
PITT COUNTY SCHOOLS

**BOARD
AGENDA**

PITT COUNTY BOARD OF EDUCATION
1717 WEST FIFTH STREET · GREENVILLE, NC 27834



October 3, 2016

Pitt County Board of Education
Pitt County Office Building
Third Floor Board Room
October 3, 2016

AGENDA

The Pitt County Board of Education will meet in Regular Session on Monday, October 3, 2016, at 6:30 p.m. in the Third Floor Board Room, Pitt County Office Building. The following items have been placed on the Agenda:

		Page
1. <u>Start of Meeting</u>		
A. Call to Order	Chairman Forrest	
B. Pledge of Allegiance	Worth Forbes	
C. Moment of Silence	Worth Forbes	
2. <u>Routine Business</u>		
A. Adjustments to the Agenda	Chairman Forrest	
B. Spotlight on Teaching and Learning	Chairman Forrest	1
1. Media Administrator of the Year	Joanna Gerakios	
2. PAEMST State Finalist	Tiffany Vincent	
3. Special Education Teacher of Excellence	Paula Dowd	
4. NCCTM Outstanding Secondary School Mathematics Teacher	Maurice Harris	
5. Wellcome Middle School "House" System	Maurice Harris	
6. Charlie Adams Distinguished Service Award	Travis Lewis	
7. TIF Grant	Cheryl Olmsted/ Ve-Lecia Council	
C. Public Expression	Chairman Forrest	

3. Consent Items for Approval

- | | | | |
|----|---|------------------|---|
| A. | Minutes from the Regular Board Meeting held on September 19, 2016 | Carol Rankin | 2 |
| B. | Personnel Report for September 2016 | Ve-Lecia Council | 6 |
| C. | Items to be Declared Surplus Property | Matt Johnson | 7 |

4. New Business

- | | | | |
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| A. | Finance/ Operations Committee Report | Worth Forbes/
Debra Baggett/
Matt Johnson | 9 |
| | 1. Consideration of the 2016-2017 Budget Resolution | Debra Baggett | 10 |
| B. | Policy Development Committee Report | Mildred Council/
Cynthia Grady | 15 |
| | 1. First Reading of Policy Section 7000A | Cynthia Grady | 16 |
| C. | Middle School Athletics Discussion | Sean Kenny | 71 |

5. Closing Comments

- | | | |
|----|----------------------------|------------------|
| A. | Comments by Superintendent | Ethan Lenker |
| B. | Comments by Board Members | |
| C. | Comments by Chairman | Chairman Forrest |

6. Adjourn

Chairman Forrest

PITT COUNTY BOARD OF EDUCATION

DATE: October 3, 2016

TOPIC: Spotlight of Teaching and Learning

BACKGROUND:

The following achievements will be shared with the Board:

- 1) Joanna Gerakios, Media & Technology Facilitator for PCS, will recognize Charlie Langley, Principal of C.M. Eppes Middle, as the Media Administrator of the Year by the NC School Library Media Association, for the second consecutive year in a row.
- 2) Tiffany Vincent, Principal of W.H. Robinson Elementary, will recognize Heather Landreth, W.H. Robinson teacher, as a state finalist, for the second year, for the Presidential Awards for Excellence in Mathematics & Science Teaching (PAEMST).
- 3) Paula Dowd, Assistant Director of Exceptional Children, will recognize Bailey Pope, special education teacher at Sam D. Bundy, as the 2016-2017 Special Education Teacher of Excellence for PCS.
- 4) Maurice Harris, Principal of Wellcome Middle School, will recognize Theresa Boggs, Wellcome Middle School teacher, as the North Carolina Council of Teachers of Mathematics (NCCTM) Outstanding Secondary School Mathematics Teacher for PCS for 2016.
- 5) Maurice Harris, Principal of Wellcome Middle School, will share a brief presentation about the "House" system that Wellcome Middle School uses with their student "scholars" to create a sense of community and pride in their school.
- 6) Dr. Travis Lewis, Director of Community and Student Services, will recognize Ron Butler, Pitt County Athletics, Drivers Education, Health and Physical Education Coordinator, for receiving the North Carolina High School Athletic Association Region 1 Charlie Adams Distinguished Service Award.
- 7) Cheryl Olmsted, Assistant Superintendent of EPS, and Dr. Ve-Lecia Council, Assistant Superintendent of Human Resources, will introduce Tom Feller, Professional Learner, PBIS and SchoolNet Coordinator, and Seth Brown, Teacher Support Coordinator, to share some exciting news with the Board members.

SUPERINTENDENT'S RECOMMENDATION:

No Board action is required

PITT COUNTY BOARD OF EDUCATION

DATE: October 3, 2016

TOPIC: Consideration of Minutes

BACKGROUND:

Please find attached for your review and consideration, the minutes from the Regular Board of Education Meeting held on September 19, 2016.

Should you have any questions or comments that would require an adjustment please ask the Chair to remove this item from the Consent Agenda.

SUPERINTENDENT'S RECOMMENDATION:

Board action is required

Regular Board Meeting Minutes

Date: September 19, 2016

Present: Chairman Benjie Forrest, Vice Chair Mary Blount Williams, Mildred Council, Caroline Doherty, Walter Gaskins, Sean Kenny, Billy Peaden, and Marc Whichard

Absent: Worth Forbes

Attorney: Cynthia Grady

Time: 6:30 P.M.

Place: Pitt County Office Building, 3rd Floor Boardroom

1) Start of Meeting:

A) Chairman Forrest called the Board of Education meeting to order in Regular Session on September 19, 2016 at 6:30 P.M. in the Pitt County Third Floor Board Room.

B) Sean Kenny asked two Pitt County Schools' students, Julie and Emma Attardi to lead the Board members in the Pledge of Allegiance.

C) Mildred Council followed with a Moment of Silence.

2) Routine Business:

A) Adjustments to the Agenda:

Marc Whichard made a motion to approve the Consent agenda, with a second from Caroline Doherty. The motion to approve the Consent agenda passed unanimously.

B) Spotlight on Teaching and Learning:

Justyn Knox, DPI's K-12 Social Studies Education Consultant, recognized Jennifer Attardi, a Social Studies teacher from Chicod, who recently received the Gilder Lehrman Award. Chairman Forrest, on behalf of the Board, presented Ms. Attardi with a Creating Excellence in the East Award.

Vic Coffenberry, Sadie Saulter Building Manager, recognized the Custodian Staff from the Sadie Saulter Educational Center for receiving the Pitt County Schools Clean School Award for the 2015-2016 school year. Chairman Forrest, on behalf of the Board, presented both Michael Foskey and Douglas Pippins with a Creating Excellence in the East Award.

Chairman Forrest presented Dr. Lionel Kato with an Honorary FFA Award. Chairman Forrest noted that only five honorary awards were given in North Carolina for the year 2015-2016 and two were received by Pitt County School Employees.

Chairman Forrest recognized the Board for receiving the North Carolina School Board Association's "Silver Bell Award" for the timeframe of July 1 2015, through June 30, 2016. The Board received this award during the District 1 meeting held at Weldon Middle School on September 7, 2016. The Silver Bell Award recognizes Boards where every member has actively worked towards the 12 hours of training required.

C) Public Expression:

An opportunity for Public Expression was allowed, however, there were no requests to address the Board.

3) Consent Items:

Marc Whichard made a motion to approve the consent items as listed; with a second from Mildred Council. The consent items included: the August 1, 2016 Board meeting minutes, the Personnel Report for September 2016 including the August Substitute New Hire Report and the September items to be Declared Surplus. With no discussion, the motion passed 7 to 1 with Mildred Council, Caroline Doherty, Marc Whichard, Chairman Forrest, Vice-Chair Blount-Williams, Walter Gaskins and Billy Peaden voting in favor and Sean Kenny voting against.

4) New Business:

A) Pitt Community College Board of Trustees:

Three of the four Board of Education appointees, Charles Long, Dr. Peter Kragel and Patti Sanders-Smith along with President Dr. Dennis Massey addressed the Board members with excitement about the future partnership, not just college prep but career readiness as well, between PCC and PCS.

B) EPS/HR Committee Report:

Cheryl Olmsted, Assistant Superintendent of Educational Programs and Services introduced Dr. Mark Lesperance and Dr. Art Rouse from ECU to share details of the UNC Teacher and Principal preparation Lab School law passed by the General Assembly in July 2016. Dr. Lesperance stated the mission of a lab school is to improve student performance in local school administrative units with low performing schools by providing an enhanced educational program for students and to provide exposure and training for teachers and principals to successfully address educational challenges. Dr. Lesperance stated that ECU is looking forward to a possible partnership with Pitt County Schools regarding this new program.

Ron Butler, Pitt County Schools' Athletics, Driver's Education and Health and Physical Education Coordinator, shared with the Board members that a decision will need to be made by the end of the year, due to a new ruling by the N.C. High School Athletic Association, whether to allow 6th graders to participate in middle school athletics other than football for next school year. Sean Kenny requested that he would like to have this item listed on the October Board agenda.

Dr. Ve-Lecia Council, Assistant Superintendent of Human Resources, gave the Board members a Human Resources September update sharing that PCS has hired approximately 242 new certified teachers including 38 lateral entry teachers, 8 Teach for America teachers and 4 Visiting International Faculty.

C) Finance/Operations Committee Report:

Debra Baggett, Chief Finance Officer, gave the Board members a breakdown of the proposed teacher supplement increase, which included giving new teachers a one percent increase and veteran teachers a quarter percent increase per year until all teachers are at six percent. Sean Kenny made a motion, with a second by Marc Whichard to approve the teacher supplement increase, as presented by Ms. Baggett. The motion to approve the increase passed unanimously. Caroline Doherty wanted to thank the County Commissioners for the funds that allowed the Board to give teachers this increase.

Matt Johnson, Executive Director of Operations, gave the Board members a breakdown to the repairs needed for the Grifton Gym with a cost of approximately \$500,000. Mr. Johnson requested approval of the Grifton Gym Funding Proposal from the Board members. Marc Whichard made a motion to approve the Grifton gym funding as proposed by Mr. Johnson, with a second from Caroline Doherty. The motion to approve the Grifton Gym Funding passed unanimously.

D) First Reading of Amendments to Policy 9030 and Policy 9120:

Cynthia Grady, In-House Counsel, shared the first reading of the amendments to policy 9030 and policy 9120, due to General Assembly requirements regarding change orders to construction contracts, with the Board members. Marc Whichard made a motion to suspend the policy that requires two readings, with a second from Walter Gaskins. The motion to suspend the policy for two readings passed unanimously. Marc Whichard made a motion to approve the amendments to policies 9030 and policy 9120 with a second from Caroline Doherty. The motion to approve both amended policies passed unanimously.

5) Closing Comments:

Closing comments were made by Dr. Lenker, Board Members and Chairman Forrest.

6) Adjourn:

Caroline Doherty made a motion to adjourn with a second by Vice Chair Blount Williams. The motion to adjourn passed unanimously. Time adjourned was 7:41 P.M.

Respectfully Submitted,

Benjie Forrest, Chairman

Dr. Ethan Lenker, Secretary

PITT COUNTY BOARD OF EDUCATION

DATE: October 3, 2016

TOPIC: Consideration of Personnel Report

BACKGROUND:

The Personnel Report was sent via the Board Packet for your review and consideration.

Should you have questions or comments requiring an adjustment, please ask the Chair to remove this item from the Consent Agenda.

SUPERINTENDENT'S RECOMMENDATION:

Board action is required

PITT COUNTY BOARD OF EDUCATION

DATE: October 3, 2016

TOPIC: Consideration of Items to be Declared Surplus Property

BACKGROUND:

Please find attached for your review and consideration a list of items to be Declared Surplus Property.

Matt Johnson, Executive Director of Operations, will be present to respond to any questions you may have regarding this list.

Should you have questions or comments requiring an adjustment, please ask the Chair to remove this item from the Consent Agenda.

SUPERINTENDENT'S RECOMMENDATION:
Board action is required

ITEMS TO BE DECLARED SURPLUS

October 3, 2016

- * Lot of (22) tables, (2) office desks, (9) A/V carts, (5) file cabinets and (1) small couch
- * Dayton pallet jack
- * Lot of (26) Dell laptop computers, (30) laptop bags, (26) ASUS notebook computers, (1) Dell notebook computer and (16) overhead calculators
- * Lot of (92) Dell computers, (59) Dell flat panel monitors and (1) pallet of keyboards, mice, speakers and cords
- * Lot of (19) Macintosh computers
- * Lot of (4) buffers, (1) push lawn mower, (1) floor fan and (2) water pickup machines
- * Husqvarna zero turn mower

PITT COUNTY BOARD OF EDUCATION

DATE: October 3, 2016

TOPIC: Finance/ Operations Committee Report

BACKGROUND:

Chief Finance Officer, Debra Baggett and Matt Johnson, Executive Director of Operations, will share a Finance/ Operations Committee Report with the Board Members.

SUPERINTENDENT'S RECOMMENDATION:

No Board action is required

PITT COUNTY BOARD OF EDUCATION

DATE: October 3, 2016

TOPIC: Consideration of the 2016-2017 Budget Resolution

BACKGROUND:

Chief Finance Officer, Debra Baggett, will request approval of the 2016-2017 Budget Resolution.

SUPERINTENDENT'S RECOMMENDATION:

Board action is required

**PITT COUNTY SCHOOLS
2016-17 BUDGET RESOLUTION**

BE IT RESOLVED by the Board of Education of the Pitt Administrative Unit:

Section 1: The following amounts are hereby appropriated for the operation of the Pitt County Administrative Unit in the Local Current Expense Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

5000- Instructional Services	\$	21,125,352.22
6000- System Wide Support Services	\$	20,468,167.00
7000- Ancillary Services	\$	28,292.00
8000- Non-Programmed Charges	\$	-
9000- Capital Outlay	\$	-
Total Current Local Expense Appropriations:	\$	<u>41,621,811.22</u>

Section 2: The following revenues are estimated to be available to the Local Current Exp Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

County Appropriations- Current Expense	\$	37,873,340.00
County Appropriations- Rental Contract	\$	340,000.00
Local Revenue- Unrestricted	\$	800,000.00
Fund Balance Appropriated	\$	2,608,471.22
Total Current Local Expense Revenues:	\$	<u>41,621,811.22</u>

Section 3: The following amounts are hereby appropriated for the operation of the Pitt County Administrative Unit in the Special Revenue Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

5000- Instructional Services	\$	11,973,975.06
6000- System Wide Support Services	\$	711,679.96
7000- Ancillary Services	\$	1,023,850.00
8000- Non-Programmed Charges	\$	(200,000.00)
Total Special Revenue- Expense Appropriations:	\$	<u>13,509,505.02</u>

Section 4: The following revenues are estimated to be available to the Special Revenue Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

State Revenues	\$	2,600,000.00
Federal Revenues	\$	1,100,000.00
Local Revenue- Tuition and Fees	\$	855,000.00
Local Revenue- Unrestricted	\$	550,000.00
Local Revenue- Restricted	\$	1,524,773.00
Fund Balance Appropriated	\$	6,879,732.02
Total Special Revenue Fund Revenues:	\$	<u>13,509,505.02</u>

**PITT COUNTY SCHOOLS
2016-17 BUDGET RESOLUTION**

BE IT RESOLVED by the Board of Education of the Pitt Administrative Unit (Continued):

Section 5: The following amounts are hereby appropriated for the operation of the Pitt County Administrative Unit in the State Public School Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

5000- Instructional Services	\$	125,146,115.14
6000- System Wide Support Services	\$	11,830,393.00
7000- Ancillary Services	\$	143,530.00
Total State Public School Fund Programs:	\$	<u>137,120,038.14</u>

Section 6: The following revenues are estimated to be available to the State Public School Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

State Public School Fund Allocation	\$	132,475,366.60
State Unbudgeted Funds	\$	3,979,599.54
State Textbook Allotment	\$	665,072.00
Total State Public School Fund Revenues:	\$	<u>137,120,038.14</u>

Section 7: The following amounts are hereby appropriated for the operation of the Pitt County Administrative Unit in Federal Grants for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

5000- Instructional Services	\$	17,604,572.47
6000- System Wide Support Services	\$	951,657.08
7000- Ancillary Services	\$	-
8000- Non-Programmed Charges	\$	399,966.17
Total Federal Grant Fund Appropriations:	\$	<u>18,956,195.72</u>

Section 8: The following revenues are estimated to be available to the Federal Grants Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

Federal Grants Fund Revenues	\$	18,956,195.72
Total Federal Grants Fund Revenues:	\$	<u>18,956,195.72</u>

**PITT COUNTY SCHOOLS
2016-17 BUDGET RESOLUTION**

BE IT RESOLVED by the Board of Education of the Pitt Administrative Unit (Continued):

Section 9: The following amounts are hereby appropriated for the operation of the Pitt County Administrative Unit in the School Food Services Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

7000- Ancillary Services (Child Nutrition)	\$	12,863,470.00
8000- Non-Programmed Charges	\$	936,530.00
Ttl School Food Service Fund Appropriations:	\$	<u>13,800,000.00</u>

Section 10: The following revenues are estimated to be available to the School Food Service Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

State Funds	\$	272,468.00
Federal Funds	\$	9,613,294.00
Local Funds	\$	3,914,238.00
Total School Food Service Revenues:	\$	<u>13,800,000.00</u>

Section 11: The following amounts are hereby appropriated for the operation of the Pitt County Administrative Unit in the Capital Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

5000- Instructional Services	\$	335,000.00
6000- System Wide Support Services	\$	1,175,000.00
9000- Capital Outlay	\$	6,678,215.00
Total Capital Fund Appropriations:	\$	<u>8,188,215.00</u>

Section 12: The following revenues are estimated to be available to the Capital Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

State School Bus Allotment	\$	2,500,000.00
County Appropriations	\$	1,000,000.00
Intererst Revenue	\$	10,000.00
PSBCF- Lottery	\$	2,700,000.00
Regular Capital Outlay - Article 40 & 42	\$	953,215.00
Fund Balance Appropriated	\$	1,025,000.00
Total Capital Fund Revenues:	\$	<u>8,188,215.00</u>

**PITT COUNTY SCHOOLS
2016-17 BUDGET RESOLUTION**

BE IT RESOLVED by the Board of Education of the Pitt Administrative Unit (Continued):

Section 13: All appropriations shall be paid firstly from revenues restricted as to use, and secondly

Section 14: The Superintendent is hereby authorized to transfer appropriations within a fund under

Section 15: Copies of the Budget Resolution shall be immediately furnished to the Superintendent

Adopted this _____ day of _____, 2016.

Secretary

Chairman

PITT COUNTY BOARD OF EDUCATION

DATE: October 3, 2016

TOPIC: Policy Development Committee Report

BACKGROUND:

Cynthia Grady, In-House Counsel, will give the Board members a report of the most recent Policy Development Committee meeting.

SUPERINTENDENT'S RECOMMENDATION:

No Board action is required.

PITT COUNTY BOARD OF EDUCATION

DATE: October 3, 2016

TOPIC: First Reading of Policy Section 7000A

BACKGROUND:

Cynthia Grady, In-House Counsel for Pitt County Schools, will be present to respond to any questions concerning the New Policy Section 7000A. This will be the First Reading of this New Policy Section.

SUPERINTENDENT'S RECOMMENDATION:

No Board action is required

RECRUITMENT AND SELECTION OF PERSONNEL

Policy Code:

7100

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, creed, national origin, military affiliation, genetic information, sex, marital status, economic or social status, 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. All employment decisions will be consistent with the board's objective of providing students with the opportunity to receive a sound basic education, as required by state law.

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 **and funding** for the position are established and proper authorization is obtained.

All vacancies ~~must~~ **should** 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 **or designee** 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

- a. For purposes of this subsection, the following definitions apply.
 - i. “Immediate family” means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
 - ii. “Central office staff administrator” includes directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents, and principals.
- b. Before any immediate family of any board of education member or central office staff administrator is employed by the board or engaged in any capacity as an employee, independent contractor, or otherwise, (1) the board member or central office staff administrator must disclose the familial relationship to the board and (2) the prospective employment or engagement must be approved by the board in a duly called open session meeting.
 - i. An employee who knowingly fails to disclose a familial relationship to the board as required will be subject to disciplinary action ~~up to and including dismissal~~.
 - ii. Notification by the employee to the assistant superintendent of human resources will be deemed disclosure to the board. The assistant superintendent of human resources is responsible for conveying the disclosure to the board before the board takes action on the prospective employment or engagement.
- c. 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 immediate family.

d. No administrative or supervisory personnel may directly supervise a member of his or her immediate family.

e. The superintendent shall not recommend and the board will not employ an immediate family member of the superintendent or of a board member for the position of superintendent, assistant superintendent, principal, director, or other administrator. For purposes of this provision, other administrator is defined as an employee who (1) is compensated on the administrative salary schedule, (2) reports directly to the board and/or the superintendent, or (3) supervises a department budget.

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.

The superintendent shall develop procedures for verifying new employees' legal status or authorization to work in the United States as required by law.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Equal Pay Act of 1963, 29 U.S.C. 206; Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*; Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Military Selective Service Act, 50 U.S.C. Appx. 453; Rehabilitation Act of 1973, 29 U.S.C. 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; *Green v. Missouri Pacific Railroad* (8th Cir. 1975); *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission (April 25, 2012) available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm; G.S. 14-208.18; 15A-153; 115C-12.2, -36, -47, -276(j), -332; 126-7.1(i), -16; 127A-202.1 *et seq.*; 127B-10, -12, -14; 143B-421.1, -931; *Leandro v. State*, 346 N.C. 336 (1997); 16 N.C.A.C. 6C .0313; State Board of Education Policies TCP-C-017 and TCP-D-009

Cross References: Board Authority and Duties (policy 1010), Registered Sex Offenders (policy 5022)

Adopted:

**INFORMATION PROVIDED
BY APPLICANT OR EMPLOYEE**

Policy Code:

7110

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:

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. Such certificate must be prepared by:

1. A physician licensed to practice in North Carolina;
2. A nurse practitioner approved pursuant to state law; or
3. A physician's assistant licensed to practice in North Carolina.

A new employee who has not previously been employed in a public school in North Carolina may provide a certificate prepared by a physician, nurse practitioner, or physician's assistant who holds a current unrestricted license or registration in another state, so long as evidence of that license or registration is on the certificate. 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 human resources office.

Legal References: G.S. 115C-323

Cross References:

Adopted:

The board intends to comply fully with all licensure requirements of the Elementary and Secondary Education Act, state law, and State Board of Education policies.

A. LICENSURE AND OTHER QUALIFICATION REQUIREMENTS

1. Except as otherwise permitted by the State Board of Education or state law, a professional employee must hold at all times a valid North Carolina license appropriate to his or her position.
2. 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 the State Board of Education. Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.
3. The board encourages lateral entry into the teaching profession by skilled individuals from the private sector who meet state licensing requirements.

B. EXCEPTIONS TO LICENSURE REQUIREMENTS

1. Emergency Permit to Practice

In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a lateral entry license are available to fill a position, the board may employ for up to one year an individual who holds an emergency permit to practice issued by the State Board of Education. An emergency permit is not renewable.

2. Adjunct CTE Instructors

An unlicensed individual who meets the adjunct hiring criteria established by the State Board of Education for a specific career and technical education (CTE) career cluster may be employed as an adjunct CTE instructor for up to 10 hours per week, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by G.S. 115C-157.1.

C. 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.

Teachers with fewer than three years of teaching experience will be required to participate in the Beginning Teacher Support Program.

D. LICENSE CONVERSION

Teachers must teach three years and meet all other requirements of the State Board of Education in order to move from an initial to a continuing 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.

E. 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.

Decisions regarding the employment of teachers who fail to meet the required proficiency standard for renewal of a continuing license will be made in accordance with state law G.S. 115C-296(b)(1)b.4 and applicable State Board of Education requirements.

F. PARENTAL NOTIFICATION

At the beginning of each school year, the school system will 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 for the subject or grade level they are teaching; whether the teacher has had any licensure requirements waived; whether the teacher is teaching in the field of his or her certification; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

The school system will 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.

G. EQUITABLE DISTRIBUTION OF TEACHERS

The superintendent shall assess whether low-income, minority, learning disabled, and/or English learners are being taught by inexperienced, ineffective, or out-of-field teachers at higher rates than students who do not fall into these categories and shall develop a plan to address any such disparities. If DPI does not require such a 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.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R. 200.55-57, 200.61; G.S. 115C-296, -325(e)(1)(m) (applicable to career status teachers), -325.4(a)(12) (applicable to non-career status teachers), -333, -333.1; State Board of Education Policies TCP-A-000, -001, -004, -005, -016, -018, -021, TCP-C-004

Cross References:

Adopted:

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 State Board of Education approved exams required for the license within the time period established by state law.

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 State Board of Education approved test(s) in each academic subject in which he or she teaches within the time period established by state law; 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 State Board of Education approved exams required for the license within the time period

established by state law. 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.

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.

Legal References: G.S. 115C-296, -296.2, -333, 333.1, -325(e)(1)(m); State Board of Education Policy TCP-A-000, -001, -004, -016

Cross References:

Adopted:

A. STAFF INVOLVEMENT

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.

B. COMMUNICATION

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.

It is the responsibility of each supervisor to share information and communicate openly with staff members to ensure that good working conditions exist and that the best decisions are made and acted upon by all individuals involved.

C. CHAIN OF COMMAND

Employees are expected to follow proper channels through the chain of command in seeking advice, answers, or decisions. When an employee needs guidance or direction in a situation or lacks the authority and/or the expertise to act, the employee should first raise the issue with his or her immediate supervisor. Should the supervisor need additional assistance, proper channels should be followed through the chain of command until the appropriate decision-making level has been reached.

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

Cross References:

Adopted:

The board values the health and well-being of school system staff and accepts the key role it can play in supporting healthy lifestyles for all staff members. In an effort to maintain a work environment that fosters positive health behaviors, the board has established a coordinated school health program. The board supports high-quality nutrition, physical activity, tobacco cessation, stress management, and breastfeeding programs that improve the physical, mental, emotional, and occupational well-being of staff members.

The superintendent shall maintain procedures to carry out the goals of this policy in collaboration with the school health advisory council. The procedures will include a plan to evaluate the effectiveness of programs and environmental change, along with the integration of this policy into the overall coordinated school health program.

Legal References:

Cross References:

Adopted:

DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS

Policy Code:

7241

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 all drivers employed by the board of education.

A. APPLICABILITY

This policy applies to any driver, which, for purposes of this policy, is defined as 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, an activity bus, a vehicle designed to transport 16 or more people (including the driver), or any other vehicle that meets the definition of commercial motor vehicle under federal law or regulation. Employees who operate vehicles for inspection, service, or maintenance purposes are included in this definition.

B. PROHIBITED ACTS

No driver may:

1. 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;
2. use alcohol while performing safety-sensitive functions;
3. perform safety-sensitive functions within four hours after using alcohol;
4. report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any Schedule I drug or substance; or
5. report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses of any non-Schedule I drug or substance, unless such use is pursuant to the instruction of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that use of the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Safety-sensitive functions include but are not limited to inspecting, servicing, or conditioning any commercial motor vehicle; operating any commercial motor vehicle; participating in or supervising the loading and unloading of a commercial motor vehicle; and repairing, obtaining assistance for, or remaining in attendance upon a disabled vehicle.

In addition, drivers and anyone who supervises drivers 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) or by policy 7240, Drug-Free and Alcohol-Free Workplace.

C. TESTING

The human resources office will 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.

Federal regulations prohibit a driver who is tested under the provisions of this section and found to have an alcohol concentration of at least .02 from performing safety-sensitive functions for at least 24 hours following administration of the test. Drivers who are tested under the provisions of this section and found to have any alcohol in their system are subject to additional discipline under this policy, including dismissal.

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 driver 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 drivers, 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 driver 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 driver 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.

Legal References: 49 U.S.C. 31306; 49 C.F.R. pts. 40, 382; G.S. 20-138.2B

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

Adopted:

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~~ includes any product that contains or is made or derived from tobacco and is intended for human consumption, including all lighted and smokeless tobacco products; ~~as well as~~ electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine; and any other herb or spice smoked in a cigarette, cigar, pipe, or similar manner.

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 (including when inside a private vehicle located on a school campus or other school property), 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~~ is urged to 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.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; 21 U.S.C. 321 (rr); G.S. 14-313; 115C-47(18), -407

Cross References: Tobacco Products – Students (policy 4320)

Adopted:

OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS

Policy Code:

7260

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:

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. Reporting Communicable 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.

Legal References: Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*, 29 C.F.R. 1630; G.S. 130A, art. 6; 10A N.C.A.C. 41A .0101 *et seq.*

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

Adopted:

OCCUPATIONAL EXPOSURE TO HAZARDOUS CHEMICALS IN SCIENCE LABORATORIES

Policy Code:

7265

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:

EMERGENCY EPINEPHRINE AUTO-INJECTOR DEVICES

Policy Code: 5024/6127/7266

Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Many severe allergies are undiagnosed, and students or others may experience their first severe allergic reaction while at school. Epinephrine auto-injector devices can be used to administer epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal anaphylactic reaction. This policy addresses the use of emergency epinephrine auto-injector devices administered under a non-patient specific prescription. Student-specific orders for epinephrine auto-injector devices are addressed in policy 6125, Administering Medicines to Students.

Designated trained school personnel are authorized to use emergency epinephrine auto-injector devices to deliver emergency medical aid to any person suffering from an anaphylactic reaction during the school day or at a school-sponsored event on school property. The superintendent shall ensure that at least two emergency epinephrine auto-injector devices are located at each school for this purpose and are stored in secure, but unlocked and easily accessible, locations.

Each school principal shall designate one or more school personnel, as part of the medical care program under G.S. 115C-375.1, to receive initial training and annual retraining from a school nurse or qualified representative of the local health department regarding the storage and emergency use of epinephrine auto-injector devices. Only such trained personnel are authorized to administer epinephrine to persons believed to be having an anaphylactic reaction. The principal shall make reasonable efforts to notify other school staff members as to which employee(s) has received this training in order to facilitate a prompt emergency response.

The principal, in collaboration with appropriate school personnel, shall create an emergency action plan for the use of epinephrine auto-injector devices that complies with all state law requirements. Principals are encouraged to include in the plan school-wide employee training in recognizing symptoms of anaphylaxis.

Epinephrine auto-injector devices provided by the school are intended for unforeseen emergencies. Students known to have medical conditions requiring the availability of an epinephrine auto-injector device are expected to provide such devices for their use at school. Parents of students with known life threatening allergies and/or anaphylaxis should provide the school with written instructions from the students' health care provider for handling anaphylaxis and all necessary medications for implementing the student specific order in accordance with policy 6125, Administering Medicines to Students. Students who meet the conditions established in policy 6125 may possess and self-administer their own medication.

This policy does not require emergency epinephrine auto-injector devices to be available at activities held off school grounds during or after the school day, including field trips or off-site athletic events, or during transportation to or from school, except as may be required pursuant to an individual student's IEP, Section 504 Plan, or health or emergency plan.

Legal References: G.S. 115C-375.1, -375.2A

Cross References: Administering Medicines to Students (policy 6125)

Adopted:

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

To the extent funding, staff, and training are available, the superintendent is authorized to acquire AEDs for use at designated schools and events. The superintendent is further authorized to develop a program to address access to and training, use, and maintenance of AEDs in the school system. All such AEDs and any program developed must comply with the requirements of state and federal law.

The superintendent, in consultation with medical professionals trained in cardiopulmonary resuscitation (CPR) and AED use, shall develop procedures to implement this policy. Procedures must include information regarding the following.

1. Medical/healthcare provider oversight: Choice of AED devices will be made in consultation with a physician licensed by the state of North Carolina. Preference will be given to machines that offer both adult and child settings. The type of AED product must be one that is approved by the United States Food and Drug Administration.
2. CPR and AED use training for anticipated responders: Training will be completed in accordance with nationally recognized training programs including those approved and provided by the American Heart Association or American Red Cross. Appropriate records of training will be maintained.
3. Coordination with the emergency medical services (EMS) system: Appropriate local EMS officials must be notified of the location and most recent placement of AEDs within a reasonable period of time of placement.
4. Appropriate device maintenance and testing.
5. Placement of AEDs.

The superintendent or designee shall report to the board on the plan for and actual use of AEDs in the school system. The superintendent shall designate a program coordinator to manage the AED program in the school system. The principal at each school that has an AED shall select a site coordinator to carry out the AED program at that school and to serve as the key contact and resource person.

Nothing in this policy should be construed to require the presence or use of an AED on school property or at school sponsored events, unless otherwise required by law. The board cannot and

does not guarantee that an AED or a person trained in its use will be available at any particular school site or school-sponsored event.

The board and its employees expressly reserve all immunities from civil liability which are available to them under state or federal law, including governmental immunity and the statutory immunities set forth in North Carolina General Statutes 90-21.14, 90-21.15, and 115C-375.1 and federal statute 42 U.S.C. 238q.

Legal References: G.S. 90-21.14, -21.15; 115C-375.1; 42 U.S.C. 238q

Cross References: Student Health Services (policy 6120)

Other References: *N.C. Emergency Guidelines for Schools*, (NCDHHS 2009), available at <http://www.nchealthyschools.org/resources/>; *Implementing an AED Program*, (American Heart Association 2012), available at http://www.heart.org/idc/groups/heart-public/@wcm/@ecc/documents/downloadable/ucm_438703.pdf

Adopted:

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 in violation of this policy 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; any sharp-pointed or sharp-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; and mace, pepper spray, and other personal defense sprays. 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. a person who has a concealed handgun permit that is valid under state law or who is exempted by state law from needing a permit to carry a concealed handgun, if any of the following conditions are met:
 - a. the person has a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle (the person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit);
 - b. the person has a handgun concealed on the person and the person remains in a locked vehicle (the person may unlock the vehicle to allow another person to enter or exit); or
 - c. the person is within a locked vehicle and removes the handgun from concealment only for the amount of time reasonably necessary to move it to a closed compartment or container within the vehicle or to move it from the closed compartment or container to concealment on the person.
3. 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;
4. law enforcement officers or other persons as provided in G.S. 14-269.2(g)(1a); or
5. a volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61), provided that the volunteer school safety resource officer is acting in the discharge of his or her official duties and is on the educational property of the school that the officer was assigned to by the head of the local law enforcement agency.

Legal References: G.S. 14-69.2, -269, -269.2, -284.1; 20-17; 115C-47(61), -288(g)

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

Adopted:

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 **or designee** 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 **or designee** 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:

School system employees hold positions of public trust; they are responsible for the education of students and also serve as examples and role models to students. All employees are expected to adhere to high standards of ethical behavior in the fulfillment of their duties and responsibilities. At a minimum, the NEA's Code of Ethics of the Education Profession and board policy 7730, Employee Conflict of Interest, should be followed. The superintendent may develop additional standards of professionalism and ethics for school system employees.

Employees are responsible for both the integrity and the consequences of their actions. The highest standards of honesty, integrity, and fairness must be exhibited by each employee when engaging in any activity concerning the school system. Integrity can accommodate the inadvertent error and the honest difference of opinion; it cannot accommodate deceit or subordination of principle. Employees shall perform their jobs in a competent and ethical manner without violating public trust or applicable laws, policies, or regulations.

Failure to comply with this policy will result in disciplinary action up to, and including, dismissal.

Legal References:

Cross References: Employee Conflict of Interest (policy 7730)

Adopted:

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. **Employees are expected to dress in appropriate professional attire that distinguishes them from students and to follow basic rules of good grooming and personal hygiene.** 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:

PUBLIC RECORDS – RETENTION, RELEASE, AND DISPOSITION

Policy Code: **5070/7350**

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.)

Though the school improvement plan is a public record, the school safety components of the plan are not public records subject to public records law. Schematic diagrams, as described in G.S. 115C-105.53 and -105.54, and emergency response information, as described in G.S. 115C-47(40) and -105.54, are also not considered public records subject to public records law.

The official records of students are not public records subject to inspection and examination. (For additional information regarding the release of information about students, see policy 4700, Student Records.) Further, any written material containing the identifiable scores of individual students on any test taken pursuant to the state testing program described in Chapter 115C, Article 10A of the North Carolina General Statutes is not a public record. Any test that is developed, adopted, or provided as part of the state testing program is not a public record until the State Board of Education designates that the test is released.

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 Natural and 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-47(40), -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1 to -9; *Public Database Indexing Guidelines*, N.C. Department of Natural and Cultural Resources (2014), available at <http://archives.ncdcr.gov/For-Government/Digital-Records/Digital-Records-Policies-and-Guidelines#digpres>; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>; N.C. Attorney General Advisory Opinion, letter to Elizabeth Buford, February 26, 1996, available at <http://www.ncdoj.gov/About-DOJ/Legal-Services/Legal-Opinions/Opinions/Public-Records:-Computer-Database-Index.aspx>

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:

ELECTRONICALLY STORED INFORMATION RETENTION

Policy Code: **5071/7351**

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 Natural and 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: A Policy for Its Retention and Disposition*, N.C. Department of Natural and Cultural Resources (2009), available at

<http://archives.ncdcr.gov/For-Government/Digital-Records/Digital-Records-Policies-and-Guidelines#digpres>; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>

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

Adopted:

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 human resources office.

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

Cross References:

Adopted:

EXTRACURRICULAR AND NON-INSTRUCTIONAL DUTIES

Policy Code:

7405

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

Principals have the responsibility to assign extracurricular duties to teachers and to see that such duties are dispersed equitably among faculty members. The superintendent or designee shall develop regulations and compensation schedules for extracurricular duty assignments.

Initially licensed 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 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, initially licensed 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 initially licensed teachers and no initially licensed 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 initially licensed teachers; or
- 3) an extracurricular duty must be supervised by individuals with certain experience, skills, or qualifications and initially licensed 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 initially licensed 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. 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 more experienced teachers who can share their expertise. 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 initially licensed 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 initially licensed 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:

TEACHER CONTRACTS

Policy Code:

7410

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 or designee 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:

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:

DEPUTY/ASSOCIATE/ASSISTANT SUPERINTENDENT CONTRACTS

Policy Code:

7422

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:

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.

Legal References: G.S. 115C-36, -47(18), -284(c), -287.1, -289, -325.1 *et seq.*, *Tobe-Williams v. New Hanover Co. Bd. of Educ.*, 243 N.C. App. 453, 759 S.E.2d 680 (2014)

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:

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:

PITT COUNTY BOARD OF EDUCATION

DATE: October 3, 2016

TOPIC: Middle School Athletics Discussion

BACKGROUND:

Board Member, Sean Kenny, will lead the Board members in a discussion concerning a new ruling by the North Carolina High School Athletic Association. This discussion will start a conversation whether to allow 6th graders to participant in middle school athletics other than football for next school year. There is no expectation of Board action.

SUPERINTENDENT'S RECOMMENDATION:

No Board action is required or expected