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A. **General Principles**

It is the policy of the board to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion, and other benefits of employment without regard to race, color, religion, national origin, military affiliation, genetic information, sex, age, or disability, except when sex, age, or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions.

The board also is committed to diversity throughout the programs and practices of the school system. To further this goal, the recruitment and employment program should be designed to encourage a diverse pool of qualified applicants.

B. **Recruitment**

Recruitment for a specific vacancy will be undertaken only after the need and qualifications for the position are established and proper authorization is obtained.

All vacancies must be adequately publicized within the school system so that employees will be informed of opportunities for promotion or transfer to new jobs. Vacancies also may be publicized externally to attract qualified applicants.

C. **Criminal History**

Applicants must notify the assistant superintendent of human resources immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the assistant superintendent of human resources no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing to the assistant superintendent of human resources no later than the next business day following adjudication.

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or...
designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her.

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

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

D. SELECTION

1. Qualifications

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

a. application;

b. education and training;

c. licensure and certification (when applicable);

d. relevant experience;

e. personal interviews; and
f. references and/or background checks.

When several applicants for the same position are equally qualified and suitable for the position, employees within the school system will be given priority.

2. Nepotism

When making recommendations for the selection and assignment of personnel, the superintendent shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the employment status, including hiring, salary, and promotion, of another employee who is a member of the first employee’s family. No administrative or supervisory personnel may directly supervise a member of his or her immediate family defined as spouse, children, siblings, or parents.

3. Employment Procedures

All applicants selected for employment must be recommended by the superintendent and approved by the board. In situations in which the employee must be hired between board meetings, the superintendent is authorized to approve hiring such personnel, contingent upon approval by the board at its next scheduled board meeting.

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

Cross References: Registered Sex Offenders (policy 5022)

Adopted: December 3, 2012
Revised: December 8, 2014
All information provided to the personnel office by an applicant for employment or by an employee must be true, accurate and complete to the best of that applicant's or employee's knowledge. Presenting information to the personnel department that is intended to defraud, falsify, materially misrepresent or conceal the truth will be considered just cause for terminating the application process or, as a violation of board policy, grounds for dismissing an employee.

Legal References:  G.S. 115C-47(18), -325(e)(1)(o)

Cross References:

Adopted: December 3, 2012
EMPLOYEE HEALTH CERTIFICATE

All new employees, as well as employees who have been separated from public school employment for more than a year or who have been absent for more than 40 successive school days because of a communicable disease, must provide a fully completed health certificate from a physician, physician’s assistant or nurse practitioner licensed to practice in the state of North Carolina. Such certificate must certify that the employee does not have tuberculosis in the communicable form; any other communicable disease; or any disease, physical or mental, that would impair the ability of the individual to perform effectively in his or her duties. The board or superintendent may require any individual covered by this policy to have a physical examination when deemed necessary.

Health certificates will be maintained in separate, confidential medical files in the personnel office.

Legal References: G.S. 115C-323

Cross References:

Adopted: December 3, 2012
The board intends to comply fully with all licensure requirements of the No Child Left Behind Act of 2001 (NCLB), state law, and State Board of Education policies. Except as provided below, a professional employee must hold at all times a valid North Carolina license appropriate to the position in which he or she is employed. To the extent possible, all professional teaching assignments will be in the area of the professional employee’s license except as may be otherwise allowed by state and federal law and State Board policy. In addition, all professional teachers employed to teach core academic subjects must be “highly qualified” as required by NCLB. Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

The board encourages lateral entry into the teaching profession by skilled individuals from the private sector.

A. BEGINNING TEACHER SUPPORT PROGRAM

The superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and kept on file for review. The superintendent or designee shall submit an annual report on the Beginning Teacher Support Program to the Department of Public Instruction (DPI) by October 1 of each year. The report must include evidence of demonstrated proficiency on the Beginning Teachers Support Program Standards and evidence of mentor success in meeting Mentor Standards. The school system will also participate in implementing a regionally-based annual peer review and support system.

B. LICENSE CONVERSION

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

Beginning teachers must be rated “Proficient” on North Carolina Professional Teaching Standards I through V on the most recent Teacher Summary Rating Form in order to be eligible for the Standard Professional 2 License.

Licensing is a state decision and cannot be appealed at the local level. The superintendent or designee shall ensure that teachers not qualifying for continuing licensure are informed of the process for appealing the state decision.

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

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

D. PARENTAL NOTIFICATION

At the beginning of each school year, the school system shall notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child’s teacher: whether the teacher has met NC licensing requirements; whether the teacher has had any licensure requirements waived; what the teacher’s bachelor degree major(s) is/are; what other degrees and teaching license area(s) the teacher holds; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional’s qualifications.

The school system shall give notice within 10 school days to the parents of children who, after four consecutive weeks, have been taught a core academic subject by a teacher who is not highly qualified.

E. EQUITABLE DISTRIBUTION OF HIGHLY QUALIFIED TEACHERS

The superintendent shall develop a plan in accordance with DPI requirements to ensure that low-wealth, minority, learning disabled, and/or English language learners are taught by experienced and highly qualified teachers to the same extent as are students who do not fall into these categories. If DPI does not require such plan of the LEA, the superintendent is not required to develop a plan under this subsection unless he or she determines that one is needed to address inequities within the school system.


Cross References:

Adopted: December 3, 2012
Revised: December 8, 2014
A. HIGHLY QUALIFIED TEACHERS DEFINED

1. Elementary School Teachers

   To be a “highly qualified” teacher at the elementary school level, a teacher must have an appropriate license for the core academic subjects taught. A teacher must also demonstrate subject knowledge and teaching skills in reading/language arts, writing, mathematics, and other areas of the basic elementary school curriculum by passing the Praxis II exams required for the license.

2. Middle and High School Teachers

   To be a “highly qualified” teacher at the middle and high school levels, a teacher must have a middle school or secondary license in the teaching area required for each teaching assignment. A teacher must also demonstrate a high level of competency by:

   a. Passing the required PRAXIS II test(s) in each academic subject in which he or she teaches; or

   b. Successfully completing in each academic subject in which he or she teaches any of the following:

      1) an undergraduate major;

      2) coursework equivalent to an undergraduate major;

      3) a graduate degree in the core teaching subject area(s);

      4) master’s level licensure or above in the appropriate subject area; or

      5) National Board for Professional Teaching Standards certification in the related subject area(s).

3. Exceptional Children’s and English as a Second Language (ESL) Teachers

   To be a “highly qualified” teacher in an exceptional children’s class or ESL class, a teacher must have the exceptional children’s and/or ESL license required for the teaching assignment. The teacher must also demonstrate the subject knowledge and teaching skills in the content areas taught by passing the PRAXIS II exams required for the license. This paragraph applies to exceptional children’s teachers and ESL teachers who are the teachers of record for core academic areas.
4. Out-of-State Teachers

An out-of-state teacher who submits documentation that he or she has been deemed “highly qualified” in another state will be designated “highly qualified” in North Carolina provided that he or she has at least a bachelor’s degree from an accredited college or university. This documentation may include satisfactory test scores from the originating state, verification of satisfactory completion of the High Objective Uniform State Standard for Evaluation (HOUSSE) for the originating state, or verification of National Board Certification, as authorized by the No Child Left Behind Act.

5. Veteran Teachers

Prior to April 2007, a veteran teacher may have used the NC HOUSSE to establish that he or she is “highly qualified,” provided that the teacher had taught full time with a reciprocal state license for not less than six successive calendar months in one school system, charter school or non-public institution.

B. BEGINNING TEACHER SUPPORT PROGRAM PLAN

The plan for beginning teacher support must:

1. Describe adequate provisions for efficient management of the program.

2. Designate an official to verify eligibility of beginning teachers for a continuing license.

3. Provide for a formal orientation for beginning teachers that includes a description of available services, training opportunities, the teacher evaluation process and the process for achieving a continuing license.

4. Address compliance with the optimum working conditions for beginning teachers identified by the SBE.

5. Address compliance with the mentor selection, assignment and training guidelines identified by state law and the SBE.

6. Provide for the involvement of the principal or designee in supporting the beginning teacher.

7. Provide for a minimum of four observations per year in accordance with G.S. 115C-333 or G.S. 115C-333.1, using the instruments adopted by the SBE for such purposes. The plan must also address the appropriate spacing of observations throughout the year and specify a date by which the annual evaluation is to be completed.
8. Provide for the preparation of a Professional Development Plan (PDP) by each beginning teacher in collaboration with the principal or designee and the mentor teacher.

9. Provide for a formal means of identifying and delivering services and technical assistance needed by beginning teachers.

10. Provide for the maintenance of a cumulative beginning teacher file that contains the PDP and evaluation of report(s).

11. Provide for the timely transfer of the cumulative beginning teacher file to successive employing LEAs, charter schools, or non-public institutions within the state upon the authorization of the beginning teacher.

12. Describe a plan for the systematic evaluation of the Beginning Teacher Support Program to assure program quality, effectiveness and efficient management.

13. Document that the board has adopted the plan.


Cross References:

Adopted: December 3, 2012
The board encourages employees to contribute their ideas for the betterment of the school system. School employees will be asked to help with developing policies, administrative procedures, and goals and objectives and with planning curricula, services, budgets and facilities.

In devising rules and procedures for the operation of the schools, administrators shall seek the suggestions of those employees who will be affected by such provisions. When desirable, professional employees will be given an opportunity to contribute to curriculum development and to recommend policies and administrative procedures that pertain to students and instruction.

The superintendent shall develop channels for communicating ideas among employees, the administration and the board and shall inform the board of employee opinions when presenting recommendations for board actions.

Legal References: G.S. 115C-36, 47

Cross References:

Adopted: December 3, 2012
It is the policy of the board, in keeping with the ultimate goal of serving the educational welfare of children, to develop and practice reasonable and effective methods of resolving difficulties that may arise among employees. The intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems that arise from time to time and affect employees.

A. **Informal Resolution**

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. When informal procedures fail or are inappropriate or when the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth in this policy.

B. **Definitions**

1. **Days**

   Days are the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday–Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

2. **Final Administrative Decision**

   A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

3. **Grievance**

   A grievance is a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations:

   a. that there has been a violation, misapplication or misinterpretation of state or federal law or regulations, school board policy or administrative procedure;

   b. that an employee’s employment status or the terms or conditions of his or her employment have been adversely affected; or
c. that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act. Claims of discrimination, harassment or bullying must be processed under policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure.

4. Grievant

The grievant is the employee(s) making the claim.

5. Official

The official is the person hearing and responding to the grievant.

6. Parties in Interest

“Parties in interest” refers to the grievant and the person against whom the grievance is filed.

C. Timeliness of Process

Failure by the official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant’s legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the official of a delay and the reason for the delay and the official has consented in writing to the delay.

D. General Requirements

1. All parties in interest and their representatives in any grievance filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.

2. The board or an employee of the school system will take no reprisals of any kind
against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.

3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.

4. All meetings and hearings conducted pursuant to this policy will be private.

5. The board and school system will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.

6. The board and administration will cooperate with the employee and representative in the investigation of any grievance and will furnish the employee or representative information pertinent to the grievance without cost to the grievant employee or the employee against whom the grievance is filed.

7. The employee may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.

E. PROCESS FOR GRIEVANCE

1. Filing a Grievance

   a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days that claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

   b. All grievances must be in writing, and the written statement of grievance
must remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s) or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision, action or physical condition at issue or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted or violated, then the procedure established in policy 1742/5060, Responding to Complaints, is appropriate, and the principal or immediate supervisor shall address the concern following that policy.

c. The employee(s) shall present the grievance in writing to his or her immediate supervisor or the supervisor's designee, unless the grievance alleges that a state or federal law has been misapplied, misinterpreted or violated, in which case the grievance may be presented instead to the assistant superintendent for human resources (or to the superintendent if the grievant’s supervisor is the assistant superintendent for human resources). The person receiving the grievance hereinafter will be referred to as “official.”

2. Response by Official

a. The official shall arrange for a grievance file number to be assigned by the personnel office.

b. In the event the official determines at the outset that review by the official is inappropriate, the official shall forward the formal grievance to the superintendent who will investigate and respond as provided below in subsection E.3.

c. A meeting will take place at a mutually agreed-upon time within five days after receipt of the grievance.

d. The official shall conduct any investigation of the facts necessary before rendering a decision.

e. The official shall provide the aggrieved employee(s) with a written response to the grievance within 10 days after the meeting.

3. Response by Superintendent

a. If the grievant is dissatisfied with the official's response, the grievant may
appeal in writing the decision to the superintendent for review by the superintendent or designee within five days of receipt of the official's response.

b. The superintendent or designee shall arrange for a meeting with the employee(s) to take place within five days of the receipt of the appeal.

c. The superintendent or designee shall conduct any investigation necessary before arriving at a decision. The superintendent or designee shall provide the aggrieved employee(s) with a written decision within 10 days after the meeting.

4. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant’s employment status or the terms or conditions of his or her employment, the grievant shall have a right to appeal a final administrative decision to the board of education (see subsection E.4.a, Mandatory Appeals, below). If the grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.4.b, Discretionary Appeals, below).

a. Mandatory Appeals

1) If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant’s employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the board within 10 days of receiving the superintendent's response.

2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.

3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

1) If the grievant is not satisfied with the superintendent's response
but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has not alleged that a specific decision of a school official adversely affects the grievant’s employment status or the terms or conditions of his or her employment, the grievant may submit to the superintendent a written request for a hearing before the board of education within 10 days of receiving the superintendent’s response.

2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine if a hearing should be granted. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500. Notwithstanding the provisions of policy 2500, the board may choose to review discretionary appeals on the record only, without allowing oral presentations.

4) The board will provide a final written decision within 30 days of the decision to grant a hearing unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. RECORDS

Appropriate records shall be maintained in accordance with state and federal law.

Legal References: G.S. 115C-45(c); 126-16

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Responding to Complaints (policy 1742/5060), Hearings Before the Board (policy 2500)

Adopted: December 3, 2012
The board takes seriously all complaints of unlawful discrimination, harassment and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied or harassed in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment or bullying also should report such violations to one of the school system officials listed in subsection C.1. of this policy. Reports may be made anonymously.

A. Definitions

1. Alleged Perpetrator

The alleged perpetrator is the individual alleged to have discriminated against, harassed or bullied the complainant.

2. Complaint

A complaint is an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment or bullying.

3. Complainant

The complainant is the individual complaining of being discriminated against, harassed or bullied.

4. Days

Days are the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following receipt of the complaint. When a complaint is submitted on or after May 1, time limits will consist of all weekdays (Monday–Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

5. Investigative Report

The investigative report is a written account of the findings of the investigation conducted in response to a complaint.

6. Investigator

The investigator is the school official responsible for investigating and responding
to the complaint.

7. Report

A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment or bullying.

B. REPORTING BY EMPLOYEES OR OTHER THIRD PARTIES

1. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed or bullied in violation of policy 1710/4021/7230 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment or bullying shall be subject to disciplinary action.

2. Reporting by Other Third Parties

All members of the school community including students, parents, volunteers and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment or bullying.

3. Anonymous Reporting

Reports of discrimination, harassment or bullying may be made anonymously but formal disciplinary action may not be taken solely on the basis of an anonymous report.

4. Investigation of Reports

Reports of discrimination, harassment or bullying shall be investigated sufficiently to determine whether further action under this policy or otherwise is necessary, and school officials shall take such action as appropriate under the circumstances. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

C. COMPLAINTS BROUGHT BY ALLEGED VICTIMS OF DISCRIMINATION, HARASSMENT OR BULLYING

1. Filing a Complaint

Any individual, who believes that he or she has been discriminated against, harassed or bullied is strongly encouraged to file a complaint orally or in writing
to any of the following individuals:

a. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;

b. an immediate supervisor if the individual making the complaint is an employee;

c. the assistant superintendent of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the assistant superintendent of human resources is the alleged perpetrator);

d. the Title IX coordinator for claims of sex discrimination or sexual harassment;

e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or

f. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in policy 1710/4021/7230.

2. Time Period for Filing a Complaint

A complaint should be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

3. Informal Resolution

The board acknowledges that many complaints may be addressed informally through such methods as conferences or mediation, and the board encourages the use of such procedures to the extent possible. If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to request formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. In those circumstances in which informal procedures fail or are inappropriate or in which the complainant requests formal procedures, the complaints will be investigated promptly, impartially and thoroughly according to the procedures outlined in the remainder of this policy.

D. PROCESS FOR ADDRESSING COMPLAINTS OF ALLEGED INCIDENTS OF DISCRIMINATION, HARASSMENT OR BULLYING
1. Initiating the Investigation

   a. Whoever receives a complaint of discrimination, harassment or bullying pursuant to subsection C.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows.

      1) If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the assistant superintendent of human resources, the superintendent or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the assistant superintendent of human resources or designee.

      2) If the alleged perpetrator is the principal, the assistant superintendent of human resources or designee is the investigator.

      3) If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the assistant superintendent of human resources or designee is the investigator unless the alleged perpetrator is the assistant superintendent of human resources, the superintendent or a member of the board.

      4) If the alleged perpetrator is the assistant superintendent of human resources, the superintendent or designee is the investigator.

      5) If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)

      6) If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)

   b. As applicable, the investigator shall immediately notify the Title IX, Section 504, ADA or other relevant coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.

d. Written documentation of all reports and complaints, as well as the school system’s response, must be maintained in accordance with policy 1710/4021/7230.

e. Failure to investigate and/or address claims of discrimination, harassment or bullying shall result in disciplinary action.

2. Conducting the Investigation

a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230. In so doing, the investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); and (3) any other individuals, including other possible victims, who may have relevant information.

b. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for confidentiality shall be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4021/7230.

c. The investigator shall review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, harassment or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

3. Investigative Report

a. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504, ADA or other coordinator.

b. The investigator shall notify the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
1) reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment or bullying and prevent it from recurring;

2) as needed, reasonable steps to address the effects of the discrimination, harassment or bullying on the complainant; and

3) as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

c. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).

d. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 1710/4021/7230. If the corrective steps involve actions outside the scope of the investigator’s authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.

e. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment or bullying.

4. Appeal of Investigative Report

a. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the assistant superintendent of human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection D.4.b below). The appeal must be submitted in writing within five days of receiving the investigative report. The superintendent may review the documents, conduct any further investigation necessary or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is
needed.

b. If the complainant is dissatisfied with the superintendent’s response, he or she may appeal the decision to the board within five days of receiving the superintendent’s response. The board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to policy 2500, Hearings Before the Board. The board will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

E. TIMELINESS OF PROCESS

The number of days indicated at each step of the process should be considered a maximum. Every effort should be made to expedite the process.

If any school official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation, review or report. The school official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that interfere with the exercise of any legal rights are not permitted.

Failure by the complainant at any step in the process to appeal a complaint to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the investigator of a delay and the reason for the delay and the investigator has consented in writing to the delay.

F. GENERAL REQUIREMENTS

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.

2. All meetings and hearings conducted pursuant to this policy will be private.

3. The board and school system officials will consider requests to hear complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.
4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials.

5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

G. RECORDS

Records will be maintained as required by policy 1710/4021/7230.


Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Assaults, Threats and Harassment (policy 4331)

Adopted: December 3, 2012
The board 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. The board prohibits discrimination on the basis of race, color, national origin, sex, disability or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The board will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities or programs.

A. Prohibited Behaviors and Consequences

1. Discrimination, Harassment and Bullying

   Students, school system employees, volunteers and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment and bullying.

   Students are expected to comply with the behavior standards established by board policy and the Code of Student Conduct. Employees are expected to comply with board policy and school system regulations. Volunteers and visitors on school property also are expected to comply with board policy and established school rules and procedures.

   Any violation of this policy is serious and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school’s student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

   Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools.

   When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide or school system-wide response is necessary. Such classroom, school-wide or school system-wide responses may include staff training, harassment and bullying prevention programs and other measures deemed appropriate by the superintendent to address the behavior.

2. Retaliation
The board prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy or participating in the investigation of reported violations of this policy.

After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state or local laws, policies and regulations, the superintendent or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

B. APPLICATION OF POLICY

This policy prohibits unlawful discrimination, harassment and bullying by students, employees, volunteers and visitors. “Visitors” includes persons, agencies, vendors, contractors and organizations doing business with or performing services for the school system.

This policy applies to 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. at any bus stop;

4. during any school-sponsored activity or extracurricular activity;

5. at any time or place when the individual is subject to the authority of school personnel; and

6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

C. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably 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. Discrimination may be intentional or unintentional.
2. Harassment and Bullying

a. Harassment or bullying behavior is 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.

“Hostile environment” means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. 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, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

It is possible for harassment, including sexual or gender-based harassment, to occur in various situations. For example, harassment 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.

b. Sexual harassment is one type of harassment. 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 unreasonably interfering with an employee’s work or performance or a student’s educational performance, limiting a student’s ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile or offensive work or educational environment.

Sexually harassing conduct includes, 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, 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.

c. Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

D. **REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT OR BULLYING**

Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment or bullying. All reports should be made in accordance with policy 1720/4015/7225, Discrimination, Harassment and Bullying.
and Bullying Complaint Procedure, and reported to one of the school officials identified in that policy. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

E. TRAINING AND PROGRAMS

The board directs the superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan.

As funds are available, the board will provide additional training for students, employees and volunteers who have significant contact with students regarding the board’s efforts to address discrimination, harassment and bullying and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination, harassment or bullying; (2) teach employees to identify groups that may be the target of discrimination, harassment or bullying; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones and on the Internet.

F. NOTICE

The superintendent is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of discrimination, harassment and bullying. This policy must be posted on the school system website, and copies of the policy must be readily available in the principal’s office, the media center at each school and the superintendent’s office. Notice of this policy must appear in all student and employee handbooks and in any school system publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

G. COORDINATORS

The superintendent or designee shall appoint one or more individuals to coordinate the school system’s efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials 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. The superintendent or designee shall publish the name(s), office address(es) and phone number(s) of the compliance coordinator(s) in a manner intended to ensure that students, employees, applicants, parents and other individuals who participate in the school system’s programs are aware of the coordinator(s).

H. RECORDS AND REPORTING
The superintendent 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 superintendent also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination, harassment and bullying.

The superintendent shall report to the State Board of Education all verified cases of discrimination, harassment or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

I. EVALUATION

The superintendent shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment and bullying and shall share these evaluations periodically with the board.


Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Prohibition Against Retaliation (policy 1760/7280), Equal Educational Opportunities (policy 4001), School Plan for Management of Student Behavior (policy 4302), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030), Recruitment and Selection of Personnel (policy 7100), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: December 3, 2012
The board of education will not discriminate against qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities. The system will provide aids, benefits and school services to a person with disabilities in the most integrated school setting appropriate to his or her needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit or reach the same level of achievement.

The superintendent is directed to develop appropriate procedures to implement this nondiscrimination policy. The superintendent or designee shall:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;

2. designate a person to coordinate the system’s efforts to comply with Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and its regulations;

3. designate a person to coordinate the system’s efforts to comply with the Americans with Disabilities Act and its regulations;

4. publish the name, office address and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, parents and other individuals who participate in the school system’s programs are aware of the coordinator(s);

5. make complaint procedures available as provided in policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;

6. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students and parents;

7. make reasonable accommodations for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the service, program or activity;

8. not inquire about any disabilities that may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are
demonstrably job-related and effective alternatives are not available;

9. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and

10. establish and implement a system of procedural safeguards with respect to the identification, evaluation or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student’s parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.


Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Service Animals in Schools (policy 4202/5029/7272)

Adopted: December 3, 2012
The board of education recognizes that reducing drug and alcohol abuse in the workplace improves the safety, health and productivity of employees. It is the policy of the board of education that a drug-free and alcohol-free workplace must be maintained.

A. Prohibited Activities

The board prohibits the unlawful manufacture, sale, distribution, dispensing, possession, or use of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, alcohol, stimulants, synthetic cannabinoids, counterfeit substance or any other controlled substance as defined in (1) schedules I through VI of the North Carolina Controlled Substances Act or in (2) schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04, or defined in schedules. Employees must not be impaired by the excessive use of prescription or nonprescription drugs. This policy is not violated by an individual’s proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

Employees are prohibited from using or being under the influence of alcohol while acting in the course and scope of employment duties, while at school-sponsored activities or while on school property. This policy does not apply to an employee’s consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

B. Applicability

This policy governs each employee before, during or after school hours while the employee is on any property owned or leased by the board of education; at any time during which the employee is acting in the course and scope of his or her employment with the board of education; and at any time that the employee’s violation of this policy has a direct and adverse effect upon his or her job performance.

C. Duty to Report

An employee must notify his or her supervisor in writing of any conviction under any criminal drug statute for a violation occurring within the scope of paragraph two of this policy. Notification must be given no later than the next scheduled business day after such conviction, in accordance with policy 7300, Staff Responsibilities. Within 10 days of receiving a notice of conviction by an employee whose position is funded in any part by a federal grant, the director of human resources or designee shall notify the funding agency of the conviction. “Conviction” as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, nolo contendere, no contest or the
equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.

D. **CONSEQUENCES**

Violation of this policy will subject an individual to disciplinary action by the board of education that could result in non-renewal or termination of employment with the school system or the requirement that the employee participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved by the board of education or federal, state or local health, law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation and re-entry programs will be provided to employees.

All employees shall receive a copy of this policy.


Cross References: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Staff Responsibilities (policy 7300)

Adopted: December 3, 2012
The purposes of this policy are to help ensure the safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program for the drug and alcohol testing of school bus drivers and all other commercial motor vehicle operators employed by the board of education.

A. Applicability

Persons subject to this policy include any employee, volunteer or independent contractor who operates a commercial motor vehicle in the course of his or her duties for the board of education, including anyone who regularly or intermittently drives a school bus, activity bus or other vehicle designed to transport 16 or more people, including the driver.

B. Prohibited Acts

Commercial motor vehicle operators employed by the board must not be impaired by alcohol or by a prescription or nonprescription drug while on duty or while operating any motor vehicle. For the purposes of this policy, an employee is considered impaired by alcohol in all cases in which testing reveals a blood alcohol content of higher than 0.02. Further, no driver will be permitted to perform safety-sensitive functions if evidence exists of his or her alcohol consumption. In addition, commercial motor vehicle operators, and anyone who supervises commercial motor vehicle operators, must not commit any act prohibited by federal law, including “Controlled Substances and Alcohol Use and Testing” (49 C.F.R. pt. 382, hereinafter referred to as Part 382), by this policy or by policy 7240, Drug-Free and Alcohol-Free Workplace. No driver may operate any school bus or school activity bus while consuming alcohol or while alcohol remains in the driver’s body in violation of G.S. 20-138.2B.

C. Testing

The human resources office shall carry out pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing for drugs and alcohol as required by Part 382. School bus drivers and others employed by the board for the primary purpose of operating a commercial motor vehicle must undergo pre-employment testing. Employees whose duties include occasional driving will not be subject to pre-employment testing but must undergo all other testing required by Part 382.

All employees must undergo drug and alcohol testing before driving a commercial motor vehicle for the board of education.

D. Pre-Employment Inquiry
All applicants who would be subject to this policy if employed by the board must consent in writing to the release of any information gathered pursuant to Part 382 by any of the applicant’s previous employers.

Before employing any applicant subject to this policy or Part 382, the administration shall obtain, pursuant to the applicant’s written consent, all records maintained by the applicant’s previous employer of prohibited acts committed by the applicant in the two years prior to the inquiry date.

E. **TRAINING AND EDUCATION**

Each commercial motor vehicle operator and supervisory employee, including principals and assistant principals, must be provided with educational materials that inform the employees of drug testing procedures, prohibited acts, consequences and other aspects of Part 382, this policy and any accompanying administrative procedures. The information also will identify a school system employee who is responsible for providing information on substance abuse. Each employee must sign a statement certifying his or her receipt of these materials.

Each supervisor who is responsible for overseeing the performance of commercial motor vehicle operators, including principals and assistant principals, must undergo at least one hour of training concerning alcohol misuse and one additional hour of training concerning drug abuse.

F. **REFERRALS**

Each motor vehicle operator who commits acts prohibited by Part 382 or G.S. 20-138.2B, other than provisions governing pre-employment testing, will be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information will include the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs. Before any motor vehicle operator who has committed a prohibited act under Part 382 or G.S. 20-138.2B will be allowed to drive again, he or she must be evaluated by a substance abuse professional and must satisfactorily complete any appropriate treatment that the substance abuse professional designates.

G. **PENALTIES**

Employees who have committed a prohibited act; refused any test required by this policy; or otherwise violated this policy, G.S. 20-138.2B or Part 382 will be subject to disciplinary action, up to and including dismissal.

H. **PROCEDURES**

All procedures for collection and testing provided in the Federal Highway Administration’s “Procedures for Transportation Workplace Drug and Alcohol Testing
Programs” (49 C.F.R. pt. 40) and all requirements in Part 382, including testing, reporting, record retention, training and confidentiality, will be followed. Copies of these federal regulations will be readily available. The superintendent shall develop any other procedures necessary to carry out these regulations.


Cross References: Drug-Free and Alcohol-Free Workplace (policy 7240)

Adopted: December 3, 2012
The board of education promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the school board, or at school-related or school-sponsored events is detrimental to the health and safety of students, staff and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco-free policy that prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, the term “tobacco product” means any product that contains or is made or derived from tobacco and is intended for human consumption, including electronic cigarettes and all lighted and smokeless tobacco products.

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.

2. In addition, persons attending a school-sponsored event at a location not specified in subsection 1 above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) in an area where use of tobacco products is otherwise prohibited by law.

3. Nothing in this policy prohibits the use of tobacco products for an instructional or research activity conducted in a school building, provided that such activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing or otherwise ingesting tobacco.

4. The administration will consult with the county health department and other appropriate organizations to provide employees with information about support systems and programs to encourage employees to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to employees of the school system after the regular school day.

5. The principal of each school and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students and visitors that the use of tobacco products by any person is prohibited at all times in or on school property.

6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel and the public.

7. All school personnel are required to adhere to and enforce this policy and other policies, rules or regulations addressing the use of tobacco products.

Cross References: Tobacco Products – Students (policy 4320)

Adopted: December 3, 2012
It is the policy of the board to comply with federal and state regulations and standards regarding bloodborne pathogens as set forth in the Federal Register, 29 C.F.R. 1910.1030, and the North Carolina Administrative Code, 13 N.C.A.C. 7F .0207, by attempting to limit or prevent occupational exposure of employees to blood or other potentially infectious bodily fluids and materials that may transmit bloodborne pathogens and lead to disease or death.

A. Reasonably Anticipated Occupational Exposure

Employees who have occupational exposure to bloodborne pathogens are covered by the Occupational Safety and Health Administration (OSHA) Bloodborne Pathogens Standard, the North Carolina Administrative Code, and this policy. “Occupational exposure” includes any reasonably anticipated skin, eye, mucous membrane or parenteral (brought into the body through some way other than the digestive tract) contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties. “Good Samaritan” acts, such as assisting a co-worker or a student with a nosebleed, would not be considered “reasonably anticipated occupational exposure,” and employees whose only anticipated exposure to bloodborne pathogens would result from such acts are not considered to have occupational exposure.

B. Universal Precautions

Universal precautions must be used at all times. Employees should handle all blood, bodily fluid and other potentially infectious material as if the material is infected. The program standards for the control of potential exposure to Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) as outlined in the OSHA Rule, “Occupational Exposure to Bloodborne Pathogens” (Standard 1910.1030), and the NC Administrative Codes and/or the most current standards available must be followed.

C. Exposure Control Plan

The superintendent shall ensure that an Exposure Control Plan is developed in accordance with OSHA regulations or the most current available federal and/or state standards issued to eliminate or minimize employee occupational exposure to blood or certain other bodily fluids that may carry infectious materials. In addition, the superintendent shall ensure that the following requirements are met.

1. The Exposure Control Plan must provide, at a minimum, for the following:
   a. a determination of who is at risk for an exposure incident;
   b. what the school system will do to protect employees from exposure incidents,
including the use of universal precautions, engineering and work practice
controls and, as appropriate, personal protective equipment;

c. how to deal with an exposure incident, including post-exposure evaluation
and follow-up;

d. who should be vaccinated for Hepatitis B; and

e. communication, training and record-keeping procedures.

2. All elements of the Exposure Control Plan must be met.

3. All employees must have access to a copy of the Bloodborne Pathogens Policy and
Exposure Control Plan.

4. The Exposure Control Plan must be reviewed and updated at least annually.

D. Testing

An employee who suspects that he or she has been exposed to blood or bodily fluid on the
job may request to be tested, at the school system’s expense, provided that the suspected
exposure poses a significant risk of transmission as defined in the rules of the Commission
for Public Health. The HIV and HBV testing of a person who is the source of an exposure
that poses a significant risk of transmission must be conducted in accordance with 10A
N.C.A.C. 41A .0202 (4) (HIV) and 41A .0203(b)(4) (HBV). The school system shall strictly
adhere to existing confidentiality rules and laws regarding employees with communicable
diseases, including HIV or HIV-associated conditions.

E. Nondiscrimination Policy

The school system shall not discriminate against any applicant or employee who has or is
suspected of having a communicable disease, including tuberculosis, HBV, HIV infection or
Acquired Immune Deficiency Syndrome (AIDS). An employee may continue to work as
long as the employee is able to satisfactorily perform the essential functions of the job and
there is no medical evidence indicating that the employee's condition poses a significant,
direct threat to co-workers, students or the public.

Legal References: 29 C.F.R. 1910.1030; G.S. 95 art. 16; 13 N.C.A.C. 7F .0207; 10A N.C.A.C. 41A
.0202(4), 41A .0203(b)(4)

Cross References: Communicable Diseases – Employees (policy 7262)

Adopted: December 3, 2012
It is the policy of the board to attempt to provide a safe and secure environment for all students and employees. In an effort to maintain a balance between the need to protect the rights of students and employees and the need to control the spread of serious communicable diseases and conditions, the superintendent shall make decisions regarding the employment status of employees with communicable diseases or conditions on a case-by-case basis, in accordance with this policy. An employee suffering from a communicable disease or condition is encouraged to inform his or her supervisor so that appropriate accommodations may be made and appropriate precautions may be taken. This policy applies to all legally reportable communicable diseases, including HIV and AIDS, as set forth in 10A N.C.A.C. 41A .0101. This policy must be shared with school employees annually and with new employees as part of any initial orientation.

A. **COMMUNICABLE DISEASE DEFINED**

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, that is transmitted directly or indirectly to a person from an infected person or animal.

B. **SAFETY CONTROL MEASURES**

1. **Handling Bodily Fluids**

In order to prevent the spread of communicable disease and conditions, universal health and safety precautions, including precautions regarding the handling and cleanup of blood and other bodily fluids, must be distributed by the human resources office and followed by all school system employees. Employees are also required to follow the school system’s bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials. The bloodborne pathogens exposure control plan will be made available at each school or department. All employees are required to review and be familiar with the plan within a reasonable time, not exceeding 30 days, after assuming employment. Faculty should not allow students to be involved in the handling, disposal and cleanup of potentially infectious materials unless the students have been specifically trained in the handling of such materials and are qualified to perform first aid services.

Failure to follow universal health and safety precautions or applicable provisions of the bloodborne pathogens exposure control plan may result in disciplinary action against the offending employee. All employees have a duty to report to the school principal or the director of the personnel office any failure by a staff member or a student to follow the universal precautions, including their own.
2. ReportingCommunicable Diseases

In accordance with G.S. 130A-136, school principals are required to report suspected cases of reportable communicable diseases or conditions to the county health director for investigation. Principals must provide the health director with available factual information to substantiate the report. Such reports are to remain strictly confidential and may be shared only with other employees as necessary to prepare and file a report. All information must be kept strictly confidential.

3. Following Health Control Measures for Communicable Diseases

Any employee suffering from a communicable disease or condition is required to follow all control measures given to him or her by the health director and take all necessary precautions to prevent the transmission of the disease or condition. Any school system employee who has reason to believe that a fellow employee is not following safe practices, including the universal precautions, must report this failure to his or her principal or supervisor. Supervisory personnel shall report unsafe conduct to the health department when they have a reasonable concern that such conduct may cause or may have caused the spread of a communicable disease.

4. Cooperating with Health Officials

If the county health director notifies the superintendent or any other school system personnel that a school system employee with a communicable disease or condition may be posing a threat to the public health, these employees shall cooperate with the health director in eliminating the threat.

C. Employment Status of Employee

The board will follow all applicable state and federal laws and regulations and this policy in determining when an employee with a communicable disease or condition will be required to take leave from his or her position or otherwise be restricted from continuing his or her employment.

1. Requests to Alter Duties

Any employee may request that the superintendent or designee consider altering the employee’s duties or other conditions of his or her employment if the employee:

a. believes that he or she is unable to continue to perform the regular duties of the position due to a communicable disease or condition, or

b. believes that he or she may risk transmitting the communicable disease to others by continuing to perform assigned duties.
The employee seeking alteration in the conditions of employment must apprise the superintendent or designee of his or her condition, submit medical documentation regarding such condition, suggest possible accommodations known to him or her and cooperate in any ensuing discussion and evaluation regarding whether there are possible reasonable accommodations.

2. Interdisciplinary Committee

If the superintendent so requests, the employee must give the superintendent written permission either to consult with appropriate medical personnel or to convene an interdisciplinary committee to receive medical information regarding the employee to the extent necessary to assist the superintendent in determining whether alternative employment opportunities reasonably can be provided to the affected employee. The committee may include appropriate school system personnel, appropriate medical personnel, including the employee’s personal physician when possible, the health director or designee, and the employee.

3. Reasonable Accommodation Review

When addressing the issue of whether reasonable accommodation is possible, the superintendent shall determine:

a. to what degree the employee’s presence in his or her current job exposes students or other employees to possible transmission of the disease; and/or

b. whether the employee is able to continue in his or her current position with reasonable modifications.

The superintendent shall consult with the health director if there is any question as to the employee’s risk of transmission on the job. If the superintendent determines that a significant risk of transmission exists in the employee’s current position or that the employee is no longer able to continue in his or her current position for health reasons, the superintendent shall decide whether alternative employment opportunities are reasonably available within the school system and follow appropriate board policies for implementing or recommending a transfer.

If the employee requesting accommodation refuses to consent to the release of information to medical personnel or an interdisciplinary committee appointed by the superintendent, his or her request for an accommodation may be denied until the employee agrees to allow the superintendent to consult with the necessary parties.

4. Confidentiality of Information

Information shared with the superintendent, medical personnel, or interdisciplinary committee personnel must be kept confidential and separate from other personnel file
information and may be shared with other school employees only with the written permission of the employee as necessary to explore, design, or implement possible accommodations or as otherwise allowed by law.

Nothing in this policy is intended to grant or confer any employment rights beyond those existing by law or contract.


Cross References: Communicable Diseases – Students (policy 4230); Occupational Exposure to Bloodborne Pathogens (policy 7260)

Adopted: December 3, 2012
It is the policy of the board to comply with federal regulations and state statutes regarding hazardous chemicals as set forth in the Federal Register, 29 C.F.R. 1910.1450, and the North Carolina Administrative Code, 13 N.C.A.C. 7F .0101, by attempting to limit occupational exposure of employees to hazardous chemicals or other potentially hazardous materials that could cause injury or death.

A. **Universal Precautions**

Universal precautions must be used at all times. Because few laboratory chemicals are without hazards, the school system shall establish general precautions for handling all laboratory chemicals. Additional precautions consistent with state and federal standards shall be established for the handling of known hazardous chemicals and unknown substances. The program standards for the control of hazardous chemicals as outlined in the Occupational Safety and Health Act (OSHA) rule, “Occupational Exposure to Hazardous Chemicals in Laboratories” (Standard 1910.1450), and the North Carolina Administrative Code and/or the most current standards available must be followed.

B. **School System Requirements**

The superintendent shall ensure that:

1. a Chemical Hygiene Plan is developed in accordance with OSHA-issued regulations or the most current available federal and/or state standards issued and that all elements of the Chemical Hygiene Plan are met, including, but not limited to, standard operating procedures for handling hazardous chemicals, such as the use of personal protective equipment and hygiene practices; control measures to reduce employee exposure to hazardous chemicals; standards for laboratory protective equipment; identification of laboratory procedures and activities requiring prior approval; proper employee training; and the assignment of a Chemical Hygiene Officer;

2. bulk elemental mercury, chemical mercury compounds, and bulk mercury compounds are not used as teaching aids in science classrooms;

3. labels on incoming containers of hazardous chemicals are not removed or defaced, all safety data sheets received with incoming shipments are maintained and readily accessible to employees, and a current inventory of chemicals is in use and maintained;

4. all employees are trained and apprised of the hazards of chemicals present in their work area and understand how to report unsafe conditions and how to perform proper cleanup;
5. all employees have access to a copy of the Hazardous Chemicals Policy and Chemical Hygiene Plan;

6. science laboratories comply with the OSHA Right-to-Know legislation, bloodborne pathogens regulations (see policy 7260, Occupational Exposure to Bloodborne Pathogens), laboratory standards as provided by the Chemical Hygiene Plan, and other safety rules and guidelines of the profession;

7. records are established and maintained of any measurements taken to monitor employee exposures and any medical consultations or examinations required;

8. the Chemical Hygiene Plan is reviewed annually by a committee appointed by the superintendent and updated as necessary;

9. this policy is reviewed annually and, as needed, updated annually; and

10. a copy of the Chemical Hygiene Plan is submitted to the State Board of Education by January 31 of each school year.

C. TESTING

Whenever an event, such as a spill, leak, explosion, or other occurrence resulting in the likelihood of a hazardous exposure, takes place in the work area, the employee exposed to the hazard may receive a medical examination at the school system’s expense.

Legal References: 29 C.F.R. 1910.1450; G.S. 115C-47(49); 13 N.C.A.C. 7F .0101; State Board of Education Policy GCS-F-017

Cross References: Occupational Exposure to Bloodborne Pathogens (policy 7260)

Other Resources: Safe, Orderly and Caring Schools Assessment Inventory, Safety Provisions – Science Education (North Carolina Department of Public Instruction, Division of School Improvement)

Adopted: December 3, 2012
Revised: December 8, 2014
Safe schools are critical to creating a learning environment in which students can succeed. Staff and students share the responsibility for taking reasonable precautions and following established safety measures to create and maintain safe schools. The following safety measures must be implemented at each school.

A. Supervision of Students

Students must be reasonably supervised while in the care and custody of the school system. This supervision must occur throughout school hours, including during class, between classes, on the playground, and during recess or lunch periods; during authorized school field trips; and on school buses. Reasonable precautions should be taken to protect the safety of students on school grounds and on buses before, during and after school.

Students who are subject to policy 4260, Student Sex Offenders, and are receiving educational services on school property must be supervised by school personnel at all times.

B. Supervision of Visitors

School administrators shall strictly enforce policies 5015, School Volunteers, and 5020, Visitors to the Schools.

C. Safety of School Buildings and Grounds

The superintendent and each building principal shall comply with all duties set out for their respective positions in G.S. 115C-288(d) and G.S. 115C-525 to minimize fire hazards. The principal is required to inspect school buildings, playgrounds and equipment for health, fire and safety hazards on a regular basis, as required by law, and to notify the superintendent immediately of unsanitary conditions or repairs needed to meet safety standards.

Any employee who observes any potential hazards must notify the principal or the employee’s supervisor immediately.

All warning systems must meet building and equipment codes required by law and must be properly maintained. When necessary, proper signs indicating potential hazards or recommended safety precautions must be posted.

D. Establishing Processes to Address Potential Safety Concerns and Emergencies

1. School Safety and Discipline Concerns
Each school must include a plan to address school safety and discipline concerns in the school improvement plan (see also policy 3430, School Improvement Plan).

2. School Rules

The principal or designee shall develop rules to help prevent accidents in school buildings, on school buses and on school grounds.

3. Training for Staff and Students

Staff training must include detailed instruction on how to respond to a variety of emergency situations. In addition, staff should be able to recognize and respond to behavior, information and related indicators that warn of impending problems.

School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety.

4. Safety Equipment

School employees shall provide students with safety equipment as required by law and shall enforce school rules pertaining to wearing safety equipment. School employees shall wear and use appropriate safety equipment as required for the safe performance of their specific job assignments.

5. Planning for Emergencies and Conducting Fire Drills and Other Emergency Drills

The superintendent shall develop system-wide plans and procedures to address emergency situations. As appropriate, the superintendent shall consult with local law enforcement agencies and emergency responders to plan for and conduct emergency drills. The superintendent must provide local law enforcement and emergency management agencies with copies of floor plans of all school buildings and site plans showing campus boundaries and access points.

Principals, with the assistance of both law enforcement and emergency responders as appropriate, shall conduct fire drills as required by law and shall conduct other emergency drills in accordance with school system emergency plans and procedures.

6. Reporting Suspicious Behavior

Students should notify any staff member of any acts of violence, harassment or bullying or any other unusual or suspicious behavior that may endanger safety. Ongoing student education efforts will aim at minimizing any fear, peer pressure,
embarrassment or other impediments to students reporting potential problems.

Maintaining a safe school environment that is conducive to learning requires staff to be proactive in dealing with violence, harassment and bullying. Staff members must report immediately to the principal any information reported by a student or their own observations of unusual or suspicious behavior or acts of violence, harassment or bullying.

Every principal is required to investigate and act upon any report of such behavior, including, when appropriate, reporting criminal activities to law enforcement, the State Board and the superintendent or designee (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying, 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, and 4335, Criminal Behavior).

7. Potential Threats of Registered Sex Offenders

The principal of each school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the school.

8. Student Behavior Standards

Students are expected to meet behavior standards set forth in board policies.

Legal References: G.S. 14-208.18; 115C-36, -47, -81.4, -166, -288, -307, -391.1, -521, -524, -525; State Board of Education Policies HRS-A-000, TCS-P-005

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), School Improvement Plan (policy 3430), Student Sex Offenders (policy 4260), Student Behavior policies (4300 series), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Public Records – Retention, Release and Disposition (policy 5070/7350), Relationship with Law Enforcement (policy 5120), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)


Adopted: December 3, 2012
RESPONDING TO BOMB THREATS  

It is the goal of the board to provide a process by which school system personnel can respond quickly and effectively to any threat to the safety of their students and staff. Therefore, school personnel are required to follow this regulation, and any other implementing regulations promulgated by the superintendent, in preparing for, responding to and following up on the communication of any threat that a bomb or other destructive device has been or will be placed on school grounds.

The principal or designee of each school will develop a plan that addresses how threats that a bomb or other destructive device is on school grounds (hereafter “bomb threat”) will be handled at the principal’s school. The plan must address the following items.

A. **ANTICIPATING A BOMB THREAT**

1. **Communication and Coordination with Law Enforcement**

   The principal shall establish and maintain a process for ongoing communication and coordination among school staff and all appropriate public safety authorities for purposes of planning for, training for, and responding to any bomb threat. The principal shall establish a bomb threat response team consisting of the principal; the superintendent; and persons representing teachers, custodians, office staff, transportation providers and parents. The principal shall also request participation by persons representing local law enforcement and fire/rescue agencies.

2. **Training of School Personnel**

   The principal shall arrange for the training of all staff in responding to threats and in searching for bombs and other potentially destructive devices. This training must include at least one drill annually for the school staff and others involved in responding to bomb threats.

   a. **Full Staff Training**

      The principal shall ensure that all staff members are trained about their responsibilities in the event of a bomb threat. Such responsibilities may include executing proper evacuation procedures, ensuring the safety of students and staff, noting the absence of any students, conducting quick but complete visual scans of their workplace and adhering to the requirements for reporting specific information. Substitute teachers and other substitute school personnel must be made aware of this regulation and staff obligations, including their own specific obligations, during a bomb threat.

   b. **Telephone Operators Training**
The principal shall ensure that all staff members whose regular duties include answering incoming telephone calls are trained in the protocol to use when confronted by a telephone bomb threat.

c. Training for Staff Participating in a Search

The principal shall ensure that all staff members participating in a search for bombs or other destructive devices are first trained by appropriate public safety personnel regarding the potential danger and the proper sequence and technique involved.

3. Instruction of Students

The principal shall ensure that all students are instructed about proper conduct during a bomb threat, the potential criminal and civil penalties and school discipline associated with making a bomb threat and the disruption and costs to the educational process stemming from a bomb threat.

4. Drills

The principal shall conduct no fewer than two bomb threat drills for the bomb threat response team and staff during the course of the school year.

5. Pre-arranged Signal

The principal shall establish a signal for announcing a bomb threat and train staff to recognize and respond to the signal.

6. Precautions

The principal shall take all reasonable precautions to protect the school environment in the event of a bomb threat.

a. Call Tracing Capacity

The principal shall assess the feasibility of caller ID or other call-tracing capacity on telephones and, if appropriate, recommend the addition of such a service.

b. Locking Work Areas

The principal shall ensure that school employees with access to lockable workspaces, such as closets and cabinets, keep them locked when not in use.
c. Trash

The principal shall direct school personnel not to allow the accumulation of trash, boxes and other such articles inside or next to the building.

d. Parking

The principal shall ensure that parking spaces are not located close to the school building or that parking spaces close to the building are designated for staff use only. The principal also shall ensure parking restrictions are strictly enforced.

e. Evacuation Sites

The principal shall identify and designate evacuation gathering places, which are specific locations to which all students and staff members will go during an evacuation. The designated location must be away from heavily traveled roadways.

B. Reacting to a Bomb Threat

1. Notification

a. Duty of School Personnel

School personnel are required to notify the principal immediately of all bomb threats by telephone or other means. School personnel also shall notify the principal immediately of any suspicious devices on school property.

b. Telephone Answering

All personnel who regularly answer telephone calls from outside sources must be provided with a bomb threat card and report form to be placed within easy reach of their telephones. The card must have printed upon it information to ask for and information to listen for in the event a caller makes a bomb threat. Whoever receives the call shall attempt to transfer it to the principal or, if that cannot be done, ask the caller as many of the questions on the bomb threat card as he or she can, carefully noting all wording and other information. Any information received from the caller must be passed on to the principal as soon as possible.

c. Duty of Principal

Upon learning of the threat, the principal shall alert the appropriate officials, including local public safety agencies, utility companies and the
superintendent.

2. Assessment

Upon learning of the threat, the principal shall consult with local public safety officials and the superintendent, to the extent time permits. The principal is responsible for evaluating the credibility of the threat, deciding whether to direct a search of the building, and deciding whether and when to evacuate the building.

3. Evacuation

a. Extent of Evacuation

The principal, in consultation with the bomb threat response team (as possible under the circumstances), shall decide on the extent to which the building will be evacuated and/or the extent to which students will be assembled in one or several locations within the building. When students are evacuated they should be taken to a particular site no less than 300 feet from the building to avoid any potential damage from explosions.

b. Signaling

Through the use of the prearranged signal, the principal shall inform the staff immediately of the decision to evacuate the school.

c. Adjusting Evacuation Route and Sites

The principal shall direct personnel to adjust their usual evacuation routes and evacuation sites if necessary to avoid any suspected bomb or other destructive device or other potential danger.

d. Staff Obligations

In the event of an ordered evacuation, staff shall:

1) Scan their rooms or other work areas for signs of any unusual object or person and report any suspicious object or person to the principal or law enforcement authorities;

2) Ensure that windows and doors are locked;

3) Make sure that any students in their charge are guided to safety and remain with the students in their charge; and

4) Take attendance books, check attendance once the evacuation is accomplished and report names of any missing students to the
principal.

e. Student Conduct

All students are required to obey all directions and maintain an orderly and quiet demeanor.

f. Utilities

The principal shall decide whether the gas, electric and telephone should be turned off and, if so, make the appropriate arrangements.

g. Traffic

The principal shall ensure that there is a safe and efficient method for access to the building by public safety vehicles and for departure of students and staff.

h. Searches

The principal shall work with local law enforcement to determine who will be included in a search team. Under no circumstances will students be included. All search team members must be trained with respect to the dangers involved, precautions to observe and the techniques to follow. If any suspicious object is discovered, no school personnel should touch it. The presence of any suspicious object or person must be reported immediately to the principal and/or the public safety official in charge. If there is an explosion, the principal shall yield to the decisions of public safety officials.

Legal References: G.S. 115C-36, -390.1

Cross References: School Safety (policy 1510/4200/7270)

Adopted: December 3, 2012
The board will make reasonable accommodations for qualified persons with disabilities in accordance with policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and the requirements of state and federal law. An individual with a disability may be accompanied by his or her service animal on school property unless the animal is properly excluded as set forth in section E of this policy. The superintendent shall establish any necessary administrative regulations for the use of service animals on school property.

A. **Definition of “Service Animal”**

A “service animal” for purposes of this policy is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual’s disability or necessary to mitigate a disability. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained. Animals whose sole function is to provide emotional support, well-being, comfort, companionship or therapeutic benefits or to act as a crime deterrent are not service animals for the purposes of this policy.

B. **Use of a Service Animal on School Property by Students and Employees**

1. **Introduction of a Service Animal**

   School administrators shall facilitate the introduction of an eligible service animal into the school environment. To promote a successful integration of the service animal into the educational program and to minimize unnecessary disruption, an employee or student with a disability who intends to bring a service animal to school during the school day is encouraged to follow these guidelines.

   a. The employee, student or student’s parent should notify the superintendent and the principal of the applicable school in writing at least 10 work days prior to the date proposed to bring the service animal onto school property.

   b. The employee, student or student’s parent should work with school personnel to create a plan addressing the presence of the service animal during the school day. A plan to integrate a service animal into the school environment should include the following:

      1) appropriate training for school personnel and students regarding interaction with the service animal;

      2) any necessary modifications to the educational program so that the employee or student with a disability may be accompanied by the
service animal; and

3) address, when necessary, the presence of a handler other than the employee or student with the disability to control or care for the service animal.

c. The service animal should wear identification to provide adequate notice to students, school personnel and school visitors that the dog is a service animal.

d. The service animal should be free of parasites and otherwise in good health.

2. Presence of a Service Animal on School Property

An employee or student with a disability accompanied by a service animal must meet the following requirements for a service animal to be present on school property.

a. A student or employee who elects to be accompanied by a service animal will be expected to care for and supervise the animal. If a student is not capable of providing adequate care and supervision, the parent will be responsible for providing such care and supervision.

b. If a student requires assistance from a parent or handler to control and care for the service animal while on school property, that individual must submit to a background screening, which may include a criminal history check in accordance with state law and any procedures established by the superintendent.

c. The service animal must be on a leash or other mechanical restraint at all times. If mechanical restraint is not feasible due to a student’s disability, the animal must be under other sufficient means of control.

d. The service animal must be housebroken, under the control of its handler, and have received all necessary vaccinations as required by state law.

C. USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY SCHOOL VISITORS

A school visitor who is an individual with a disability may be accompanied by a service animal in accordance with all applicable state and federal laws and regulations and with policy 5020, Visitors to the Schools. A service animal that is accompanying a school visitor may be properly excluded from school property for a reason(s) set forth in section E of this policy.

D. LIABILITY
The board may hold the owner or handler of a service animal liable for any property damage caused by the animal to the same extent required by other board policy or administrative rules that impose liability for property damage. In addition, either the owner or handler, or both may be liable for personal injury caused by the animal or related to the presence of the animal on school property.

**E. EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY**

School personnel shall not ask an individual with a disability about the nature or extent of his or her disability or for proof of a service animal’s training as a condition of allowing the animal onto school property. However, when not readily apparent to school personnel, a principal or designee may inquire as to whether the animal is required because of a disability and what work or task the animal has been trained to perform. Such inquiries may be made to confirm that the dog is a service animal and is rightfully present on school property.

A principal or designee may exclude a service animal from school property for the following reasons:

1. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.

2. The animal is out of control and the animal’s handler does not take effective action to control it.

3. The animal is not housebroken.

4. The presence or behavior of the animal fundamentally alters the service, program, or activity of the school system.

If a principal or designee excludes a dog or service animal from school property, the principal or designee must document the reasons for the exclusion and notify the superintendent. The superintendent or designee will make a determination on whether a service animal will be allowed to return to the school and, if reasonably possible, notify the individual with the disability in writing of the decision within five work days of the initial exclusion.

If the superintendent determines that an animal does not meet the definition of a service animal or that a service animal should be excluded for one or more of the reasons described in this section, the student’s Section 504 or IEP Team shall meet to consider and document whether the animal’s presence is necessary for the child to receive an appropriate education or to have equal access to the educational program and, if not, whether the child needs other aids and services or accommodations.

If a service animal is excluded, an individual with a disability will be provided the
opportunity to participate in educational services, programs or activities as required by law without having the service animal on the premises.

F. APPEAL OF AN EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY

The superintendent’s decision regarding exclusion of a service animal from school property in accordance with this policy may be appealed consistent with policies 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, and any other procedure established by the superintendent under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.


Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Visitors to the Schools (policy 5020)

Adopted: December 3, 2012
WEAPONS AND EXPLOSIVES PROHIBITED

The board of education is committed to providing a safe school environment that is free from violence, to the maximum extent possible. Employees, students, visitors and other persons are prohibited from possessing, carrying, using or threatening to use, or encouraging another person to possess, carry, use or threaten to use, weapons or explosives on school property or while attending curricular or extracurricular activities sponsored by the school system. This policy applies to weapons or explosives carried openly or concealed.

Any employee who violates this policy will be subject to immediate termination. Any visitor or other person who violates this policy will be escorted from the premises and/or school activity immediately. The superintendent or principal shall immediately report any violation of this policy to law enforcement officials. Any employee who is aware that a weapon or explosive is present on school property or at a school event must immediately report this information to the principal or designee or the school resource officer as appropriate.

Students who violate this policy are subject to discipline as provided in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety.

A. WEAPONS AND EXPLOSIVES DEFINED

For purposes of this policy, a weapon includes, but is not limited to, any gun, rifle, pistol, or other firearm of any kind; any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), or fireworks; and any sharp-pointed or -edged instrument, except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction and/or maintenance on educational property. For purposes of this policy, an explosive includes, but is not limited to, any dynamite cartridge, bomb, grenade, mine or powerful explosive as defined in G.S. 14-284.1.

B. SCHOOL PROPERTY

For purposes of this policy, school property is any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used or operated by the board of education.

C. EXCLUSIONS

This policy does not apply to:

1. a weapon or explosive used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;
2. firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by the board of education, when acting in the discharge of their official duties; or

3. law enforcement officers or other persons as provided in G.S. 14-269.2(g)(1a).

Legal References: G.S. 14-69.2, -269, -269.2, -284.1; 20-17; 115C-288(g)

Cross References: Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333)

Adopted: December 3, 2012
The board of education prohibits and will not tolerate any form of reprisal, retaliation or discrimination against any employee who (1) in good faith, has made or intends to make a report that there has been a violation of federal, state or local law, regulation or public policy due to a practice, policy, act or omission of the board of education, of a school system employee or of an entity/person with whom the school system has a business relationship; or (2) has refused to carry out a directive which may constitute a violation of state or federal law, rule or regulation or poses a substantial or specific danger to public health and safety.

An employee who reasonably believes that any such violation exists may file a grievance in accordance with policy 1750/7220, Grievance Procedure for Employees, or a complaint in accordance with policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure.

The provisions of this policy apply only to those situations in which an employee brings the alleged unlawful activity, policy or practice to the attention of school officials or the board and provides school officials or the board with a reasonable opportunity to investigate and correct the alleged unlawful activity. If necessary, school officials or the board may specify reasonable steps to protect the complaining employee from retaliation.

Each employee will receive a copy of this policy and sign a statement verifying his or her receipt and understanding of this policy.

Legal References: Sarbanes-Oxley Act, 18 U.S.C. 1513(e); G.S. 115C-335.5; 126-5(c5), -84, -85, -86, -87, -88

Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Grievance Procedure for Employees (policy 1750/7220)

Adopted: December 3, 2012
For students to succeed, all school employees must approach their responsibilities conscientiously, always remembering that the ultimate responsibility of the school system is to provide students with the opportunity to receive a sound basic education.

All school employees shall:

1. be familiar with, support, comply with and, when appropriate, enforce board policies, administrative procedures, school rules and applicable laws;

2. attend to the safety and welfare of students, including the need to provide appropriate supervision of students;

3. demonstrate integrity, respect and commitment to the truth through attitudes, behavior and communications with others;

4. address or appropriately direct any complaints concerning school employees, the school program or school operations; and

5. support and encourage good school-community relations in all interactions with students, parents and members of the community.

Employees shall notify the assistant superintendent for human resources if they are arrested for, charged with or convicted of a criminal offense (including entering a plea of guilty or nolo contendere) other than a minor traffic violation (i.e., speeding, parking or a lesser violation). Notice must be in writing, must include all pertinent facts and must be delivered to the assistant superintendent for human resources no later than the next scheduled business day following the arrest, charge or conviction, unless the employee is hospitalized or incarcerated, in which case the employee must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the employee must report the disposition and pertinent facts in writing to the assistant superintendent for human resources no later than the next business day following adjudication.

Failure by an employee to provide timely notice as described above may lead to disciplinary action up to, and including, dismissal.

Legal References: G.S. 115C-47, -307, -308

Cross References:

Adopted: December 3, 2012
The relationship between staff and students should be one of cooperation, understanding and mutual respect. The staff has the responsibility to provide an atmosphere conducive to learning and to motivate each student to perform to his or her capacity. The staff is expected to model the behavior expected of students in staff-student relationships.

All employees are prohibited from dating, courting or entering into a romantic or sexual relationship with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.7.

Any employee who has reason to believe that another employee is inappropriately involved with a student, as described above, is required to report this information to the superintendent. An employee who fails to inform the superintendent of a suspected inappropriate relationship between an employee and a student may be subject to disciplinary action, up to and including dismissal.

For the purposes of this policy, the term “employees” includes independent contractors and school safety officers but does not include student employees.


Cross References: Governing Principle – Removal of Barriers (policy 1700), Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent Grievance Procedure (policy 1740/4010), Staff Responsibilities (policy 7300)

Adopted: December 3, 2012
The board of education supports all employees who in good faith make a report of suspected child abuse, neglect, dependency or death as a result of maltreatment.

Any school employee who knows or has cause to suspect child abuse, neglect, dependency or death as a result of maltreatment is legally required to report the case of the child to the director of social services. The employee also shall immediately report the case to the principal.

Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately. A school employee is immune by statute from any civil and/or criminal liability when reporting in good faith suspected child abuse, neglect, dependency or death as a result of maltreatment. Failure on the part of any school employee to report may result in disciplinary action being brought against the employee by the school system or civil action under the law.

The principal may establish a contact person in the school to act as a liaison with social services. All employees shall cooperate fully with the department of social services in its investigation of suspected child abuse, neglect, dependency or death as a result of maltreatment. Employees shall permit the child to be interviewed by social services on school campuses during school hours and shall provide social services with confidential information, so long as the disclosure does not violate state or federal law. Any confidential information disclosed by the department of social services to employees will remain confidential and will only be redisclosed for purposes directly connected with carrying out the responsibilities of the school system or the employee.

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any assessment of a report of child abuse, neglect, dependency or death as a result of maltreatment by the department of social services; (2) the provision or arrangement of protective services in a child abuse, neglect or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent undisciplined or delinquent. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court.

The superintendent shall develop any necessary procedures for reporting suspected child abuse, neglect, dependency or death as a result of maltreatment, for sharing information with designated agencies and for cooperating with investigations by the department of social services. The board encourages school officials to provide staff development opportunities related to identifying and reporting child abuse, neglect, dependency or death as a result of maltreatment.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100; 8-53.4; 14-318.2; 115C-400, -402
Cross References: Professional and Staff Development (policy 1610/7800), Student Records (policy 4700)

Adopted: December 3, 2012
Employees and board members have an absolute duty to maintain the confidentiality of records as required by law. Employees and board members, by the nature of their positions, are exposed to confidential information that should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee or board member who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or the assistant superintendent for human resources (for employees) or from the superintendent or board attorney (for board members). When violations occur, appropriate disciplinary action will be taken.

It is a criminal violation for an employee or board member to do either of the following:

- knowingly, willfully and with malice permit any unauthorized person to have access to information contained in a personnel file, or
- knowingly and willfully examine, remove or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.


Cross References:  Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Adopted: December 3, 2012
NORTH CAROLINA
ADDRESS CONFIDENTIALITY PROGRAM

Policy Code: 4250/5075/7316

The board seeks to provide a work and school environment free from violence or the threat of violence against employees, students or other persons. The board encourages eligible individuals to participate in the North Carolina Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes. This program protects the address of relocated victims of domestic violence, sexual offense, stalking or human trafficking to prevent a victim’s assailants or potential assailants from finding the victim through public records. The program provides participants with the use of a substitute mailing address and denies public access to a participant’s actual address.

A. PROGRAM DETAILS

The Address Confidentiality Program is administered by the State Attorney General. Information and assistance in applying to the program may be obtained by telephone from the Attorney General’s Address Confidentiality Program Office at (919) 716-6785.

Program participants receive an authorization card with a substitute mailing address that may be presented whenever an address is required. Mail sent to the substitute address is forwarded cost-free by the program to the participant at his or her residential address.

B. SCHOOL PERSONNEL PARTICIPANTS

The name, actual address and telephone number of any school system personnel participating in the Address Confidentiality Program will not be open to inspection as a public record, will not be included as part of any employee directory published by the school system and will be redacted from any record released pursuant to G.S. 115C-320. (See policies 5070/7350, Public Records – Retention, Release and Disposition, and 7820, Personnel Files.)

C. STUDENT PARTICIPANTS

The school system will use the actual address of a program participant, not the substitute address designated by the Attorney General, for any purpose related to admission or assignment but will keep the actual address confidential from the public. Student records will reflect only the substitute address and not the student’s actual address. The student’s telephone number also will be kept confidential from the public. The parent or guardian of a student participant may request that a student’s name be withheld from any release of directory information by the school, as provided in policy 1310/4002, Parental Involvement.

When transferring school records from one school to another, the transferring school may send the files to the participant (parent or guardian) via the substitute address provided by
the Address Confidentiality Program to ensure confidentiality of the student’s new location.

D. DISCLOSURE PROHIBITED

The knowing and intentional disclosure of a program participant’s actual address or telephone number to unauthorized persons is prohibited. Failure to comply with this policy may result in disciplinary action, up to and including termination. In addition, violators may be subject to criminal prosecution.

Legal References: G.S. Ch. 15C; 115C-47, -320, -366(g), -402(f); 132-1.1(d)

Cross References: Parental Involvement (policy 1310/4002), Domicile or Residence Requirements (policy 4120), School Assignment (policy 4150), Student Records (policy 4700), Public Records – Retention, Release and Disposition (policy 5070/7350), Personnel Files (policy 7820)


Adopted: December 3, 2012
Technological resources, including computers, other electronic devices, programs, networks and the Internet, provide opportunities to enhance instruction, appeal to different learning styles and meet the educational goals of the board. Through the school system’s technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

Use of technological resources should be integrated into the educational program. Technological resources should be used in teaching the North Carolina Standard Course of Study and in meeting the educational goals of the board. The curriculum committee should provide suggestions for using technological resources in the curriculum guides as provided in policy 3115, Curriculum and Instructional Guides. Teachers are encouraged to further incorporate the use of technological resources into their lesson plans.

The superintendent shall ensure that school system computers with Internet access comply with federal requirements regarding filtering software, Internet monitoring and Internet safety policies. The superintendent shall develop any regulations and submit any certifications necessary to meet such requirements.

A. **REQUIREMENTS FOR USE OF TECHNOLOGICAL RESOURCES**

The use of school system technological resources, such as computers and other electronic devices, networks, and the Internet, is a privilege, not a right. Before using the Internet, all students must be trained about appropriate on-line behavior. Such training must cover topics such as cyberbullying and interacting with others on social networking websites and in chat rooms.

Anyone who uses school system computers or electronic devices or who accesses the school network or the Internet at an educational site must comply with the requirements listed below. All students and employees must receive a copy of this policy annually. Before using school system technological resources, students and employees must sign a statement indicating that they understand and will strictly comply with these requirements. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuses may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited.

2. Under no circumstance may software purchased by the school system be copied for personal use.
3. Students and employees must comply with all applicable board policies, administrative regulations, and school standards and rules in using technological resources. All applicable laws, including those relating to copyrights and trademarks, confidential information, and public records, apply to technological resource use. Any use that violates state or federal law is strictly prohibited.

4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally 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 or considered to be harmful to minors.

5. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).

6. Users must respect the privacy of others. When using e-mail, chat rooms, blogs or other forms of electronic communication, students must not reveal personally identifiable, private or confidential information, such as the home address or telephone number, of themselves or fellow students. In addition, school employees must not disclose on the Internet or on school system websites or web pages any personally identifiable 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) or policy 4700, Student Records. Users also may not forward or post personal communications without the author’s prior consent.

7. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software or computer networks. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. Users must scan any downloaded files for viruses.

8. Users may not create or introduce games, network communications programs or any foreign program or software onto any school system computer, electronic device or network without the express permission of the technology director or designee.

9. 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.

10. Users are prohibited from using another individual’s computer account. Users may not read, alter, change, execute or delete files belonging to another user without the owner’s express prior permission.
11. If a user identifies a security problem on a technological resource, he or she must immediately notify a system administrator. Users must not demonstrate the problem to other users. Any user identified as a security risk will be denied access.

12. Teachers shall make reasonable efforts to supervise a student’s use of the Internet during instructional time.

13. Views may be expressed as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

B. **RESTRICTED MATERIAL ON THE INTERNET**

Before a student may use the Internet for any purpose, the student’s parent must be made aware of the possibility that the student could obtain access to inappropriate material. The parent and student must sign a consent form acknowledging that the student user is responsible for appropriate use of the Internet and consenting to monitoring by school system personnel of the student’s e-mail communication and use of the Internet.

The board is aware that there is information on the Internet that is not related to the educational program. The board also is aware that the Internet may provide information and opportunities to communicate on subjects that are not suitable for school-age children and that many parents would find objectionable. School system personnel shall take reasonable precautions to prevent students from having access to inappropriate materials, such as violence, nudity, obscenity or graphic language that does not serve a legitimate pedagogical purpose. The superintendent shall ensure that the Internet service provider or technology personnel have installed a technology protection measure that blocks or filters Internet access to audio or visual depictions that are obscene, that are considered pornography or that are harmful to minors. School officials may disable such filters for an adult who uses a school-owned computer for bona fide research or another lawful educational purpose. School system personnel may not restrict Internet access to ideas, perspectives or viewpoints if the restriction is motivated solely by disapproval of the ideas involved.

C. **PRIVACY**

No right of privacy exists in the use of technological resources. School system administrators or individuals designated by the superintendent may review files, monitor all communication, and intercept e-mail messages to maintain system integrity and to ensure compliance with board policy and applicable laws and regulations. School system personnel shall monitor on-line activities of individuals who access the Internet via a school-owned computer.

D. **PERSONAL WEBSITES**

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual
school names, logos or trademarks without permission.

1. Students

Though school personnel generally do not monitor students’ Internet activity conducted on non-school system computers during non-school hours, when the student’s on-line behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy (see the student behavior policies in the 4300 series).

2. Employees

All employees must use the school system network when communicating with students about any school-related matters. Thus, employees may not use personal websites or on-line networking profiles to post information in an attempt to communicate with students about school-related matters.

Employees are to maintain an appropriate relationship with students at all times. Employees are encouraged to block students from viewing personal information on employee personal websites or on-line networking profiles in order to prevent the possibility that students could view materials that are not age-appropriate. If an employee creates and/or posts inappropriate content on a website or profile and it has a negative impact on the employee’s ability to perform his or her job as it relates to working with students, the employee will be subject to discipline up to and including dismissal. This section applies to all employees, volunteers and student teachers working in the school system.


Cross References:  Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Copyright Compliance (policy 3230/7330), Web Page Development (3227/7322), Student Behavior Policies (all policies in the 4300 series), Public Records – Retention, Release and Disposition (policy 5070/7350), Use of Equipment, Materials and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300)

Adopted: December 3, 2012
WEB PAGE DEVELOPMENT  

Consistent with policy 3225/4312/7320, Technology Acceptable Use, and in an effort to further the school system’s objectives, the board of education encourages the use of the Internet as a means of providing accessible, accurate and timely information for employees, students, parents and others in the larger community. The Internet affords the school system the opportunity to communicate with its communities by posting pertinent system and school information on-line. The school system has established its system website on-line at ________________________. The school system website is the official website of the school system. In addition to this website, individual schools and departments may create system-related school websites. This policy provides the standards that must be followed for development of all system-related websites. Failure to comply with this policy may result in the removal of a web page or website from the Internet.

A. SYSTEM-RELATED WEBSITE

A “system-related website” is any Internet website that is established in one of the following ways:

a. by school system employees or students on behalf of the system;

b. by any school within the system;

c. by any school-sponsored club or organization within the system; or

d. by students as part of an educational assignment.

Only those websites that are created pursuant to this policy are considered system-related websites. The board does not endorse and is not responsible for websites created by employees, students or others outside of the standards and guidelines of this policy. Students or employees who create personal websites that result in a substantial and material disruption to the school environment may be subject to disciplinary action.

B. STANDARDS FOR WEB PAGE DEVELOPMENT

1. Non-Public or Closed Forums for Expression

All system-related websites are “non-public” or “closed” forums for expression. This means that the system has control over information on such websites and is not required to allow students, teachers or others to place material on system-related websites. The purpose of system-related websites is to disseminate curriculum-related information; to present the public with information about the system, its schools and its programs; and to provide the community with each school or department’s mission, contact information, activities, organizational format and instructional program. System-related websites are analogous to
newsletters from the administration or the individual school. System-related websites are not analogous to a student newspaper or a non-school publication.

2. Administration and Editorial Control

All employees responsible for creating, developing, maintaining, editing or approving a system-related website shall act legally, responsibly and ethically in providing educational resources and information to support the mission and curriculum of the school system. Such persons shall abide by the generally accepted rules of website etiquette, board policy and regulations established by the superintendent.

a. Superintendent Final Authority

The superintendent or designee may delegate authority to place information on a system-related website; however, the superintendent has the final authority to approve or disapprove any information in whatever form on any such system-related websites.

b. School System Official Website

The superintendent or designee has editorial control and responsibility for the content of the school system official website. The superintendent shall appoint a staff member to serve as the web manager/editor of the system website.

c. Individual School Websites

Each school will be provided with a web address, web design software and disk space on the system server. All system-related websites will be housed on the system web server. Each principal has editorial control and responsibility for the content of his or her individual school’s official website, subject to review of the superintendent or designee. The principal may appoint a staff member to serve as the web manager of the school’s website and a website committee to advise the web manager and principal regarding the content of the school’s website. Individual school websites must comply with the additional guidelines provided below.

d. Teacher and Student Websites

Each teacher has editorial control over and responsibility for the content of his or her official website and for the content of his or her students’ authorized websites, subject to review by the principal, the superintendent and the board. With the knowledge and written consent of a student’s parent or guardian, a teacher may allow a student to create a website within or linked from a school’s or teacher’s website only for the
following instructional purposes: (1) to teach a student how to create or maintain a website or (2) to facilitate a student’s work on school assignments or research projects. No student pages may be posted or made accessible to the general public until approved by the principal or designee.

e. Personal Websites

The school system is not responsible for personal websites or web pages created or maintained by students, employees, parents, groups or organizations. Personal websites or web pages are not considered system-related websites or web pages and are not covered by the provisions of this policy. (For further information regarding personal websites, see section D of policy 3225/4312/7320, Technology Acceptable Use.)

The superintendent may use any means available to request the removal of personal websites or web pages that substantially disrupt the school environment or that utilize school system or individual school names, logos or trademarks without permission.

3. Website Appearance and Evaluation

Web page content must be kept current and be maintained regularly. All system-related websites must include the name of the web page author, the date produced or revised, and the e-mail address of the author. The superintendent or designee (for the official system website) or the principal or designee (for individual school websites) must regularly review, proof and evaluate all system-related websites.

4. Copyright Laws

No information or graphics may be posted on websites in violation of any copyright laws or policy 3230/7330, Copyright Compliance. Copyright permission must be obtained for the use of any copyrighted material unless use is permitted as “fair use” under federal law. The superintendent or designee and each principal or designee is responsible for maintaining copies of permission granted for the use of copyrighted material.

5. Links

a. Internal Links

Each page of a system-related website must include a reference and hyperlink to the school system official website home page. In addition, all system-related websites must include a link to this policy and to policy 3225/4312/7320, Technology Acceptable Use.
b. External Links

The superintendent and designee have editorial control over and responsibility for the linking of a system-related website to other sites on the Internet that are appropriate to the mission of the school system. Links to external sites (including externally hosted teacher classroom sites) must be approved by the principal. If required, web managers must obtain permission from external websites before links are established from any system-related website to external websites. To the extent possible, school personnel shall determine the extent to which a secondary site is linked to other sites on the Internet and whether such sites are appropriate for access through the school system websites. Web managers shall periodically check external links for accuracy and appropriateness of content. School employees must report any inappropriate links to the web manager.

Since the school system cannot control the content of other sites on the Internet and their linkages, the following disclaimer statement must be inserted in a prominent position on the official system website, on each school’s web page and on other system-related websites that contain links to other websites or web pages that are not system-related websites:

_The school system retains control over what links will be placed on system-related websites; however, the linked sites themselves are not under the control of the school system, its agents or its employees. The school system is not responsible for the contents of any linked site, any link contained in a linked site, or any changes or updates to such sites. The school system provides links as a convenience, and the inclusion of any link does not imply endorsement of the site by the school system. The school system reserves the right to remove or restrict any links._

c. Links to Personal Pages

School websites or web pages may not contain links to personal web pages of students or employees or lists of personal web pages.

6. Behavior Standards

When using the Internet, employees and students are responsible for understanding and complying with board policies and administrative regulations, including policy 3225/4312/7320, Technology Acceptable Use; student behavior policies in the 4300 series; and policy 7300, Staff Responsibilities.

7. Accessibility of Website

The web manager/editor, in consultation with the technology director, shall ensure
that the school system website meets required standards to ensure accessibility for persons with disabilities.

C. GUIDELINES FOR INDIVIDUAL SCHOOL WEBSITES

Each school may promote itself by publishing an official school web page on the Internet only via the official school system website. In addition to the standards above, the following standards apply to individual school websites.

1. The content of school web pages must be approved by the school principal.

2. The safety of students and employees must be considered when constructing school web pages. To protect the safety of students and employees, the following precautions must be taken:
   a. home addresses or telephone numbers will not be listed;
   b. student e-mail addresses will not be listed;
   c. photographs of students and student work will be used only with appropriate parental permission and/or as approved for release as directory information under policy 4700, Student Records, and will include only the student’s first name, with no other information about the student.

The principal or designee is responsible for maintaining records of permission granted for the release of information. The principal should implement other safety precautions, as necessary, to be followed when constructing web pages.

3. To protect a student’s rights in his or her intellectual property, if a school or teacher publishes a student’s work, a disclaimer should be provided indicating that the work may not be copied or modified in any way.

4. Schools must provide contact information and other general information about the school on the school website, including the school’s name, phone number, fax number, grade levels and address, the principal’s name and the e-mail addresses of the school administrative team.

5. Graphics used on school websites must be appropriate to the school and should be of a size that will download quickly into a web browser.

6. Schools must keep information presented on their school’s web page current, accurate and grammatically correct.

7. The principal or designee must approve all revisions and additions to the school website.
8. Failure to comply with these guidelines or the standards of this policy, as determined by the superintendent or designee, may result in the removal of a school’s web page from the Internet.


Cross References:  Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Technology Acceptable Use (policy 3225/4312/7320), Copyright Compliance (policy 3230/7330), Student Behavior Policies (4300 series), Student Records (policy 4700), Public Records – Retention, Release and Disposition (policy 5070/7350), Staff Responsibilities (policy 7300), Personnel Files (policy 7820)

Adopted: December 3, 2012
COPYRIGHT COMPLIANCE

The board recognizes and supports the limitations on unauthorized duplication and use of copyrighted materials. The board does not condone any infringement on the property rights of copyright owners.

Employees, students and visitors are prohibited from the use or duplication of any copyright materials not allowed by copyright law, fair use guidelines sanctioned by Congress, licenses or contractual agreements. Willful or serious violations also are considered to be in violation of expected standards of behavior for employees and students and may result in disciplinary action in accordance with board policy.

A. Fair Use

1. Unless allowed as “fair use” under federal law, permission must be acquired from the copyright owner prior to copying copyrighted material. Fair use is based on the following standards:
   a. the purpose and character of the use;
   b. the nature of the copyrighted work;
   c. the amount of and the substantiality of the portion used in relation to the copyrighted work as a whole; and
   d. the effect of the use upon the potential market for, or value of, the copyrighted work.

2. The superintendent or designee shall provide information and training to personnel and students, as appropriate, on the fair use of copyrighted materials, including in the following circumstances:
   a. single and multiple copying for instructional purposes;
   b. copying for performances and displays;
   c. off-air recording of copyrighted programs;
   d. use of “for home use only” videotapes or DVDs;
   e. computer software;
   f. copyrighted materials on the Internet and on-line databases; and
   g. reproduction and loan of copyrighted materials by school media centers.
B. **BUDGET**

The budget recommended by the superintendent to the board must include sufficient funds for purchasing copyrighted materials as a necessary budget expense.


Cross References: Technology in the Educational Program (policy 3220), Technology Acceptable Use (policy 3225/4312/7320), Integrity and Civility (policy 4310), Network Security (policy 6524), Staff Responsibilities (policy 7300), Budget Planning and Adoption (policy 8100)

Adopted: December 3, 2012
EMPLOYEE USE OF SOCIAL MEDIA

The board recognizes the importance of incorporating current technology tools, including new methods of electronic communication, into the classroom to enhance student learning. It further recognizes the importance of employees, students, and parents engaging, learning, collaborating, and sharing in digital environments as part of 21st Century learning. The board strives to ensure that electronic communication tools incorporated into the school curriculum are used responsibly and safely. As practicable, the board will provide access to secure social media tools and board approved technologies for use during instructional time and for school-sponsored activities in accordance with policies 3220, Technology in the Educational Program, and 3225/4312/7320, Technology Responsible Use.

The board acknowledges that school employees may engage in the use of social media during their personal time. School employees who use social media for personal purposes must be mindful that they are responsible for their public conduct even when not acting in their capacities as school system employees. All school employees, including student teachers and independent contractors shall comply with the requirements of this policy when using electronic social media for personal purposes.

For the purposes of this policy, “social media” includes, but is not limited to: personal websites, web logs (blogs), wikis, social network sites, online forums, virtual worlds, video-sharing websites, and any other social media generally available to the public or consumers that does not fall within the board’s technologies network (e.g., Web 2.0 tools, MySpace, Facebook, Twitter, LinkedIn, Flickr, YouTube).

A. SOCIAL MEDIA COMMUNICATIONS INVOLVING STUDENTS

Employees are to maintain professional relationships with students at all times in accordance with policies 4040/7310, Staff-Student Relations, and 7300, Staff Responsibilities. All electronic communications with students who are currently enrolled in the school system must be school-related and within the scope of the employees’ professional responsibilities, unless otherwise authorized by this policy. School personnel may use only school-controlled technological resources and social media tools to communicate directly with students or to comment on student matters through use of the Internet. An employee seeking to utilize and/or establish a non-school-controlled social media website for instructional or other school-related purposes must have prior written approval from the superintendent or designee and principal and meet any applicable requirements of policies 3220, Technology in the Educational Program, 3225/4312/7320, Technology Responsible Use, and 3227/7322, Web Page Development.

The use of electronic media for communicating with students and parents is an extension of the employee’s workplace responsibilities. Accordingly, the board expects employees to use professional judgment when using social media or other electronic communications.
Employees are prohibited from knowingly communicating with current students through a personal social network page. An Internet posting on a personal social media website intended for a particular student will be considered a form of direct communication with that student in violation of this policy. However, an employee may communicate with a student using personal social media networks to the extent the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee’s child, or a member or participant in the same civic, social, recreational, sport or religious organization.

B. **EMPLOYEE PERSONAL USE OF SOCIAL MEDIA**

The board respects the right of employees to use social media as a medium of self-expression on their personal time. As role models for the school system’s students, however, employees are responsible for their public conduct even when they are not performing their job duties as employees of the school system. Employees will be held to the same professional standards in their public use of social media and other electronic communications as they are for any other public conduct. Further, school employees remain subject to applicable state and federal laws, board policies, administrative regulations, and the Code of Ethics for North Carolina Educators, even if communicating with others concerning personal and private matters. If an employee’s use of social media interferes with the employee’s ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Employees are responsible for the content on their social media sites, including content added by the employee, the employee’s friends, or members of the public who can access the employee’s site, and for Web links on the employee’s site. Employees shall take reasonable precautions, such as using available security settings, to restrict students from viewing their personal information on social media websites and to prevent students from accessing materials that are not age-appropriate.

School employees are prohibited from accessing social networking websites for personal use during instructional time or with school system technological resources.

C. **POSTING TO SOCIAL MEDIA SITES**

Employees who use social media for personal purposes must be aware that the content they post may be viewed by anyone, including students, parents, and community members. Employees shall observe the following principles when communicating through social media:

1. Employees shall not post confidential information about students, employees, or school system business.
2. Employees shall not accept current students as “friends” or “followers” or otherwise connect with students on social media sites, unless the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting.

3. Employees shall not knowingly allow students access to their personal social media sites that discuss or portray sex, nudity, alcohol, or drug use or other behaviors associated with the employees’ private lives that would be inappropriate to discuss with a student at school.

4. Employees may not knowingly grant students access to any portions of their personal social media sites that are not accessible to the general public, unless the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting.

5. Employees shall be professional in all Internet postings related to or referencing the school system, students, and other employees.

6. Employees shall not use profane, pornographic, obscene, indecent, lewd, vulgar, or sexually offensive language, pictures or graphics or other communication that could reasonably be anticipated to cause a substantial disruption to the school environment.

7. Employees shall not use the school system’s logo or other copyrighted material of the system without express, written consent from the board.

8. Employees shall not post identifiable images of a student or student’s family without permission from the student and the student’s parent or legal guardian.

9. Employees shall not use Internet postings to libel or defame the board, individual board members, students, or other school employees.

10. Employees shall not use Internet postings to harass, bully, or intimidate other employees or students in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying, or state and federal laws.

11. Employees shall not post inappropriate content that negatively impacts their ability to perform their jobs.

12. Employees shall not use Internet postings to engage in any other conduct that violates board policy and administrative procedures or state and federal laws.

D. CONSEQUENCES

School system personnel shall monitor online activities of employees who access the Internet using school technological resources. Additionally, the superintendent or
designee may periodically conduct public Internet searches to determine if an employee has engaged in conduct that violates this policy. Any employee who has been found by the superintendent to have violated this policy may be subject to disciplinary action, up to and including dismissal.

The superintendent shall establish and communicate to employees guidelines that are consistent with this policy.


Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Web Page Development (policy 3227/7322), Copyright Compliance (policy 3230/7330), Staff-Student Relations (policy 4040/7310), Staff Responsibilities (policy 7300)

Adopted: December 3, 2012
Revised: December 8, 2014
EMPLOYEE DRESS AND APPEARANCE  

Policy Code: 7340

The board believes that the appearance and the conduct of its faculty are of supreme importance in establishing a positive image for education in the community and for presenting a good example for students. Therefore, the board affirms its expectation that all personnel will be professionally, neatly and appropriately attired for the work to be done. An employee's dress must not disrupt or distract from the educational process and must be in accordance with health and safety standards. The superintendent shall develop and communicate to employees guidelines for appropriate dress and appearance. Such guidelines may authorize the principal or department supervisors to develop specific dress or appearance requirements for each school or department.

Administrative and supervisory personnel shall set a good example in personal appearance and good manners and shall encourage and expect employees to dress in accordance with the board's expectations. An employee's supervisor will make an initial determination of whether an employee's dress or appearance is inappropriate. In making this determination, the supervisor will consider the following factors:

1. the nature of the work;
2. whether the dress is consistent with a professional environment;
3. health and safety factors;
4. the nature of the employee's public contact and the normal expectations of outside parties with whom the employee will work;
5. the employee's interaction with students;
6. the prevailing practices of other workers in similar jobs; and
7. any properly established guidelines for dress or appearance.

If the supervisor determines that the employee’s dress or appearance violates the established guidelines or is hazardous to the health or safety of the employee, fellow employees or students, the supervisor shall counsel the employee regarding attire that is consistent with this policy and shall determine whether the employee is allowed to remain at work or must leave work to change his or her dress. Any failure to follow the supervisor's directive and/or blatant or repeated violations of this policy will subject the employee to disciplinary action up to, and including, dismissal.

Legal References: G.S. 115C-36, -47

Cross References:
Adopted: December 3, 2012
The board is committed to providing access to public records and public information. All employees shall comply with the public records law and this policy.

A. **Public Record Defined**

   Any record, in any form, that is made or received by the board or its employees in connection with the transaction of public business is a public record that must be made available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from the public records law, G.S. 132-1 through 132-9. (See policy 5071/7351, Electronically Stored Information Retention, for specific information regarding public records in electronic form.)

   The official records of students are not public records subject to inspection and examination. (For further information regarding the release of information about students, see policy 4700, Student Records.)

   Information in school system employee personnel files is protected from disclosure in accordance with G.S. 115C-319, except that the following employee information is public record.

   1. Name.

   2. Age.

   3. The date of original employment or appointment.

   4. The terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession.

   5. Current position.

   6. Title.

   7. Current salary (includes pay, benefits, incentives, bonuses, deferred compensation and all other forms of compensation paid to the employee).

   8. The date and amount of each increase or decrease in salary with the board.

   9. The date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with the board.
10. The date and general description of the reasons for each promotion with the board.

11. The date and type of each dismissal, suspension or demotion for disciplinary reasons taken by the board. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal.

12. The office or station to which the employee is currently assigned.

The name of a participant in the North Carolina Address Confidentiality Program is not a public record and must be redacted from any records released. As necessary, school personnel may combine public and confidential records to meet the business needs of the system. However, if a record contains confidential information as well as public information, school officials must provide the requested public record with the confidential information removed or redacted.

B. **DESIGNATION OF RECORDS OFFICER**

The superintendent shall designate a records officer or otherwise ensure that the duties of a records officer are met.

1. **Duties of the Records Officer**

   The duties of the records officer include the following:

   a. determining whether records are public or confidential by law, with assistance from the local board attorney as necessary;

   b. determining the most cost-effective means of storing and retrieving public records that include confidential information;

   c. providing training, consultation and guidelines to school officials who respond to or are otherwise involved in public records requests;

   d. determining the actual cost of providing copies of public records in various forms, such as paper or electronic media, in which the school system is capable of providing the records;

   e. determining the cost of a request for copies of public records when a special service charge is applicable or when the school system is voluntarily creating or compiling a record as a service to the requester; and

   f. reviewing appeals of any denial of a request for public records.
2. **Other Duties**

Other duties to be performed by the records officer, a designated electronic records officer or other employees as determined by the superintendent include the following:

a. reviewing all electronic data processing systems being considered for lease or purchase to ensure that they will not impede the school system’s ability to permit public inspection and examination of records;

b. ensuring that databases are indexed as required by law; and

c. conducting an inventory of electronic databases maintained by the school system on a regular basis.

**C. INDEXING OF COMPUTER DATABASES**

All computer databases compiled or created after June 30, 1998 must be indexed as required by law. The form and content of the indexes must conform to the guidelines issued by the North Carolina Division of Archives and History.

Any computer database that is being considered for purchase or lease by the school system and that will be subject to the indexing requirements should include the statutorily required index provided by the vendor at no additional cost to the school system.

In addition, the school system will voluntarily index databases created or compiled prior to July 1, 1998, so long as the process is not unreasonably burdensome or costly. Any voluntary indexing does not have to meet statutory requirements or the guidelines issued by the North Carolina Division of Archives and History.

**D. REQUESTS FOR PUBLIC RECORDS**

All requests for examining or obtaining copies of public records should be in writing or recorded by school system personnel. This policy, administrative guidelines, information on the actual cost of producing public records, information on how to reach the records officer, information about how to appeal a denial of a public records request and information regarding any computer database indexes must be made available to individuals requesting public records.

Public records must be released in accordance with the law. Any denial of a public records request must be made in writing and must include the basis for the denial. The superintendent or designee may issue additional guidelines consistent with this policy to further clarify the process for requesting public records.

**E. FEES FOR COPIES OF PUBLIC RECORDS**
Persons requesting copies of public records will be charged any applicable fees as determined by the records officer (see subsections B.1.d and B.1.e above). The school system shall not charge any fees for separating confidential information that is commingled with public records.

F. **Electronic Mail Lists**

A school employee may be authorized by the superintendent or designee to maintain an electronic mail list of individual subscribers. Such a list may be used only: (1) for the purpose for which the subscribers subscribed to it; (2) to notify subscribers of an emergency to public health or public safety; or (3) in the event of deletion of the list, to notify subscribers of the existence of any similar lists. Although such electronic mail lists of individual subscribers shall be available for public inspection in either printed or electronic format, school officials shall not provide anyone with copies of such lists.

G. **DeSTRUCTION OF PUBLIC RECORDS**

School personnel shall comply with the Records Retention and Disposition Schedule for Local Education Agencies adopted by the N.C. Department of Cultural Resources, Division of Archives and History, unless otherwise required by statute, regulation or other legal authority. The superintendent may establish regulations for the destruction of records in accordance with the approved schedule.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-109.3, -319 to -321, -402; 132-1 to -9; Public Database Indexing: Guidelines and Recommendations, N.C. Department of Cultural Resources, Division of Archives and History (1996); Records Retention and Disposition Schedule for Local Education Agencies, N.C. Department of Cultural Resources, Division of Archives and History (1999); N.C. Attorney General Advisory Opinion, letter to Elizabeth Buford, February 26, 1996

Cross References: North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), News Media Relations (policy 5040), Electronically Stored Information Retention (policy 5071/7351), Personnel Files (policy 7820)

Adopted: December 3, 2012
Public record-keeping requirements and federal and state law require that the school system properly manage its electronically stored information ("ESI"). As set forth below, the school system will retain and destroy ESI in accordance with this policy and/or the approved Records Retention and Disposition Schedule ("Schedule") for local education agencies adopted by the North Carolina Department of Cultural Resources.

A. **SYSTEM-WIDE E-MAIL RETENTION AND EMPLOYEE RESPONSIBILITY FOR ESI**

All e-mails produced and received are the property of the school system and will automatically be retained by the school system for a minimum of three years. In some cases, business-related e-mails must be retained longer, according to the Schedule, and individual employees are required to review the Schedule and save such e-mails, in hard copy or electronic format, for the applicable time period. For ESI other than e-mail, each employee shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

B. **LITIGATION HOLDS FOR ESI**

The school system will have an ESI team. The ESI team is a designated group of individuals who implement and monitor litigation holds, which are directives not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI team must include a designated school administrator, the school board attorney and a member from the technology department. In the case of a litigation hold, the ESI team shall direct employees and the technology department, as necessary, to suspend the normal disposition procedure for all related records.

C. **INSPECTION OF ESI**

Any requests for ESI records should be made in writing and will be reviewed by the records officer (see policy 5070/7350, Public Records – Retention, Release and Disposition), in consultation with the school board attorney if needed, and released in accordance with North Carolina public records laws.

D. **DELEGATED AUTHORITY**

The board of education delegates to the superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy.

Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S. 132; *E-Mail as a Public Record in North Carolina: Guidelines for its Retention and Disposition*, N.C. Department of Cultural Resources, Division of Archives and History (2002); *Records...*
Retention and Disposition Schedule for Local Education Agencies, N.C. Department of Cultural Resources, Division of Archives and History (1999)

Cross References: Public Records – Retention, Release and Disposition (policy 5070/7350)

Adopted: December 3, 2012
Job descriptions must be developed for all positions. A job description must identify the essential functions of the position and should stress expected working relationships with other employees and whatever duties are directly or indirectly related to student performance.

Job descriptions will be used as a criterion in screening applicants and evaluating employees. Job descriptions also will be used in organizational planning, budgeting and personnel administration.

Job descriptions will be on file and available to employees and applicants in the personnel office.

Legal References: G.S. 115C-47(18), -307

Cross References:

Adopted: December 3, 2012
EXTRACURRICULAR AND NON-INSTRUCTIONAL DUTIES

The board acknowledges that instructing students is the primary mission of the school system. Generally, in order to carry out the responsibilities of the school system, teachers and other employees may also be required to perform certain non-instructional and extracurricular duties. Assigned additional duties are considered part of all employees’ responsibilities. However, assignment of additional duties to teachers should be minimized to allow time for teachers to plan, collaborate with colleagues, conduct conferences with parents, tutor students, and perform any other activities that have a direct impact on student achievement. Beginning teachers also need adequate opportunities to develop their professional skills and need access to experienced teachers who will provide mentoring to them. In light of these goals, the principal of each school has the authority to assign extracurricular and non-instructional duties as necessary to conduct the business of the school, within the following guidelines.

A. EXTRACURRICULAR DUTIES

Initially licensed teachers and teachers with 27 or more years’ experience (exempt teachers) may not be assigned extracurricular duties unless they request the assignments in writing.

1. Extracurricular Duties Defined

Extracurricular duties include those duties performed by a teacher outside the regular school day that involve students and are not directly related to the instructional program. Examples of extracurricular activities for which consent is required include such things as coaching duties, taking tickets at sporting events, and acting as a faculty sponsor for a student club. Extracurricular duties do not include such things as time spent in parent-teacher conferences or activities related to courses taught by the teacher, such as band concerts that are performed as a part of band class.

2. Exceptions Permitted for Compelling Reasons

In cases of compelling need, exempt teachers may be required to perform extracurricular duties if the procedures set forth in this paragraph are followed.

a. Compelling Need Defined

A compelling need arises when the principal of a school is not reasonably able to provide adequate supervision by qualified personnel at extracurricular activities without using exempt teachers and no exempt teachers have volunteered in writing to perform these activities. In determining whether a compelling need exists, it will be assumed that teaching assistants and other non-licensed employees may not be assigned
to extracurricular duties unless the assignment is approved in advance by the superintendent or designee. Examples of compelling need include circumstances when:

1) an employee who is scheduled to perform an extracurricular duty is unexpectedly unavailable and the position must be filled quickly;

2) the school principal cannot adequately fill extracurricular duty positions without additional reliance on exempt teachers; or

3) an extracurricular duty must be supervised by individuals with certain experience, skills, or qualifications and exempt teachers are the only qualified staff members who possess the required experience, skills, or qualifications.

b. Process for Granting a Compelling Need Waiver

1) Board Waiver

In cases in which the need for a waiver is reasonably foreseeable and there is an opportunity to bring the matter before the board of education for approval prior to the extra duty, the superintendent shall bring the matter to the board for a decision on the waiver request. The recommendation for a waiver must be in writing and set forth the circumstances requiring the waiver. The board minutes or other documentation will reflect the reasons for granting the waiver.

2) Superintendent Waiver

If there is not a scheduled board meeting prior to the need to provide adequate supervision at the extracurricular activity, the superintendent may waive the requirement upon a finding of compelling need. The superintendent shall make a written record of all such waivers and the circumstances for requesting each waiver. At the next regular board meeting, the superintendent shall report to the board any past waivers made and the reasons therefore. If the waiver is for an ongoing activity, the superintendent must seek and obtain board approval to continue the exempt teacher in the extracurricular activity in accordance with the procedure in paragraph (1) above.

3) Principal Waiver

If there is an exigent need to waive the policy, such as the unexpected illness or absence of an employee, then the school
principal is authorized to waive the policy temporarily for up to five days. However, the principal must report the waiver to the superintendent in writing, setting forth the circumstances requiring the waiver. The superintendent must approve all waivers over five days, as provided in paragraph (2) above. The board must approve all continuing waivers at its next regular meeting, as provided in paragraph (1) above.

4) Teacher Access to Records

The teacher may request and is entitled to receive any documentation regarding waivers requested or granted under this policy.

B. NON-INSTRUCTIONAL DUTIES

Principals shall minimize the assignment of non-instructional duties to all teachers, including initially licensed teachers and teachers with 27 or more years of experience. Specifically, teachers should not be required to use their daily planning periods on an ongoing and regular basis to supervise students. Planning periods generally should be reserved for course planning and meetings with other professional staff regarding the instructional program.

1. Non-Instructional Duties Defined

Non-instructional duties refer to those duties that are not directly involved with the instructional program or the implementation of the current statewide instructional standards, but that all teachers are expected to do. These duties include such things as bus duty, carpool duty, and regular and ongoing use of planning periods to monitor hallways and cafeterias. Nothing in this policy should be construed to relieve teachers of the responsibility to provide for the safety and supervision of students during regular school hours, as necessary to maintain order and discipline in the school.

2. Distribution of Non-Instructional Duties

Non-instructional duties should be distributed equitably among employees to the extent that it is reasonably possible to do so. In assigning non-instructional duties, consideration should be given to the need for initially licensed teachers to have adequate professional development, planning time, and access to experienced teachers. Teachers with more than 27 years of experience are expected to be available to devote some time each week to sharing their experience and expertise with less experienced teachers. Principals are responsible for structuring these opportunities in a way that will be beneficial to the students and employees at their schools.
C. EVALUATION

The failure of an exempt teacher to volunteer to perform extracurricular duties is not appropriate grounds to lower the teacher’s evaluation or just cause for a less than proficient evaluation rating of an exempt teacher, provided that the teacher has conducted himself or herself in a professional manner when declining to accept extracurricular duties. However, a teacher’s failure to perform an assigned non-instructional or extracurricular duty in a competent and professional manner may be considered as a part of the teacher’s evaluation.

Legal References: G.S. 115C-47(18a), -301.1; State Board of Education Policy TCP-A-004

Cross References:

Adopted: December 3, 2012
Revised: December 8, 2014
The board recognizes the importance of establishing a clear contractual relationship with teachers employed by the school system. All teacher employment contracts entered into by the board will meet the requirements of state law and State Board of Education policy. For the purposes of this policy, the term “teacher” is defined as a person who meets the requirements of G.S. 115C-325.1(6). An individual who is employed under a part-time teacher contract does not meet this definition of teacher; however, the board’s performance expectations established in this policy apply to such individuals.

Employment contracts for teaching will be granted or renewed only for individuals of proven ability who strive for excellence. Teachers should be familiar with the current statewide instructional standards for their teaching assignment and able to teach the curriculum effectively. The board expects teachers to facilitate student learning and effectively carry out the responsibilities of providing for a safe and orderly environment in which students learn and become college and career ready.

The board will employ teachers upon the recommendation of the superintendent. The superintendent is expected to be able to substantiate any new contract or renewed contract recommendation with data from the selection process for an applicant (see policy 7100, Recruitment and Selection of Personnel) and with evaluation data for a current teacher (see policy 7810, Evaluation of Licensed Employees). The superintendent’s recommendation for a new or renewed contract must include the length of the term of the contract. For more information regarding a decision by the superintendent not to recommend that the board offer a teacher a renewed contract, see policy 7950, Non-Career Status Teachers: Nonrenewal.

If the board is not satisfied that an applicant or employee has met the standards established by the board, initial or continued employment will be denied, following any statutorily prescribed procedures.

A teacher who has or obtains a contract with the school system is expected to strive for excellence, meet all performance standards established by the board, state law, and State Board of Education policy, and pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Any employee who is unable or unwilling to meet reasonable standards of the board, the standards of state law or the State Board of Education, or the terms of the employment contract may be subject to demotion or dismissal, as provided in policy 7930, Professional Employees: Demotion and Dismissal.

Legal References: G.S. 115C-36, -47(18), -325.1, -325.3 through -325.13; S.L. 2013-360; State Board of Education Policy TCP-D-009

Cross References: Professional and Staff Development (policy 1610/7800), Hearings Before the Board (policy 2500), Recruitment and Selection of Personnel (policy 7100), Evaluation of Licensed Employees (policy 7810), Professional Employees: Demotion and Dismissal (policy 7930), Non-Career Status Teachers: Nonrenewal (policy 7950)
Adopted: December 3, 2012
Revised: December 8, 2014
The board recognizes the importance of establishing a clear contractual relationship with the superintendent. The board, upon selection of a candidate or upon reappointment of the incumbent superintendent, will enter into an explicit contractual agreement with the superintendent that meets, at a minimum, the requirements of state law. The contract will be voted upon by the board in open session at a duly called meeting after the members of the board have had an opportunity to review the final written document. If the contract is approved, the open session minutes of the board will reflect that the board voted to approve the contract and will include the executed written document as an attachment.

Any subsequent revisions to or extensions of the superintendent’s contract, including any additional compensation, will likewise be voted upon by the board in open session at a duly called meeting of the board after the board members have had an opportunity to review the written amended document. If amendments to the contract are approved, the open session minutes of the board will reflect that the board voted to approve the amendments and will include the executed written document as an attachment.

The terms of the contract between the board and the superintendent will include general responsibilities, professional activities, evaluations, salary, vacation, and leave arrangements, and other benefits. The contract also may specify performance expectations, including expectations related to board goals and objectives and State Board standards for student success. The superintendent’s contract, as well as any amendments, will be signed by the board chair and vice chair on behalf of the board and must be pre-audited by the finance officer.

In the event that the superintendent’s contract is terminated, the board will take appropriate and necessary action to help ensure the continuous smooth operation of the school system.

Legal References: G.S. 115C-47(13), -47(15), and -47(16), -271 to -275

Cross References:

Adopted: December 3, 2012
Revised: December 8, 2014
The board recognizes the importance of establishing a clear contractual relationship with its deputy/associate/assistant superintendents. The board, upon the recommendation of the superintendent, may choose to elect deputy/associate/assistant superintendents. Any individuals hired into these positions will be hired pursuant to an explicit written contractual agreement that meets the requirements of state law. Any such contract will be voted upon by the board in open session at a duly called meeting after the members of the board have had an opportunity to review the final written document. If the contract is approved, the open session minutes of the board will reflect that the board voted to approve the contract and will include the executed written documents as an attachment.

Any subsequent revisions to or extensions of the deputy/associate/assistant superintendent’s contract, including any additional compensation, will likewise be voted upon by the board in open session at a duly called meeting of the board after the board members have had an opportunity to review the written amended document. If the amendments are approved, the open session minutes of the board will reflect that the board voted to approve the amendments to the contract and will include the executed written document as an attachment.

The terms of the contract between the board and the deputy/associate/assistant superintendent will include general responsibilities, professional activities, evaluations, salary, vacation and leave arrangements, and other benefits. The contract also may specify performance expectations, including expectations related to board goals and objectives and State Board standards for student success. The contract, as well as any amendments, will be signed by the board chair and vice chair on behalf of the board and attested to by the superintendent and must be pre-audited by the finance officer.

Legal References: G.S. 115C-47(17), -278

Cross References:

Adopted: December 8, 2014
The board recognizes that an effective staff is critical to the smooth operations of the school system and to creating a learning environment in which students can succeed. The board further believes that students will not excel in performance unless those who most directly affect students, including school administrators, teachers, and other licensed professionals, excel in their performance. For the purposes of this policy, the term “school administrator” is defined as a principal, assistant principal, supervisor, or director whose major function includes the supervision of teaching or any other part of the instructional program.

A. **STANDARD FOR INITIAL, EXTENDED, OR RENEWED CONTRACTS**

School administrator contracts will be granted, extended, or renewed only for individuals of proven ability who strive for excellence. School administrators should be able to facilitate student learning and effectively carry out the responsibilities of providing for school safety and enforcing student discipline. The superintendent is expected to be able to substantiate any recommendation for granting a new contract, extending a current contract, or renewing a contract with evaluation data, as described in policy 7810, Evaluation of Licensed Employees, or with regard to applicants, with data from the selection process as provided in policy 7100, Recruitment and Selection of Personnel. If the board is not satisfied that an applicant or employee has met the standards established by the board, employment will be denied, following statutorily prescribed procedures and other applicable legal requirements.

B. **TERM OF CONTRACT**

1. **Initial Contracts**

   Initial contracts between a school administrator and the board will be for a term of two to four years. Four-year initial contracts will be granted only to exemplary school administrators. Absent unusual circumstances, two-year initial contracts will be granted for individuals who do not have experience as school administrators. In addition, one-year contracts may be granted to individuals who hold a provisional assistant principal’s license.

2. **Subsequent Contracts**

   Subsequent contracts between a principal or assistant principal and the board will be granted for a term of four years.

C. **PERFORMANCE EXPECTATIONS**

An employee who has a school administrator contract with the school system is expected to continue to strive for excellence, meet all performance standards established by the board, and pursue professional development as provided in policy 1610/7800,
Professional and Staff Development. Any employee who is unable or unwilling to meet reasonable standards of the board may be subject to demotion or dismissal, as provided in policy 7930, Professional Employees: Demotion and Dismissal, and in accordance with statutorily prescribed procedures.

D. **PROCEDURE FOR NEW, RENEWED, OR EXTENDED CONTRACTS**

1. Decisions of the superintendent and board with regard to recommendations and offers and decisions not to recommend or offer new, renewed, or extended contracts will be made in accordance with G.S. 115C-287.1.

2. If the superintendent decides not to recommend that the board offer a school administrator a new, renewed, or extended contract, the employee has all procedural rights accorded by G.S. 115C-287.1.

3. In considering a recommendation of the superintendent to offer a school administrator a new, renewed, or extended contract, the board may review any information that was in the employee’s personnel file at the time of the superintendent’s recommendation. If the board determines that it needs additional information to reach a decision, it will notify the administrator of the board’s concerns and of the additional information that it is considering and provide an opportunity for the employee to respond to the additional information.


Cross References: Professional and Staff Development (policy 1610/7800), Hearings Before the Board (policy 2500), Recruitment and Selection of Personnel (policy 7100), Evaluation of Licensed Employees (policy 7810), Professional Employees: Demotion and Dismissal (policy 7930)

Adopted: December 3, 2012
Revised: December 8, 2014
A. **General Employment of Substitutes**

The school system will employ substitute teachers as deemed appropriate by the administration and in accordance with State Board policies. The board recognizes the importance of employing licensed teachers as substitutes and will give first priority to substitutes who hold or have held any teaching license and second priority to those who have completed Effective Teacher Training or comparable professional development courses. Teaching experience also will be considered.

A criminal history check will be conducted on applicants for substitute teaching positions in accordance with policy 7100, Recruitment and Selection of Personnel, and administrative procedures.

B. **Teacher Assistants as Substitutes**

A teacher assistant may serve as a substitute teacher in the classroom(s) in which the assistant is regularly assigned and will be paid additional compensation according to state policies.

C. **Parental Notification**

In accordance with policy 1310/4002, Parental Involvement, school principals shall notify the parent of any child who receives instruction in a core academic subject for four or more consecutive weeks from a substitute teacher who does not meet the definition of “highly qualified” under the No Child Left Behind Act.

Legal References: No Child Left Behind Act, 20 U.S.C 6311(h)(6)(B)(ii); G.S. 115C-12, -36, -47, -332; 16 N.C.A.C. 6C .0313, 16 N.C.A.C. 6C .0403; State Board of Education Policy TCP-A-001, TCP-D-005

Cross References: Parental Involvement (policy 1310/4002), Recruitment and Selection of Personnel (policy 7100)

Adopted: December 3, 2012
All assignments and transfers of employees to schools are the responsibility of the superintendent. In-school transfers are the responsibility of the principal. The board must be promptly notified of all employee transfers authorized by the superintendent.

The superintendent may assign school employees in any manner that he or she deems appropriate, consistent with legal requirements. In assigning professional employees to an alternative school, the superintendent shall consider the experience and evaluation ratings of the professional employees, as provided in policy 3470/4305, Alternative Learning Programs/Schools.

Voluntary and involuntary transfers of employees will be made in accordance with course requirements, fluctuating enrollments, allotment, efforts to improve student performance, and the general welfare of the school system. The interests and aspirations of employees will be considered in making assignments and transfer decisions; however, such interests must be weighed against what is in the best interest of the students, school or school system. Employees will be informed of transfer decisions as soon as is reasonably feasible.

The superintendent shall establish any necessary procedures for employee-initiated transfer requests.

An employee may appeal a transfer decision to the board. The board generally will uphold transfer decisions made in accordance with this policy that are not arbitrary, capricious, political or discriminatory.

Legal References: G.S. 115C-47, -276, -301

Cross References: Alternative Learning Programs/Schools (policy 3470/4305)

Adopted: December 3, 2012
A. **Work Schedules**

The length of the school day for licensed and professional staff will be a minimum of seven hours and thirty minutes and will continue until professional responsibilities to the student and school are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, and extracurricular activities may require hours beyond the stated minimum. Work schedules for other employees will be defined by the superintendent or designee, consistent with the Fair Labor Standards Act and the provisions of this policy.

B. **Workweek Defined**

Working hours for all employees not exempted under the Fair Labor Standards Act (FLSA), including secretarial, cafeteria, janitorial and maintenance personnel, will conform to federal and state regulations. The superintendent shall ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors shall make every effort to avoid circumstances that require non-exempt employees to work more than 40 hours each week. For purposes of FLSA Compliance, the workweek for school system employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. A copy of the FLSA and any administrative procedures established by the superintendent will be available to employees in the human resources office.

C. **Overtime and Compensatory Time**

The board of education discourages overtime work by non-exempt employees. A non-exempt employee may not work overtime without the express approval of his or her supervisor. All overtime work must be approved by the superintendent or designee. All supervisory personnel shall monitor overtime use on a weekly basis and report such use to the superintendent or designee. Principals and supervisors shall monitor employees’ work, shall ensure that overtime provisions of this policy and the FLSA are followed, and shall ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete timesheets of actual hours worked during the workweek must be signed by each employee and submitted to the finance officer. The finance officer shall review work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half hours for each one hour of overtime worked, if such compensatory time (1) is agreed to by the employee before the overtime work is performed and (2) is authorized by the immediate supervisor. Employees must be allowed to use compensatory time within a reasonable period after requesting such use (see policy 7510,
Employees may accrue a maximum of 240 compensatory time hours before they must be provided overtime pay at the appropriate rate. In addition, upon leaving the school system, an employee must be paid for any unused compensatory time at the rate of not less than the higher of (1) the average regular rate received by the employee during his or her last three years of employment or (2) the final regular rate received by the employee.

Non-exempt employees whose workweek is less than 40 hours will be paid at the regular rate of pay for time worked up to 40 hours. Such employees will be provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

Employees will be provided a copy of this policy and will be required to sign this policy to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy will constitute the written agreement required in this section.

D. ATTENDANCE EXPECTATIONS

All employees are expected to be present during all working hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.


Cross References: Leave (policy 7510)

Adopted: December 3, 2012
COMPLIANCE WITH STATE BOARD OF EDUCATION EMPLOYMENT POLICIES

Policy Code: 7505

It is the policy of the board to comply with the benefits and employment policies promulgated by the State Board of Education or the Department of Public Instruction in the most current edition of the North Carolina Public Schools Benefits and Employment Policy Manual, as supplemented by any applicable local board policy.

In the event that changes to State or federal law or regulation conflict with current State Board or local board policies, the board intends that its benefits and employment policies be modified to the extent necessary to comply with current law until such time as conforming changes to State Board and/or local board polices are made.

Legal References:

Cross References: Specific Employment Relationships Policies (all policies in the 7400 series), Workday and Absences Policies (all policies in the 7500 series)

 Adopted: December 3, 2012
The board of education believes that it is important for employees to have leave available to attend to personal, civic, and professional matters as well as to meet family commitments. This need for leave is to be balanced with the need to provide an effective instructional program for students. No employee may be discharged, demoted, or otherwise subjected to adverse employment action for taking leave in accordance with board policies and administrative procedures.

All requests for leave, with or without pay, must be addressed in accordance with state and federal law, as well as policies promulgated by the State Board of Education, including those specified in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual*, available at [http://www.ncpublicschools.org/district-humanresources/key-information](http://www.ncpublicschools.org/district-humanresources/key-information).

In addition to applicable laws and regulations, the following board policies apply to leave requests. The superintendent is directed to develop administrative procedures and make them available to any employee upon request.

A. **Minimum Leave Time**

   An employee may take any type of leave in increments of hours unless otherwise specified in this policy.

B. **Continuous Leave of More than 10 Days**

   An employee must comply with the notice and verification requirements provided in policy 7520, Family and Medical Leave, for continuous leave of more than 10 days if: (1) the leave also is eligible for leave under the Family and Medical Leave Act (FMLA), defined in policy 7520, and (2) the leave is designated as FMLA-eligible at the time it is taken or as soon as is feasible thereafter.

C. **Sick Leave**

   The superintendent or designee may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to illness. Employees who anticipate using sick leave for more than a single day must inform the principal or immediate supervisor in advance so that arrangements may be made to reassign the employee’s duties during the period of absence.

D. **Personal Leave**

   Teachers earn personal leave at a rate of .20 days for each full month of employment, not to exceed two days per year. Unused personal leave may be carried forward from one year to another and may be accumulated without limitation until June 30 of each year.
On June 30, personal leave in excess of five days shall be converted to sick leave so that a maximum of five days of personal leave is carried forward to July 1. At the time of his or her retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.

Personal leave must be used in half or whole day units. Personal leave may be requested by application in accordance with the policies of the State Board of Education and may be used only upon the authorization of the teacher’s immediate supervisor. A teacher shall not take personal leave on the first day he or she is required to report for the school year, on a required teacher workday, on days scheduled for state testing, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal. On all other days, if the request is made at least five days in advance, the request will be automatically granted subject to the availability of a substitute teacher. The teacher cannot be required to provide a reason for the request.

E. VACATION LEAVE

The superintendent or designee has the authority to approve the vacation schedules of all personnel. To promote the efficient operation of the schools, the superintendent may designate certain periods during the nonacademic year as preferred vacation periods for 12-month employees. Vacation earned by 12-month teachers during the two months of “extended employment” may be taken only upon the authorization of the employee’s immediate supervisor and in accordance with procedures established by the superintendent. Vacation earned by teachers and other 10-month employees during the 10-month school-year employment may be taken as outlined in the school-year calendar. If a teacher schedules vacation leave in accordance with the school calendar, the board and/or principal must give the teacher at least 14 calendar days’ notice before requiring the teacher to work on the scheduled day(s), unless the teacher waives the notice requirement.

Annual vacation leave may be accumulated without any applicable maximum until June 30 of each calendar year. On June 30, accumulated annual vacation leave in excess of 30 days will be converted to sick leave so that only 30 workdays of annual vacation leave are carried forward.

An employee who has unused vacation time from another school system in North Carolina may have the vacation time transferred to this school system.

Instructional personnel who must be replaced by a substitute may not take earned vacation on days when school is in session for students unless the employee’s absence is due to the employee’s own catastrophic illness and the employee has exhausted all of his or her sick leave or unless the employee qualifies as a new parent. In such instances, the employee will not be required to pay the substitute.

Within any given year, instructional personnel who do not require a substitute may be granted a maximum of five vacation days when students are in attendance. Such days
may not be consecutive. Leave will not be granted for days immediately before or immediately following days when students are out of school. Leave will not be granted on mandatory staff development days. An exception to these restrictions may be made when an employee is absent due to a catastrophic illness and the employee has exhausted all of his or her sick leave.

The superintendent shall establish procedures for reviewing requests for the use of vacation leave for catastrophic illness by instructional personnel.

F. **Child-School Involvement Leave**

All employees may take up to four hours of unpaid leave per year to attend or otherwise be involved in the school of a child for whom the employee is a parent, guardian, or person standing in loco parentis.

G. **Compensatory Leave**

Because professional employees are expected to fulfill all job duties, compensatory leave should apply only in extraordinary circumstances.

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) at a rate of one and one-half hours for every one hour worked in lieu of receiving overtime pay for each hour worked beyond 40 in a given workweek. For the purpose of compliance with the Fair Labor Standards Act, the workweek for school system employees will be from 12:00 a.m. Saturday until 11:59 p.m. Friday. Supervisors shall arrange for employees to take comp time within one pay period following the time it is earned, if possible. The superintendent or designee may exempt certain employees or categories of employees from this comp time provision when deemed necessary for the proper administration of the school system.

An employee must obtain approval from his or her immediate supervisor before taking compensatory leave.

H. **Military Leave**

Employees may take up to 15 workdays of paid military leave during the federal fiscal year, which runs from October 1 through September 30. Paid military leave may be used for: (1) active duty training in the Reserve Components of the U.S. Armed Forces, including the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, and the Coast Guard Reserve; (2) required physical examinations relating to membership in a reserve component; and (3) regularly scheduled unit assemblies, also referred to as drills. For infrequent special activities in the interest of the state when authorized by the Governor or designee, members of the National Guard may be paid for up to 30 days in addition to the 15 days allowed for training.
I. **LEAVE OF ABSENCE WITHOUT PAY**

An employee may be granted a leave of absence without pay for the following reasons and for a period of time of up to one calendar year, renewable at the discretion of the superintendent with approval from the board:

1. military leave (see also policies 7520, Family and Medical Leave, and 7530, Military Leave);
2. personal illness in excess of sick leave;
3. family leave (see also policy 7520);
4. professional leave; and
5. other reasons at the discretion of the superintendent with the approval of the board.

An employee seeking leave is responsible for making necessary arrangements as provided in the administrative procedures. Except in the case of an emergency, an employee who desires a leave of absence without pay shall provide at least 60 days’ notice and shall submit a request in writing to the board stating the beginning and ending dates of the desired leave of absence. The employee is expected to consult with the principal or his or her immediate supervisor. The superintendent may request documentation from the employee in support of his or her request. In determining the length of absence without pay that will be approved, with the exception of military and family leave, due and proper consideration must be given to the welfare of the students as well as the employee. The superintendent may require the employee to give notice of his or her intent to return to work at reasonable time intervals during the leave.

Once a leave of absence without pay has been requested by an employee and approved by the board, the dates are binding unless both parties agree to a change.


Cross References: Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540), Absences Due to Inclement Weather (policy 7550)

Adopted: December 3, 2012
Revised: December 8, 2014
FAMILY AND MEDICAL LEAVE

Policy Code: 7520

All eligible employees will be provided leave as required by the federal Family and Medical Leave Act of 1993 (FMLA), as amended, and applicable state laws and State Board of Education policies. The FMLA allows eligible employees to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks (or 26 workweeks in certain cases) in any 12-month period for certain qualifying conditions or events. The employee may continue to participate in the school system’s group insurance plan while on FMLA leave.

This policy is intended for guidance only and is not intended to alter or expand the school system’s responsibilities beyond the requirements of law. If any provision of this policy is inconsistent with federal law or regulation, the federal rule must take precedence. The superintendent is authorized to develop additional regulations for FMLA leave consistent with the requirements of the law and this policy.

The board strictly prohibits interfering with, restraining or denying the ability of any employee to exercise any right provided by the FMLA. The board also strictly prohibits any type of discrimination against or discharge of an employee who has filed a complaint in regard to the FMLA. A copy of this policy will be provided to each employee upon hiring.

A. DEFINITIONS

1. Serious Health Condition

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities.

2. Continuing Treatment

Subject to certain conditions, the continuing treatment requirement in the above definition of “serious health condition” may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy or a chronic condition. Other conditions may meet the definition of continuing treatment.

3. Other Terms

Unless otherwise noted, all terms in this policy must be defined in accordance with 29 C.F.R. pt. 825.
B. **ELIGIBILITY**

Employees are eligible for unpaid FMLA leave if they have:

1. been employed by the school system for at least 12 months (not necessarily consecutively); and
2. worked at least 1,250 hours during the previous 12 months.

C. **QUALIFYING CONDITIONS**

Except in cases of leave to care for a covered servicemember with a serious illness or injury, an eligible employee is entitled to a total of 12 workweeks of FMLA leave during any 12-month period for any one or more of the following reasons:

1. the birth and first-year care of the employee’s child;
2. adoption or foster placement of a child with the employee;
3. a serious health condition of the employee or the employee’s spouse, child or parent;
4. a qualifying exigency (see Section F) arising out of the fact that the spouse or a son, daughter or parent of the employee has been deployed, or is on notice of an impending deployment to a foreign country as a member of the regular Armed Forces on active duty or as a member of the National Guard or Reserves under a federal call or order to active duty; or
5. to care for a covered servicemember (as defined by federal law and/or regulation) who has incurred a serious injury or illness, or aggravated an existing illness or injury, in the line of duty while on active duty in the Armed Forces, which may render the family member medically unfit to perform his or her office, grade, rank or rating. An employee who is a spouse, son, daughter, parent or next of kin of the servicemember may take leave for a period of up to 26 workweeks under this provision.

D. **DETERMINING THE 12-MONTH LEAVE PERIOD**

The 12-month period during which an employee is eligible for FMLA leave will be from July 1 to June 30. Exception: The period for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later.

E. **ENTITLEMENT TO LEAVE**

Eligible employees may take leave as follows:
1. **Medical leave for serious health conditions**: A combined total of 12 workweeks during a 12-month period. The leave may be taken intermittently or on a reduced leave schedule as is medically necessary.

2. **Family leave for pregnancy, birth of a child or placement of a child for foster care or adoption**: A combined total of 12 consecutive workweeks during a 12-month period. Eligibility for FMLA leave expires 12 months from the birth, foster care placement or adoption of the child. Leave must be used in a single block of time unless the board agrees to another arrangement.

3. **Military service exigency**: A combined total of 12 workweeks during a 12-month period. The leave may be taken intermittently or on a reduced leave schedule.

4. **Leave to care for injured servicemember**: A combined total of no more than 26 workweeks during a single 12-month period. The leave may be taken intermittently or on a reduced leave schedule. If combined with other types of FMLA leave, the total leave taken in a single 12-month period still may not exceed 26 weeks.

5. **Spouses employed by the school system**: Spouses who are both employed by the school system and eligible for FMLA leave are limited in the amount of family leave they may take for the birth and care of a newborn child, for the placement of a child for adoption or foster care or for care of a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered servicemember with a serious injury or illness is also used).

**F. Qualified Military Service Exigencies**

A military service exigency that qualifies for FMLA leave must be defined in accordance with federal regulations. Qualified exigencies may include:

1. short-notice deployment;
2. military events and related activities;
3. school and childcare activities;
4. financial and legal arrangements;
5. counseling;
6. rest and recuperation leave;
7. post-deployment activities; and
8. additional activities agreed upon by the board and employee.

G. INTERMITTENT OR REDUCED WORK SCHEDULE

1. An employee may take FMLA leave on an intermittent or reduced leave schedule as required for the health of the employee or family member, due to a qualifying exigency, or as otherwise approved by the superintendent. The employee must make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the school. Whenever possible, the employee should discuss scheduling with his or her immediate supervisor prior to scheduling any medical treatment in order to accommodate the work schedule.

2. An employee who requests intermittent or reduced leave time for medical treatment of a serious health condition may be required to give the reasons for the intermittent or reduced leave schedule and the schedule for treatment.

3. To better accommodate an employee’s need for intermittent or reduced leave for a serious health condition, the school system may require an employee to take an alternative position during the period of leave. The alternative position must have equal pay and benefits, but it does not have to have equivalent duties.

4. Employees may take intermittent leave in increments of one hour.

5. Instructional personnel are subject to special rules for taking intermittent or reduced leave. (See Section H.)

H. INSTRUCTIONAL PERSONNEL

The following special rules apply to instructional personnel only. For the purposes of this policy, instructional personnel are teachers, athletic coaches, driving instructors, special education assistants and any other employees whose principal function is to teach and instruct students.

1. Use of Intermittent or Reduced Schedule Leave
   
   a. Instructional employees may use intermittent or reduced schedule leave only when the employee and the school system have reached an agreement on how the leave will be used.

   b. If an instructional employee requests intermittent or reduced schedule leave for more than 20 percent of the workdays of the duration of a leave due to medical treatment, the school system may require the employee to take continuous leave for up to the entire duration of the scheduled leave or to transfer to an alternative position with equivalent pay and benefits for the period of leave.
c. Instructional employees who take intermittent or reduced schedule leave that constitutes 20 percent or less of the workdays during the leave period are not subject to transfer to an alternative position.

2. Extension of FMLA Leave at School System Discretion

The school system may require instructional personnel to continue leave through the end of the school semester if any of the following conditions exist:

a. the leave will begin more than five weeks before the end of the term; the leave will last at least three weeks; and the employee would return to work in the last three weeks of the academic term;

b. the leave is for a purpose other than the employee’s own serious health condition or for a military exigency; the leave will begin in the last five weeks of the term; the leave will last more than two weeks; and the employee would return to work during the last two weeks of the academic term; or

c. the leave is for a purpose other than the employee’s own serious health condition or for a military exigency; the leave will begin in the last three weeks of the term; and the leave will last at least five days.

If the school system requires an instructional employee to take leave until the end of the academic term, only the period of leave until the employee is ready and able to return to work will be charged against the employee’s FMLA entitlement.

I. Employee’s Responsibility When Requesting Leave

To ensure that employees receive proper notification of their rights and responsibilities and that leave is properly designated, all employees requesting any type of leave must make the request to the assistant superintendent of human resources or designee.

1. Employee’s Responsibilities When Leave is Foreseeable

a. The employee must provide 30 days’ advance notice of the need to take FMLA leave when the need is foreseeable. If this amount of notice is not possible, then notice must be given as soon as practicable, taking into account all of the facts and circumstances.

b. The employee must provide sufficient information for the school system reasonably to determine (1) whether the FMLA may apply to the leave request and (2) the anticipated timing and duration of the leave. This information would include, for example, notice that the employee is unable to perform job functions, notice that the family member is unable
to perform daily activities, notice of the need for hospitalization or continuing treatment by a health care provider or notice of circumstances supporting the need for military family leave.

c. If the employee does not provide 30 days’ notice and there is no reasonable justification for the delay, the school system may delay the FMLA leave until at least 30 days after the employee provides notice of the need for FMLA leave.

d. If an instructional employee fails to give the required notice of foreseeable leave for an intermittent or reduced leave schedule, the school system may require the employee to take continuous leave for the duration of his or her treatment or may temporarily transfer the employee to an alternative position for which the employee is qualified and that has the same benefits. (See Section H.)

2. Employee’s Responsibilities When Leave is Not Foreseeable

a. When leave is not foreseeable, the employee must comply with the usual school system procedures for notifying his or her supervisor of the absence and requesting leave, including any applicable requirements established by policy 7510, Leave. If the employee fails to do so, the leave may be delayed or denied.

b. When giving notice of an absence, the employee must inform the supervisor if the requested leave is for a reason for which FMLA leave was previously taken or certified.

c. The employee also must notify the assistant superintendent of human resources or designee of the need for FMLA leave as soon as practicable.

d. All employee responsibilities in the FMLA for notice, medical certification, fitness for duty certification and notice of intent to return to work apply as specified in this policy and policy 7510.

J. SCHOOL SYSTEM’S DESIGNATION AND NOTICE TO EMPLOYEE

1. Whether or not the employee specifically requests FMLA leave, the assistant superintendent of human resources or designee is responsible for asking any questions of the employee necessary to make a determination of whether the leave is FMLA-eligible, unless the employee has already requested and received FMLA leave or certification for the same condition or event. The assistant superintendent may require the employee to provide notice of the need and the reason for leave.
2. The assistant superintendent for human resources or designee shall provide all legally-required notices to the employee within five days of receiving this information or otherwise learning that an employee’s leave may be for an FMLA-qualifying reason, unless there is a justifiable delay, such as a delay for documentation.

The required notices must indicate whether the employee is eligible under the FMLA. If the employee is eligible, the notice must specify any additional information required from the employee and must explain the employee’s rights and responsibilities under the FMLA. If the employee is not eligible, the notice must provide a reason for the ineligibility. The required notices also must state whether the leave will be designated as FMLA-protected and, if so, the amount of leave that will be counted against the employee’s leave entitlement.

3. Leave may be designated as both FMLA-eligible and as leave under the school system’s paid leave policy if paid leave has been substituted. Such leave would be counted toward the employee’s 12-week FMLA entitlement. In addition, the assistant superintendent of human resources may designate an absence (taken as paid or unpaid leave) that meets the criteria for an FMLA-qualifying absence as part of the employee’s total FMLA entitlement, whether or not the employee has requested FMLA leave. (See Section M.)

4. Leave that has been taken for an FMLA-qualifying reason may be retroactively designated as FMLA leave with appropriate notice to the employee, provided that such designation does not cause harm or injury to the employee.

K. CERTIFICATION

The school system reserves the right to require employees to provide certification of any FMLA-qualifying event or condition of the employee or the employee’s spouse, child, parent or next of kin, including certification for military exigency leave. The school system will not request more medical certification information than that allowed by the FMLA and the Americans with Disabilities Act. The assistant superintendent may request a second or third verification at the school system’s expense if reason to doubt the validity of a medical certification exists. The school system may require periodic recertification to support the leave, as permitted by law.

L. RETURN TO WORK

The school system may require an employee to periodically report on his or her status and intent to return to work. Any employee who is taking leave through the end of an academic semester must report on his or her intent to return to work no later than four weeks before the end of the academic semester. In addition, the school system may require the employee to report on his or her intent to return to work on a regular basis while on FMLA leave.
Before an employee returns to work from FMLA leave taken for the employee’s own serious health condition, the employee must present a “fitness-for-duty” certification that states that the employee is able to return to work. This requirement does not apply to an employee taking intermittent leave unless the employee’s condition presents a reasonable safety concern.

M. SUBSTITUTION OF PAID LEAVE

1. The school system will substitute appropriate paid leave, including sick leave, personal leave and vacation time for unpaid, FMLA leave to the extent allowed by law and policy, giving proper notice to the employee that the leave is designated as FMLA. If an employee has exhausted his or her accrued paid leave but an FMLA-qualifying reason for absence continues, the school system will designate resulting absences as protected FMLA leave until the employee has used all allowable FMLA leave. Such absences will be unpaid.

2. When an employee has an absence (taken as paid or unpaid leave) that meets the criteria for an FMLA-qualified absence, the school system may, with proper notice to the employee, designate the absence as part of the employee’s total annual FMLA entitlement. If the absence continues for more than 10 days, all employee responsibilities in the FMLA to provide notice for foreseeable and unforeseeable leave, medical certification, fitness for duty certification and notice of intent to return to work apply as specified in this policy and policy 7510.

3. An employee must not be permitted to exhaust paid leave before beginning FMLA leave if it has been determined that the employee’s reason for using paid leave meets the FMLA eligibility requirements.

N. RESTORATION TO EQUIVALENT POSITION

1. Generally

Employees, except “key” employees, will be restored to the same or an equivalent position upon return from FMLA leave.

The equivalent position will have virtually identical pay, benefits and working conditions, including privileges, perquisites and status, as the position the employee held prior to the leave. The position also must involve substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility and authority. All positions within the same job classification are considered “equivalent positions” for the purposes of this policy, so long as these conditions are met. For licensed employees, all positions with the same salary and licensure requirements also will be considered equivalent positions, so long as these conditions are met.

2. Key Employees
Key employees do not have the right to be restored to the same or an equivalent position upon their return from FMLA leave. Key employees are salaried FMLA-eligible employees who are among the highest paid 10 percent of all employees. If restoring a key employee would result in substantial and grievous economic injury to the school system, then the school system has no obligation to restore the employee to the same or an equivalent position.

An employee will be informed at the time leave is taken if he or she is considered a key employee and will be informed once a determination is made that the employee will not be restored to the same or an equivalent position upon return from FMLA leave. A key employee who has been informed that he or she will not be restored still has the right to health benefits for the full period in which he or she is eligible for FMLA leave.

O. **CONTINUATION OF HEALTH BENEFITS**

Health care coverage and benefits will be continued for the duration of an employee’s FMLA leave on the same conditions as would have been provided if the employee had continued working. Employees do not have the right to the accrual of earned benefits during FMLA leave. If an employee takes intermittent or reduced leave, he or she has the right to maintain the same health care benefits, but earned benefits may be reduced in proportion to hours worked when such a reduction is normally based upon hours worked.

The school system may recover from the employee the cost of health insurance premiums paid on behalf of the employee while the employee was on unpaid FMLA leave if the employee does not return to work after the leave, so long as the reason for not returning does not relate to a serious health condition or to circumstances beyond his or her control.

P. **POSTING REQUIREMENT**

The superintendent or designee shall ensure that notices of FMLA provisions and information on procedures for filing complaints are posted in places that are readily accessible to employees and applicants.

Q. **RECORDKEEPING REQUIREMENT**

The personnel department shall maintain records of the following information for at least three years: basic payroll and identifying employee data, the dates (or hours) of FMLA leave taken by each employee, and premium payments of employee benefits. Medical information, such as that relating to medical certifications, also will be maintained in the personnel department in confidential medical records.

The assistant superintendent will maintain for at least three years copies of employee notices, including general and specific notices, any other documents describing employee
benefits or policies and records of disputes between the school system and any employee regarding designation of FMLA leave.

**R. ENFORCEMENT**

An employee may file a complaint with the U.S. Department of Labor or bring a private lawsuit against the school system for violations of the FMLA.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law that provides greater family or medical leave rights.

**S. OUTSIDE EMPLOYMENT/FALSIFICATION OF RECORDS**

The school system may deny FMLA benefits to an employee who engages in self-employment or employment for any employer while on continuous leave if the employee fraudulently obtained FMLA leave. Falsification of records and failure to correct records known to be false are violations of this policy and will result in discipline, which may include termination from employment.


Cross References: Leave (policy 7510)

Adopted: December 3, 2012
MILITARY LEAVE

An employee will be eligible for all considerations of military leave in accordance with State Board of Education policy and the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

Employees are encouraged to schedule short periods of required active duty during vacation periods so as not to interfere with regular duties of the individual’s employment. If an employee is going to be absent due to military obligations, the employee must provide to the superintendent advance written or oral notice, except in cases of emergency assignment or other conditions that make notice impossible or unreasonable. For leave periods exceeding 30 days, the employee must also either provide written documentation evidencing performance of military duty or identify the military command in order for the school system to verify the request.

In accordance with State Board of Education policy, an employee may take up to 15 workdays of paid military leave per federal fiscal year, which runs from October 1 through September 30. After an employee has used all of his or her paid military leave, the employee may choose to use any accumulated vacation leave, bonus leave, or comp time during the period of military service; however, no employee will be forced to use such paid leave during military service. Employees may take extended leaves of absence for state or federal military duty under honorable services status, for required training, or for special emergency management. During these extended military leaves, which must not exceed five years plus any period of additional service imposed by law, the employee will be paid the difference in military base pay and state salary, including non-performance-based bonuses, when the military pay is less than the state salary. Differential pay will be paid from the same source of funds as the employee’s public school salary. An employee may not receive differential pay while absent on any type of paid leave.

If the individual reappplies following separation from military duty, his or her reemployment is governed by the provisions of the USERRA. Under certain circumstances, an employee may receive teaching experience credit and retirement credit for service in the military, in accordance with State Board regulations.


Cross References: Leave (policy 7510)

Adopted: December 3, 2012
VOLUNTARY SHARED LEAVE

Policy Code: 7540

The purpose of voluntary shared leave is to enable employees to donate earned leave to a fellow employee who has exhausted all earned leave and continues to be absent due to serious medical conditions.

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. Any employee found guilty of giving or receiving compensation may be subject to dismissal as outlined in applicable state law.

Administrative procedures in conformance with State Board of Education policies will be developed and made available in the human resources office.


Cross References:

Adopted: December 3, 2012
Revised: December 8, 2014
The school system will establish a system-wide sick leave bank for employees who earn sick leave. The purpose of the bank is to protect eligible employees from undue financial burdens due to a prolonged absence from work caused by emergencies or catastrophic illnesses. Participation is voluntary, but enrollment and cancellation must be accomplished following procedures established by the superintendent.

The sick leave bank will operate in accordance with board policy and the policies of the State Board of Education. The superintendent shall establish all necessary procedures.

Legal References: G.S. 115C-47, -336; 16 N.C.A.C. 6C .0402

Cross References:

Adopted: December 3, 2012
ABSENCES DUE TO INCLEMENT WEATHER  

Policy Code: 7550

On a day that employees have the option to report for a workday but pupils are not required to attend school due to inclement weather, employees have the following options:

1. report to work;
2. take accumulated annual (vacation) leave;
3. take accumulated personal leave, if available (teachers only);
4. take leave without pay;
5. use compensatory leave already accumulated; or
6. make up the time missed.

If an employee elects to make up time, it must be at a mutually agreed upon time between the employee and the immediate supervisor. For 10-month employees, it must be within the regular 10-month employment.

When the school system is closed to staff and students due to inclement weather, the board will consider options for addressing the missed days, giving the greatest weight to how to best maintain the opportunity and environment for student learning.

Legal References: G.S. 115C-84.2, -302.1

Cross References: Emergency Closing (policy 5050)

Adopted: December 3, 2012
PERMITTED SALARY DEDUCTIONS FOR ABSENCES AND DISCIPLINE OF EXEMPT EMPLOYEES

Policy Code: 7560

The board will comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state laws and State Board of Education policies. School employees who are classified as exempt under the FLSA must be paid on a salary basis, which means that the employee regularly receives a predetermined amount of compensation each pay period. This predetermined amount may not be reduced because of variations in the quality or quantity of the employee’s work.

Subject to the exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work.

The board prohibits making improper deductions from the salaries of exempt employees. The provisions provided in this policy do not require a deduction if an employee has applicable leave available under the school’s leave policies.

A. DEDUCTIONS FROM PAY

1. Deductions from the pay of an exempt employee are permissible in the following circumstances:
   
   a. for absences of one or more full day(s) for personal reasons other than sickness or disability;
   
   b. for absences of one or more full day(s) due to sickness or disability if the deduction is made in accordance with the school’s leave policies;
   
   c. to offset amounts employees receive as jury or witness fees or for military pay; or
   
   d. for unpaid disciplinary suspension of one or more full days imposed in good faith for workplace conduct rule infractions.

2. In addition, the board may make partial day or full day deductions from salary in the following circumstances:

   a. during the initial or final week of employment;

   b. for penalties imposed in good faith for infractions of safety rules of major significance; or

   c. for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.
B. REPORTING IMPROPER DEDUCTIONS

If an employee believes that an improper deduction has been made to his or her salary, the employee should report this information to his or her direct supervisor as soon as possible. Any supervisor who receives a report of an alleged improper deduction must notify the payroll department immediately.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for the improper deduction.

If the complaining employee is not satisfied with the investigation concerning improper deductions, he or she may file a grievance pursuant to policy 1750/7220, Grievance Procedure for Employees.


Cross References: Grievance Procedure for Employees (policy 1750/7220), Leave of Absence (policy 7510), Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540)

Adopted: December 3, 2012
The board will provide for the defense of any civil or criminal action or proceeding brought against an employee in his or her official or individual capacity, or both, on account of an act done or an omission so long as all of the following conditions are met.

1. The act or omission occurred in the scope and course of employment.

2. Defense of the action would not create a conflict of interest between the board and the employee.

3. The employee did not act or fail to act because of fraud, corruption or malice on his or her part.

In order for the board to provide for the defense pursuant to this policy, the employee must provide a written request to the superintendent as soon as possible upon learning of the claim or action.

The superintendent, with advice from the board attorney, shall make a recommendation to the board as to whether the board will provide legal representation for the employee. Board approval of an employee’s request to provide legal representation will only relate to the initial trial or proceeding. The employee must make an additional request in writing to the board for legal representation at each subsequent stage of the appeal of the action or proceeding.

If an employee’s request for legal representation in any civil or criminal action or proceeding is denied and subsequently the employee is found not to be liable or guilty, the board may reimburse the employee a reasonable attorney’s fee upon written request of the employee.

To protect its own financial resources, the board will provide for sufficient liability coverage for personnel, workers’ compensation coverage and unemployment compensation insurance.

Legal References: G.S. 115C-43

Cross References:

Adopted: December 3, 2012
PAYROLL DEDUCTIONS

Policy Code: 7620

To assist employees in managing their financial affairs and meet state and federal legal requirements, the finance officer is authorized to make the following salary deductions:

1. federal income taxes (federal requirement);
2. state income taxes (state requirement);
3. federal social security taxes (state requirement);
4. North Carolina State Retirement System contributions (required by G.S. 135-8);
5. court-ordered child support payments;
6. federal, state and local government garnishments;
7. health insurance premiums authorized by state law (authorized by G.S. 115C-340);
8. tax sheltered (deferred) annuities, 403(b) option offered by local boards of education (authorized by G.S. 115C-341), and/or 403(b) option offered through the North Carolina Public School Teachers’ and Professional Educators’ Investment Plan (authorized by G.S. 115C-341.2);
9. Supplemental Retirement Income Plan of North Carolina, 401(k) (authorized by G.S. 135-93);
10. flexible benefits plan (authorized by G.S. 115C-341.1);
11. North Carolina State Employees Credit Union deductions (authorized by G.S. 115C-342);
12. group life insurance premiums (optional, authorized by G.S. 115C-340, -342);
13. group dental insurance premiums (optional, authorized by G.S. 115C-340, -342);
14. other deductions as may be approved by the board (additional possible deductions include dues for employees’ associations or charities).

The personnel office shall make information available to all employees regarding possible payroll deductions and any procedures or requirements for particular types of deductions. Any employee who would like the board to consider additional salary deductions should contact the __________________________, who shall review such requests and make recommendations to the board.

Legal References: G.S. 115C-339 to -342; 135-8, -93; 143B-426.40A(g), (i)
Cross References:

Adopted: December 3, 2012
RETURN TO WORK  

Policy Code: 7635

The board supports the practice of bringing employees back to work after a work-related injury or illness as soon as they are medically able in order to enhance the employees’ recovery while minimizing the impact of work-related injuries on school system operations.

The superintendent is directed to establish a return to work program that is consistent with federal and state law, board policy, and State Board of Education requirements. The objectives of the program will be to:

1. assist employees who are recovering from a work-related temporary injury or illness to safely return to full duty without restrictions at the earliest possible time;

2. assist recovering employees who have temporary work restrictions to return to a temporary, time-limited transitional work assignment of modified or alternate duties approved by the authorized health care provider, when practicable and in the best interests of the school system to do so;

3. assist employees with permanent work restrictions to find suitable employment; and

4. maintain close communication, coordination, and cooperation between the employee, school system representatives, and others working to expedite the employee’s recovery and return to work.

The superintendent shall provide specific procedures to guide all employees in carrying out the return-to-work program. All supervisory employees are expected to fully comply with the program procedures and to assist in meeting the program’s objectives. Employees experiencing work-related injuries or illnesses shall fulfill all responsibilities assigned to them under the return-to-work program and shall fully comply with the applicable requirements of the North Carolina Workers Compensation Act.

If an employee refuses an approved transitional duty assignment or other suitable employment offered under this policy or under the return-to-work program required by this policy, the superintendent or designee shall direct the workers’ compensation administrator to apply to terminate the employee’s workers’ compensation benefit payments in accordance with the North Carolina Workers’ Compensation Act. In addition, the employee will be subject to disciplinary action to the extent consistent with law.

This policy and any procedures developed by the superintendent to implement this policy are not intended to, and do not, confer any additional employment rights on any employee, including any right to a transitional duty assignment, nor will they be construed as recognition by the school system that any employee who participates in the return-to-work program has a disability as defined by the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, or the North Carolina Persons with Disabilities Protection Act.

Cross References: Family and Medical Leave (policy 7520)

Adopted: December 8, 2014
MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

Policy Code: 7710

Every employee will have the right to freely join and support any professional organization. The board and administration of the school system will not attempt to influence a teacher’s or other employee’s decision as to whether to join any organization or association.

School personnel should not participate in membership activities while school is in session for students or while they are expected to be performing job-related duties unless specifically authorized by the principal.

Legal References: U.S. Const., amend. I; G.S. 115C-36, -47; 16 NCAC 6C.0404, .0405

Cross References:

Adopted: December 3, 2012
EMPLOYEE POLITICAL ACTIVITIES

Policy Code: 7720

The employee’s right of citizenship, involving registering, discussing political issues, voting, campaigning for candidates or issues, running for or serving in public office, and participating on a committee or board that seeks to serve the welfare of the community, will not be infringed upon due to employment by the school system.

These political activities must not:

1. take place during school time;
2. involve school monies or materials; or
3. make use of an official school position to encourage or to coerce students or other employees of the system to support in any way a political party, candidate or issue.

This policy should not be construed as prohibiting the impartial study and discussion of political or other controversial issues in the classroom setting.

Legal References: G.S. 115C-47(18)

Cross References:

Adopted: December 3, 2012
Employees are expected to avoid engaging in any conduct that creates or gives the appearance to the public of creating a conflict of interest with their job responsibilities with the school system. Although there may be other conflicts of interests, employees must follow board directives in the following areas.

A. **FINANCIAL INTERESTS**

An employee shall not engage in selling goods or services to the board and shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system.

1. **Contracts with the Board**

An employee shall not do any of the following:

   a. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;

   b. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board;

   c. solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract by the board.

An employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. An employee is involved in making a contract if he or she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract. An employee derives a direct benefit from a contract if the employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract.

2. **Non-School Employment**

The board recognizes that some employees may pursue additional compensation on their own time. Any such employee shall not engage in the following:

   a. non-school employment that adversely affects the employee’s availability...
or effectiveness in fulfilling job responsibilities;

b. work of any type in which the sources of information concerning customer, client or employer originate from any information obtained through the school system;

c. work of any type that materially and negatively affects the educational program of the school system;

d. any type of private business using system facilities, equipment or materials, unless prior approval is provided by the superintendent; or

e. any type of private business during school time or on school property.

The superintendent may grant prior approval for work performed under subsections d and e above if such work enhances the employee’s professional ability or professional growth for school-related work. The superintendent may establish reporting procedures that require employees to notify the school system of any non-school employment.

B. RECEIPT OF GIFTS

No school employee may accept gifts from any person or group desiring to do or doing business with the school system, unless such gifts are instructional products or advertising items of nominal value that are widely distributed.

Legal References: G.S. 14-234, -234.1; 115C-47(18); 133-32

Cross References: Board Member Conflict of Interest (policy 2121)

Adopted: December 3, 2012
The board believes a strong relationship exists between the quality of education provided to students and the competency and training of all personnel employed by the school system. The board places a high priority on securing the most competent personnel available and, once they are employed, providing them with opportunities for professional growth and development throughout their careers. The goal of professional and staff development programs and opportunities for licensed professional employees and support staff is to improve the instructional program and create a safe learning environment for all students by improving and expanding the skills of the professional staff and support personnel.

A. **Professional and Staff Development**

The superintendent shall provide ongoing development opportunities for licensed and support staff and shall require participation by such personnel as appropriate. The superintendent shall seek input from employees when developing system-wide programs. The principal shall seek input from school personnel when planning professional and staff development programs for his or her school.

Professional and staff development must be provided, at the system or school level, on the effective delivery of the required curriculum and the incorporation of technology into the student learning process.

B. **Self-Improvement**

Licensed employees are expected to engage in self-directed activities to improve their professional skills. These employees are encouraged to seek information and training through professional development programs as well as other opportunities in order to meet this responsibility.

C. **Plans for Growth and Improvement**

Supervisors and principals also may require licensed employees to enter into plans, including mandatory improvement plans established by state law and individual, monitored and/or directed growth plans established by the State Board of Education, for professional growth and improving performance. (See policy 7811, Plans for Growth and Improvement of Licensed Employees.) A performance improvement plan could involve participation in a professional development program or encompass a variety of strategies that are related to professional growth or improving performance.

D. **Payment of Costs**

The school system will consider paying reasonable costs, within budget limits, for any courses, workshops, seminars, conferences, in-service training sessions or other sessions an employee is required to attend by the local administration. The employee must seek
prior approval for payments.

The school system will not bear the responsibility of the cost of training taken solely for the purposes of licensure renewal.

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; G.S. 115C-333, -333.1; State Board of Education Policy TCP-C-004

Cross References: Grievance Procedure for Employees (policy 1750/7220), Plans for Growth and Improvement of Licensed Employees (policy 7811)

Adopted: December 3, 2012
SUPERINTENDENT EVALUATION

It is the responsibility of the board to maintain and improve the quality of the administrative leadership of the school system. A primary method used to carry out this responsibility is to assist the superintendent in improving his or her effectiveness. To this end, the board shall annually evaluate the superintendent against the performance standards described below. The board may use the evaluation process and guidelines established by the State Board of Education, including the *Rubric for Evaluating North Carolina Superintendents*, or such other processes and evaluation tools as the board chooses. Except in extraordinary circumstances, every board member shall be involved in the evaluation.

A. **Summary of Performance Standards**

The board sets for the superintendent the following standards as established by the State Board.

1. **Strategic Leadership**

   The superintendent shall continually reevaluate and adjust, as necessary, expectations, processes, and plans in an effort to help every student graduate from high school, globally competitive for work and postsecondary education and prepared for life in the 21st century. The superintendent shall promote a climate of inquiry that challenges the community to build on the school system’s core values and beliefs about the preferred future and develop a pathway to reach it.

2. **Instructional Leadership**

   The superintendent shall set high standards for instruction and shall create professional learning communities that result in highly engaging instruction and improved student learning. The superintendent shall set specific achievement targets for schools and students and then require the consistent use of research-based instructional strategies to reach the targets.

3. **Cultural Leadership**

   The superintendent shall recognize the effect a school system’s culture has on school performance. The superintendent shall gain an understanding of the people in the school system and community, their history, and their traditions and motivate them to actively support the school system’s efforts to achieve individual and collective goals. While supporting and valuing the history, traditions, and norms of the school system and community, the superintendent shall “reculture” the school system, if necessary, to improve learning and infuse the work of the adults and students with passion, meaning, and purpose.

4. **Human Resource Leadership**
The superintendent shall create within the school system a professional learning community with processes and systems in place that provide for the recruitment, induction, support, evaluation, development, and retention of a high-performing, diverse staff. The superintendent shall use distributed leadership to support learning and teaching, plan professional development, and engage in school system leadership succession planning.

5. Managerial Leadership

The superintendent shall ensure that the school system has processes and systems in place for budgeting, staffing, problem solving, communicating expectations, and scheduling that organize the work of the school system and give priority to student learning and safety. The superintendent must solicit operating and capital resources, monitor their use, and assure the inclusion of all stakeholders in decisions about resources so as to meet the 21st century needs of the school system.

6. External Development Leadership

The superintendent, in concert with the local board, shall design structures and processes that result in broad community engagement with, support for, and ownership of the school system vision. Acknowledging that strong schools build strong communities, the superintendent shall proactively create opportunities for parents, community members, government leaders, and business representatives to invest resources, assistance, and good will in the school system.

7. Micropolitical Leadership

The superintendent shall promote successful teaching and learning by understanding, responding to, and influencing the larger political, social, economic, legal, ethical, and cultural contexts. The superintendent shall bring his or her knowledge to the board and work with the board to define mutual expectations, policies, and goals for the success of the school system.

The board may also provide the superintendent with additional specific standards, expectations, goals, and objectives.

B. Evaluation Process

Each year, the superintendent must conduct a self-assessment of his or her own performance needs using the Rubric for Evaluating North Carolina Superintendents or another instrument selected by the board. This self-assessment will become the basis for setting preliminary goals for the upcoming school year.

The superintendent shall then meet with the board and share the results of the self-
assessment and his or her plans for the next school year. Such plans should address areas that need improvement as well as areas of strength that should be expanded and enhanced. At this meeting, the superintendent and the board will establish the conditions of the annual evaluation, including (1) the scope and timeline of the evaluation; (2) the goals and other performance expectations of the board; (3) the evidence and documentation necessary to demonstrate the expected level of performance; (4) the potential consequences of poor performance; and (5) the potential benefits of exemplary performance. The superintendent may develop, suggest, or submit additional goals or initiatives for consideration by the board.

In preparation for the evaluation, the superintendent shall collect, analyze, and synthesize the evidence and documentation needed to demonstrate his or her performance throughout the year. This information will be provided to the board at least 30 days before the date of the annual evaluation.

Board members will independently rate the superintendent’s performance using the Rubric for Evaluating North Carolina Superintendents or another instrument selected by the board. They will then meet to discuss their individual ratings and agree upon a single rating for each standard and each element associated with the standard. The board will make every effort to achieve consensus on the superintendent’s ratings.

The superintendent and the board will meet to discuss the superintendent’s self-assessment and the board’s evaluation of the superintendent. Should additional data or documents need to be brought into the discussion, the board and superintendent will agree on the information needed for the review and a timeline for providing it for the board’s consideration. At this meeting, the superintendent and the board will agree upon performance goals and recommendations for the subsequent school year.


Cross References: Board and Superintendent Relations (policy 2010), Superintendent Contract (policy 7420)

Adopted: December 3, 2012
Revised: December 8, 2014
The board places a high priority on securing the most competent personnel available and, once they are employed, in assisting them in their professional growth and development throughout their careers. An effective evaluation program that clearly describes an employee’s performance is a critical aspect of professional growth and assistance.

The superintendent is directed to develop and implement an effective evaluation system for licensed personnel that is consistent with State Board of Education policies. School administrators who are responsible for conducting evaluations shall comply with all state requirements with regard to the type and frequency of evaluation. The school principal shall evaluate teachers and may incorporate any guidelines or strategies developed by the State Board to assist in the evaluations. The superintendent or designee shall evaluate principals and assistant principals.

All licensed personnel must be evaluated at least annually using state-approved evaluation instruments in conformance with any processes established by the State Board for that class of personnel. For a career teacher who is in his or her license renewal year, the teacher must be evaluated by using the formal teacher evaluation process as set forth in State Board Policy TCP-C-004. For a career teacher who is not in his or her license renewal year, the abbreviated evaluation process established in State Board Policy TCP-C-004 is sufficient to satisfy the annual evaluation requirement; however, in any given year, the principal may use the formal evaluation process to evaluate a career teacher. The annual evaluation of principals and assistant principals must include a mid-year review.

The evaluation system must incorporate the following directives.

1. Evaluators must clearly identify exemplary performance as well as deficiencies in performance.

2. Evaluators are encouraged to use supplementary means of assessing and documenting performance in addition to the state performance standards, assessment rubrics and evaluation instruments, including, but not limited to, additional formal observations, informal observations, conferences, reviews of lesson plans and grade books, interactions with the employee, plans of growth or improvement and any other accurate indicators of performance.

3. Student performance and other student outcome data will be considered as a part of the evaluation of licensed personnel, as provided in the assessment rubric for the class of employees under evaluation. Multiple means of assessing student performance must be used whenever possible. If only one method is used to measure student performance, it must be a clearly valid tool for evaluating an employee’s impact on student performance.

4. Peer observations of probationary teachers must be conducted as required by law using the evaluation instrument and process established by the State Board and must be
considered by the school administrator in evaluating teacher performance.

5. Supervisors and principals should facilitate open communication with employees about performance expectations.

6. An employee who is unclear about how performance is being assessed or who desires additional evaluation opportunities should address these issues with his or her immediate supervisor.

7. Evaluators will be held accountable for following the evaluation system and all applicable state guidelines on the evaluation of employees.

8. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.

9. Evaluation data will be used in making employment decisions, including decisions related to professional and staff development (see policy 1610/7800, Professional and Staff Development), career status (see policy 7410, Career Status) and suspension, demotion and dismissal of employees (see policy 7930, Professional Employees: Demotion and Dismissal, and policy 7940, Classified Personnel: Suspension and Dismissal). Employment decisions may be made by the board and administrators regardless of whether evaluators have followed the evaluation system, so long as there is a legally sufficient basis for the decisions.

10. The superintendent and all evaluators are encouraged to develop ways to recognize distinguished performance and to capitalize on the abilities of such exemplary employees in helping other employees. The superintendent and evaluators are encouraged to involve employees in developing these processes.

The superintendent shall develop any other necessary procedures and shall provide training, as necessary, to carry out the board’s directives and to meet state requirements.

Legal References: G.S. 115C-47(18), -286.1, -325, -333, -333.1; State Board of Education Policies TCP-C-004, -005, -006, -022

Cross References: Professional and Staff Development (policy 1610/7800), Career Status (policy 7410), School Administrator Contracts (policy 7425), Plans for Growth and Improvement of Licensed Employees (policy 7811), Personnel Files (policy 7820), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: December 3, 2012
The board expects all professionally licensed employees to maintain high levels of performance. If an employee does not meet this standard, the superintendent and administrative staff shall address any identified performance or other deficiencies through appropriate means, including placing the employee on a monitored growth, directed growth, or mandatory improvement plan when required by state law, State Board policy or this policy, or when otherwise deemed necessary.

Growth and mandatory improvement plans as defined by law and this policy are valuable tools to promote the professional development of licensed employees. The board recognizes, however, that not all conduct and performance issues require the development of a plan. Administrators and supervisory personnel are authorized to address inappropriate conduct and/or inadequate performance using such other lawful means as they may deem appropriate. This policy shall not be interpreted to limit in any way the authority of administrators or other supervisory personnel to direct and reprimand licensed employees for inappropriate conduct or inadequate performance.

The superintendent shall develop procedures in accordance with state law, State Board guidelines, and this policy as necessary to carry out the board's directives.

A. Definitions

1. As used in this policy, “teacher” means an individual defined as a teacher in G.S. 115C-325(a)(6) (for career status teachers) or G.S. 115C-325.1(6) (for non-career status teachers).

2. As used in this policy, “licensed employee(s)” includes school administrators as defined in G.S. 115C-325.1(5) and teachers.

B. Individual, Monitored, and Directed Growth Plans

1. Use of Growth Plans

a. Teachers

Teachers who receive an overall rating of at least “proficient” on all standards on the North Carolina Teacher Evaluation Rubric as indicated on the Teacher Summary Rating Form shall develop an individual growth plan designed to improve performance on specifically identified standards and elements.

A teacher who is performing below a proficient level on the Teacher Summary Rating Form shall be placed on a monitored growth plan or a
directed growth plan unless dismissal, demotion, nonrenewal, or placement on a mandatory improvement plan (see Section C, below) is warranted. A monitored growth plan developed in accordance with State Board policy is required for a teacher who is rated “developing” on one or more standards of the North Carolina Teacher Evaluation Rubric. State Board policy also requires that a teacher who is rated “not demonstrated” on any standard or who is rated “developing” on any standard for two sequential years be placed on a directed growth plan. The superintendent may establish other criteria that will be deemed evidence that performance is below a proficient level or otherwise represents unsatisfactory or below standard performance and warrants placement on either a monitored growth plan or a directed growth plan.

Unless otherwise limited by state law or State Board policy, the principal is authorized to place a teacher on a monitored or directed growth plan or other plan of improvement at any point during the school year if the principal determines that the teacher is performing below the expected level.

b. School Administrators

Professional growth plans will be developed for school administrators as provided in State Board policy. A professional growth plan will include mutually agreed upon performance goals and recommendations based upon the school administrator’s self-assessment, the consolidated assessment and the summary evaluation using the *North Carolina School Executive; Principal and Assistant Principal Evaluation Process*. Development of the professional growth plan will be discussed at a meeting between the school administrator and the superintendent or designee when completing the annual evaluation process.

The superintendent may move to dismiss or demote a licensed employee whether or not the employee has been first placed on a growth or other improvement plan. See policy 7930, Professional Employees: Demotion and Dismissal.

2. Components of Growth Plans

Individual growth plans may contain, but are not limited to, any of the components listed below. However, monitored or directed growth plans must include at least the following components.

a. Identification of Deficiencies

All performance deficiencies, including all specific standards and elements of the Teacher Evaluation Rubric identified for improvement during the teacher’s evaluation, must be identified and addressed in the
growth plan.

b. Performance Expectations and Goals

For each problem identified, the growth plan must include a statement of the expected level of performance and/or other goals to be accomplished.

c. Strategies

The growth plan must set forth a strategy or strategies designed to correct each identified deficiency. The strategies should be specific and clearly state the activities the teacher should undertake to achieve the expected level of performance. The strategies also should identify all individuals responsible for implementing the plan.

d. Dates for Monitoring and Completion

The growth plan must include dates upon which the teacher’s progress under the plan will be reviewed and the date by which performance is to be improved to the expected level. Under a monitored growth plan, the teacher must achieve proficiency within one school year. A directed growth plan may provide for a shorter period to achieve proficiency, not to exceed one school year.

3. Review of Growth Plans

Individual and professional growth plans should be reviewed at least annually with the licensed employee’s supervisor and/or the principal, the superintendent, or their designees, as applicable.

In the case of a teacher’s monitored or directed growth plan, once the designated time period for completion of a plan has elapsed, the principal or supervisor shall review the teacher’s performance, including the results of any subsequent evaluation and determine whether the teacher continues to perform below the expected level in any area or whether the teacher’s performance has improved sufficiently. If the teacher’s performance remains below proficient, the principal or supervisor shall recommend to the superintendent one of the following:

a. the board dismiss the teacher or demote or transfer the teacher to a position in which the teacher can be successful;

b. the teacher be placed on a mandatory improvement plan in accordance with the provisions of Section C below; or

c. the teacher be moved to a new monitored or directed growth plan or continue on a previous growth plan that has been revised as necessary,
provided the principal or supervisor determines that:

1) the teacher’s continuing performance problems are not having an adverse impact on student learning or the school environment, or

2) the teacher is making good progress toward improvement in deficient areas and is likely to improve to an acceptable level within a reasonable, additional time period.

C. MANDATORY IMPROVEMENT PLANS

A mandatory improvement plan is an instrument designed to improve a licensed employee’s performance by providing the employee with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided to the employee, so that he or she may satisfactorily resolve such deficiencies within a reasonable timeframe.

The use of mandatory improvement plans as provided in this policy is discretionary and will be determined on a case-by-case basis. Nothing in this policy will be interpreted so as to require the use of mandatory improvement plans in addition to, or in lieu of, growth plans or other disciplinary action, including dismissal from employment as provided by law.

1. Initiating a Mandatory Improvement Plan

a. Licensed Employees in Low-Performing Schools

If a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance in an area that the licensed employee was expected to demonstrate, the individual or team that conducted the evaluation shall recommend to the superintendent that (i) the employee receive a mandatory improvement plan designed to improve the employee’s performance or (ii) the superintendent recommend to the board that the employee be dismissed or demoted. If the individual or team that conducted the evaluation elects not to make either of the above recommendations, the said individual or team shall notify the superintendent of this decision. The superintendent shall determine whether to develop a mandatory improvement plan or to recommend a dismissal proceeding.

b. Teachers in Schools Not Identified as Low-Performing

If, in an observation report or year-end evaluation, a teacher in a school not identified as low-performing receives a rating that is below proficient or otherwise represents unsatisfactory or below standard performance on
any standard that the teacher was expected to demonstrate, the principal may place the employee on a mandatory improvement plan. The mandatory improvement plan will be utilized only if the superintendent or designee determines that an individual, monitored or directed growth plan would not satisfactorily address the deficiencies.

c. Any Licensed Employees Engaging in Inappropriate Conduct or Performance

A principal may recommend to the superintendent or designee that a licensed employee be placed immediately on a mandatory improvement plan if the employee engages in inappropriate conduct or performs inadequately to such a degree that the conduct or performance causes substantial harm to the educational environment, but immediate dismissal or demotion of the employee is not appropriate. The principal must document the exigent reason for immediately instituting such a plan.

2. Components of the Plan

A mandatory improvement plan for any licensed employee must include the following components.

a. Identification of Deficiencies

The performance areas in which the employee is deficient must be identified and addressed in the mandatory improvement plan.

b. Performance Expectations

For each problem identified, the plan must include a statement of the expected level of performance.

c. Strategies

The plan must establish a strategy or strategies designed to correct each identified deficiency. The strategies should be specific and clearly state the activities the employee should undertake to achieve the expected level of performance and the specific support to be provided to the employee. The strategies also should identify all individuals responsible for implementing the plan.

d. Dates for Monitoring and Completion

The plan must include dates upon which the employee’s progress under the plan will be reviewed and the date by which performance is to be improved to the expected level.
3. Development and Implementation of the Plan

a. Licensed Employees in Low-Performing Schools

When directed by the superintendent, a mandatory improvement plan to improve the performance of a licensed employee will be developed by the person who evaluated the licensed employee or the employee’s supervisor, unless the evaluation was conducted by an assistance team. If the evaluation was conducted by an assistance team, that team shall develop the mandatory improvement plan in collaboration with the employee’s supervisor. Mandatory improvement plans will be designed to be completed within 90 instructional days or before the beginning of the next school year.

b. Teachers in Schools Not Identified As Low-Performing

When a principal decides to put a teacher on a mandatory improvement plan, the principal shall develop the plan in consultation with the teacher. The teacher shall have five instructional days after receiving the plan to request a modification to the plan before it is implemented. The principal must consider the requested modification before finalizing the plan. The teacher shall have at least 60 instructional days to complete the mandatory improvement plan.

A teacher has five workdays after finalization of the mandatory improvement plan within which to submit a request to the principal for a qualified observer, as defined in G.S. 115C-333.1(c)(1), to observe the teacher in the area or areas of concern identified in the plan. In accordance with G.S. 115C-333.1(c)(2), the board will create and maintain a list of qualified observers who are employed by the board and available to conduct observations. The board will strive to limit the list to administrators and teachers who have excellent reputations for competence and fairness. Selection of the qualified observer and submission of the qualified observer’s report to the principal will be in accordance with G.S. 115C-333.1(c)(3).

4. Reassessment

a. Licensed Employees in Low-Performing Schools

After the expiration of the time period for the mandatory improvement plan, the superintendent or designee or the assistance team shall assess the employee’s performance. If the assessor determines that the employee has failed to become proficient in any of the performance standards articulated in the mandatory improvement plan or to demonstrate sufficient
improvement toward such standards, the superintendent shall recommend that the employee be dismissed or demoted under applicable state law.

b. Teachers in Schools Not Identified As Low-Performing

Upon completion of a mandatory improvement plan, the principal or supervisor shall assess the performance of the employee. For teachers, the principal shall also review and consider any report provided by the qualified observer if one has been submitted before the end of the mandatory improvement plan period. If, after the assessment of the employee and consideration of any report from the qualified observer, the superintendent or designee determines that the teacher has failed to become proficient in any of the performance standards identified as deficient in the mandatory improvement plan or demonstrate sufficient improvement toward such standards, the superintendent may recommend that the employee be dismissed or demoted under applicable state law.

Legal References: G.S. 115C-325 (applicable to career status teachers), -325.1 et seq. (applicable to non-career status teachers), -333, -333.1; State Board of Education Policy TCP-C-004, TCP-C-005

Cross References: Professional and Staff Development (policy 1610/7800), Evaluation of Licensed Employees (policy 7810), Professional Employees: Demotion and Dismissal (policy 7930)

Adopted: December 3, 2012
Revised: December 8, 2014
The board attaches a high priority to securing the most competent personnel available and, once they are employed, in assisting them in their growth and development throughout their careers. Evaluations of non-licensed employees’ performance must conform to the following board directives.

1. Exemplary performance as well as deficiencies in performance should be clearly identified.

2. Supervisors and principals should facilitate open communication with employees about performance expectations.

3. An employee who is unclear about how performance is being assessed or desires additional evaluation opportunities should address these issues with his or her immediate supervisor.

4. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.

5. Evaluation data may be used in making employment decisions, including transfers, promotions and dismissal and demotion of employees (policy 7940).

6. The superintendent and all evaluators are encouraged to develop ways to recognize exemplary employees and to capitalize on the abilities of exemplary employees in helping other employees.

The superintendent shall develop any other necessary procedures and shall provide training, as necessary, to carry out these board directives.

Legal References: G.S. 115C-47(18), -333.1

Cross References: Personnel Files (policy 7820), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: December 3, 2012
Personnel files, which may consist of paper or electronic records, will be maintained in the human resources office for all employees as provided by law. The superintendent and all supervisors are directed to ensure that all appropriate employment-related information is submitted to the files. Employees will be provided with all procedural protections as provided by law.

The superintendent has overall responsibility for granting or denying access to personnel records consistent with this policy.

A. **Records Maintained**

   The following records must be maintained in the personnel file:

   1. evaluation reports made by the administration;
   2. commendations for and complaints against the employee (see Section C);
   3. written suggestions for corrections and improvements made by the administration;
   4. certificates;
   5. employee’s standard test scores;
   6. employee’s academic records;
   7. application forms;
   8. any request to the State Board of Education to revoke the employee’s teaching license; and
   9. other pertinent records or reports.

B. **Certain Employee Records Maintained Separately**

   The following employee information must be kept separate from the employee’s general personnel information, in accordance with legal and/or board requirements:

   1. Pre-Employment Information

      Letters of reference about an employee obtained before his or her employment and, for teachers, any other pre-employment information collected, must be filed separately from the employee’s general personnel information and must not be made available to the employee.
2. Criminal Record Check

Data from a criminal history check must be maintained in a locked, secure location separate from the employee’s personnel file. The superintendent shall designate which school officials have a need to know the results of the criminal history check. Only those officials so designated may obtain access to the records.

3. Medical Information

Employee medical information, including the following, must be kept in a separate confidential file and may be subject to special disclosure rules:

a. health certificates (see policy 7120, Employee Health Certificate);

b. drug test results, except that drug use or alcohol use contrary to board policy or law also may be documented in the employee’s personnel file (see policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators);

c. information related to an employee’s communicable disease/condition or possible occupational exposure to bloodborne pathogens (see policies 7260, Occupational Exposure to Bloodborne Pathogens, and 7262, Communicable Diseases – Employees);

d. medical information related to leave under the Family and Medical Leave Act (see policy 7520, Family and Medical Leave); and

e. genetic information, as defined by the Genetic Information Nondiscrimination Act of 2008.

4. Complaints/Reports of Harassment or Discrimination

The superintendent or designee shall maintain records of all reports and complaints of harassment and discrimination and the resolution of such complaints. Allegations of harassment or discrimination must be kept confidential to the extent possible. Employees involved in the allegations will be identified only to individuals who need the information to investigate or resolve the matter, or to ensure that due process is provided to the accused employee (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying, and 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure).
If the allegations are substantiated through investigation, the superintendent or designee shall ensure that the provisions of Section C, below, are followed to the extent that they do not conflict with the rights of any individual.

C. **Placement of Records in Personnel File**

All evaluations, commendations, complaints, or suggestions for correction or improvement must be placed in the employee’s central office personnel file after the following requirements are met:

1. the comment is signed and dated by the person who made the evaluation, commendation, complaint, or suggestion;

2. if the comment is a complaint, the employee’s supervisor has attempted to resolve the issue raised therein and documentation of such efforts is attached with the supervisor’s recommendation to the superintendent as to whether the complaint contains any invalid, irrelevant, outdated, or false information; and

3. the employee has received a copy of the evaluation, commendation, complaint, or suggestion five days before it is placed in the file.

All written complaints that are signed and dated must be submitted regardless of whether the supervisor considers the complaint to be resolved.

The supervisor is expected to use good judgment in determining when a document should be submitted to the file immediately and when a delay is justified, such as when there exists a plan of improvement that is frequently revised. However, all evaluations, commendations, complaints, or suggestions for correction or improvement should be submitted by the end of the school year or in time to be considered in an evaluation process, whichever is sooner. The supervisor or principal should seek clarification from the associate superintendent of human resources as necessary to comply with this policy.

The employee may offer a denial or explanation of the evaluation, commendation, complaint, or suggestion, and any such denial or explanation will become part of his or her personnel file, provided that it is signed and dated.

The superintendent may exercise statutory authority not to place in an employee’s file a letter of complaint that contains invalid, irrelevant, outdated, or false information, or a letter of complaint when there is no documentation of an attempt to resolve the issue.

As provided in policy 7900, Resignation, if a career employee who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent’s intention to recommend dismissal in the employee’s personnel file; and (3) the employee shall be deemed to have consented
to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education. For purposes of this provision, “career employee” means (1) a teacher or an administrator with career status, or (2) an administrator or a non-career status teacher during the term of his or her contract.

D. ACCESS TO PERSONNEL FILE

1. Every employee has the right to inspect his or her personnel file, including any portions of the file maintained in electronic format only, during regular working hours, provided that three days’ notice is given to the human resources office.

2. The following persons may be permitted to access a personnel file without the consent of the employee about whom the file is maintained:
   a. school officials involved in the screening, selection, or evaluation of the individual for employment or other personnel action;
   b. members of the board of education, if the examination of the file relates to the duties and responsibilities of the board member;
   c. the board attorney;
   d. the superintendent and other supervisory personnel;
   e. the hearing officer in a demotion or dismissal procedure regarding the employee; and
   f. law enforcement and the District Attorney to assist in the investigation of a report made to law enforcement pursuant to G.S. 115C-288(g) or regarding an arson; an attempted arson; or the destruction of, theft from, theft of, embezzlement from, or embezzlement of any personal or real property owned by the board. Five days’ written notice will be given to the employee prior to such disclosure.

3. No other person may have access to a personnel file except under the following circumstances:
   a. when an employee gives written consent to the release of his or her records, which specifies the records to be released and to whom they are to be released;
   b. pursuant to a subpoena or court order; or
c. when the board has determined, and the superintendent has documented, that the release or inspection of information is essential to maintaining the integrity of the board or the quality of services provided by the board.

4. Each request for consent to release records must be handled separately.

5. It is a criminal violation for an employee or board member to do either of the following:
   a. knowingly, willfully, and with malice, permit any unauthorized person to have access to information contained in a personnel file; or
   b. knowingly and willfully examine, remove, or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

E. INFORMATION AVAILABLE TO PARENTS OF STUDENTS ATTENDING TITLE I SCHOOLS

The following information about a student’s teacher(s) or paraprofessional(s) providing services to a student must be provided upon request to the parent of a student attending a Title I school:

1. whether the teacher has met North Carolina qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction;

2. the teacher’s baccalaureate degree major and any post-graduate certification or degree held;

3. whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived; and

4. the qualifications of any paraprofessional providing services to the student.

F. PUBLIC INFORMATION

1. The following information contained in an employee’s personnel file must be open to inspection upon request by members of the general public:
   a. name;
   b. age;
   c. the date of original employment or appointment;
d. the terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession;

e. current position;

f. title;

g. current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee);

h. the date and amount of each increase or decrease in salary with the board;

i. the date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board;

j. the date and general description of the reasons for each promotion with the board;

k. the date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board, and if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal; and

l. the office or station to which the employee is currently assigned.

2. The name of a participant in the North Carolina Address Confidentiality Program is not a public record, is not open to inspection, and must be redacted from any records released.

3. Volunteer records are not considered public records.

4. Unless an employee submits a written objection to the human resources office, the board also may make the following information available about each employee as part of an employee directory:

a. address;

b. telephone number;

c. photograph;

d. participation in officially recognized activities and sports; and

e. degrees and awards received.
5. Employees will be notified of their right to object before any such directory is compiled or revised.

6. Under no circumstances will the following be released pursuant to a public records request or as part of an employee directory:
   a. personal identifying information, as defined in policy 4705/7825, Confidentiality of Personal Identifying Information; or
   b. the name, address, or telephone number of a participant in the North Carolina Address Confidentiality Program.

G. REMOVAL OF RECORDS

An employee may petition the board to remove any information from his or her personnel file that the employee deems invalid, irrelevant, or outdated.

Legal References: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff et seq.; No Child Left Behind Act of 2001, 20 U.S.C. 6311(h)(6); G.S. 115C-36, -47(18), -209.1, -288(g), -319 to -321, -325(b) and (o) (applicable to career status teachers), -325.2 and -325.9 (applicable to non-career status teachers); 143B-931; 16 N.C.A.C. 6C .0313

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Confidential Information (policy 2125/7315), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Employee Health Certificate (policy 7120), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262), Family and Medical Leave (policy 7520), Petition for Removal of Personnel Records (policy 7821), Resignation (policy 7900)

Adopted: December 3, 2012
Revised: December 8, 2014
Any employee may petition the board of education to have removed from his or her personnel file any information that the employee believes to be invalid, irrelevant, or outdated. The board may order the superintendent to remove said information if it finds the information is invalid, irrelevant, or outdated.

1. The petition must be in writing, signed by the employee, and submitted to the assistant superintendent of human resources.

2. The petition must identify the specific information in question and the reasons for claiming it is invalid, irrelevant, or outdated.

3. The written petition and the information in question, together with a recommendation from the superintendent or designee, must be submitted by the administration to a panel of the board consisting of not less than two members appointed by the chairperson.

4. The board panel must review the petition and the information in question and may make a decision including, but not limited to, the following:
   a. deny the request for removal;
   b. make a specific finding that the information in question is “invalid, irrelevant, or outdated” and instruct the superintendent to remove the information in question from the employee’s personnel file;
   c. make a specific finding that the information in question is “invalid, irrelevant, or outdated”, but decide to leave the information in question in the employee’s personnel file and add to the personnel file a copy of the petition, the superintendent’s recommendation, and the panel’s findings;
   d. request more written information from the petitioner and/or the person who submitted the information in question for placement in the petitioner’s personnel file;
   e. schedule a hearing to allow both parties to present additional information; or
   f. such other appropriate action as the panel may deem proper.

5. The decision of the panel will constitute the decision of the full board.

Legal References: G.S. 115C-36, -47, -325(b) (applicable to career status teachers), -325.2 (applicable to non-career status teachers)
Cross References:

Adopted: December 3, 2012
Revised: December 8, 2014
CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION

The board recognizes the need to protect students and employees from the improper release of social security numbers and other personal identifying information. To this end, the board requires that all school employees comply with the Identity Protection Act of 2005 and any other federal and state laws governing the collection, use and disclosure of personal identifying information. No person may knowingly disclose, transfer or unlawfully use the social security number or other personal identifying information of any employee, student or other individual.

For purposes of this policy, personal identifying information includes: social security numbers; employer taxpayer identification numbers; drivers license numbers; state identification card numbers; passport numbers; checking accounts; savings accounts; credit card and debit card numbers; personal identification (PIN) codes; digital signatures; any numbers or information that can be used to access an individual’s financial resources; biometric data; fingerprints; and passwords.

The superintendent shall establish rules and regulations to implement this policy. These rules and regulations will provide that:

1. the confidentiality of social security numbers and personal identifying information is maintained consistent with legal requirements;

2. the unlawful collection, disclosure and use of social security numbers and personal identifying information are prohibited;

3. access to and dissemination of information or documents containing social security numbers and personal identifying information is limited internally within the school system and externally with the general public;

4. documents containing social security numbers and personal identifying information are disposed of properly;

5. social security numbers and personal identifying information are redacted from public documents;

6. social security numbers and personal identifying information are collected only when specifically authorized by law or if collection is imperative for the performance of the school system’s duties and such need has been clearly documented;

7. board procedures governing the maintenance and destruction of records are followed for all documents containing social security numbers and other personal identifying information; and

8. in the event of a security breach, in which personal information is accessed and acquired
without authorization, the notice requirements of G.S. 75-65 are followed.

This policy and its rules will be published in the appropriate handbooks, manuals and other similar documents.

Any individual who fails to comply with this policy and the superintendent’s rules and regulations will be subject to disciplinary action up to and including suspension or expulsion for students and termination for employees. In addition, such person may be subject to criminal prosecution.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; G.S. 14-113.20; ch. 75, art. 2A; 132-1.10; 143-64.60

Cross References: Confidential Information (policy 2125/7315), Student Records (policy 4700), Personnel Files (policy 7820)

Adopted: December 3, 2012
The following rules govern the collection, use and disclosure of social security numbers and other personal identifying information.

A. COLLECTION

1. Limitation on Collection and Use of Social Security Numbers

   Social security numbers and other personal identifying information should only be collected when required or authorized by federal or state law. If a unique identifier is needed, then a substitute for the social security number will be used, such as a system-created student identification number that does not use the social security number.

2. Authorized Purposes for Collection

   Social security numbers will be collected only:
   
   a. for the administration of federal and state income taxes;
   
   b. for verification of employment eligibility as required by the Immigration Reform and Control Act of 1986;
   
   c. for Free and Reduced Lunch applications;
   
   d. if the school system maintained a system of records prior to January 1, 1975, and the disclosure of the social security number was required to verify the identity of an individual;
   
   e. if it is imperative for the performance of the school system’s duties and the need has been plainly documented; or
   
   f. if the collection and/or use of social security numbers is otherwise authorized by law.

Prior to the collection of a social security number, the school system department or division that requires the number shall provide an individual, upon request, with a statement of the purpose for which the number will be used. The number will be used only for that stated purpose. In addition, any school system department or division that collects social security numbers shall incorporate such numbers in a student or employee’s record in a manner that enables them to be easily redacted upon a valid public records request.
Any school form that requires a social security number must include information on why the number is being collected, what authority the school system is acting upon in collecting the number, and whether the disclosure of the number is mandatory or voluntary.

B. Disclosure

The school system shall not intentionally communicate or make available an individual’s social security number or other identifying information to the general public.

1. State Mandated Disclosure Restrictions

School system officials shall not do any of the following:

a. intentionally print or imbed a social security number on any card necessary for an individual to gain access to school services;

b. require an individual to release a social security number on the Internet unless the Internet connection is secure or the social security number is encrypted;

c. require an individual to use a social security number to gain access to a website, unless access also requires a password or unique PIN;

d. print an individual’s social security number on any materials that are mailed to the individual, unless required by state or federal law; or

e. print an individual’s social security number on a postcard, or allow a social security number to be visible through an envelope without the letter being opened.

2. Authorized Disclosures

School system officials are authorized to disclose social security numbers and other identifying information to an individual or entity outside of the school system in the following circumstances:

a. pursuant to a court order, warrant, or subpoena;

b. for public health purposes as required in Chapter 130A of the General Statutes; or

c. to another governmental entity if necessary for that entity to perform its duties.

3. Public Records
The presence of identifying information in a public record does not change the nature of the public record. If a social security number or personal identifying information is contained within a document subject to release under the Public Records Law, the social security number or personal identifying information will be redacted or removed, and the public record request will be complied with as promptly as possible.

4. Public Display

Social security numbers or personal identifying information must not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, or any other materials or documents widely viewed by others. In addition, documents, materials or computer screens that display social security numbers or personal identifying information must be kept out of public view at all times.

5. Mailing or Faxing Documents

Documents containing social security numbers or other personal identifying information that must be sent through the mail must not be mailed on a postcard and must be mailed in a manner that does not reveal the number or information through the envelope window or without the envelope being opened.

If a social security number or personal identifying information must be faxed, the fax message must be accompanied by a transmittal sheet that includes a confidentiality notice.

C. ACCESS TO SOCIAL SECURITY NUMBERS OR PERSONAL IDENTIFYING INFORMATION

Only the following individuals within the school system will have access to social security numbers or other personal identifying information:

1. school system personnel, including agents, contractors and consultants, who require access to perform their jobs or otherwise to render services to the board; and

2. members of the board of education, when access is required to carry out the members’ duties and responsibilities.

Under no circumstances may any student have access to social security numbers or personal identifying information for other students or any school system personnel.

D. STORAGE AND DISPOSAL

All documents or files that contain social security numbers or personal identifying information must be stored in a physically secure manner. Social security numbers and
personal identifying information must not be stored on computers or other electronic devices that are not secured against unauthorized access.

Documents or other materials that contain social security numbers or other personal identifying information must not be thrown away through usual trash disposal; they must be discarded or destroyed only in manner that protects their confidentiality, such as shredding.

Any disposal of documents must comply with the Records Retention and Disposition Schedule for Local Education Agencies.

E. IMPROPER COLLECTION, DISCLOSURE OR USE

Any individual who suspects that improper collection, disclosure or use of a social security number or personal identifying information has occurred shall inform the superintendent or designee.

In the event that a security breach occurs, the affected individual must be notified of the breach. The term “security breach” means an incident of unauthorized access to and acquisition of unencrypted, unredacted records or data containing personal information, when such access (1) results in or is reasonably likely to result in illegal use of the personal information or (2) creates a material risk of harm to the person. In addition, any incident of unauthorized access to and acquisition of encrypted records or data containing personal information, along with access to and acquisition of the confidential process or key, will also constitute a security breach. Good faith acquisition of personal information by an employee or agent of the school system for a legitimate business purpose is not considered a security breach, provided that the personal information is not used for a purpose other than a lawful purpose of the school system and is not subject to further unauthorized disclosure.

Notice of a security breach must comply with the provisions of G.S. 75-65, including the following.

1. Notice must be provided immediately upon discovery of the breach, unless a law enforcement agency informs school personnel that providing notice may impede a criminal investigation or jeopardize national or homeland security. Any request by a law enforcement agency to delay notice must be in writing; otherwise the school employee receiving the request must document the request in writing at the time it is made. The documentation must include the name and agency of the requesting officer.

2. The notice must be in writing and may also be done via telephone, provided that the phone contact is made directly with the affected person.

3. The notice must be clear and conspicuous.
4. The notice must include a general description of the security breach and a description of the type of information that was subject to the breach.

5. The notice must include action taken by the school system to protect the personal information from further access.

6. The notice must direct the person to remain vigilant by reviewing his or her personal account statements and monitoring his or her credit reports.

7. The notice must include a telephone number that the person may call for further assistance, if such a number exists.

Any individual who fails to comply with legal requirements, board policy or these regulations will be subject to disciplinary action, up to and including suspension or expulsion for students and termination for employees, and may also be subject to criminal prosecution.

Adopted: December 3, 2012
RESIGNATION

A. PROFESSIONAL EMPLOYEES

Professional employees who intend to resign for any reason are encouraged to indicate their plans in writing at as early a date in the school year as possible, such as when plans become firm and/or the decision to leave the school system is made. A resignation becomes effective at the end of the school year in which it is submitted. A resignation for any other time requires 30 days’ notice unless the superintendent consents to a shorter notice period.

If a teacher has not been recommended for dismissal but fails to meet the notice requirements and the superintendent does not consent to a waiver of notice, the superintendent shall inform the board and recommend to the board whether a request should be made to the State Board of Education to revoke the teacher’s license for the remainder of the school year. The superintendent shall place a copy of the request in the teacher’s personnel file.

If a teacher who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent’s intention to recommend dismissal in the employee’s personnel file; (3) the employee shall be deemed to have consented to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education; and (4) the employee shall be deemed to have voluntarily surrendered his or her license pending an investigation by the State Board of Education to determine whether to seek action against the employee’s license.

B. ALL EMPLOYEES

Letters of resignation must be submitted to the superintendent. Resignations may be accepted, on behalf of the board, by the superintendent or designee. To help ensure the smooth operation of the schools, 30 days’ notice is requested whenever possible.

Each employee who is leaving the school system may arrange to meet with any director, supervisor, or administrator to discuss his or her reasons for leaving and to identify any practices or policies that he or she feels are detrimental to the objectives of the school system. To the extent possible, statements made by employees will be confidential.

Legal References: G.S. 115C-47, -325(e) and -325(o) (applicable to career status teachers), -325.4 and -325.9 (applicable to non-career status employees)

Cross References: Personnel Files (policy 7820), Professional Employees: Demotion and Dismissal (policy 7930)
RETIREMENT

Policy Code: 7910

Retirement will be in accordance with the Teacher’s and State Employees’ Retirement System of North Carolina. No employee will be required to retire at any age.

Any employee who plans to retire must notify the human resources department at least 90 days prior to his or her intended retirement date, except in cases in which health or other extenuating circumstances make shorter notice necessary.

Legal References: 29 U.S.C. 621-634; G.S. 135, art. 1

Cross References:

Adopted: December 3, 2012
The purpose of this policy is to establish an orderly procedure for reducing the number of licensed, professional employees of the school system.

A. **GROUNDS FOR REDUCTION IN FORCE**

A reduction in force may be implemented when the board determines that any of the following circumstances have resulted in the need to decrease the number of licensed, professional positions.

1. **System Reorganization**

   System reorganization is defined as (a) the closing, consolidation or reorganization of schools, school buildings or facilities; (b) the elimination, curtailment or reorganization of a curriculum offering, program or school operation; or (c) the merger of two or more school systems.

2. **Declining Enrollment**

   Declining enrollment exists (a) when the enrollment or projected enrollment for the next succeeding school year causes a decrease in the number of teaching or administrative positions allocated by the State or any other funding source; or (b) when the enrollment or projected enrollment of a curriculum offering or program for the next succeeding school year is inadequate to justify continuation of the course or program.

3. **Financial Exigency**

   Financial exigency means (a) any significant decline in the board's financial resources that compels a reduction in the school system's current operational budget; (b) any significant decrease or elimination in funding for a particular program; or (c) any insufficiency in funding that would render the board unable to continue existing programs at current levels.

B. **PRELIMINARY DETERMINATION**

1. The superintendent shall determine whether or not a reduction in force for licensed employees is necessary, appropriate or in the best interests of the school system.

2. If the superintendent decides to recommend to the board a reduction in force, he or she shall first determine which licensed positions shall be subject to the
reduction. In making that determination, the superintendent shall account for both:

a. structural considerations, such as identifying positions, departments, courses, programs, operations and other areas where there are (1) less essential, duplicative or excess personnel; (2) job responsibility and/or position inefficiencies; (3) opportunities for combined work functions; and/or (4) decreased student or other demands for curriculum, programs, operations or other services; and

b. organizational considerations, such as anticipated organizational needs of the school system and program/school enrollment.

3. The superintendent shall then present a recommendation to the board. The recommendation must include:

a. the grounds for a reduction in force;

b. the licensed positions to be reduced, categorized by area(s) of licensure and/or program responsibility; and

c. the background information, data and rationale for the recommendation.

4. The board will review the superintendent's recommendation and will determine whether to reduce the number of licensed employees or to reduce their terms of employment.

5. If the board, after exploring, considering and discussing a variety of ways to avoid a reduction in force, determines that a reduction in force of licensed employees is necessary, the superintendent shall recommend to the board which individuals are to be dismissed, demoted or reduced to part-time employment, based on the criteria set forth below.

C. Criteria

The primary consideration in any reduction in force will be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. The superintendent shall consider a variety of factors in determining which employees will be included in the reduction in force, including the following:

1. performance ratings;

2. areas of licensure;

3. highly qualified status;
4. program enrollment;
5. service in extra duty positions and ability to fill such positions;
6. length of service, with higher priority given to service in this school system; and
7. degree level.

The superintendent shall develop a system for using the above-mentioned factors to determine which employees will be recommended to the board for inclusion in the reduction in force.

D. **Procedure for Termination**

The board will consider the superintendent’s recommendation and may, by resolution, order dismissal or demotion of an individual or reduce an individual to part-time employment. All requirements of G.S. 115C-325 will be met, including the time limits and procedures for notice and the opportunity for a hearing, when any career employee (as defined in G.S. 115C-325) is terminated, demoted or reduced to part-time employment due to a reduction in force.

E. **Termination/Reemployment of a Career Employee**

When a career employee is dismissed in accordance with this policy, his or her name will be placed on a list of available employees to be maintained by the board.

F. **Nonrenewal of an Employee**

The board, upon recommendation of the superintendent, may refuse to renew the contract of a probationary teacher, to offer a new, renewed or extended contract to a school administrator or to reemploy any teacher who is not under contract for any cause it deems sufficient (see policies 7410, Career Status, and 7950, Probationary Teachers: Nonrenewal). A decision (1) not to renew a probationary teacher’s contract, (2) not to renew, extend or offer a new contract to a school administrator or (3) to not reemploy any teacher who is not under contract is not considered a “termination” under this policy. In such circumstances the procedures set forth in this policy are not required to be followed before the board’s decision.

Legal References: G.S. 115C-325; S.L. 2011-145

Cross References: Career Status (policy 7410), Probationary Teachers: Nonrenewal (policy 7950)

Adopted: December 3, 2012
With prior board approval, the superintendent may terminate or reduce the term of employment of classified employees in order to reduce staff. In such circumstances, the following procedure will apply:

1. The superintendent shall first reduce staff through normal attrition.

2. The superintendent shall recommend reductions in force to the board based upon the following criteria:
   a. job performance as indicated on formal evaluations and other documentation;
   b. degrees, licenses or other indications of an employee’s potential to contribute and progress in the school system;
   c. seniority in the same or related positions within the system as a whole;
   d. other criteria determined to be relevant by the superintendent.

   The superintendent shall use his or her discretion in weighing these factors; however, proven job performance will be the most significant factor.

The board will approve, disapprove or modify the superintendent's recommendation for reduction in force. All employees affected by the reduction will be notified in writing of the board's decision. Such notice must include information regarding the opportunity for any employee terminated pursuant to this policy to submit his or her name for other positions as they become open. Such submission does not offer any guarantee of employment; however, a positive work experience with the school system will be favorably reviewed in regard to any application for employment.

Legal References: G.S. 115C-47

Cross References:

Adopted: December 3, 2012
The board recognizes that an effective professional staff is critical to the smooth operations of the school system and to creating a learning environment where students are able to succeed. When a licensed employee is unable or unwilling to meet performance expectations, the supervisor and superintendent should consider whether dismissal or demotion is appropriate.

Evaluators of licensed employees are expected to follow policy 7810, Evaluation of Licensed Employees, policy 7820, Personnel Files, and policy 7811, Plans for Growth and Improvement of Licensed Employees. Evaluators should provide the superintendent with carefully documented evidence concerning a person’s inadequacies and lack of competencies when such deficiencies have led to the recommendation and contemplation of dismissal or demotion. These documents also should show ways in which the evaluator has endeavored to help the employee become a more effective professional. In the interest of students and the welfare of the school system, dismissal or demotion may be pursued regardless of whether the evaluator has met these expectations and regardless of whether the employee has first been placed on a growth plan or mandatory improvement plan, so long as the legal grounds for seeking dismissal or demotion can be sufficiently demonstrated.

All legally required procedures, including those prescribed in the applicable state law, will be followed in the dismissal or demotion of employees. Career status teachers, non-career status teachers during the terms of their contracts, and school administrators during the terms of their contracts may be dismissed only for the following reasons:

1. inadequate performance, as defined by the applicable state statute;
2. immorality;
3. insubordination;
4. neglect of duty;
5. physical or mental incapacity;
6. habitual or excessive use of alcohol or non-medical use of a controlled substance as defined in Article 5, Chapter 90 of the General Statutes;
7. conviction of a felony or a crime involving moral turpitude;
8. advocating the overthrow of the government of the United States or of the state of North Carolina by force, violence, or other unlawful means;
9. failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes;
10. failure to comply with such reasonable requirements as the board may prescribe;

11. any cause that constitutes grounds for the revocation of an employee’s teaching or school administrator license;

12. a justifiable decrease in the number of positions due to school system reorganization, decreased enrollment, or decreased funding, provided that there is full compliance with other statutory requirements;

13. failure to maintain one’s license in current status;

14. failure to repay money owed to the state in accordance with the provisions of Article 60, Chapter 143 of the General Statutes; and

15. providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry.

Resignation by a teacher who has been recommended for dismissal under the applicable state statute is subject to the provisions of policy 7900, Resignation.

Legal References: G.S. 90 art. 5; 115C-287.1, -307, -325 (applicable to career status teachers), -325.1 et seq. (applicable to non-career status teachers), -333, -333.1; 143 art. 60; 16 N.C.A.C. 6C .0502

Cross References: Professional and Staff Development (policy 1610/7800), Staff Responsibilities (policy 7300), Job Descriptions (policy 7400), Evaluation of Licensed Employees (policy 7810), Plans for Growth and Improvement of Licensed Employees (policy 7811), Personnel Files (policy 7820), Resignation (policy 7900), Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: December 3, 2012
Revised: December 8, 2014
CLASSIFIED PERSONNEL:
SUSPENSION AND DISMISSAL

Policy Code: 7940

Classified positions are critical to the effective operation of the school system. The board encourages open communication between classified employees and their supervisors. When performance problems arise, supervisors are encouraged to communicate clearly in oral or written form the nature of the deficiencies and to provide a reasonable opportunity to improve. Any written notices or reprimands will be included in the employee’s central office personnel file. All employees are expected to meet job requirements and to seek clarification and guidance when needed to fulfill these requirements.

A. SUSPENSION

The superintendent or designee may suspend an employee without pay as a disciplinary sanction. The superintendent shall provide written notice of the suspension without pay to the employee. This notice will be placed in the personnel file. The suspension without pay may begin immediately. An employee has 10 calendar days from the date of receiving written notice of the superintendent’s decision to take the following actions: (1) request written notice of the reason(s) for the superintendent’s decision and (2) request an appeal before the board of education regarding the decision to suspend without pay. If notice of the reason(s) for the suspension is requested, such notice must be provided prior to any board hearing on the decision. If an appeal is not made within this time, an appeal is deemed to be waived. An employee may appeal a suspension on the grounds that there was no rational basis for the suspension; the suspension was discriminatory or was used for harassment; or board policies were not followed.

Upon receiving a request for an appeal, the chairperson may designate a panel of three board members to review the decision. The chairperson of the board or the panel may establish rules for an orderly and efficient hearing. The employee will be notified in writing of the decision of the board to uphold, reverse, or modify the superintendent’s decision. An employee will receive back pay for any period of suspension without pay that is not upheld by the board.

B. TERMINATION

As “at will” employees, employees in classified positions may be terminated on any nondiscriminatory basis, including inadequate performance, misconduct, failure to follow board policies, or a reduction in staff. All terminations to reduce staff will be in accordance with policy 7921, Classified Personnel Reduction. All other terminations will be made pursuant to this policy. The superintendent has the authority to terminate at-will employees. The superintendent should provide written notice to the employee and the board of the decision to terminate. An employee has 15 calendar days from the date of receiving notice of the superintendent’s decision to take the following actions: (1) request written notice of the reason(s) for the superintendent’s decision and (2) request an appeal of the decision to the board of education. If notice of the reason(s) for the
termination is requested, such notice must be provided prior to any board hearing on the termination. The termination is effective during the period of appeal.

Upon receiving a request to appeal the superintendent’s decision to terminate, the chairperson may appoint a panel of three board members to review the decision. The employee has the burden of establishing that the termination was based on an illegal discrimination. The superintendent may offer evidence to substantiate that the dismissal was for a nondiscriminatory reason, such as prior warnings or remedial efforts.

The hearing procedures established in policy 2500, Hearings Before the Board, will be followed. The chairperson will provide written notice of the decision to the employee and the superintendent as soon as practicable after reaching a decision. The board may uphold the superintendent’s decision or reinstate the employee for any reason it deems proper, so long as the board’s reason is not discriminatory.

Any employee who has been dismissed for cause will be ineligible for reemployment. This policy is not intended to create any property rights or an implied or express contract between the board and the employee other than what is provided by law.


Cross References: Hearings Before the Board (policy 2500), Classified Personnel Reduction (policy 7921), Annual Independent Audit (policy 8310)

Adopted: December 3, 2012
Revised: December 8, 2014
The board may refuse to renew the contract of any non-career status teacher for any cause it deems sufficient, so long as the cause is not arbitrary, capricious, discriminatory, prohibited by state or federal law, or for personal or political reasons.

If the superintendent decides to recommend nonrenewal of a non-career status teacher, the superintendent shall provide written notice of the recommendation no later than June 1. The teacher may, within 10 days of receipt of the superintendent’s recommendation, request written notice of the reasons for the superintendent’s recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal. If a teacher files a timely request, the superintendent shall provide the requested information, and the teacher will be permitted to submit supplemental information to the superintendent and board prior to the board’s decision.

A non-career status teacher has the right to petition the board for a hearing no later than 10 days after receiving notice of the superintendent’s recommendation for nonrenewal. If the teacher requests a hearing, the board chair and vice chair will confer and determine whether such a hearing will be granted. If the chair and vice chair cannot agree, a hearing will be granted. [Note: It is within the board’s discretion to determine how it will decide whether to grant a discretionary hearing. This method is a suggestion, and it may be modified to incorporate the board’s current practice. (The board should DELETE THIS NOTE prior to adopting the policy.)] The board will notify the teacher of its decision whether to grant a hearing.

In considering a recommendation of the superintendent to offer a teacher a new, renewed, or extended contract, the board may review any information that was in the teacher’s personnel file at the time of the superintendent’s recommendation. If the board determines that it needs additional information to reach a decision, it will notify the teacher of the board’s concerns and of the additional information that it is considering and provide an opportunity for the teacher to respond to the additional information.

The board will notify the non-career status teacher whose contract will not be renewed for the next school year of its decision by June 15. If, however, a teacher is granted a hearing, the board will provide the nonrenewal notification within 10 days of the hearing or such later date upon the written consent of the superintendent and teacher.

Non-career status teachers may be demoted or dismissed during the terms of their contracts only in accordance with policy 7930, Professional Employees: Demotion and Dismissal.

Legal References: G.S. 115C-45(c), -325.1 et seq.

Cross References: Teacher Contracts (policy 7410), Professional Personnel Reduction in Force (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930)
Adopted: December 3, 2012
Revised: December 8, 2014