student behaviors are addressed at the Classroom Management Level, and the Lead Teacher documents accommodations and interventions. Chronic behaviors that prove non-responsive to these strategies are moved to the Administration Level I. Incident reports are completed by the person witnessing/reporting the

event and signed by the Lead Teacher and Section Director. The report is then emailed to the parent. These reports along with any documentation (eg. phone logs, behavior plans, emails, etc.) will be submitted and filed with the Section Director. Lead teachers may request the support of the MTSS team.

**(3) Examples (but not limited to):**

- Inappropriate Dress: poor choices of clothing (decency)

*Our complete Dress Code Policy (P.38) can be found in the Policies section of this handbook.*

- Disruptive Behaviors: arriving late to class, interrupting teachers, being a distraction during work time, being unprepared for class, misusing materials, rough play, leaving the classroom for an excessive amount of time, vandalizing, or hurting others
- Inappropriate Communication: passing notes, starting rumors, calling names, threatening others, being disrespectful, lying, using rude language and mimicking
- Disobedience: failure to comply with a reasonable request from the teacher or administrative staff

### **Administrative Level I (Tier II)**

**Includes:** Section Director(s), Classroom Teacher, Parents/Guardians, and Student.

This accounts for 5-10% of behaviors. This level may include documented chronic behaviors from Classroom Management Level and those listed on the pyramid (chronic issues from Category I, destruction of property, bullying/harassment, plagiarism, stealing, profanity, obscenity, misuse of personal or school-owned electronics, etc.).

Administration Level I behaviors generally result in interventions but may result in a suspension.

Incident reports are completed by the person witnessing/reporting the event and signed by the Lead Teacher and Section Director. These reports along with any documentation (e.g. phone logs, behavior plans, emails, etc.) will be submitted and filed with the Section Director. Lead Teachers may request the support of the MTSS team.

### **Administrative Level II (Tier III)**

**Includes:** Section Director(s), Classroom Teacher, Parent and Student.

Behaviors addressed at this level may include chronic behaviors from earlier levels and those on the pyramid.

Administrative Level II behaviors may warrant a Short-Term Suspension, not to exceed five (5) school days. The Section Director may recommend a

Long-Term Suspension based upon aggravating factors regarding the severity of the violation or safety concerns which may warrant the recommendation of Long-Term Suspension.

The incident report is completed by the person witnessing/reporting the event, signed by the Lead Teacher and submitted to the section director with the appropriate documentation (eg. phone logs, behavior plans, emails, etc.). If a suspension is warranted, the Section Director will write a formal notification letter to the student s parents/guardians, a copy of which will be filed in the student s Cumulative Folder and reported in Power School. In the event of escalating chronic behaviors, the support of the MTSS team is recommended.

### **Administrative Level III (Continuation of Tier III)**

**Includes:** Section Director(s), Classroom Teacher, Parent, Student, and School Counselor or Behavior Specialist

Behaviors addressed at the Administrative Level III, including hate crimes, are more severe in nature and typically result in a recommendation for Long-Term Suspension or Exclusion. Additionally, chronic behaviors in all previous levels not responsive to interventions may be elevated to this level. Referral to MTSS, alternative placement, or involvement of school counselor or other outside resources may be responses at this level.

After a student receives a suspension, both the parents/guardians and student, are asked to meet with the Section Director(s) prior to the student returning to the classroom.

*You can find more information about intervention levels on the Pyramid of Intervention which can be located in section 6.1 of this handbook.*

## **Incident Reports**

Incident reports are used at Sterling Montessori to document certain situations and behaviors. It is important to have clear lines of communication between staff and families about things that occur during the school day. In general, the following situations require a written report:

- A non-accidental act that damages or destroys materials
- A non-accidental act that results in harm of another, or in the need for first aid of any kind
- An act of excessive disrespect

When an incident occurs, families of all children involved in the incident must be notified with either an accident or incident form. Each age level has their own guidelines based on the developmental capacity of the children enrolled for when Incident Reports and the involved procedures are used. This section

describes those guidelines in more detail.

### **Children's House Level**

1. First Incident: An Incident Report is written and shared with the parent at dismissal.
2. Second Incident: An Incident Report is written, a phone call is made to the parent/guardian and the report is shared with the parent/guardian at dismissal.
3. Third Incident: An incident report is written, a phone call is made to the parent/guardian, the report is shared with the parent/guardian at dismissal and a parent-teacher conference may be scheduled.

### **Elementary and Middle School Levels**

1. First Incident: An Incident Report is written and shared with the parent.
2. Second Incident: An Incident Report is written and shared with the parent.
3. Third Incident: An Incident Report is written and the parent/guardian is called immediately. A parent-teacher conference may be scheduled to make sure that the family is involved in the problem-solving process.



**P.50  
Unexpected  
Closings**

## **Unexpected Closings, Delays and Early Dismissals Policy**

*Approved 11/2019*

Severe weather, including hurricanes and winter storms, is a normal part of the school year. A determination will be made by the administration in the event of a weather related closing, delay or early dismissal.

- All weather closings, delays and early dismissals will be posted on WRAL and the school's website.
- Sterling Montessori staff members will also receive alerts via text messaging, email and/or voicemail.
- Sterling Montessori will not provide Before Care when operating on a delay and will not provide After Care when operating with an early dismissal.
- Sterling Montessori staff members live in multiple counties surrounding the school location, and thus conditions may differ from county to county. Staff members are encouraged and should use their own judgement and discretion about the safety of the roads during and after severe weather.
- Staff members shall contact their direct supervisor to let them know if they are not able to come in due to weather. Staff may take an annual leave day or a non-paid day.

**Sterling Montessori will operate under regular hours unless otherwise announced.**

**P.51**  
**Medical Support**

## **Student Medical Support Policy**

*Approved 1/2020*

### Overview

All staff are required to be first-aid and CPR trained; however, complex medical care often requires school personnel to undertake specific training to meet a student's individual health needs. The purpose of this policy is to detail requirements of school personnel for the medical care of students.

There are circumstances in which Sterling employees, including substitutes and student teachers, will be responsible for life saving techniques beyond the school's required training. It is the expectation that these caretakers will administer life saving techniques when reasonably apparent that delaying to do so would seriously worsen the physical condition or endanger the life of the student.

However, if a caretaker is unable or unwilling to administer life saving techniques, it is their responsibility to call 911 and seek help. Life saving techniques may include, but are not limited to:

- seizure management
- tracheostomy care
- medication by injection or rectal suppository
- administering suction
- tube feeding
- specialized medical procedures
- asthma management

Any training required of school personnel to provide complex medical care to students to meet a student's individual needs shall be paid for by Sterling Montessori.

### **Administering Medicines to Students**

Sterling Montessori recognizes that students may need to take medication during school hours. School personnel may administer medication prescribed by a health care practitioner upon the written request of a student's parent. A student may be authorized to self-administer medications as provided for in this policy. To minimize disruptions to the school day, students should take medications at home rather than at school whenever feasible. The Executive Director or designee may deny a request to administer any medication to a student that could be taken at home or

when, in the opinion of the Executive Director or his or her designee, in consultation with medical personnel, the administration of the medication by school personnel would pose a substantial risk of harm to the student or others.

For purposes of this policy, all references to “parent” include parents, legal guardians and legal custodians. In addition, for purposes of this policy, the term “health care practitioner” is limited to licensed medical professionals who are legally authorized to prescribe medications under North Carolina law, such as doctors of medicine, doctors of osteopathic medicine, physician assistants and nurse practitioners.

## **Medication Administration by School Personnel**

### **1. Conditions for Administering Medication**

Authorized school personnel may administer medication to a student when all of the following conditions are met. These conditions must be met and renewed annually in order to permit authorized school personnel to administer medication to a student. These conditions apply to all medications, including those available over-the-counter without a prescription.

- A. **Parental Consent:** The student’s parent must make a signed, written request that authorizes school personnel to administer the medication to the student.
- B. **Medication Authorization/Order:** For prescriptions, a health care practitioner must prescribe the medication for use by the student and provide explicit written instructions for administering the medication.
- C. **Certification of Necessity:** The student’s parent must alert school personnel to any possible adverse reaction to the medication.
- D. **Proper Container/Labeling:** If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with directions for how and when the medicine is to be given. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student’s name. All such containers must also include the medication’s expiration date and the name of the child.

*Sterling Montessori, the Laura Holland Uzzell Foundation, and school personnel assume no liability for complications or side effects of medication when administered in accordance with the instructions provided by the parent and health care practitioner.*

### **2. Procedures for Administering Medications**

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- A. Except for specific cases in which the Executive Director or designee and teacher agree that classroom administration is preferable or required, school personnel shall administer medication from the office.
- B. Medicines kept at school for a student must be kept in a locked and secure place. An exception to the requirement for locked storage may be made for emergency medications that must be immediately accessible and as otherwise provided for herein.
- C. All school personnel who will be administering medications must receive appropriate training.
- D. The Executive Director or designee shall designate school personnel to maintain proper documentation of the time and dosage of medications given.
- E. At the end of the school year or once the administration of the medication is discontinued, any medication not picked up within two weeks by the parent shall be destroyed by school personnel.
- F. Although efforts should be made not to disrupt instructional time, a parent has the right to administer medication to his or her child at any time while the child is on school property.
- G. Written information maintained by school personnel regarding a student's medicinal and health needs is confidential. Parents/guardians and students must be accorded all rights provided by the Family Educational Rights and Privacy Act and state confidentiality laws. Any school personnel who violates the confidentiality of the records may be subject to disciplinary action.

Emergency Medication

Students who are at risk for medical emergencies, such as those with diabetes, asthma or severe allergies, must have an emergency health care plan developed for them to address emergency administration of medication. Students must meet the requirements of subsection A.1, above, including providing authorization and instructions from the health care practitioner and written consent of the parent, in order for emergency medication to be administered by school personnel while the student is at school or at a school sponsored activity.

**Student Self-Administering Medications**

Sterling Montessori recognizes that some students may need to possess and self-administer medication on school property, including insulin or a source of glucose prescribed for the treatment of diabetes or an asthma inhaler prescribed for the treatment of asthma.

**1. Authorization to Self-Administer Medication**

Before a student will be allowed to self-administer medication pursuant to

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this section, the student's parent must provide to the Executive Director or his or her designee all of the documents listed below:

- A. Written authorization from the student's parent for the student to possess and self-administer the medication;
- B. Written statement from the student's health care practitioner verifying that:
  - 1. The student has a diagnosis that could result in an adverse reaction needing medication.
  - 2. The health care practitioner prescribed the medication for use on school property during the school day or at school-sponsored activities;
  - 3. The student understands, has been instructed in self-administration of the medication by the parent and/or health care practitioner, and has demonstrated the skill level necessary to use the medication and any accompanying device to the satisfaction of the health care practitioner;
- C. A statement provided by Sterling Montessori and signed by the student's parent acknowledging that Sterling Montessori, school personnel, and the Laura Holland Uzzell Foundation and agents are not liable for injury arising from the student's possession and self-administration of the medication or liable for loss or theft of self-administered medication.
- D. Any other documents or items necessary to comply with state and federal laws.

Prior to being permitted to self-administer medication at school, the student also must demonstrate to the Executive Director or his or her designee (which may include a health care practitioner selected by the Executive Director) the skill level necessary to use the medication and any accompanying device.

The student's parent must provide to the school backup medication that school personnel are to keep in a location to which the student has immediate access in the event the student does not have the required medication.

All information provided to the school by the student's parent must be kept on file at the school in an easily accessible location and reviewed by the Executive Director or his or her designee. Any permission granted by the Executive Director or his or her designee for a student to possess and self-administer medication will be effective only for the academic year during which permission is granted. Such permission must be renewed each academic year.

## **2. Responsibilities of the Student**

A student who is authorized in accordance with this policy to carry medication for self-administration must carry the medication in the

original labeled container with the student's name on the label.

### **3. Consequences for Improper Use**

A student who uses his or her medication in a manner other than as prescribed or who permits another person to use the medication may be subject to disciplinary action pursuant to the school disciplinary policy. However, school officials shall not impose disciplinary action on the student that limits or restricts the student's immediate access to the medication.

Sterling Montessori, school personnel, and the Laura Holland Uzzell Foundation and agents do not assume any responsibility or liability for the administration of medication to a student by the student, the student's parent, or any other person who is not authorized by this policy to administer medications to students.

## **Complex Medical Care**

### **(4) The following must be in place for a student to receive medical support at Sterling Montessori:**

- The Medical Action Plan for students needing complex medical care, guided by the student's health care practitioners.
- Explicit and express designation of school personnel to provide complex medical care.
- Designated school personnel shall receive specific training, including, training from a licensed nurse or health care practitioner to allow school personnel to meet the student's individual health care needs. To the extent possible, the student's health care practitioner shall provide guidance as to the training school personnel shall undergo.
- The student's parent shall, in writing with a copy to the Section and Executive Directors, request the student's health care practitioner to provide Sterling Montessori with a list of training that school personnel should undergo in order to be properly trained to provide and meet the student's complex medical care needs.

### Emergency Epinephrine Auto-Injector Devices

Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Many severe allergies are undiagnosed, and students or others may experience their first severe allergic reaction while at school. Epinephrine auto-injector devices can be used to administer epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal anaphylactic reaction. This policy addresses the use of emergency epinephrine auto-injector devices administered under a non-patient specific prescription.

Epinephrine auto-injector devices provided by the school are intended for unforeseen emergencies. Students known to have medical conditions requiring the availability of an epinephrine auto-injector device are expected to provide such devices for their use at school. Parents/guardians of students with known life threatening allergies and/or anaphylaxis should provide the school with written instructions from the student's health care provider for handling anaphylaxis and all necessary medications for implementing the student specific medical plan.

**(5) The following must be in place for students who have severe allergies and require medication for anaphylactic reactions:**

- The Food Allergy and Anaphylactic Action Plan for students needing complex medical care should be guided by medical services and on record at the school.
- Designated trained school personnel are authorized to use emergency epinephrine auto-injector devices to deliver emergency medical aid to any person suffering from an anaphylactic reaction during the school day or at a school-sponsored event on school property. The school shall provide a supply of emergency epinephrine auto-injectors on school property for use by trained school personnel to provide emergency medical aid to persons suffering from an anaphylactic reaction during the school day and at school-sponsored events on school property. The school shall store in a secure but unlocked and easily accessible location a minimum of two epinephrine auto-injectors. For purposes of this section, "school property" does not include transportation to or from school; additionally, this policy does not require emergency epinephrine auto-injector devices to be available at activities held off school grounds during or after the school day, including field trips, except as may be required pursuant to an individual student's IEP, Section 504 Plan, or health or emergency plan.
- The Executive Director shall designate one or more school personnel to receive initial training and annual retraining from a qualified representative of the local health department regarding the storage and emergency use of an epinephrine auto-injector. Only such trained personnel are authorized to administer epinephrine to persons believed to be having an anaphylactic reaction. The Executive Director or designee shall make reasonable efforts to notify other school personnel as to which employee(s) has received this training in order to facilitate a prompt emergency response.
- The school will develop a plan for the use of epinephrine auto-injectors in an emergency that complies with state law. The plan shall include at least the following components: (1) Standards and procedures for the storage and emergency use of epinephrine auto-injectors by trained school personnel. (2) Training of school personnel

in recognizing symptoms of anaphylaxis. (3) Emergency follow-up procedures, including calling emergency services and contacting a student's parent and physician. (4) Instruction and certification in cardiopulmonary resuscitation.

- A supply of emergency epinephrine auto-injectors provided in accordance with this section shall not be used as the sole medication supply for students known to have a medical condition requiring the availability or use of an epinephrine auto-injector.

**(6) The following must be in place for students who have diabetes and require medication or complex medical care:**

- Students with diabetes require the implementation of the procedures set forth in the Diabetes Action Plan.

**(7) The following must be in place for students who have seizures and require medication or complex medical care:**

- Students with seizures require the implementation of the procedures set forth in the Seizure Action Plan.

Automated External Defibrillator

Sterling Montessori is committed to providing a healthy and safe environment for its students, employees, and visitors. To provide opportunities for assistance to individuals who experience sudden cardiac arrest on school property, Sterling Montessori authorizes the placement of automatic external defibrillators (AEDs) in designated locations in school and at school-sponsored events to be accessed by medical practitioners and other trained persons.

All such AEDs and any program developed must comply with the requirements of state and federal law.

Choice and placement of AED devices will be made by the Executive Director or his or designee in consultation with a health care practitioner. Preference will be given to machines that offer both adult and child settings. The type of AED product must be one that is approved by the United States Food and Drug Administration.

CPR and AED use training for anticipated responders: Training for anticipated responders will be completed in accordance with nationally recognized training programs including those approved and provided by the American Heart Association or American Red Cross. Appropriate records of training will be maintained.

Appropriate local EMS officials must be notified of the location and most recent placement of AEDs within a reasonable period of time of placement.



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The AED device shall be appropriately maintained and tested. Nothing in this policy should be construed to require the presence or use of an AED on school property or at school sponsored events, unless otherwise required by law. Sterling Montessori cannot and does not guarantee that an AED or a person trained in its use will be available at school or school sponsored events.

Sterling Montessori, its employees, and the Laura Holland Uzzell Foundation expressly reserve all immunities from civil liability which are available to them under state or federal law, including governmental immunity and the statutory immunities set forth in the North Carolina General Statutes.

### **Liability**

Sterling Montessori, its employees, and the Laura Holland Uzzell Foundation, designees, or volunteers, and a physician, physician assistant, or nurse practitioner of the local health department shall not be liable in civil damages for any authorized act or for any omission relating to that act unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing.

**P.52**  
**Title IX Policy**  
**Adopted 2/15/2023**

## **Sterling Montessori Academy and Charter School**

### **Title IX Policy**

#### **I. PURPOSE AND DECLARATION OF POLICY**

Sterling Montessori and Charter School (the “School”) is committed to maintaining an education and workplace environment for all School community members that is free from all forms of discrimination, including harassment and retaliation. The members of the School community include the School’s students, employees, administration, faculty, staff, School volunteers, parties under contract to perform work for or with the School, and family members participating in School meetings or School-sponsored activities. For purposes of this Policy, the School also includes the LHU Foundation Board of Directors (the “Board”).

The School does not exclude from participation, deny the benefits of the School from, or otherwise discriminate against individuals on the basis of race, color, sex, sexual orientation, gender (including gender identity or expression), age, creed, religion, ancestry, national origin, ethnic background, marital status, pregnancy, disability, veteran/military status, or any other category protected by state or federal law in the administration of its educational and employment policies or in its programs and activities.

The Board also declares it to be the policy of the School to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Inquiries regarding the application of Title IX to the School may be directed to the Title IX Coordinator or to the Assistant Secretary for Civil Rights of the United States Department of Education.

Discrimination in any of its forms is inconsistent with the rights of students and the mission and educational goals of the School and is prohibited at or during School-sponsored programs or activities, including transportation to or from School or School-sponsored activities. Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under other Board policies or the School’s student or employee codes of conduct.

This declaration of policy shall be included in each student and staff handbook and shall be posted to the School’s website, along with any Administrative Procedures developed hereunder.

#### **II. DELEGATION OF RESPONSIBILITY**

The Board designates the School’s Executive Director as the School’s Title IX Coordinator. The Title IX Coordinator shall fulfill designated responsibilities under this policy and the accompanying Administrative Procedures.

The Title IX Coordinator shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees, and the public. Nondiscrimination statements published on the School’s website and in student and employee handbooks shall include the position, office address and telephone number of the Title IX Coordinator.

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The Title IX Coordinator is responsible for monitoring the overall implementation of Title IX for the School and coordinating the institution's compliance with Title IX in all areas covered by the implementing regulations. The Title IX Coordinator is responsible to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor their implementation.

The major responsibility is the prevention of sexual harassment and discrimination. Other major monitoring duties include, but are not limited to, the following recruitment and admissions, educational programs and activities, hiring and employment. Other areas of consideration include:

- Participating in the development and implementation of the School's sexual harassment policy.
- Assisting faculty, counselors and administrators in complying with Title IX, and when a need arises, planning remedial actions.
- Making your presence known in the community by representing the School's commitment to equal educational rights by speaking at parent-teacher group meetings, social or professional organization meetings, and other community functions.
- Serving as a resource on Title IX/gender issues.
- Monitoring and evaluating the School's Title IX compliance efforts and making recommendations for any appropriate changes.
- Providing updated information to Schools on Title IX implementation and issues.
- Identifying and disseminating information about Title IX educational resources (organizations, individuals, print, internet, and audio-visual)

The Board further directs the Title IX Coordinator to develop a reporting procedure which shall be applicable to all allegations of discrimination, harassment, sexual harassment, Title IX sexual harassment, bullying, hazing, dating violence, and retaliation.

### **III. OVERVIEW**

This policy applies when a student is alleged to be a victim of Title IX sexual harassment (defined below).

The School prohibits all forms of discrimination and harassment, including bullying, hazing and discriminatory harassment, as well as Title IX sexual harassment (this policy).

The School shall promptly review and investigate all allegations of conduct which may be a violation of the above-mentioned policies.

When the School has actual knowledge of Title IX sexual harassment, the School shall respond promptly and in a manner that is not deliberately indifferent. Student respondents are presumed to not be responsible for alleged conduct until the conclusion of grievance procedures pursuant to this policy.

Where conduct is found to constitute Title IX sexual harassment, the School shall take corrective action in the form of sanctions.

Conduct that does not fall within the scope of Title IX or implicate this policy will be handled under the appropriate policy, such as those named above, or the School's Code of Conduct.

This policy is intended to apply to students vis a vis other students, faculty, staff, volunteers/visitors, or contractors. This policy also applies to employees, volunteers/visitors, and contractors. This policy applies to behavior that takes place within the School's "education program or activity," which includes, but is not necessarily limited to, behavior:

1. in any School building or on any School premises before, during or after School hours;

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2. on any bus or other vehicle as part of any School activity;
3. during any School-sponsored activity or extracurricular activity;
4. at any time or place when the individual is subject to the oversight and authority of School personnel;
5. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the School; and
6. while using School or personal electronic communications, including employee and student emails, text messaging, instant messaging, chat rooms, blogging, websites and social networking websites (e.g., Snapchat or Instagram).

This policy is limited to conduct occurring in the United States.

## **ADMINISTRATIVE PROCEDURES**

The School shall adopt Administrative Procedures which provide for the resolution of complaints of Title IX sexual harassment. The Board directs the Title IX Coordinator to monitor, develop, and amend the Administrative Procedures from time to time as may be necessary to promote the efficient resolution of complaints of harassment, to the extent such change(s) are consistent with Title IX law and regulations. The Administrative Procedures shall constitute the School's process for compliance with the requirements for "Formal Grievance Procedures" as set forth in Title IX law and regulations.

Administrative Procedures shall expressly provide that the School shall have the authority, in any investigation conducted pursuant to this policy, to assign one or more functions to an independent third party, such as an attorney.

## **DEFINITIONS**

As used in this and all other Title IX related policies, the following definitions shall apply.

a. **Sexual Harassment** prohibited under Title IX and by this policy is conduct on the basis of sex occurring in a School education program or activity that satisfies one or more of the following:

- i. an employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct;
- ii. unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education program or activities. This determination requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and the victim and the number of individuals involved and their authority;
- iii. sexual assault;
- iv. dating violence;
- v. domestic violence; or
- vi. stalking

Sexual assault, dating violence, domestic violence, and stalking will be defined in accordance with applicable law.

Conduct that satisfies this standard is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the School did not have substantial control over both the harasser and the context in which the harassment occurred.

Examples of conduct on the basis of sex that would be considered sexual harassment if the conduct satisfies the criteria above include, but are not limited to: unwelcome sexual advances; requests for sexual

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favors; and other verbal or physical conduct of a sexual nature, such as deliberate, unwelcome touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; sexual assault; sexual violence; the display of sexually suggestive drawings, objects, pictures, or written materials; posting sexually suggestive pictures of a person without the person's consent; and forwarding pornographic material to a classmate or other member of the School community. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping may also constitute sexual harassment. Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex. Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, as well as intimidation or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

Legitimate age-appropriate pedagogical techniques are not considered harassment.

Conduct that is determined not to meet the definition above may violate other School policies or established standards of conduct and will be treated accordingly. For example, conduct that does not meet the definition of Title IX sexual harassment above may nevertheless violate other School policies.

**b. Report** is an oral or written notification that an individual is an alleged or suspected perpetrator or victim of sexual harassment.

Making a report initiates the interactive process with the Complainant described below. No disciplinary action will be taken against a Respondent for sexual harassment based on a report alone.

**c. Formal Complaint** is a document signed and filed with the Title IX Coordinator by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that School officials investigate the allegation(s). Filing a Formal Complaint initiates the Complaint process. The Formal Complaint must demonstrate that at the time of filing a formal complaint, Complainant was participating in or attempting to participate in the education program or activity of the School with which the formal complaint is filed.

**d. Complainant** is the individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment, regardless of whether a Formal Complaint is filed. While parents and guardians do not become complainants (or respondents), parents and guardians have a right to act on behalf of parties (including by filing formal complaints) in Title IX matters.

**e. Respondent** is the individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**f. Formal Complaint Process** means the process for investigating and reaching a final determination of responsibility for a Formal Complaint of sexual harassment in accordance with this Policy and supporting documents, policies or procedures published by the School.

**h. Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the School's education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School's educational environment, or deter sexual harassment.

i. **Days** are school days unless specified otherwise.

j. **Student(s)** means the Student and/or the Student's parent or legal guardian unless the context clearly indicates otherwise. When the Complainant or Respondent is a Student, references to those terms also include the Student's parent or legal guardian unless the context clearly indicates otherwise.

k. **Actual Knowledge** means a School employee or Board member has notice of sexual harassment or allegations of sexual harassment. Actual knowledge includes but is not limited to:

- i. a report of sexual harassment/discrimination from a Student, an employee or other person;
- ii. the employee or Board member witnesses conduct that is or reasonably could be sexual harassment; or
- iii. the employee or Board member discovers evidence of sexual harassment, such as sexualized graffiti on School property, or otherwise has reliable information or reason to believe that a Student, employee, or other individual may have been sexually harassed in violation of this policy, even if no one has reported the sexual harassment.

## **IV. REPORTING SEXUAL HARASSMENT**

### **STUDENTS**

Any Student who believes he or she is a victim of discrimination, harassment, or sexual harassment/misconduct based on sex and/or gender occurring during or as part of the School's educational programs or activities may report the matter to a trusted teacher or advisor, the Superintendent, the Title IX Coordinator, or to any teacher, counselor, or other School employee. Likewise, a Student who has witnessed conduct amounting to sexual harassment may report such conduct.

### **SCHOOL EMPLOYEES AND BOARD MEMBERS**

Employees and Board members are required to immediately report any actual or suspected discrimination, harassment, or sexual harassment/misconduct based on sex and/or gender. Such report must be made to the Title IX Coordinator, grade-level Principal, or Superintendent, as soon as possible and within 24 hours. If the Superintendent is involved in the allegation, then another administrator will immediately inform the Chair of the Board of Directors.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so.

An employee with actual knowledge of possible sexual harassment in violation of this policy who does not promptly report the conduct and/or take proper action as required by this subsection, or who knowingly provides false information about the incident, will be subject to disciplinary action, up to and including dismissal.

Any doubt about whether particular conduct is possible sexual harassment must be resolved in favor of reporting the conduct. The mandatory reporting requirements of this Policy are in addition to required reporting under other policies, under State law, and pursuant to applicable State Board of Education Policies. In addition, School officials should report incidents to law enforcement as appropriate.

### **REPORTING BY OTHERS**

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Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination or harassment based on sex/gender under this policy to the Superintendent, or the Title IX Coordinator. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

## **CONTENTS OF REPORTS**

To the extent possible, reports should be sufficient to put School officials on notice of conduct that could constitute sexual harassment. Employees making mandatory reports should provide as much detail about the alleged sexual harassment as is known, unless such disclosure would violate law or standards of professional ethics. Reports, other than mandatory reports by employees, may be made anonymously, but anonymous reports may limit the School's ability to respond fully if the alleged victim is not identified.

## **METHODS OF REPORTING**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Reporting may be made at any time, including during non-school hours.

## **TIME PERIOD FOR REPORTING**

Students and others may make a report at any time, preferably as soon as possible after disclosure or discovery of the facts giving rise to the report.

School employees and Board members with actual knowledge of sexual harassment must report that information immediately, but in any event no later than 24 hours after learning facts that give rise to such knowledge. Failure by an employee who has actual knowledge of sexual harassment to report that to the School in accordance with this policy will be grounds for employee discipline, up to and including dismissal.

## **V. SCHOOL RESPONSIBILITIES**

School officials must respond promptly and impartially to actual knowledge of sexual harassment and do so in a manner that is not deliberately indifferent. Such response will include an interactive process and Supportive Measures.

### **REVIEW PROCESS**

Upon receiving a report of alleged sexual harassment, the Title IX Coordinator shall promptly contact the Complainant (and the Complainant's parent or guardian if appropriate). This contact must occur within three Days, absent extenuating circumstances. The Title IX Coordinator shall also notify the Board of the report and, if an employee is the Complainant or Respondent, the Director of Operations.

When contacting the Complainant, the Title IX Coordinator shall do all of the following during the contact and shall document the same:

- i. Offer Supportive Measures;
- ii. Consider the Complainant's wishes with respect to Supportive Measures;
- iii. Explain that Supportive Measures are available with or without the filing of a Formal Complaint; and

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iv. Explain the process for filing a Formal Complaint with the Title IX Coordinator and the response required of the School when a Complaint is filed, including all the following:

- 1) The filing of a Formal Complaint will initiate the Formal Complaint process;
- 2) The Formal Complaint may be filed in person, by mail, or by electronic mail and must be filed with the Title IX Coordinator;
- 3) The steps of the formal process include: notice to the Respondent; investigation during which both parties may present evidence and ask questions; a decision by an objective Decision-Maker; and the right to appeal the Decision;
- 4) The approximate time frame for concluding the Complaint process;
- 5) That School officials will treat both parties equitably;
- 6) The possibility that Formal Complaints may be consolidated; and
- 7) The requirement that, under some circumstances, the Title IX Coordinator may be required to file a Formal Complaint should the Complainant not choose to do so.

### **SUPPORTIVE MEASURES**

After considering the Complainant's wishes, the Title IX Coordinator shall arrange the effective implementation of appropriate Supportive Measures unless, in the exercise of good judgment, the Title IX Coordinator determines that Supportive Measures should not be provided. If Supportive Measures are not provided to the Complainant, the Title IX Coordinator shall document why Supportive Measures were not provided and why not providing Supportive Measures is not deliberately indifferent to known sexual harassment.

The School's selection of Supportive Measures and remedies shall be based on what is reasonable in light of the known circumstances.

The School determines which measures are appropriate for a particular complainant on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep the Complainant safe and ensure their equal access to educational programs and activities. If the Complainant or advocate identifies an interim measure that is not already provided by the School, the School will consider whether the request can be granted. In those instances where interim measures affect both a Complainant and the Respondent, the School will minimize the burden on the Complainant wherever appropriate while ensuring that the measures are non-disciplinary and non-punitive prior to reaching a determination regarding responsibility.

Supportive measures available to the parties include, but are not limited to, counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures determined by School officials to be necessary to protect the safety or educational or employment activities of a party.

### **COMPLAINT FILED BY TITLE IX COORDINATOR**

The Title IX Coordinator may file a formal complaint even when a Complainant declines to file a Formal Complaint. The Title IX Coordinator makes this decision on case-by-case basis. The School must not be deliberately indifferent to a violation of this Policy. This decision must not be based upon the credibility or merit of the Complaint. The filing of a Formal Complaint by the Title IX Coordinator does not signify agreement or disagreement with the allegations; nor does the filing render the Title IX Coordinator a party to the Complaint. The Title IX Coordinator must document the decision whether or not to file a Formal Complaint and the reasons therefor.

### **PRESUMPTION OF NON-RESPONSIBILITY**



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A Respondent identified in any report under this Policy is presumed not responsible until responsibility has been established by a preponderance of evidence in accordance with the Formal Complaint Procedures set forth in Administrative Procedures.

**RIGHTS PROVIDED UNDER LAW**

The School will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, or other applicable laws, when complying with Title IX.

**DUE PROCESS**

No discipline may be imposed upon an employee or Student without following applicable due process procedures, unless the individual agrees to disciplinary action pursuant to a settlement or mediation process; provided, however, that a Respondent may be subject to removal, suspension, or leave in accordance with State law and School Policy, including the School's Code of Conduct.

**CONFLICTS OF INTEREST AND IMPARTIALITY**

All Title IX personnel (Title IX Coordinators, investigators, decision-makers, people who facilitate any informal resolution process) shall be free from conflicts of interest or bias for or against complainants or respondents.

**PRIVILEGED INFORMATION**

The School's complaint process shall not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

**EQUAL TREATMENT AND EVIDENCE**

Any provisions, rules, or practices that a school adopts as part of its complaint process for handling formal complaints of sexual harassment must apply equally to both parties (complainant and respondent).

The standard of evidence to determine responsibility is the preponderance of the evidence standard for all formal complaints of sexual harassment, whether the respondent is a student or an employee (including faculty member).

Each party shall have the right to submit written, relevant questions that a party wants asked of any party or witness.

**DISMISSAL**

If the allegations in a formal complaint do not meet the definition of sexual harassment as defined in the School's Title IX policy, or the alleged conduct did not occur in the School's education program or activity, against a person in the United States, the School must dismiss such allegations for purposes of Title IX. However, the School may still address the allegations in any manner the School deems appropriate under the School's code of conduct or other applicable policies.

**VI. REMEDIES AND DISCIPLINARY SANCTIONS**

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When a Respondent is found responsible for sexual harassment, the School will offer remedies needed to eliminate the harm to the Complainant and the school community and prevent the recurrence of sexual harassment. Simply sanctioning a Respondent found responsible, in some cases, may be insufficient to eliminate a hostile environment. Rather, in addition to sanctions, the School may consider offering appropriate remedies for the broader student/staff population after the final outcome, including the following:

- Training or retraining school employees on the school's responsibilities to address allegations of sexual violence and how to conduct Title IX investigations;
- Developing materials on sexual harassment, which should be distributed to all staff and students;
- Conducting bystander intervention and sexual harassment prevention programs with students and/or staff;
- Issuing policy statements or taking other steps that clearly communicate that the school does not tolerate sexual harassment and will respond to any incidents and to any student who reports such incidents;
- Conducting, in conjunction with School employees and, as appropriate, student and parent feedback, a School climate check to assess the effectiveness of efforts to ensure that the school is free from sexual violence, and using that information to inform future proactive steps that the school will take;
- Targeted training for a group of students if, for example, the sexual harassment created a hostile environment (e.g., in a particular student group or club);
- When a school is unable to conduct a full investigation into a particular incident (i.e., when it received a general report of sexual violence without any personally identifying information), it may consider remedies for the broader student population in response.

Disciplinary sanctions may include, but are not limited to:

- For Students found responsible: verbal warning, written warning, interim suspension, restitution, suspension, required participation in appropriate training, counseling, required completion of a probationary period without additional infractions, or requiring the respondent to stay away from the complainant for a period of time, or possible dismissal from the School.
- For Employees found responsible: sanctions for violations of Title IX vary depending on severity from formal written warning to dismissal.

## **VII. OTHER PROVISIONS**

### **CONFIDENTIALITY**

Confidentiality of all parties, witnesses, the allegations, the filing of a formal complaint, and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, and the School's legal and investigative obligations.

All incidents that are required by law to be reported to law enforcement or a state or administrative agency pursuant to applicable law will be reported in accordance with the School's legal obligations.

### **RETALIATION**

The Board prohibits retaliation by the School or any other person against another person for:

- Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.

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- Testifying, assisting, participating, or refusing to participate in a related investigation, process, or other proceeding, or hearing.
- Acting in opposition to practices that the person reasonably believes to be discriminatory.

The School, its employees, and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if they believe retaliation has occurred. Substantiated allegations of retaliation may result in the same disciplinary action applicable to one who engages in violations of this policy.

### **TRAINING-RELATED REQUIREMENTS**

The School shall ensure that:

Title IX Coordinators, investigators, decision-makers, and any individuals who facilitate an informal resolution process pursuant to this policy have appropriate training.

All materials used to train Title IX Coordinators shall be made publicly available on the School's website.

All materials used to train School employees who are also investigator(s), decision-maker(s), or individual(s) who facilitate informal resolution processes shall be made publicly available on the School's website.

Information regarding community resources is maintained and provided to staff, so that staff may in turn make the resources available to complainants, respondents, or others who have been impacted by harassment or allegations thereof.

### **RECORDKEEPING**

The School shall maintain for a period of seven (7) years records of:

- Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the School's education program or activity;
- Any appeal and the results therefrom;
- Any informal resolution and the results therefrom; and
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The School must make these training materials available on its website.

The School must create and maintain for a period of seven (7) years for each formal complaint: records of any actions, including any Supportive Measures, in response to a complaint of sexual harassment. In each instance, the School must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the School's education program or activity.

### **COMPLAINTS TO OFFICE FOR CIVIL RIGHTS**

Any person who believes they have been a victim of sexual harassment in violation of this Policy, or who believes the School is not acting in accordance with its obligations under this Policy or applicable law may file a complaint directly with the Office for Civil Rights of the U.S. Department of Education.

**P.53**  
**Violence Policy**  
**Adopted 4/18/2023**

## **VIOLENCE AND THREATENING BEHAVIOR**

Students are expected to adhere to this policy at all times and in all places including:

- During and after school hours while in the school building or on school grounds,
- During all school sponsored activities including field trips, sporting events (both at and away from the school) and at any other event where students are representing Sterling

Violent or threatening behavior occurring outside of the Sterling environment will be subject to Sterling review and possible action if the Executive Director believes such behavior presents a threat to the Sterling community. This policy extends to actions that occur through digital media such as texting, mobile applications, social networking sites, and email.

Violent or threatening behavior is prohibited at Sterling Montessori. The policy applies to both physical violence as well as verbal conduct, and includes, but is not limited to, the following:

**Physical Acts:**

- Any type of striking or grabbing (punching, kicking, grappling, etc.)
- Throwing objects at another person
- Any other act that physically endangers or harms another person

**Verbal Acts:**

- Threatening another person's life or safety
- Bullying (as described in the Sterling Bullying Policy)
- Using abusive, derogatory, or intimidating language towards another person
- Verbal or written threats made by a student or student's family and directed towards a Sterling community member or the School. This includes threats made face to face or over any type of media (e.g. email, social media, text)

**Possession of weapons:**

- Including but not limited to, any knife, cutting instruments, firearm or explosive substance or device

**Reporting Violence and Threats**

All reports of violence, threats, or possession of any weapons in violation of this policy shall be immediately reported to the Executive Director.

Any community member who has knowledge of threats made against a Sterling community member (staff, student, family) or the school should immediately notify the Executive Director. Concerns raised with your student's classroom teacher or other Sterling staff shall be immediately forwarded to the administration.

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Upon receiving a report of any threat made against a Sterling community member or the School, the executive Director shall, in his or her discretion, notify law enforcement. The school may continue its internal review and discipline processes separately from the authorities.

**Removal from and Return to School**

The Executive Director, a Section Director, or School Counselor may immediately remove a child believed to be a threat to the student or others. That child may be sent home until the school has an opportunity to review all of the appropriate facts.

At the discretion of the Executive Director or School Counselor, the school may require an evaluation by a qualified health professional before the student is permitted to return to school. Parents/guardians may also be required to sign a release of information to allow teachers and staff members to speak with the student's therapist. Staff members may need to communicate with health professionals for violence assessment or other needed services.

**P.54**  
**Policy on Parent's Rights**  
**Adopted 12/06/2023**

**POLICY ON PARENTS' RIGHTS**

**PARENTS' BILL OF RIGHTS.** Parents have the right to the following:

1. To direct the education and care of his or her child.
2. To direct the upbringing and moral or religious training of his or her child.
3. To enroll his or her child in a public or nonpublic school and in any school choice options available to the parent for which the child is otherwise eligible by law in order to comply with compulsory attendance laws.
4. To access and review all education records relating to his or her child, as authorized by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.
5. To make health care decisions for his or her child, unless otherwise provided by law.
6. To access and review all medical records of his or her child, as authorized by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191, as amended, except as follows:
  - a. If an authorized investigator requests that information not be released to a parent because the parent is the subject of an investigation of either: (1) a crime committed against the child or (2) an abuse and neglect complaint; or
  - b. When otherwise prohibited by law.
7. To prohibit the creation, sharing, or storage of a biometric scan of his or her child without the parent's prior written consent, except as authorized pursuant to a court order or otherwise required by law.
8. To prohibit the creation, sharing, or storage of his or her child's blood or deoxyribonucleic acid (DNA) without the parent's prior written consent, except as authorized pursuant to a court order or otherwise required by law.
9. To prohibit the creation by the State of a video or voice recording of his or her child without the parent's prior written consent, except a recording made in the following circumstances:
  - a. During or as part of a court proceeding.
  - b. As part of an investigation into the alleged abuse or neglect of the child.
  - c. When the recording will be used solely for any of the following purposes:
    1. A safety demonstration, including one related to security and discipline on educational property.
    2. An academic or extracurricular activity.
    3. Classroom instruction.
    4. Photo identification cards.
    5. Security or surveillance of buildings, grounds, or school transportation.
10. To be promptly notified if Sterling or an employee of Sterling suspects that a criminal offense has been committed against his or her child, unless the incident has first been reported to law enforcement or the county child welfare agency, and notification of the parent would impede the investigation.

**PARENTS' RIGHTS – CHILD'S EDUCATION.** Sterling Montessori Academy & Charter School recognizes and will allow parents to exercise the following rights which they have regarding their child's education:

1. The right to consent or withhold consent for participation in reproductive health and safety education programs, consistent with the requirements of G.S. 115C-81.30.
2. The right to seek a medical or religious exemption from immunization requirements, consistent with the requirements of G.S. 130A-156 and G.S. 130A-157.
3. The right to review statewide standardized assessment results as part of the State report card.
4. The right to request an evaluation of their child for an academically or intellectually gifted program, or for identification as a child with a disability, pursuant to state and federal law.
5. The right to inspect and purchase public school unit textbooks and other supplementary instructional materials.
6. The right to access information relating to the school's policies for promotion or retention, including high school graduation requirements.

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7. The right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance.
8. The right to access information relating to the State public education system, State standards, report card requirements, attendance requirements, and textbook requirements.
9. The right to participate in parent-teacher organizations.
10. The right to opt in to certain data collection for their child, as provided in Part 5 of Article 7B and Article 29 of Chapter 115C of the North Carolina General Statutes.
11. The right for students to participate in protected student information surveys only with parental consent, as provided in G.S. 115C-76.65.
12. The right to review all available records of materials their child has borrowed from a school library.

**IMPLEMENTATION**

1. For purposes of this policy, “parent” is defined as a person who has legal custody of a child, including a natural parent, adoptive parent, or legal guardian.
2. Nothing in these policies authorizes a parent to engage in unlawful conduct or to abuse or neglect a child.
3. The requirements of these policies do not prohibit a State official, employee or court from acting within the reasonable and prudent scope of their authority or as permitted by law.
4. An employee who encourages, coerces, or attempts to encourage or coerce a child to withhold information from his or her parent may be subject to disciplinary action.
5. A copy of this policy shall be posted on the school website.

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References: N.C.G.S. 114A-10, -15, -20 (Parents’ Bill of Rights)  
N.C.G.S. 115C-76.25 (Parent legal rights for their child’s education)

**P.55**  
**Parental Involvement Policy**  
**Adopted 12/06/2023**

**PARENTAL INVOLVEMENT POLICY**

Sterling Montessori Academy & Charter School supports parental involvement in the education of their children and encourages parental participation in school activities and programs so that students benefit from a strong relationship between school and home. Sterling and its employees will support and cooperate in implementing a well-planned, inclusive, and comprehensive program to assist parents and families in effectively participating in their child's education.

Parent's Guide for Student Achievement. Annually, Sterling will provide parents a written parent guide to student achievement that is understandable to students and parents. The guide will include State Board of Education requirements as well as a copy of this Policy. The guide will be discussed at the beginning of each school year in meetings of students, parents, and teachers.

Community Services. Links to community services will be made available to parents on the school's website and may also be shared through flyers, brochures and bulletin boards at school.

Family Involvement Programs. The Executive Director will solicit input from parents and school officials regarding the development, implementation and evaluation of family involvement programs. The Executive Director may use surveys, polls, meetings of existing parent organizations or other appropriate tools. The Executive Director will provide a report on family involvement programs to the School Advisory Council and to the Board of Directors.

Curriculum Information. At the beginning of each school year, the Executive Director will provide parents written information about Sterling's curricular objectives and how textbooks are used to implement those objectives. At the beginning of each school year, teachers will provide parents written information about the course of study for their classes and the supplementary instructional materials that will be used in the classroom. Throughout the school year, parents will be able to access information about assignments, homework, attendance and discipline through PowerSchool.

School Advisory Councils. The Executive Director will establish a School Advisory Council to allow for input and cooperation from parents and school officials on school programs and activities. The Executive Director will notify parents of the opportunity to serve on the council as well as opportunities to participate in school volunteer programs and other activities.

Clubs and Activities. Information about the nature and purpose of curricular and extracurricular clubs and activities offered at the school will be made available to parents on the school's website and may also be shared through flyers, brochures and bulletin boards at school.

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References: N.C.G.S. 115C-76.20; -76.30; 76.35.

*Note: 115C-76.35 requires that this policy be developed in consultation with parents, teachers, administrators, and community partners. Consider ways to seek that input and consider reviewing the policy as soon as practicable thereafter.*



**P.56**  
**Parental Information Requests**  
**Adopted 12/06/2023**

**PARENTAL INFORMATION REQUESTS POLICY**

Parents may request in writing from the Executive Director any of the information the parent has the right to access under North Carolina law (Chapter 115C, Article 7B, Part 3). When a parent submits a written request for any such information, the Sterling Montessori Academy & Charter School will respond as follows:

1. Within 10 business days of receiving the written request, the Level Director shall either, (i) provide the requested information to the parent or (ii) 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.
2. If the Level Director (i) denies or fails to respond to the request for information within 10 business days or (ii) fails to provide information within 20 business days following an extension, the parent may submit a written request for the information to the Executive Director, along with a statement specifying the time frame of the denial or failure to provide information by the Level Director.
3. If the Executive Director] denies or does not respond to the request for information within 10 business days, the parent may appeal the denial or lack of response to the Laura Holland Uzzell Board of Directors. The parent must submit a written appeal no later than 20 business days from the date of the request to the Executive Director.
4. If there is a timely appeal to the LHU Board of Directors, the Board shall place the parent's appeal on the agenda for the next meeting of the Board occurring more than three business days after submission of the appeal. A decision of the Board under this section is final and is not subject to judicial review.

A copy of this policy shall be posted on the school website ([www.sterlingmontessori.org](http://www.sterlingmontessori.org)).

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References: N.C.G.S. 115C-76.40.

**P.57**  
**Notifications of Student Physical and Mental Health**  
**Adopted 12/06/2023**

**NOTIFICATIONS OF STUDENT PHYSICAL AND MENTAL HEALTH**

Notice of Services

At the beginning of each school year, the Sterling Montessori Academy & Charter School shall notify parents of each health care service offered at Sterling and the means for the parent to provide consent for any specific service.

Prior to or contemporaneous with changes, Sterling shall provide notice of changes in services or monitoring related to his or her child's mental, emotional, or physical health or well-being and Sterling's ability to provide a safe and supportive learning environment for that child.

Prior to the administration to students in kindergarten through third grade, Sterling shall provide a copy of any student well-being questionnaire or health screening form and the means for the parent to consent to the use of the questionnaire or form for his or her child.

Reproductive Health and Safety Education

Sterling shall notify parents prior to allowing students to participate in reproductive health and safety education programs. Prior to participation in such programs, parents will have the opportunity to review the materials to be used in the program and to provide their consent for the child's participation.

Name/Pronoun Changes

Sterling shall notify the parent prior to any changes in the name or pronoun used for a student in Sterling's records or by Sterling's personnel.

Age-Appropriate Instruction for Grades K-4

Instruction on gender identity, sexual activity, or sexuality shall not be included in the curriculum provided in grades K-4, regardless of whether the information is provided by Sterling's personnel or third parties.

Role of Parents

Sterling personnel shall encourage a child to discuss issues related to the child's well-being with his or her parent and, when appropriate, facilitate discussion of the issue with the child's parents.

Sterling 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.

Nothing in this policy shall prohibit parents from accessing any of their child's education and health records created, maintained or used by Sterling except when Sterling personnel reasonably believe that such disclosure would result in the child being abused or neglected or when an authorized investigator requests that information not be released because the parent is being investigated for abuse, neglect or other criminal act or when disclosure is otherwise prohibited by law.

## **P.58: Policy on Protected Information Surveys Adopted 12/06/2023**

### **POLICY ON PROTECTED INFORMATION SURVEYS**

Sterling Montessori Academy & Charter School shall implement the following procedures for any protected information surveys.

- Parents and adult students shall be notified at least 10 days prior to the administration of a protected information survey.
- The above notification shall include the full text of the protected information survey and the process for providing consent to participate in the protected information survey.
- The above notification shall be made available both electronically and in-person.
- No student shall be permitted to participate in a protected information survey without the prior written or electronic consent of the parent or the adult student.

A protected information survey is a survey, analysis, or evaluation that reveals information concerning any of the following:

1. Political affiliations or beliefs of the student or the student's parent.
2. Mental or psychological problems of the student or the student's family.
3. Sex behavior or attitudes.
4. Illegal, antisocial, self-incriminating, or demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

**P.59**  
**Resolution of Parental Concerns Policy**  
**Adopted 12/06/2023**

**RESOLUTION OF PARENTAL CONCERNS POLICY**

This Policy applies to parent concerns regarding Sterling Montessori Academy & Charter School's procedures or practices under Article 7B, Part 4 of Chapter 115C of the North Carolina General Statutes, including Sterling's policy governing Notifications of Student Physical and Mental Health.

Any parent concerns about Sterling's procedures or practices under the above-referenced section of the Parents' Bill of Rights should be submitted to the Level Director in writing as soon as possible after the event(s) giving rise to the concern. The parent submission shall include a description of the concern, any supporting documentation, and a description of the proposed resolution. The Level Director will review the submission and, within seven business days, provide the parent a response to the concern or notify the parent that additional time (up to seven additional business days) is needed to respond to the concern.

If the Level Director fails to respond within 14 business days or the concern is not resolved within that timeframe, the parent may submit a written request to have their concern reviewed by the Executive Director.

If the Executive Director does not respond to the parent's written request within seven business days or the concern is not resolved within that timeframe, the parent may submit a written appeal to have their concern reviewed by the Board of Directors.

If there is a timely appeal to the Board of Directors, the Board shall place the parent's appeal on the agenda for the next meeting of the Board occurring more than three business days after submission of the appeal. The Board will issue a written decision on the parent's appeal within five business days of the Board meeting.

If the parental concern has not been resolved within 30 days following the date of notification by the parent, Sterling shall provide the parent a statement of the reasons for not resolving the concern and the parent may choose to utilize the remedies set forth in N.C.G.S. 115C-76.60.

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References: N.C.G.S. 115C-76.45; -76.60  
North Carolina State Board of Education Policy PRNT-001

**P.60**

**Parent Review of Instructional Materials Policy**

**Adopted 12/06/2023**

**PARENT REVIEW OF INSTRUCTIONAL MATERIALS POLICY**

Parents have the right to inspect textbooks and other supplementary instructional materials used in their child's classroom. Parents may submit a written request to the Executive Director to inspect and review textbooks and other supplementary instructional materials. The Executive Director shall schedule a mutually agreeable date and time for the parent to come to the school and review the materials. The review will occur as soon as possible but no later than 10 business days from the date of the request.

Parents may submit an objection in writing to the Executive Director regarding the use of particular textbooks and supplementary instructional materials. The Executive Director may establish a committee to review the objection.

- If the Executive Director or the committee determines that any material violates constitutional or other legal rights of the parent or student, the Executive Director or the committee shall either remove the material from instructional use or accommodate the particular student and parent.
- Before any material is removed, the Executive Director or the committee shall ensure that the curriculum is still aligned with current statewide instructional standards.
- If a parent objection is not based upon constitutional or legal rights, the Executive Director or committee may accommodate the objection after considering the effect on the curriculum; any burden on the school, teacher, or other students that the accommodation would create; and any other relevant factors.

The decision of the Executive Director or the committee may be appealed to the Laura Holland Uzzell Board of Directors. The Board shall place the parent's appeal on the agenda for the next meeting of the Board occurring more than three business days after submission of the appeal.

This Policy shall be available for in-person review by parents at school and will be publicly available on the school's website.

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References: N.C.G.S. 115C-76.35(b)(3) and -76.35(b)(4); -76.40.

**P.61  
Gift Acceptance Policy  
Adopted 5/15/2024**

The purpose of this Gift Acceptance Policy is to outline and give recommendations to those individuals associated with Sterling Montessori Academy and Charter School’s development planning, promotion, solicitation, receipt, acceptance, management, reporting, use and disposition of private sector gifts.

These policies should be applied flexibly to accommodate unpredictable situations and donor expectations, as long as those expectations are in alignment with the mission and policies of Sterling Montessori Academy and Charter School (Sterling Montessori or the “School”).

All fundraising activities are managed by the Director of Development and are subject to approval by the Executive Director and/or LHU Board of Directors (the “Board”). Interpretation of the Gift Acceptance Policy is delegated to the Executive Director, subject to review by the Board.

**POLICY**

**I. Board Acceptance of Gifts**

The Board shall exercise its public trust, as mandated by statute, in making final decisions for the acceptance of all gifts and grants and for any exception to its policies and guidelines. Gifts and gift instruments may be received by the Director of Development but can be accepted officially only by the Board as managers of the public trust.

Sterling Montessori shall accept only those gifts where the transference and implementation is deemed consistent with the public laws and/or regulations of the United States of America and the State of North Carolina.

**II. Philanthropic Intent**

The Board shall determine that gifts to Sterling Montessori are of philanthropic intent and that the donor’s philanthropy is in accordance with the stated missions and goals of Sterling Montessori. The Board delegates this determination to the Executive Director subject to review by the Board.

The Board may also review gifts in order to verify that the gifts were not made with an intent to avoid appropriate taxes or with a prejudiced revaluation of gifts without objective evaluation.

**III. Ethics**

The Board will not accept gifts that if such gift would knowingly violate any ethical rule of either the giving organization or the School.

**IV. Review Legal Arrangements**

Legal counsel will, as required, review legal documents, contracts and all donor agreements. Sterling Montessori shall encourage donors to seek their own counsel in matters relating to their bequests, life income gifts, tax planning and estate planning.

**V. Professional Fees**

While Sterling Montessori is happy to aid attorneys and other professional advisors by providing specific language to be used in charitable giving instruments, it will not pay any attorney or advisor fees for the donor associated with this work.

**VI. Unacceptable Gifts**

## **Sterling Montessori Academy and Charter School**

Sterling Montessori reserves the right to refuse any gift that is not consistent with its mission. In addition to and without limiting the generality of, the following gifts will not be accepted by Sterling Montessori:

- a. Gifts that violate any federal, state or local statute or ordinance.
- b. Gifts that contain unreasonable conditions (i.e. a lien or other encumbrance) or gifts of partial interest and property unless the gift is immediately liquidated.
- c. Gifts that are financially unsound.
- d. Gifts that could expose Sterling Montessori to liability.
- e. Gifts that would result in Sterling Montessori losing its status as an IRC 501(c)(3) not-for-profit organization.
- f. Gifts that are too difficult or too expensive to administer in relation to their value.

### **VII. Stewardship**

Sterling Montessori will be responsible for stewardship towards its donors by following these guidelines:

- a. All gifts will be acknowledged within the required, or otherwise reasonable, period of time.
- b. All gift acknowledgement letters/receipts will be prepared by the Director of Development, or his/her designee.
- c. Files, records and mailing lists regarding all donors and donor prospects are maintained and controlled by Sterling Montessori.
- d. This information is confidential and is strictly for the use of the Board and Staff of Sterling Montessori. The School will use this information as necessary for its internal purposes, and for further philanthropic activity with the donors. The School will endeavor to honor a request that a gift be used for a specific purpose. The School will provide the donor with a narrative and financial report detailing the activities made possible by their support. This report will be submitted to the donor within 30 days of the completion of the underwritten activities.
- e. Unless requested, gifts to Sterling Montessori may be publicly acknowledged with donor recognition levels. All donor requests for confidentiality will be honored.
- f. Names of donors will not be provided by Sterling Montessori to other organizations, nor will any lists be sold or given to other organizations.

### **VIII. Conflict of Interest**

Unless approved in advance by the Board, individuals who normally engage in the solicitation of gifts on behalf of Sterling Montessori shall not personally benefit by way of commission, contract fees, salary, or other benefits from any donor in the performance of their duties on behalf of Sterling Montessori. (The definition of individuals includes each of the categories of employees of Sterling Montessori. Individuals are further defined to include associations, partnerships, corporations, or other enterprises in which a member of the staff holds a principal ownership interest.)

### **IX. Conformity to Federal and State Laws**

The Board will assure itself that fundraising activities comply with local, state, and federal laws.

### **X. Gift Valuations**

Sterling Montessori shall follow accepted guidelines for the valuation of gifts such as stock, real estate, personal property, and life insurance that require specific methods of valuation for the protection of both the donor and Sterling Montessori.

Gifts of art, furniture, books, stamps, coins and other collections, if accepted by the School, must have values assessed by properly accredited independent appraisers retained by potential donors for appropriate gift tax credit.

The donor is responsible for expenses related to appraisals.

### **XI. Required Reporting of Gifts to the Internal Revenue Service**

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The School will follow all reporting rules to appropriate tax authorities for all gifts. Should Sterling Montessori sell, exchange, or otherwise dispose of any gift (other than checks, cash or publicly traded stocks or bonds), within two years after the date of the gift, Sterling Montessori will furnish the Internal Revenue Service and the donor with a completed Form 8282.



**P.62**  
**Use of Restraint Policy**  
**Adopted 10/16/2024**

The purpose of this Use of Restraint is to outline when and under what limitations restraint or other physical intervention is appropriate at Sterling. At all times, the School and all Staff are expected to comply with all applicable laws and DPI policies.

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student's body.

This policy does not apply to touch or guidance that is both (1) reasonably needed to teach a skill or calm or comfort a student or needed to escort a student safely from one area to another and (2) appropriate for the educational environment and the age of the student.

Additionally, **Time-Out** means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

Except as explicitly permitted herein, physical restraint of students will not be considered a reasonable use of force, and its use is prohibited. In addition, physical restraint will not be considered a reasonable use of force when used solely as a disciplinary consequence.

**POLICY**

**I. Emergency Use of Restraint/Force**

Unless permitted under section II, below, a staff member of Sterling may use physical restraint only (1) to prevent a student from causing harm to that student or others or (2) as necessary to mitigate a threat of immediate harm, including:

1. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
2. as reasonably needed to maintain order or to prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
5. as reasonably needed to prevent self-injurious behavior;
6. as reasonably needed to remove a student from an environment that threatens the student's safety; or
7. as reasonably needed to prevent imminent destruction to school or another person's property.

In any circumstance, physical restraint shall be limited to only that action reasonably necessary to remove the threat.

Any use of restraint or physical restraint under this section shall be reported to the section director and an incident report should be filed and provided to the parents of the involved student(s) in accordance with school processes.

**II. Use of Restraint in Non-Emergency Situations**

The Executive Director shall establish processes identifying which Staff members are authorized to use physical restraint in non-emergency situations, including if used as provided for in an IEP, Section 504, or behavior intervention plan; and the training or certification (if any) that shall be required for those staff members. Only staff members authorized by the Executive Director and meeting any training requirements identified by the School may

use physical restraint in a non-emergency situation.

The Executive Director shall establish procedures for staff members to request assistance when that staff member anticipates that physical restraint may be required.

Any use of restraint or physical restraint under this section shall be reported to the section director and an incident report should be filed and provided to the parents of the involved student(s) in accordance with school processes.

### **III. Limitation or Prohibition of Specific Techniques; Reporting**

#### **Mechanical Restraint**

Mechanical restraint means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove. Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

1. when properly used as an assistive technology device included in the student's IEP, Section 504, or behavior intervention plan or as otherwise prescribed by a medical or related service provider;
2. when using seat belts or other safety restraints to secure a student during transportation;
3. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
4. as reasonably needed for self-defense;
5. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying down, taping, or strapping down of a student, will not be considered to be reasonable, and its use is prohibited.

#### **Seclusion**

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving or (b) incapable of leaving due to physical or intellectual capacity.

Sterling does not utilize Seclusion and any use thereof is prohibited.

#### **Isolation**

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving.

Sterling does not utilize Isolation and any use thereof is prohibited

#### **Aversive Procedures**

Aversive procedure means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability that causes or reasonably may be expected to cause one or more of the following:

1. Significant physical harm, such as tissue damage, physical illness, or death;
2. Serious and foreseeable long-term psychological impairment;
3. Obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:
  - a. electric shock applied to the body;
  - b. extremely loud auditory stimuli;
  - c. forcible introduction of foul substances to the mouth, eyes, ears, nose or skin;
  - d. placement in a tub of cold water or shower;
  - e. slapping, pinching, hitting or pulling hair;
  - f. blindfolding or other forms of visual blocking;
  - g. unreasonable withholding of meals;
  - h. eating one's own vomit; or
  - i. denial of reasonable access to toileting facilities.

Sterling prohibits the use of aversive procedures.

**Notice, Reporting and Documentation of Violations**

1. School staff will promptly notify the Executive Director or his or her designee of any of the following:
  - a. any use of aversive procedures;
  - b. any prohibited use of mechanical restraint;
  - c. any use of physical restraint resulting in observable physical injury to a student;
  - d. any use of seclusion or isolation.
  
2. Notice to Parents: When the Executive Director or his or her designee has personal or actual knowledge of any of the events listed above, he or she shall promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident.
  
3. Written Report to Parents: Within a reasonable period of time not to exceed 30 days after the incident the Executive Director or his or her designee shall also provide the parent or guardian with a written incident report. This report must include the following:
  - a. the date, time of day, location, duration, and description of the incident and interventions;
  - b. the events or events that led up to the incident;
  - c. the nature and extent of any injury to the student; and
  - d. the name of a school employee the parent or guardian can contact regarding the incident.
  
4. Reporting to State Board: The School shall maintain a record of incidents reported under the procedure described above and will provide this information annually to the State Board of Education.
  
5. Non-Retaliation for Reporting: An employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion or aversive procedure shall NOT be discharged, threatened or retaliated against through compensation, terms, conditions, location or privilege of employment by the School or the LEA or any employee unless the employee knew or should have known that the report was false.

**IV. Review of Use of Restraint**

When restraint is repeatedly used with a child, a review of the following may be necessary to determine whether changes to existing services and/or accommodations, or additional services and/or accommodations are warranted: the student's special education records (recent IEP, Section 504 Plan, behavior intervention plan, functional behavioral assessment, etc....); the prescribed behavioral strategies; and/or staff training and skills. Such review may also be appropriate after a single restraint or seclusion, if not provided for in the IEP/504 plan/BIP.

**V. Grievance**

Any person who believes that the School acts contrary to this Policy or applicable law may report that to the Executive Director or LHU Board for investigation, and/or review under the Sterling Grievance Policy.

# **EMPLOYMENT AND STAFF POLICIES**

## E.1 Mandatory Reporting

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### Mandatory Reporting

For purposes of this policy, the following definitions apply:

- A **child** means any individual under 18 years of age.
- A **staff member** is any individual working at Sterling.
- A **mandatory reporter** is any adult 18 years of age or older who must report when they know or suspect that child abuse is going on.
- **Child abuse or neglect** is any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation"; or ..... "An act or failure to act which presents an imminent risk of serious harm.
- **Child neglect** is a pattern of failing to provide for a child's basic needs, which include adequate food, clothing, hygiene, or supervision.

Staff members are mandatory reporters, required by law to report any cases of suspected child abuse or neglect immediately, or as soon as practically possible. Mandatory reporters must report any suspected case when there is knowledge of, or observance of a child being subjected to, conditions that would reasonably result in harm to the child.

If a student states they are uncomfortable with any adult, you do not stop there. Always ask, "tell me more," document any red-flag conversations and report to your Direct Supervisor or administrator. **Sharing suspected abuse or neglect with your Direct Supervisor is not a substitute for reporting the case to the Wake County CPS Report Line.** Mandatory reporters are required to provide their name when making reports. Reporters are required to report the facts and circumstances that led them to suspect that a child has been abused or neglected. They do not have the burden of proof that abuse or neglect has occurred. Mandatory reports cannot and will not be subject to any disciplinary actions for making a report. *When in doubt, report.*

If one or more staff members have joint knowledge or suspicion of abuse, one staff member may be designated to report the suspected abuse. Any staff member who has knowledge that the designated staff member has failed to report the suspected abuse is legally obligated to report it themselves. If the mandatory reporter is uncomfortable making the report to the Wake County Report Line themselves, they may ask their

Direct Supervisor or administrator to assist them in making the call.

**b) How to Report a Suspected Case of Child Abuse or Neglect:**

1. Report all documentation and the need to call CPS and Law Enforcement to your Direct Supervisor or appropriate administrator.
2. Report the suspected abuse or neglect to the Wake County CPS Report Line and to Law Enforcement.

***All reports of child abuse or neglect should be made to the Wake County Child Protective Services (CPS) Report Line: (919) 212 - 7990.***

**E.4  
Conflicts of  
Interest**

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**Conflicts of Interest Policy**

Modified 8/17/2022

An employee's primary duty is to represent the School at all times to the best of his or her ability. To this end, an employee should not become involved in any situation which may create a personal interest or place the employee under an obligation that may interfere with this primary duty. Each employee has the duty to be free at all times from any influence which might conflict or appear to conflict with the interest of the school or which might deprive the employee of his or her undivided loyalty and business dealings.

- If an employee or member of his or her immediate family has a financial interest in a firm which does business with the School and the interest is sufficient to affect the employee's decisions or actions, the employee must report the interest to the School and must not represent the School in any such transaction.
- No employee should directly or indirectly engage in conduct which is disloyal, disruptive, competitive, or damaging to the School.
- An employee shall not, at any time, accept compensation or remuneration except from the school for providing academic services to a student. Employees are prohibited from providing private tutoring to a Sterling Montessori student whether on-campus or off-campus.

The following acts are deemed by state law and/or the NC Board of Education to conflict with the interests of the Sterling Montessori.

- An employee or voting member of the governing board shall not, for personal financial gain, solicit or sell or have any pecuniary (financial) interest in the supplying of any goods, wares, merchandise materials, supplies, services, or equipment to Sterling Montessori. Approved extended employment shall not be a violation of this.
- An employee shall not, for personal financial gain, solicit or sell or have any pecuniary (financial) interest in the sale of any goods, wares, merchandise, materials, supplies, equipment, or services to students or employees of this school at school, on school premises, or any Sterling Montessori facility or

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activity.

- An employee shall not act as an agent for any manufacturer, merchant, dealer, publisher, or author seeking to sell any goods, wares, merchandise, materials, supplies, services, or equipment to the Sterling Montessori.
- An employee shall not receive or accept any gift, reward, gratuity, or other compensation from any manufacturer, merchant, dealer, publisher, or author for influencing or recommending to the school system or any school that it use a seller's goods, wares, merchandise, materials, supplies, services, or equipment.
- An employee shall not use for personal financial gain, any school facilities, supplies, equipment, or student labor (student labor during regular school hours), in the manufacture, creation, or repair of any goods, wares, or merchandise for sale, or for the providing of services to the general public.
- Except as allowed by state law (N.C.G.S. §§14-234, 143-58.1), no employee shall use the powers, policies, and procedures of the State's Division of Purchase and Contract or the school system's Purchasing Division to purchase or procure any property or service for private use or benefit.
- No employee of the charter school shall be immediate family (as defined in G.S. 115C-12.2) to any member of the Nonprofit LHU Board.
- No employee of the charter school, whether hired by the LHU Board or a management company, shall be a voting member of the Nonprofit LHU Board.
- No teacher or staff member that is immediate family of the chief administrator shall be hired without the LHU Board evaluating their credentials, establishing a structure to prevent conflicts of interest, and notifying the Department, with evidence, that this process has occurred.



## E.5 Nepotism

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### **Nepotism Policy**

The purpose of this nepotism policy is to protect the interests of Sterling Montessori when it is contemplating entering into an arrangement with an immediate family member of a member of the LHU Board of Directors of the Laura Holland Uzzell Foundation or an employee of Sterling Montessori. This policy is intended to supplement but not replace any applicable state laws governing nepotism applicable to nonprofit and charitable corporations.

The Policy shall be as follows:

Before any immediate family, as defined in G.S. §115C-12.2, of any member of the LHU Board or a charter school employee with supervisory authority shall be employed or engaged as an employee, independent contractor, or otherwise by the LHU Board in any capacity, such proposed employment or engagement shall be:

- disclosed to the LHU Board

*and*

- approved by the LHU Board in a duly called open-session meeting.

The burden of disclosure of such a conflict of interest shall be on the applicable Board member or employee with supervisory authority. If the requirements of this subsection are complied with, Sterling Montessori may employ the immediate family of any member of the LHU Board or a Sterling Montessori employee with supervisory authority.

No teacher or staff member that is immediate family of the chief administrator shall be hired without the LHU Board evaluating their credentials, establishing a structure to prevent conflicts of interest, and notifying the Department, with evidence, that this process has occurred.

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The term “immediate family member” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

**E.6  
Drug Free  
Workplace**

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### **Drug Free Workplace Policy**

This drug-free policy applies to all employees, contractors, and substitutes. Sterling Montessori complies with state and federal laws maintaining a drug-free workplace. This policy will govern each employee while on school property at any time during which an individual employee is acting within the course and scope of his/her employment or at any other time that the employee's violation of this Policy has a direct and adverse effect upon the performance of his/her job.

Sterling Montessori prohibits any unlawful manufacture, transmission, conspiring to transmit, possession, use, or being under the influence of any alcoholic or other intoxicating beverage, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids, counterfeit drugs, other intoxicants of any kind, or other controlled substance as defined in schedules I through V of Section 202 of the Controlled Substances Act.

Employee shall not display the odor of any alcoholic beverage or controlled substance while acting within the course and scope of his/her employment. The school prohibits the possession, use, transmission, or conspiring to transmit drug paraphernalia.

Employees shall not be impaired by the excessive use of prescription or nonprescription drugs in the workplace. The proper use of a drug authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this Policy when the drug is taken by the person for whom the drug was prescribed. Any employee with prior knowledge that the use of a prescribed medication under a doctor's direction or an over-the-counter medication could alter the employees' ability to perform the duties and responsibilities of his/her position must notify the appropriate supervisory person. An employee is responsible for finding out from a health care professional the effects of any prescribed drug being taken.

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If, in the opinion of the employee's supervisor, an employee's action and/or behavior are considered unsafe as a result of the proper use of medication, the employee may be sent home. A conference shall be conducted with the employee prior to the employee's resuming his/her duties. Prior to the employee's returning to work, the employee must provide written assurance that the medication's use has been terminated or the medication has been adjusted/modified to avoid impairment.

Any employee having reasonable grounds to believe that another employee is using or in possession of any illegal drug, or is under the influence of or in possession of alcohol while in the workplace shall immediately report the facts and circumstances to a Director.

An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify his/her Director and Human Resource no later than five days of such conviction. Violation of this policy shall subject an individual to disciplinary action up to, and including, termination of employment.

The school has a strong commitment to assist any employee who voluntarily asks for help. Employees shall be provided information concerning available counseling, rehabilitation, and re-entry programs. It is the employee's responsibility to seek help for drug and alcohol problems before they must be addressed at the workplace or otherwise become apparent as unsatisfactory job performance and/or work habits.

When there are reasonable grounds to believe that an employee is in violation of the Drug-Free Workplace Policy, the Executive Director or designee may require that the employee submit to a medical examination, including a drug or alcohol assessment. All information, reports, interview, statements, memoranda are confidential. If the drug or alcohol assessment is positive and there is no legitimate medical explanation for the results, the employee may be subject to disciplinary action, including termination of employment. Any employee who refuses a drug or alcohol-screening test may be terminated.

**Sterling Montessori Academy and Charter  
School**

Sterling Montessori has the right to determine whether, when or under what conditions an employee may be suspended, terminated or returned to employment after an instance of alcohol abuse or improper drug use.

Compliance with the Policy is mandatory, but compliance does not alter the “at will” status of the employer and, therefore, is not a guarantee of continued employment with the Sterling Montessori.

**E.7**  
**Grievances**

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## **Grievance Policy**

Sterling Montessori Charter School strives to encourage harmony among its employees, faculty, students, and parents/guardians. When disagreements arise, Sterling Montessori always tries to find equitable solutions through open and honest communication. All grievances should be resolved as close to their source as possible. Any grievance should only move to a higher level of authority after direct communication between those initially involved has failed to produce a resolution. The following procedures have been adopted to meet these goals.

### **Availability of Grievance Policy**

For those cases in which more informal attempts at a resolution of a problem have not been successful, Sterling Montessori is committed to providing employees a fair procedure for prompt consideration of the complaints.

The grievance procedure may be used by an eligible employee whenever he or she believes that he or she has been treated in a manner inconsistent with Sterling Montessori policies, or believes that he or she has been discriminated against on the basis of any protected classification under North Carolina or Federal Law.

Professional assessments and judgments of supervisors concerning such issues as performance evaluations, disciplinary actions, salary scale determinations, staffing, or organization of a department or allocation of its resources, are not subject to review under this procedure, unless it is alleged that the professional assessment or judgment was conducted in a manner inconsistent with Sterling Montessori policies or resulted from unlawful discrimination.

An employee who has any employment-related problem has the right and is responsible for discussing that problem with his or her immediate supervisor in an effort to seek a resolution. If the problem cannot be resolved to the satisfaction

of the employee, the employee is entitled to seek further assistance from the Executive Director.

### **Retaliation**

Employees are encouraged to use this grievance procedure and may do so without fear of reprisal or prejudice. Any individual found to have retaliated against an employee for initiating a grievance may be subject to disciplinary action. If any employee believes that he or she has been retaliated against as a result of pursuing a grievance, the employee should file a written petition with the LHU Board.

### **Grievance Procedure**

Only after the grievance has failed to resolve in an informal manner, should an employee initiate this formal grievance procedure. Grievance proceedings and information shall be kept confidential at all levels to the extent feasible and permitted by law.

#### **Level One: Direct Supervisor**

- An employee may, by written request, seek a conference with an immediate supervisor to address an unresolved grievance.
- How the matter is handled by the administration will depend on the nature and severity of the issue being discussed. In all cases, if the grievance is not resolved to the employee's satisfaction, the employee has the right to seek assistance from the Executive Director.
- The supervisor will document the content and outcome of the conference and provide a copy of this documentation to the employee.
- If the supervisor is the subject of the grievance, the employee may take the grievance directly to the Executive Director for consideration.

#### **Level Two: Executive Director**

- The Executive Director will review the grievance and determine whether or not the employee's grievance falls within the scope of the Grievance Policy.
- If it is determined that the grievance does not fall under the Grievance

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Policy, a consultation with the employee will consist of helping the employee identify the source of concern, providing the employee with information about school policies affecting their employment, providing feedback about their particular situation, and suggesting possible solutions.

- If it is determined that the grievance does fall under the Grievance Policy, the Executive Director will review the grievance, help clarify issues, and offer advice and consultation. This may involve discussion(s) with the individuals involved, and communication to the department involved, including appropriate administration officials when necessary. The Executive Director may seek the advice and counsel of the LHU Board.
- In all grievances in which discrimination is alleged, the Executive Director will notify the LHU Board of the nature of the allegation, the proposed resolution and the disposition of the case.
- The Executive Director will retain written documentation of the employee's grievance including: the content and dates of any relevant meetings, the names of the parties involved, the subject of the employee's grievance, and the resolutions initiated.
- The employee has the right to know within (5) five business days of the Executive Director's review of the grievance, the manner in which the grievance is being handled except where there are issues of school or personnel confidentiality. The Executive Director will provide the employee with written notice of the final disposition of the issue.
- If the Executive Director is the subject of the grievance, the employee may skip Level Two and take the grievance directly to the LHU Grievance Committee for consideration.

**Level Three: LHU Grievance Committee**

- If a grievance cannot be resolved through the administrative level, the employee may submit a formal grievance to the president of the LHU Board for review by the LHU Grievance Committee.
- A formal grievance statement shall be made in writing and shall include:
- A description of the specific grievance(s) including but not limited to: date(s), event(s), name(s) and title of person(s) involved, and information about the impact the issue has had or is having on the employee.
- A description of the alleged misapplication of a stated Sterling Montessori policy or procedure, or alleged act(s) of discrimination and whether this discrimination is based on any protected classification under North Carolina or Federal Law.



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- A statement of the remedy sought by the employee. The formal grievance statement must be submitted within twenty (20) days of the final disposition issued by the Executive Director.
  - Upon receipt of a formal written grievance, the Grievance Committee will determine if the complaint falls under the Grievance Policy. If it does, the LHU Board Grievance Committee will convene for a formal hearing to consider the grievance within ten (10) academic days after receiving the formal written grievance; if more time is needed, the hearing may be delayed for up to twenty (20) days (or as agreed upon in writing with the grievant).
  - At the hearing the LHU Board Grievance Committee will:
    - Receive and review the written record and documents relevant to the grievance;
    - Determine whether any additional evidence should be allowed;
    - Allow each party to make a brief oral presentation regarding their position on the grievance; and,
    - Make a record of the proceedings at the hearing.
  - At the conclusion of the hearing, the committee will make one of the following determinations:
    - School policy or discrimination provision has not been violated. In such a case, the LHU Board Grievance Committee may direct the employee as to other steps required to address the issue(s) or may refer the matter to other appropriate offices.
    - School policy or discrimination provision has been violated. In such a case, the LHU Board Grievance Committee will make a recommendation for appropriate corrective action. To
- issue this determination, the LHU Board Grievance Committee must be convinced in light of all the information presented, that it is more likely than not that school policy was violated.
- The LHU Board Grievance Committee will provide the employee and the Executive Director a written statement of its decision within five (5) academic days of the hearing. A copy of the written decision will also be sent to the LHU Board.

**Level Four: LHU Board**

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- The employee may make a final written appeal to the LHU Board within five (5) academic days after being notified of the determination by the LHU Board Grievance Committee.
  
- The appeal must be submitted to either the LHU Board President or the Vice President. At its next monthly meeting the LHU Board will consider the written record and documents which it deems to be relevant to the allegations raised in the appeal.
  
- The LHU Board will ordinarily conduct its review based on the written record, but may allow a brief presentation by the employee and the Executive Director, if necessary in a particular case. Upon review, the LHU Board may elect to accept, reject or modify in any way, the previous determinations.
  
- The LHU Board will provide the employee and Executive Director a written statement of its decision within five (5) academic days of the board meeting. The resulting decision of the LHU Board is final.

**E.8  
Involuntary  
Termination**

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## **Involuntary Termination Policy**

Occasionally, it becomes necessary to terminate an employee involuntarily. The following procedures are to be employed to ensure due process for all employees and that all employees are treated in a just and equitable manner.

- The immediate supervisor must contact the Executive Director before any involuntary termination is carried out; and the Executive Director must obtain LHU Board approval before any involuntary termination is carried out.
- Generally, prior to an involuntary termination, performance or behavior issues have been addressed in detail between the supervisor and the employee. In such cases, the causes of the termination are clear and well-documented and the termination is a logical conclusion to the unsuccessful outcome of performance remediation efforts, or behavioral disciplinary actions. In these cases, the supervisor and/or the Executive Director will have already met with the employee and documented expectations in relation to the performance or behavior concerns. When it becomes clear to the supervisor and/or the Executive Director that it is no longer in the best interests of the school to retain the employee, the following procedure will be followed:
  1. The Section and/or Executive Director may choose to suspend the employee with or without pay prior to notice of termination.
  2. Whether the employee is on active suspension or currently working, the Executive Director will obtain LHU Board approval to terminate the employee.
  3. Upon Board approval, the Executive Director and the Section Director will conduct a formal meeting with the employee. The purpose of the meeting is:
    - to clarify the reasons for the termination;

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- to give the employee the opportunity to make representations with regard to the termination of their employment, ask questions, or raise relevant issues.
  - The Leve and/or Executive Director will provide the employee with a notice inwriting of the decision to terminate employment.
4. The Section and/or Executive Director will ensure that a final payroll payment is madeto the employee no later than two business days following the termination.

In rare circumstances, an employee will face immediate termination for egregious behavior that the school cannot tolerate. Although it is not possible to identify every possible violation of standards, the following is a partial list of infractions which will result in immediate suspension without pay followed by immediate dismissal upon LHU Board approval:

- misuse or misappropriation of school property, school funds, or funds held by an employee as part of his/her official duties;
- falsifying records of any kind – including application for employment, expense reports, time cards or student records;
- engaging in any behavior deemed “gross neglect” by the administration;
- being under the influence of alcohol or drugs while on school premises or business;
- possessing unauthorized drugs or alcohol while on school premises or business;
- endangering the physical safety of a community member;
- damaging the psychological wellbeing of a community member;
- moral turpitude. Conduct generally accepted as immoral or indecent that

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would cause general condemnation of the person involved. Examples include, but are not limited to: dishonesty, carrying weapons while on Sterling Montessori premises, conviction of a felony or other serious criminal act, and sexual misconduct. Employees dismissed for such egregious violations of school policy are not eligible under state law nor under this policy for unemployment compensation or for COBRA benefits continuation coverage. In addition, employees dismissed under such circumstances will not receive bonus pay for any unused personal leave days.

### **Obligation of Employee**

Individuals who terminate employment must return all school property to the appropriate supervisor before the last work day. Examples include but are not limited to:

- keys to buildings or offices; equipment; cellular phones and other communications equipment; policy manuals and other confidential material; books and other materials owned by the school; computers, software, documentation, supplies and other computer-related materials; and credit/other, cards.

Employees must also satisfy all financial obligations prior to the last work day. Examples include but are not limited to educational loans and payroll advances.

### **Obligation of Sterling Montessori**

- Maintain a current written policy on Employee Terminations.
- Ensure all employees are aware of the existence of the Policy on Employee Terminations and have access to a written copy of the policy.
- Invite all terminating employees to participate in an Exit Interview with a member of the LHU Board.
- Treat all terminating employees with respect and humanity.
- In the case of an involuntary termination, conduct a formal face-to-face meeting with the employee Section and/or Executive Director and Human Resource Manager to clarify the reasons for the termination.
- Provide each involuntarily terminated employee with a notice of same in writing.

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- Ensure all employees involuntarily terminated are able to obtain their own personal property from the school. The employee's supervisor and/or designee will work with the employee to obtain all personal property in a manner that best suits the situation.
- Provide that all school property has been returned, all employees being involuntarily terminated will receive a final compensation check within two business days following the last date of service.
- Upon termination, supervisors must make appropriate arrangements to discontinue an employee's password and/or access to all school information systems. This may include, but is not limited to, financial, employee, and student information systems.
- Advise all employees being involuntarily terminated of the right to appeal the termination in accordance with the school's Policy on Faculty Grievances.
- Exiting employees must submit an updated address if applicable, in order to receive a W-2.

**E.9  
Cell Phone  
Policy**

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## **Employee Policy on Cell Phone Use**

*Approved 4/2019*

### **Purpose**

To regulate the misuse of cell phones and Other Electronic Devices by employees. This shall ensure uninterrupted instruction during the school day. Employees are permitted to possess cell phones on campus but are asked to limit cell phone use to emergencies only.

### **Definition**

The term “Other Electronic Devices” refers to all any device (such as computers, smartwatches, tablets, etc.) that can be used for oral conversation, and other means of communication, such as texting and emailing.

The term “misuse” as it is used in this policy includes, but is not limited to, the disruption of classroom instructional activities, the use of inappropriate language, the sharing of inappropriate content, harassment, bullying, and/or communicating threats or other violation of this policy.

### **Employee Guidelines**

#### **c) Cell Phone / Electronic Device Use:**

- Employees, as well as service personnel, may bring personal cell phones and/or other electronic devices to school. When cell phones and/or Other Electronic Devices are not in use, employees shall use their best efforts to ensure they are stowed away and placed in silent mode. Cell phones and/or Other Electronic Devices may be used on campus during break times (if they are not supervising students) or for emergency purposes.
- This policy does not prohibit the use of cell phones and/or Other Electronic Devices when communication between colleagues is urgent.

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- Employees shall not read or send personal text messages while in the presence of students except in the event of an emergency.
- From time to time it may be necessary for employees to make and receive personal calls or texts of an urgent matter on their cell phones during the school day or while on trips. Whenever possible, these communications should take place during scheduled breaks. If this is not possible, employees should notify another adult who can assume responsibility for their students, and step away to use their cell phone.
- Other Electronic Devices can be used during the school day for parent communication, record-keeping, planning and/or for instructional purposes related to students.

Field Trip Use:

- Employees are permitted to use cell phones and/or Other Electronic Devices for photography while on field trips to the extent permitted by parents/guardians, guardians, and/or other applicable policy, and for instructional and/or medical purposes. Employees are encouraged to carry a cell phone with them while on field trips and share that cell phone number with office administration as an added security measure.

Social Media Use:

- Employees shall not “friend” and/or “follow” any current student on any social networking site or platform. Pictures and/or videos of Sterling Montessori students shall not be shared on any website or social media without the expressed, written consent of the parent or guardian.

**Misuse of cell phone or Other Electronic Devices**

If a pattern of misuse is observed, employees will be asked to meet and review policy expectations with their supervisor. If misuse continues, it will be documented and brought to the attention of the Section Director.



**E. 12**  
**Holiday &**  
**Vacations**

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## **Holidays & Vacations for 10 Month Employees**

Every spring, upon approval of the LHU Board, the Executive and Section Directors publish a school calendar for the upcoming school year. The school calendar is composed of minimum of 191 days. The days are distributed as follows:

- A minimum of 176 instructional days for students and a minimum of 1,025 hours of instruction covering at least nine (9) calendar months. Instructional days for students may vary in length as long as the minimum hours of instruction are scheduled. Make-up instructional days may be scheduled on any day except Sunday.
- Fifteen (15) non-instructional workdays for teachers. The number of non-instructional workdays will be reduced if the LHU board increases the number of instructional days for students. When instructional days for students are increased, non-instructional teacher workdays will be converted to student days. The total of instructional and non-instructional workdays will be 191.
- The annual vacation leave days will be scheduled in the school calendar by the Executive and Section Directors upon approval by the LHU Board. These days must be taken by 10 month employees as vacation days and as scheduled in the school calendar.
- All holidays are scheduled in the school calendar as follows: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving and Winter Break.
- Upon the approval of the LHU Board, all holidays are scheduled in the school calendar as follows: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, and Christmas.

## Holidays & Vacations for 12 Month Employees

- Permanent 12 Month Employees work year-round and follow the holiday leave schedule based on the school calendar set forth by the Executive and Section Directors. The holidays scheduled off during the academic calendar year are days that Sterling Montessori will be closed.
  - All holidays are scheduled in the school calendar as follows: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving (3 days), (Winter Break according to the school calendar), and 1 floating holiday.
  - Permanent 12 Month Employees will have the option to work or take additional Vacation Leave during the following school breaks. A leave request form must be submitted to the Section Director at least 10 days in advance of requested time off. If the breaks fall during the above mentioned holidays, the employee will exclude those days from the leave request.
    - Thanksgiving Break (2 days in November)
    - Spring Break (April)
- \*Vacation Leave days are subject to blackout periods as identified by the Executive and Section Directors. The first week after school is let out in June and the week prior to work week in August are subject to blackout periods.

**E.13**

**Leave Policy:  
10 Month**

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## **Leave Policy for 10 Month Employees**

### Personal Leave Policy

Full-time employees shall accrue a maximum of twelve (12) days per year Personal Leave. Personal Leave is accrued at the rate of one (1) day per month worked. Personal Leave days are subject to blackout periods as identified by the Executive and Section Directors.

### Use of Personal Leave

Personal Leave may not be used during the first or last week of the school year, teacher work days, protected work days, or during Beginning of Grade (BOG) or End of Grade (EOG) testing. When possible, Leave Request Forms (refer to Appendix) must be made at least two weeks in advance and turned into a designated administrator. Personal Leave is subject to the scheduling requirements and discretion of the School. Personnel are expected to work on all regular student days, teacher work days, professional days, any make-up days, and the Annual Open House. These days are reflected in the annual school calendar. Unexcused absences on such days will be without pay. The Section Director has the discretion to grant personal leave to a full-time employee on these days, but prior approval **MUST** be obtained. No more than three (3) personal leave days may be taken consecutively unless due to illness or family emergency.

The employee may choose to rollover Personal Leave days from one school year to another. The maximum number of these rollover Personal Leave days may not exceed ten (10) accumulated. Annually for each unused Personal Leave day not rolled over, the employee will be paid a Wellness Bonus of \$100 per day at the end of the school year. The Wellness Bonus will be paid upon resignation but not termination.

### Leave Deficit

An employee that has not earned sufficient annual Personal Leave to cover any annual Personal Leave day scheduled will be placed on leave without pay. If an employee at the

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termination of employment is overdrawn with respect to annual Personal Leave, a deduction in the appropriate amount will be made from the employee's final paycheck.

Unpaid Leave of Absence

Leaves of Absence without pay may be granted to employees for personal leave at the discretion of the Section Director. The maximum term is for a three-month period which may be renewed in some cases, if deemed warranted, at the sole discretion of the Section Director for an additional period of up to three months. The request for such leave must be submitted to the Section Director, in writing, clearly stating the reasons for such a request. This leave is not to be used for an employee seeking alternative employment opportunities.

**E.14**

**Leave Policy:  
12 Month**

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## **Leave Policy for 12 Month Employees**

### Vacation Leave

Full-time 12-month administrator employees may accrue Vacation Leave as specified in the employment contract. Vacation Leave days shall be used in order from the oldest accrued day to the newest accrued day. In no event shall any employee accrue more than fourteen (14) Vacation Leave days in a calendar year.

### For Vacation Leave days accrued on or after November 1, 2015

The employee may choose to convert any remaining Vacation Leave days to Personal Leave days at the end of the school year or upon resignation but not upon termination. This conversion shall be completed prior to the application of the Employee Personal Leave Policy and any rollover or Wellness Bonus calculations thereunder. Vacation Leave days shall not be carried over into a subsequent school year and shall be lost without compensation of any kind due to the employee if not converted to Personal Leave days.

### Use of Vacation Leave

Unless otherwise specified in the employment contract, Vacation Leave may not be used during the first or last week of the school year and are subject to blackout periods as identified by the Executive and Section Directors. Requests for Vacation Leave must be made at least two (2) weeks in advance, and approvals are subjects to the needs of the school and are in the sole discretion of the Section Director. Vacation Leave may be taken in increments as small as one (1) day and shall not exceed three (3) consecutive school days unless due to illness or family emergency and must be approved by the Section Director.

### Leave Deficit

An employee that has not earned sufficient annual Personal Leave to cover any annual Personal Leave day scheduled will be placed on leave

without pay. If an employee at the termination of employment is overdrawn with respect to annual Personal Leave days, a deduction in the appropriate amount must be made from the employee's final paycheck.

Unpaid Leave of Absence

Leaves of Absence without pay may be granted to employees for personal leave at the discretion of the Section Director. The maximum term is for a three-month period which may be renewed in some cases, if deemed warranted, at the sole discretion of the Section Director for an additional period of up to three months. The request for such leave must be submitted to the Section Director, in writing, clearly stating the reasons for such a request. This leave is not to be used for an employee seeking alternative employment opportunities.

**E.15  
Shared  
Leave**

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## **Voluntary Shared Leave Policy**

*Approved 11/2019*

### Purpose

The purpose of voluntary shared leave is to provide economic relief to Sterling Montessori employees who may suffer financial hardship due to workday absences caused by a serious health condition suffered by the employee and/or a member of the employee's immediate family.

### Definitions

For purposes of this Voluntary Shared Leave Policy, the following definitions apply:

#### **Immediate Family:**

The term "immediate family" means the employee's spouse or domesticated partner and child (biological, adopted, foster, and/or step).

#### **Needed to care for:**

The term "needed to care for" encompasses both physical and psychological care, including:

- Providing care for an immediate family member who, because of a serious health condition, is unable to care for his or her basic medical, hygienic, nutritional, or safety needs, or is unable to transport himself or herself to the doctor, etc.
- Providing psychological comfort and reassurance that would be beneficial to an immediate family member with a serious health condition who is receiving inpatient or home care; or
- Filling in for others who normally care for the immediate family member or to make arrangements for changes in care (such as transferring to a nursing

home).

The employee need not be the only individual or immediate family member available to care for the immediate family member with a serious health condition.

### **Serious Health Condition:**

The term serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider, not including pregnancy except as otherwise set forth herein, and not including routine medical, physical, dental, and/or eye examinations.

### **Voluntary Shared Leave:**

The term “voluntary shared leave” means personal or vacation leave voluntarily donated by a Sterling Montessori employee to the Sterling Montessori voluntary shared leave bank.

#### Eligibility

Only full-time and part-time employees who have exhausted all available earned personal and vacation leave (said amount includes the total amount of personal and vacation leave said employee can earn in an academic year plus his or her available earned personal or vacation leave as of the date of the request for donation or date of approval of the request for receipt of donated leave) are eligible to receive donated leave. Temporary employees are not eligible for leave. Voluntary shared leave may be used only during the required requested period.

The Executive Director or his or her designee shall approve or deny all requests for receipt of donated leave.

In order to qualify for and receive voluntary shared leave, an employee must have a serious health condition, and/or a member of the employee’s immediate family must have a serious health condition, that will require the employee to miss ten



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(10) or more workdays during an academic calendar year (July 1 - June 30) or when the employee is needed to care for the member of the employee's immediate family who has a serious health condition that will require the employee to miss ten (10) or more work days .

An employee on maternity leave may be eligible to receive voluntary shared leave to cover her absence from work due to a serious health condition suffered by the employee related to the pregnancy and/or birth of her child. Evidence of the serious health condition related to the pregnancy and/or birth of her child must be provided by the employee's treating physician. A request for voluntary shared leave shall not be approved for maternity leave and/or parental care of a child absent the tendering of the required documentation from the employee's treating physician set forth herein.

An employee on workers compensation leave who is drawing and/or receiving total disability compensation may be eligible for voluntary shared leave to the extent that the required requested leave period is not compensated and/or covered by the insurance company.

An employee requesting voluntary shared leave must complete, sign, and deliver to the Executive Director or designee the Voluntary Shared Leave Application; said form shall be delivered to the Executive Director or designee as soon as medical evidence is available (or within a reasonable time thereafter) to support the need for leave beyond the employee's available earned personal and vacation leave. This provision shall be liberally construed by the Executive Director or designee. Documentation from the treating physician which evidences the serious health condition must be tendered by the employee at the time of Voluntary Shared Leave Application submission. Documents required by this paragraph may be completed and tendered by a member of the requesting employee's immediate family (or third party if no such person is available) if the requesting employee is unable to complete and tender the documents required by this paragraph.

An employee who is receiving benefits from a disability, other than workers compensation as noted above, is not eligible to receive voluntary shared leave.

Amount of Leave to Donee

An employee may receive no more than a total of sixty (60) workdays of voluntary shared leave, either continuously or for the same serious health condition on a recurring basis, during an academic year. After sixty (60) workdays of voluntary shared leave have been used by the employee, the Executive Director or designee may extend this limit on a month-to-month for up to a total of twelve (12) months, calculated from the first day of use of voluntary shared leave, if the administration would have otherwise granted leave without pay to the employee.

All approved voluntary shared leave shall be credited to the personal and vacation leave account of the employee requesting voluntary shared leave.

Qualifying to Donate Leave

Any employee wishing to donate voluntary shared leave must:

- Have sufficient available earned personal or vacation leave (said amount includes the total amount of personal and vacation leave said employee can earn in an academic year plus his or her available earned personal or vacation leave as of the date of the donation) in order to donate his or her designated amount of voluntary shared leave;
- Donate a minimum of four (4) hours of his or her available earned personal or vacation leave;
- Donate no more than fifty percent (50%) of the total amount of personal and vacation leave said employee can earn in an academic year AND no more than fifty percent (50%) of his or her available earned personal or vacation leave as of the date of the donation; and
- Complete, sign, and deliver to the Executive Director or designee the Donor Voluntary Shared Leave Form.

Donations made pursuant to this policy are voluntary. No employee should feel pressured or coerced to participate. The donating employee may not receive compensation in any form for the donation of leave; violation of this provision may subject the employee to discipline.

Leave Records and Accounting

Sterling Montessori shall establish a voluntary shared leave account, which shall

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provide accurate record keeping for financial and management purposes. Sterling Montessori shall keep voluntary shared leave donations confidential; however, an employee may reveal his or her donation of voluntary shared leave in his or her discretion. All voluntary shared leave donations made by an employee shall be debited from the employee's available earned personal and vacation leave.

All voluntary shared leave donations shall be pooled together in one voluntary shared leave bank; said bank shall be accurately maintained and accounted for by Sterling Montessori. Approved voluntary shared leave requests shall be awarded voluntary shared leave from the voluntary shared leave bank and accounted for accordingly. Voluntary shared leave donations shall not be returned to the donor.

Earning Personal and Vacation Leave while Receiving Voluntary Shared Leave

Holidays occurring while an employee is receiving voluntary shared leave will be paid by Sterling Montessori. Personal and vacation leave will continue to be earned by said employee while he or she is receiving voluntary shared leave; however, all available earned personal and vacation leave must be used by the employee prior to the continued receipt of voluntary shared leave.

**E.16**  
**FMLA**

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## **Family Medical Leave Act**

The Family and Medical Leave Act (FMLA) entitles eligible employees unpaid, job-protected leave for specified family and medical reasons. FMLA also includes certain military family leave provisions.

### **Eligibility**

To qualify for FMLA, you must meet all of the following conditions:

- You must have worked for Sterling Montessori for a minimum of 52 weeks (12 months). The 12 months need not be consecutive. For eligibility purposes, you will be considered to have been employed for an entire week, even if vacation hours were used.
- You must have worked at least 1250 hours during the 12-month period immediately before the date when FMLA leave begins. Hours granted as paid or unpaid leave do not count as hours worked.
- You can take up to 12 weeks of FMLA leave under this policy during any 12-month period measured forward from the date the first FMLA leave begins.
- If both spouses work for Sterling Montessori, the amount of leave is limited to an aggregate of 12 weeks for “bonding” (the birth, adoption, or foster care placement of a child) and to care for the employee’s parent with a Serious Health Condition. However, if the leave is for the care of a sick child, for the other spouse, or for the employee’s own Serious Health Condition, each spouse is allowed 12 weeks’ leave, less any bonding leave taken by that spouse.

### **What is Covered**

FMLA covers the following events:

- The birth and care of a newborn child or the placement of a child for adoption or foster care, and to care for the newly placed child.
  - Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.
- To care for a spouse, child, or parent with a Serious Health Condition;

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- The term “Spouse” is defined as a partner joined in a marriage recognized by the State of North Carolina.
- The terms “Child” includes biological children, adopted children, foster children, step children, children for whom you stand in place of a parent, or children for whom you are the legal guardian. Leave under this policy is available to care for a son or daughter under 18 years of age or a son or daughter 18 years of age or older who is dependent because of his or her mental or physical disabilities.
- The term “Parent” includes your biological parents or any individual who stands in the legal position of parent.
- A personal Serious Health Condition
  - A “Serious Health Condition” is defined as any illness, injury, impairment or physical or mental condition that involves either (a) inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care, or (b) continuing treatment by a healthcare provider related to a condition which incapacitates the affected person for more than 3 days (or which would incapacitate the affected person for more than 3 days if the continuing treatment is not received).
  - Sterling Montessori may request you to provide a doctor’s certification of a serious health condition. You must respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided using the Medical Certification Form, refer to Appendix . Request for a medical certificate will be made in writing as part of Sterling Montessori’s response to your request for leave. Certification of the Serious Health Condition shall include: the date when the condition began, its expected duration, and a brief statement of the treatment. For medical leave for your own medical condition, the certification must also include a statement that you are unable to perform work of any kind or a statement that you are unable to perform the essential functions of your position.
  - For a family member who is seriously ill, the certification must include a statement that the patient, the family member, requires assistance and that your presence would be beneficial or desirable. Sterling Montessori reserves the right to contact the doctor, with the employee’s and patient’s permission, to clarify or authenticate the medical certification, but not to request additional information. If Sterling Montessori deems a medical certification to be incomplete or insufficient, Sterling Montessori will specify in writing what information is lacking, and will provide you with 7 calendar days to resolve the issue.

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If Sterling Montessori has reason to doubt the validity of a medical certification they may require you to obtain a second opinion with the following conditions:

- Sterling Montessori is permitted to designate the health care provider to for a second opinion, but the selected health care provider may not be employed on a regular basis by Sterling Montessori
- Sterling Montessori bears the expenses, including reasonable “out of pocket” travel expenses.
- Sterling Montessori may not require the employee or family member to travel outside normal commuting distance except in very unusual circumstance.
- Pending receipt of the second (or third) opinion, the employee is provisionally entitled to FMLA leave.
- If the certifications do not ultimately establish the employee’s entitlement to FMLA leave, the leave shall not be designated as FMLA leave.
- Third Opinion - If the opinion of the employee’s and the Sterling Montessori designated health care providers differ, Sterling Montessori may require the employee to obtain certification from a third health care provider, again at the expense of Sterling Montessori. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by Sterling Montessori and the employee. Sterling Montessori is required to provide the employee, within 2 business days, a copy of the second and third medical opinions, where applicable and upon request by the employee.

Recertification

Sterling Montessori may request recertification no more often than every 30 days unless: an extension is requested, circumstances described by the previous certification have changed significantly, or Sterling Montessori receives information that casts doubt upon the employee’s stated reason for the absence. If the minimum duration specified on a certification is more than 30 days, Sterling Montessori may not request recertification until that minimum duration has passed unless one of the conditions above is met.

When the duration of a condition is described as “lifetime” or “unknown,” Sterling Montessori may request recertification of an ongoing condition every six months in conjunction with an absence. The employee must provide the requested recertification to Sterling Montessori within the time frame requested

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by the Local Education Agencies (LEA) (which must allow at least 15 calendar days after Sterling Montessori request), unless it is not practicable under the particular circumstances. No second or third opinion on recertification may be required.

- Any qualifying necessity because your spouse, child, or parent is on active duty (or has been notified of an impending call or order to duty) in the US Armed Forces.
- Under Military Caregiver Leave (Covered Service Member Leave) Eligible employees are also entitled to 26 work weeks of unpaid leave to care for a spouse, child, parent, or next of kin who is a member of the US Armed Forces and who is undergoing medical treatment or recuperating from a serious injury or illness incurred while on active duty.
  - “Next of Kin” is defined as the nearest blood relative of the service member, other than spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave, in which case the designated individual shall be deemed to be the next of kin.
  - To confirm that the employee and service member share one of the familial relationships or to confirm that the employee has been specifically designated as the service member’s next of kin, Sterling Montessori may request a statement from the service member outlining the familial relationship or indicating that the employee has been designated as the “next of kin.”
  - If an eligible employee does not take all of their 26 work weeks of leave entitlement to care for a covered service member during this “single 12-month period,” the remaining part of their 26 work weeks of leave entitlement to care the covered service member is forfeited. The 26-workweek entitlement is to be applied as a per-covered service member, per-injury basis. An eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members, or to care for the same service member with a subsequent serious injury or illness.

### **Employee Status and Benefits During Leave**

While you are on leave, Sterling Montessori will continue your health benefits at

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the same level and under the same conditions as if you had continued to work.

If you choose not to return to work for reasons other than your own continued Serious Health Condition, or the Serious Health Condition of a family member, or a circumstance beyond your control, Sterling Montessori will require you to reimburse the school for the amount it paid for your health insurance premium during the leave period. Your notification of intent not to return will be the COBRA qualifying event.

While you are on FMLA leave, Sterling Montessori will maintain your disability and life insurance benefits. While you are on FMLA leave, either paid or unpaid, you will continue to accrue sick leave and vacation leave under the school's policies for such leave. You will not be eligible to use any leave accrued during FMLA leave until you return to work. If you do not return to work, you will not be paid for any unused leave accrued while on FMLA leave. You will not be eligible for holiday leave, military leave, jury duty leave or bereavement leave while on FMLA leave. You will also not be eligible to be paid for any other school closings that occur while you are on FMLA leave.

### **Employee Status After Leave**

If you take leave under this policy, you will be able to return to the same position, or a position with equivalent status, pay, benefits and other employment terms.

### **Use of Paid and Unpaid Leave**

If you have earned paid leave, you may use such leave during FMLA leave. Paid leave may be substituted for unpaid FMLA leave if the reason for the FMLA leave is covered by the Sterling Montessori Leave Policies. Paid leave used will run concurrently with FMLA leave. If an employee is out on Workers' Compensation Leave drawing temporary total disability, the time away from work is considered as a part of the FMLA entitlement.

### **Intermittent Leave or Reduced Work Schedule**

You may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the 12-month period),



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or under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks over a 12-month period.

For the birth, adoption or foster care of a child, the Executive Director or designee and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. If the employee is taking leave for a Serious Health Condition or because of the Serious Health Condition of a family member, the employee should try to reach agreement with the Executive Director or designee before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the use of the leave must be medically necessary. Sterling Montessori may require certification of the medical necessity as discussed in the next section.

If you plan to take intermittent leave or work a reduced schedule, the medical certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

### **Procedure for Requesting Leave**

All employees requesting leave under this policy should provide notice with an explanation of the reason(s) for the needed leave to their immediate supervisor, Section Director and the Executive Director. You are required to provide a written request for leave and reason(s) to the Section and/or Executive Director, failure of the employee to provide a written request for leave cannot be grounds to deny or delay the taking of FMLA leave.

If the leave is foreseeable, you are required to give at least 30 calendar days' advance notice of leave. If you fail to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date Sterling Montessori receives notice. Your failure to provide a written request for leave cannot be grounds to deny or delay the taking of FMLA leave.

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If the leave is not foreseeable, you are required to give notice as soon as is practicable, generally defined as verbal notice to your Section Director and/or the Executive Director within one or two business days of learning the need to take FMLA leave. If you need to undergo planned medical treatment, you are required to make a reasonable effort to schedule the treatment to minimize disruptions to the school's operations. While on leave, you are requested to report periodically to Sterling Montessori regarding the status of the medical condition, and your intent to return to work.

**E. 17**  
**Fire Policy**

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## **Fire Policy**

Follow the protocols as outlined in the Emergency Prepared and Readiness Manual. These will be followed for handling actual fire or smoke situation, automatic system activation, or a false alarm.

Evacuate the building All employees should close windows, turn out lights and close doors behind them as they exit. Lead all students to the designated evacuation point. Call for emergency assistance (911). If safe, send responsible staff member to investigate the situation.

After locating fire or source of smoke, determine if fire is small enough to handle properly with a fire extinguisher. Only attempt to extinguish the fire if it is safe to do so, and if you have been trained to use a fire extinguisher. Never let the fire get between you and your exit. If fire is too large or out-of-control, evacuate the area immediately and ensure that all occupants have left the building. Remain outside to provide information to fire department personnel. All teachers and assistants should check attendance to account for all students. All office staff will begin to account for all teachers and assistants. Executive Director and staff will begin to account for office and custodial staff.

Wait for the fire chief or incident commander to give permission to re-enter.

**E.18  
Bomb Threat**

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## Bomb Threat Policy

In the event a bomb threat is received by telephone, the individual receiving the telephone call should attempt to obtain and record as much information as possible. Immediately record the call ID number located on the caller identification screen (if applicable). Record all information on the Bomb Threat Information Sheet. The following information regarding the call and the caller should be obtained if possible:

The Call	The Caller
Check Caller ID	Gender of caller
Time Call Received	Approximate age of the caller
Specific location of device	Any accent detected
Time of detonation of device	Emotional state of the caller
What is the nature of the device?	Intelligence/educational level of caller
Can the device be moved?	Was caller convincing/credible
Motive of threat	Who does the caller represent?
Background noises detected	What is the caller? (name)
Other information	Was the voice familiar?

The person receiving the call should immediately notify the Executive Director or designee. The Executive Director or designee should immediately call law enforcement officials (911).

### **DO NOT USE ANY TWO-WAY RADIOS OR CELL PHONES UNTIL CLEARED BY LAW ENFORCEMENT.**

If there is any indication of imminent danger, evacuate immediately. If a decision is made to evacuate, standard fire drill procedures will be followed. If time allows, staff should be notified to utilize the red and green cards for bomb threat. Be sure

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occupants are evacuated to a safe distance away from the building. Notification to staff will need to be by an administrator, NOT by an announcement.

If a suspicious parcel is observed, **DO NOT TOUCH**, evacuate immediately, and notify appropriate law enforcement personnel. If the building is evacuated, school personnel, school administrators, and law enforcement officials will then conduct a search. Occupants should return to the building only when directed by the Executive Director or designee.

**E. 19**  
**Hostage**

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## **Hostage Situation Policy**

Remain calm. Notify the Executive Director or designee. The Executive Director or designee should immediately contact law enforcement (911). The Executive Director or designee should designate a location for a command center.

Document all decisions made and all actions taken, noting time of action or decision. Avoid confrontation with the intruder.

The Executive Director or designee should make the announcement over the Public Address System for a Code Red Lockdown (see section on Lockdown Codes). Upon hearing this announcement, teachers should not allow students to leave the classroom and should direct them to be seated on the floor next to an interior wall away from windows and doors. Students should only be allowed to leave the classroom when the all clear is given or when directed to move to another location by law enforcement personnel.

Teachers must take an accurate count of their students. A list should be made of those being held hostage, if possible. The Executive Director or designee should designate school personnel to monitor hallways and other areas of the building and to direct students to a safe area. Command of the incident will be transferred to law enforcement officials upon their arrival.

The Executive Director or designee should assign a staff member to give appropriate information to callers. If not given instructions, the response should be "No comment." All media contacts should be referred to the Executive Director or designee.

The Executive Director or designee should plan how to inform the families of students and school personnel that are directly affected. The Executive Director or designee should notify the school Crisis Intervention Team leader to activate an intervention plan for other students and school personnel, if needed.

**E.30 LHU  
Stipends**

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## **Policy on LHU Stipends for Extracurricular Activities**

### Rationale

As part of implementing Sterling Montessori's Strategic Plan, the LHU Board is interested in promoting community by encouraging faculty and students to engage in extracurricular activities, such as clubs, teams, arts and crafts, drama productions, etc. To encourage and support the faculty and staff in their desire to offer these activities, the LHU Board has approved the payment of a stipend to those employees who agree to offer these activities to our community.

### Details

In order for faculty and staff to be eligible for a stipend, the following conditions must be met:

1. The proposed activity, and any proposed fees, must be approved in advance by the Executive Director or designee, and must be cleared with our liability insurance company as appropriate.
2. The faculty or staff member must be the primary supervisor of the activity, and must carefully supervise any additional volunteers (such as parents/guardians) who assist them. All volunteers must have a current background check on file.
3. The activity must meet at least once weekly, for at least 1 hour per week, for 15 weeks in order to qualify. Alternative meeting patterns, such as twice weekly for 8 weeks, may also be eligible, subject to approval by the Executive Director or designee, as long as they still meet at least 15 separate times.
4. The current stipend is \$500 per semester (December & June). There is a maximum of 2 semester stipends per year, per faculty member, per activity, except when two teachers work together to lead an activity.
5. The minimum number of students enrolled in order to qualify is 5.

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6. The activity must be open to at least one whole section of the school – children’s house, lower elementary, upper elementary or middle school. It is acceptable to limit enrollment by number, as long as the method used to determine enrollment is clearly communicated (i.e. first come-first serve, audition, or pre-test for academic competitions).
7. Currently, the maximum number of available stipends is 15. If there are more requests than there is available funding, the Executive Director or designee will determine which activities will be funded.
8. If two teachers wish to work together to lead an activity, they can share the stipend between them. If there is a documented need for two faculty members, either due to a large enrollment, or due to the nature of the activity requiring more faculty involvement, the Executive Director or designee has the discretion to fund a full stipend for each faculty or staff member.
9. The participants may be charged a small fee to cover materials and supplies. All of the money must be spent by the end of the activity, with no funds being carried over, and no fees being used for faculty/staff compensation.
10. After registration for the activity closes, the faculty or staff member must provide the Executive Director or designee with a list of any adult volunteers, and a roster containing each student’s name, and their verified emergency contact information.

Procedure

The faculty or staff member will fill out the “Request for Extracurricular Stipend” form, and submit it to the Executive Director or designee for pre-approval. After the activity is completed, the form will be submitted to the Executive Director or designee for final approval for payment, and the Executive Director or designee will submit the form to the Administration Accountant to authorize payment.



**E.31**  
**After Hours Use**

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## **Policy on After-Hours Use of Facilities for Employees**

*Approved 10/2019*

Modified 8/17/2022

Sterling Montessori's Insurance carrier requires documents and approval for those employees using the facilities during after school hours.

Before using Sterling Montessori facilities outside of instructional hours, the faculty and staff must adhere to the following guidelines:

- Clubs, programs and activities are permitted during after school hours only (not during before school hours).
- Any private or group use of the building and grounds to teach, coach, or offer enrichment activities to students outside of regular instructional time, regardless of whether fees are collected, requires signed permission of the Executive Director or designee and must be cleared with our liability insurance company as appropriate.
- The facility must be returned to its original condition after use.
- Only currently enrolled Sterling Montessori students may be served.
- Any additional volunteers require a current background check to be on file with the school.
- In the case of conflicts over the use of the facilities, priority will be given to programs provided by Sterling Montessori (after school care, band, chorus, etc.)
- The faculty or staff member must be the primary supervisor of the activity, and must carefully supervise any additional volunteers who assist them.
- Faculty and staff are required to work their contracted hours each day. If an after school activity runs during the employees contracted hours, the time must be made up on that day in the morning or after the conclusion of the activity in the afternoon.
- The activity must meet one hour per week for a minimum of six weeks in order to qualify.

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- The teacher/child ratio cannot exceed 1:12 for Children's House and 1:25 for Elementary and Middle School unless specified otherwise by the Executive Director or designee.
- The activity must be open to at least one whole section of the school – Children's House, Lower Elementary, Upper Elementary or Middle School. It is acceptable to limit enrollment by number, as long as the method used to determine enrollment is clearly communicated (i.e. first come-first serve, audition, or pre-test for academic competitions).
- The club or activity may charge a reasonable fee for materials or equipment (such as t-shirts, water bottles, jerseys, etc.). The teacher/instructors are responsible for determining these fees. The material fee must be approved by the After School Activities Team. All materials or equipment fees will be added to the participation fee. All collected materials and equipment fees will be deposited into a club account. All of the money must be spent by the end of the activity, with no funds being carried over, and no fees being used for faculty/staff compensation. Material orders should be placed through a purchase order approved by the After School Activities Team. No reimbursements. Equipment purchased, other than items specifically for students to take home, will become the property of Sterling Montessori (balls, cones, nets, paints, etc.).
- After registration for the activity closes, the faculty or staff member must provide the After School Activities Team with a list of staff members, and a roster containing each student's name, and their verified emergency contact information.
- Sterling Montessori will retain 25% of the proceeds, not including materials fees, to cover the cost of liability insurance, taxes, clerical and maintenance fees.
- The 75% remaining fees will be paid at the end of the semester or at the completion of the club, whichever comes first.

### **Clubs and Sports**

- Student participation fees will be \$10 per day per child, staff paid 75%/25%.

### **Private Lessons (For example, violin, keyboarding, etc.)**

- It is the responsibility of the staff member leading the lessons to set the fees per student. The fees will be approved by the After School Activities Team.

### **Sterling Programs**

The After School Activities Team will decide the programs Sterling will offer after

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school. The After School Activities Team will determine student fees as well as payment for staff.

- Band- free to students, staff are paid a stipend.
- Chorus- free to students, staff are paid a stipend.
- Model UN- fee for students per semester, staff paid 75%/25%.
- STEM- fee for students per semester, staff paid 75%/25%.

Sterling will offer appropriate support to students who need additional academic support beyond that which is provided during the school day as determined by school administration.

**Procedure for Staff**

The faculty or staff member will fill out the “Request Form” and submit it to After School Activities Team for pre-approval. The form will be submitted to the Executive Director or designee for final approval. All forms should be turned in three weeks prior to advertising the anticipated activity.

**E. 33**  
**Behavior &**  
**Boundaries**

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## **Inappropriate Behavior and Professional Boundaries**

All staff members are expected to conduct themselves according to the highest standards of behavior. Staff members are required to maintain appropriate and professional staff member-student relationships at all times. The availability of social networking sites, text messaging, e-mails, and other media has increased engagement in grooming behavior. Such behavior, even in the early stages, can constitute sexual harassment. Staff members are to refrain from inappropriate communication with students, including but not limited to, verbal, written or electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication.

When considering the appropriateness of a communication, the following factors may be considered:

- The nature, purpose, timing and amount of the communication
- The subject matter of the communication
- Whether the communication was made openly, or the educator attempted to conceal the communication
- Whether the communication could be interpreted as soliciting sexual contact or a romantic relationship
- Whether the communication was sexually explicit
- Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the staff member or the student.

When any allegation of inappropriate communications or relations between a staff member and a student has occurred, it should be taken seriously, reported to the Section Director and Executive Director and investigated. Once an investigation is underway, the staff member will be placed on administrative leave during the pendency of the investigation. If it is determined that a staff member's communications with a student violated policy or law, Sterling will take appropriate corrective action in proportion to the offense. Corrective action may include, reprimanding the staff member and directing the staff member not to make

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inappropriate comments to students; suspending the staff member pending

E.35  
Bereavement  
Leave

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## Bereavement Leave Policy

*Approved 11/18/2020*

### Purpose

The Bereavement Leave Policy for Sterling Montessori establishes uniform guidelines for providing paid time off to employees for absences related to the death of immediate family members. Sterling recognizes the importance of supporting employees as they grieve the loss of a loved one. Full-time employees will receive bereavement leave each year, and may use this leave throughout the year for the loss of an immediate family member.

### Eligibility

All full-time active employees are eligible for benefits under this policy.

### Procedures

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor as soon as possible. If an employee leaves work early on the day he or she is notified of the death, that day will not count as bereavement leave.

In addition to bereavement leave, an employee may, with his or her supervisor's approval, use any available vacation for additional approved time off as necessary.

The employee will need to complete a leave request form prior to leave or upon return from bereavement leave.

Paid bereavement leave will be granted according to the following schedule:

- Employees are allowed up to **three consecutive days** off from regularly scheduled duty with regular pay in the event of the death of the employee's spouse, domestic partner, child, stepchild, parent, stepparent, father-in-law, mother, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister.

Employees are allowed **one day** off from regular scheduled duty with

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regular pay in the event of death of the employee's brother-in-law, sister-in-law, aunt, uncle, grandparent, grandchild or spouse's grandparent.

As used in these North Carolina LEA benefit policies “immediate family” means the employee’s: (a) Spouse, (b) Children, (c) Parents, (d) Brothers, (e) Sisters, (f) Grandparents, (g) Grandchildren, and (h) Dependents living in the employee’s household. Also included are the step, half, and in-law relationship.

## **Sterling Montessori Academy and Charter School Salary Policy**

It is the goal of Sterling Montessori Academy and Charter School to offer fair and competitive compensation for all employees.

### **Lead Teachers:**

All lead teachers at Sterling Montessori Academy and Charter School must have earned a Bachelor's degree. In addition, all lead teachers hired after January 2018 must have Montessori training appropriate for their level, or be willing to obtain that training within the first 2 years of employment.

All lead teachers will be compensated according to the salary scale published by the State of North Carolina, with any additional salary supplements offered by Wake County. This salary scale includes additional compensation for teachers with advanced degrees and National Board Certification.

It is the goal of Sterling Montessori that all lead teachers possess a valid North Carolina Professional Educator's License, appropriate for the grade level they are teaching. Lead teachers hired after January 2018 will be required to obtain their teaching license within 3 years of the date of employment. If a teacher is unable to obtain a license during that time period, their salary scale will revert to the scale published by the State of North Carolina, without the additional salary supplement offered by Wake County.

### **Teaching Assistants:**

Sterling Montessori has developed its own, internal salary scale for Teaching Assistants. This scale will be published annually, along with any adjustments that the school chooses to offer. For teaching assistants hired after January 2018, Sterling Montessori will not pay an additional bonus for teaching assistants with Master's degrees.

### **Administrative Personnel:**



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Sterling Montessori has a set salary scale for administrative personnel based on the educational level and experience of each employee.