

RANDOLPH COUNTY SCHOOL SYSTEM EMPLOYEE HANDBOOK



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ABOUT THIS HANDBOOK

The Randolph County School System Employee Handbook has been prepared for all employees. It is designed to include **general** information on policies, benefits, and procedures. This handbook is limited in size and scope to those matters which are of immediate and recurring concern to teachers, principals, and other staff members. The intent has been to keep it as brief and concise as possible without impairing its usefulness. Other means of communication will supplement the handbook at appropriate times throughout the year. Other resources such as curriculum guides, school improvement plans, and school policies and procedures are available at school sites.

This handbook summarizes many detailed provisions about employment, benefits, and other related matters, the official policies, regulations, and procedures will always govern when questions arise. Additionally, nothing in this handbook is intended to create or imply any contract rights.

The Randolph County School System Board Policy Manual is available online on the Randolph County School System website at (www.randolph.k12.nc.us). To access Board Policies – Go to the Board of Education header on the navigation bar on the home page, and then click on the Board Policies link.

Please contact your supervisor or principal with any questions regarding the content included in the Randolph County School System Handbook and/or Board Policies.

Mission Statement for the Randolph County School System

The mission of the Randolph County School System is to maximize educational opportunities for every student by focusing on continuous improvement and having high expectations for students and staff, while preparing students for multiple options to be competitive in a diverse 21st Century global society.

Vision Statement for the Randolph County School System

The vision of the Randolph County School System is to maximize educational opportunities for every student, based on our beliefs that: All students can learn; All students will be taught in a safe and nurturing learning environment; All students deserve a teacher who is qualified and well-prepared; All students deserve access to instructional resources managed in a fiscally responsible manner; and All stakeholders share the responsibility and accountability for student learning.

Goal 2019

By the end of the 2018-2019 school year, at least 75% of the students taking End-of-Grade (EOG) tests and End-of-Course (EOC) tests in the Randolph County School System will perform at or above “Level 3” and all subgroups of students will perform at the “Expected Growth” Level or higher.

STAFF RESPONSIBILITIES AND ETHICS

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

All school employees shall:

1. be familiar with, support, comply with and, when appropriate, enforce board policies, administrative procedures, school rules and applicable laws;
2. attend to the safety and welfare of students, including the need to provide appropriate supervision of students;
3. demonstrate integrity, respect and commitment to the truth through attitudes, behavior and communications with others;
4. address or appropriately direct any complaints concerning school employees, the school program or school operations; and
5. support and encourage good school-community relations in all interactions with students, parents and members of the community.

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

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

(Reference: Board of Education Policy 7300)

CODE OF ETHICS FOR NORTH CAROLINA EDUCATORS

Adopted by the State Board of Education February 5, 1998
State Board Policy TCP-C-014

PREAMBLE

Preamble: The purpose of this Code of Ethics is to define standards of professional conduct.

The responsibility to teach and the freedom to learn, and the guarantee of equal opportunity for all are essential to the achievement of these principles. The professional educator acknowledges the worth and dignity of every person and demonstrates the pursuit of truth and devotion to excellence, acquires knowledge, and nurtures democratic citizenship. The educator exemplifies a commitment to the teaching and learning processes with accountability to the students, maintains professional growth, exercises professional judgment, and personifies integrity. The educator strives to maintain the respect and confidence of colleagues, students, parents and legal guardians, and the community, and to serve as an appropriate role model.

To uphold these commitments, the educator:

I. Commitment to the Student.

- A. Protects students from conditions within the educator's control that circumvent learning or are detrimental to the health and safety of students.
- B. Maintains an appropriate relationship with students in all settings; does not encourage, solicit, or engage in a sexual or romantic relationship with students, nor touch a student in an inappropriate way for personal gratification, with intent to harm, or out of anger.
- C. Evaluates students and assigns grades based upon the students' demonstrated competencies and performance.
- D. Disciplines students justly and fairly and does not deliberately embarrass or humiliate them.
- E. Holds in confidence information learned in professional practice except for professional reasons or in compliance with pertinent regulations or statutes.
- F. Refuses to accept significant gifts, favors, or additional compensation that might influence or appear to influence professional decisions or actions.

II. Commitment to the School and School System

- A. Utilizes available resources to provide a classroom climate conducive to learning and to promote learning to the maximum possible extent.
- B. Acknowledges the diverse views of students, parents and legal guardians, and colleagues as they work collaboratively to shape educational goals, policies, and decisions; does not proselytize for personal viewpoints that are outside the scope of professional practice.
- C. Signs a contract in good faith and does not abandon contracted professional duties without a substantive reason.
- D. Participates actively in professional decision-making processes and supports the expression of professional opinions and judgments by colleagues in decision-making processes or due process proceedings.
- E. When acting in an administrative capacity:
 - 1. Acts fairly, consistently, and prudently in the exercise of authority with colleagues, subordinates, students, and parents and legal guardians.
 - 2. Evaluates the work of other educators using appropriate procedures and established statutes and regulations.
 - 3. Protects the rights of others in the educational setting, and does not retaliate, coerce, or intentionally

- intimidate others in the exercise of rights protected by law.
4. Recommend persons for employment, promotion, or transfer according to their professional qualifications, the needs and policies of the LEA, and according to the law.

III. Commitment to the Profession

- A. Provides accurate credentials and information regarding licensure or employment and does not knowingly assist others in providing untruthful information.
- B. Takes action to remedy an observed violation of the Code of Ethics for North Carolina Educators and promotes understanding of the principles of professional ethics.
- C. Pursues growth and development in the practice of the profession and uses that knowledge in improving the educational opportunities, experiences, and performance of students and colleagues.

Adopted by the State Board of Education February 5, 1998.

SECTION .0600 - CODE OF PROFESSIONAL PRACTICE AND CONDUCT FOR NORTH CAROLINA EDUCATORS

16 NCAC 6C.0601 – THE PURPOSE AND APPLICABILITY OF THE RULES OF PROFESSIONAL CONDUCT FOR EDUCATORS

The purpose of these rules is to establish and uphold uniform standards of professional conduct for licensed professional educators throughout the State. These rules shall be binding on every person licensed by the SBE, hereinafter referred to as "educator" or "professional educator," and the possible consequences of any willful breach shall include license suspension or revocation. The prohibition of certain conduct in these rules shall not be interpreted as approval of conduct not specifically cited.

History Note: Authority G.S. 115C-295.3; Eff. April 1, 1998.

16 NCAC 6C.0602 – THE STANDARDS OF PROFESSIONAL CONDUCT FOR NC EDUCATORS

- a. The standards listed in this Section shall be generally accepted for the education profession and shall be the basis for State Board review of performance of professional educators. These standards shall establish mandatory prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and disciplinary action by the SBE or LEA
 - b. Professional educators shall adhere to the standards of professional conduct contained in this Rule. Any intentional act or omission that violates these standards is prohibited.
1. Generally recognized professional standards. The educator shall practice the professional standards of federal, state, and local governing bodies.
 2. Personal conduct. The educator shall serve as a positive role model for students, parents, and the community. Because the educator is entrusted with the care and education of small children and adolescents, the educator shall demonstrate a high standard of personal character and conduct.
 3. Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties including the following:
 - A. statement of professional qualifications;
 - B. application or recommendation for professional employment, promotion, or licensure;
 - C. application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit;
 - D. representation of completion of college or staff development credit;
 - E. evaluation or grading of students or personnel;
 - F. submission of financial or program compliance reports submitted to state, federal, or other governmental agencies;
 - G. submission of information in the course of an official inquiry by the employing LEA or the SBE related to facts of unprofessional conduct, provided, however, that an educator shall be given adequate notice of the allegations and may be represented by legal counsel; and
 - H. submission of information in the course of an investigation by a law enforcement agency, child

protective services, or any other agency with the right to investigate, regarding school-related criminal activity; provided, however, that an educator shall be entitled to decline to give evidence to law enforcement if such evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment to the U.S. Constitution.

4. Proper remunerative conduct. The educator shall not solicit current students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the course and scope of the educator's employment. This Rule shall not restrict performance of any overtime or supplemental services at the request of the LEA; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service.
5. Conduct with students. The educator shall treat all students with respect. The educator shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that educator, as defined below:
 - a. any use of language that is considered profane, vulgar, or demeaning
 - b. any sexual act;
 - c. any solicitation of a sexual act, whether written, verbal, or physical;
 - d. any act of child abuse, as defined by law;
 - e. any act of sexual harassment, as defined by law; and any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term "romantic relationship" shall include dating any student.
6. Confidential information. The educator shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the student or others.
7. Rights of others. The educator shall not willfully or maliciously violate the constitutional or civil rights of a student, parent/legal guardian, or colleague.
8. Required reports. The educator shall make all reports required by Chapter 115C of the North Carolina General Statutes.
9. Alcohol or controlled substance abuse. The educator shall not:
 - A. be under the influence of, possess, use, or consume on school premises or at a school-sponsored activity a controlled substance as defined by N.C. Gen. Stat. § 90-95, the Controlled Substances Act, without a prescription authorizing such use;
 - B. be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on school premises or at a school-sponsored activity involving students; or
 - C. furnish alcohol or a controlled substance to any student except as indicated in the professional duties of administering legally prescribed medications.
10. Compliance with criminal laws. The educator shall not commit any act referred to in G.S. 115C-332 and any felony under the laws of the United States or of any state.
11. Public funds and property. The educator shall not misuse public funds or property, funds of a school-related organization, or colleague's funds. The educator shall account for funds collected from students, colleagues, or parents/legal guardians. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
12. Scope of professional practice. The educator shall not perform any act as an employee in a position for which licensure is required by the rules of the SBE or by Chapter 115C or the North Carolina General Statutes during any period in which the educator's license has been suspended or revoked.
13. Conduct related to ethical violations. The educator shall not directly or indirectly use or threaten to use any official authority or influence in any manner that tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any licensee who in good faith reports, discloses, divulges, or otherwise brings to the attention of an LEA, the SBE, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these Rules.

GENERAL POLICIES

1. ADMINISTRATION OF MEDICATION

The board recognizes that students may need to take medication during school hours. The school district will administer drugs or medication under direct supervision as prescribed by a doctor upon the written request of the parents. To minimize disruptions to the school day, medicines should be taken at home rather than at school whenever feasible. The school district is not required to administer any medication that could be taken at home.

Please refer to the medication administration guidelines in the *Randolph County Board Policy Manual*.

(Reference: Board of Education Policy 6125)

2. OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS

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.

(Reference: Board of Education Policy 7260)

3. COMMUNICABLE DISEASES

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.

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.

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.

5. 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.

(Reference: Board of Education Policy 7262)

4. COPYRIGHT COMPLIANCE

Employees of Randolph County Schools are responsible for their own actions in adhering to copyright law. The Board of Education does not sanction illegal copyright infringement. All personnel employed by the Board of Education are expected to comply with copyright laws, and should direct questions to the school-site media specialist or another supervisor to ensure compliance.

(Reference: Board of Education Policy 3230/7330)

5. DRUG FREE AND ALCOHOL FREE WORKPLACE

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

A. PROHIBITED ACTIVITIES

The board prohibits employees from engaging in the unlawful manufacture, sale, distribution, dispensing, possession, or use of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, alcohol, stimulants, synthetic cannabinoids, counterfeit substance or any other controlled substance as defined in (1) schedules I through VI of the North Carolina Controlled Substances Act or in (2) schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04, and 21 C.F.R. 1308.11 through 1308.15. Employees must not be under the influence of alcohol or be impaired by the excessive use of prescription or nonprescription drugs at any time this policy is applicable. This policy is not violated by an individual's proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

B. APPLICABILITY

This policy governs each employee before, during and after school hours while the employee is on any property owned or leased by the board of education; at any time during which the employee is acting in the course and scope of his or her employment with the board of education; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

C. REASONABLE SUSPICION TO SEARCH

An employee may be subjected to a search of his or her person or belongings or school property under the employee's control if there is reasonable suspicion that the employee has violated this policy. An employee also may be required to submit to a drug or alcohol test when there is reasonable suspicion of drug or alcohol use by the employee in violation of this policy. Reasonable suspicion shall be based on specific, contemporaneous observations concerning the physical, behavioral, speech and/or performance indicators of drug or alcohol use. The observations must be made by a trained supervisor.

All drug and alcohol testing will be done with procedures that ensure the confidentiality and privacy interests of the employee and in accordance with law. Employees who refuse to submit to a search or a test to detect alcohol or drug use after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment.

In addition, any employee, volunteer or independent contractor who operates a commercial motor vehicle in the

course of duties for the board may be subject to drug testing in accordance with policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators.

The board will cover the cost of any required employee testing.

D. DUTY TO REPORT

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

E. CONSEQUENCES

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

All employees shall receive a copy of this policy.

(Reference: Board of Education Policy 7240)

6. **DRUG AND ALCOHOL TESTING of Commercial Motor Vehicle Operators**

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

A. APPLICABILITY

This policy applies to any driver of a commercial motor vehicle, which, for purposes of this policy, include any employee, volunteer or independent contractor who operates a commercial motor vehicle in the course of his or her duties for the board of education, including anyone who regularly or intermittently drives a school bus, activity bus or other vehicle designed to transport 16 or more people, including the driver, 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 is impaired by the use of any Schedule I drug or substance;
5. report for or remain on duty requiring the performance of safety-sensitive functions when the driver is impaired by the use 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; or repairing, obtaining assistance, 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 shall carry out pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing for drugs and alcohol as required by Part 382. School bus drivers and others employed by the board for the primary purpose of operating a commercial motor vehicle must undergo pre-employment testing. Employees whose duties include occasional driving will not be subject to pre-employment testing but must undergo all other testing required by Part 382. Current employees who are required to apply for a commercial driver's license (CDL) as a result of expanded job duties shall be subject to a drug test prior to beginning the training required for a CDL.

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.

(Reference: Board of Education Policy 7241)

7. EMPLOYEE CONFLICT OF INTEREST

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

FINANCIAL INTERESTS

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

1. Contracts with the Board

An employee shall not do any of the following:

- a. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;
- b. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board; or
- c. solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract by the board.

An employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. An employee is involved in making a contract if he or she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract. An employee derives a direct benefit from a

contract if the employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract.

2. Non-School Employment

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

- a. non-school employment that adversely affects the employee's availability or effectiveness in fulfilling job responsibilities;
- b. work of any type in which the sources of information concerning customer, client or employer originate from any information obtained through the school system;
- c. work of any type that materially and negatively affects the educational program of the school system;
- d. any type of private business using system facilities, equipment or materials, unless prior approval is provided by the superintendent; or
- e. any type of private business during school time or on school property.

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

RECEIPT OF GIFTS

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

TUTORING FOR PAY

The board believes that by maintaining a high quality instructional staff and providing for a rich varied curriculum, the need for private tutoring for students will be minimized. Principals and teachers will make every effort to help a student with his/her difficulties at school before recommending that a parent engage a tutor. In exceptional cases where private tutoring is considered and a parent wishes to hire a professional employee to tutor a student, the employee may not tutor any student taught by that employee in the current school year; may not tutor students on the school campus as a private paid tutor, and may not solicit or advertise services as a private tutor through the school or school district through any communications means.

The board is not involved in setting private tutoring fees; is not a party to tutoring contracts between parents and teachers; and will not be liable for any disputes or claims that arise out of such contracts.

The superintendent may establish additional rules or procedures for the purpose of eliminating potential conflicts of interest. Employees must strictly follow any additional rules or procedures established by the superintendent.

(Reference: Board of Education Policy 7730)

8. EQUAL EMPLOYMENT OPPORTUNITY

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

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

(Reference: Board of Education Policy 7100)

9. GRIEVANCE PROCEDURE FOR EMPLOYEES

It is the policy of the board, in keeping with the ultimate goal of serving the educational welfare of children, to develop and practice reasonable and effective methods of resolving difficulties that may arise among employees. The RCSS grievance procedure is outlined in Policy 1750/7220. Employees should refer to this policy to resolve differences.

(Reference: Board of Education Policy 1750/7220)

10. HEARINGS

The board is guided by generally accepted standards of fairness in establishing processes for hearings before the board. Given the board's considerable responsibilities for overseeing the educational program and operations of the schools, the board also strives to be efficient in carrying out its various functions, including conducting hearings. Unless other hearing processes are required by law or board policy, the procedures listed in the Randolph County Schools Board Policy 2500 will apply.

(Reference: Board of Education Policy 2500)

11. PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, color, national origin, sex, disability, or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The board will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities or programs.

A. Prohibited Behaviors and Consequences

1. Discrimination, Harassment, and Bullying

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

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

Any violation of this policy is serious and school officials shall promptly take appropriate action. Students will be disciplined in accordance with policy 4300, Code of Student Conduct). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

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

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

2. Retaliation

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

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

B. Application of Policy

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

This policy applies to behavior that takes place:

1. in any school building or on any school premises before, during or after school hours;
2. on any bus or other vehicle as part of any school activity;
3. at any bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. at any time or place when the individual is subject to the authority of school personnel; and
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

C. Definitions

For purposes of this policy, the following definitions apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity,

sex, pregnancy, religion, age, or disability. Discrimination may be intentional or unintentional.

2. Harassment and Bullying

- a. Harassment or bullying behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that:
 - 1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
 - 2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits or by adversely altering the conditions of an employee's employment.

"Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

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

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

- b. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - 1) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity;
 - 2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
 - 3) such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work or performance or a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile, or offensive work or educational environment.
 - 4) Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual

activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, sexual assault, sexual violence, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

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

D. Reporting and Investigating Complaints of Discrimination, Harassment, or Bullying

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

E. Training and Programs

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

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

F. Notice

The superintendent is responsible for providing effective notice to students, parents, and employees of this policy and of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying established in policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure. The superintendent must ensure that each school principal provides a copy of this policy and policy 1720/4015/7225 to students, employees, and parents or other responsible care givers at the beginning of each school year. In addition, both policies must be posted on the school system website, and copies of the policies must be readily available in the principal's office, the media center at each school, and the superintendent's office. Notice of the policies must appear in all student and employee handbooks and in any school or school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

G. Coordinators

The superintendent has appointed the following individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act,

the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws.

1. Title IX Coordinator
Position Title: Assistant Superintendent for Operations
Office Address: 2222-C South Fayetteville Street, Asheboro, NC 27205
Phone Number: (336) 318-6100
2. Section 504 Coordinator
Name: Director of Administrative Services for Students
Office Address: 2222-C South Fayetteville Street, Asheboro, NC 27205
Phone Number: (336) 318-6100
3. ADA Coordinator
Name: Director of Facilities and Maintenance
Office Address: 2222-C South Fayetteville Street, Asheboro, NC 27205
Phone Number: (336) 318-6100
4. Age Discrimination Coordinator
Name: Assistant Superintendent for Human Resources
Office Address: 2222-C South Fayetteville Street, Asheboro, NC 27205
Phone Number: (336) 318-6100
5. Coordinator for Other Non-discrimination Laws
Name: Assistant Superintendent for Human Resources, Director of Administrative Services for Students
Office Address: 2222-C South Fayetteville Street, Asheboro, NC 27205
Phone Number: (336) 318-6100

H. Records and Reporting

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

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

I. Evaluation

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

(Reference: Board of Education Policy 1710/4021/7230)

12. PROCEDURE FOR DISCRIMINATION, HARASSMENT AND BULLYING COMPLAINT

The board takes seriously all complaints of unlawful discrimination, harassment, and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied, or harassed in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment, or bullying also should report such violations to one of the school system officials listed in subsection C.1. of this policy. Reports may be made anonymously.

A. DEFINITIONS

1. Alleged Perpetrator

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

2. Complaint

A complaint is a written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment, or bullying. If any person complains orally to a school administrator, the administrator must provide the complainant with a report form. If the complainant is unable to complete the form, the school administrator shall provide any needed assistance to complete the form.

3. Complainant

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

4. Days

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

5. Investigative Report

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

6. Investigator

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

Report

A report is a written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment, or bullying. If any person reports orally to a school administrator, the administrator must provide the reporter with a report form. If the reporter is unable to complete the form, the school administrator shall provide any needed assistance to complete the form.

B. REPORTING BY EMPLOYEES OR OTHER THIRD PARTIES

1. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed, or bullied in violation of policy 1710/4021/7230 or policy 1730/4022/7231 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment, or bullying shall be subject to disciplinary action.

2. Reporting by Other Third Parties

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

3. Anonymous Reporting

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

4. Investigation of Reports

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

The Superintendent is authorized to develop reporting forms by which a written report may be made. School administrators are directed to ensure that reporters who attempt to make oral reports are provided a reporting form so that they can make written reports.

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

1. Filing a Complaint

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

- 1) the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;
- 2) an immediate supervisor if the individual making the complaint is an employee;
- 3) the assistant superintendent of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the assistant superintendent of human resources is the alleged perpetrator);
- 4) the Title IX coordinator for claims of sex discrimination or sexual harassment (see policy 1710/4021/7230 for contact information);
- 5) the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability (see policy 1710/4021/7230 for contact information); or
- 6) for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in policy 1710/4021/7230.

2. Time Period for Filing a Complaint

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

3. Informal Resolution

The board acknowledges that many complaints may be addressed informally through such methods as conferences or mediation. The board encourages the use of informal procedures such as mediation to the extent possible; however, mediation or other informal procedures will not be used to resolve complaints alleging sexual assault or sexual violence, complaints by a student of sexual harassment perpetrated by an employee, or when otherwise inappropriate. Informal procedures may be used only if the parties involved voluntarily agree.

If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to end the informal process and begin formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. Any informal process should be completed within a reasonable period of time, not to exceed 30 days unless special circumstances necessitate more time. If informal procedures fail to resolve the matter in a reasonable period of time or are inappropriate, or if the complainant requests formal procedures, the complaints will be investigated promptly, impartially, and thoroughly according to the procedures outlined in the remainder of this policy.

The Superintendent is authorized to develop complaint forms by which a written complaint may be made. School administrators are directed to ensure that complainants who attempt to make oral reports are provided a complaint form so that they can make written complaints.

D. PROCESS FOR ADDRESSING COMPLAINTS OF ALLEGED INCIDENTS OF DISCRIMINATION, HARASSMENT, OR BULLYING

1. Initiating the Investigation

- a. Whoever receives a complaint of discrimination, harassment, or bullying pursuant to subsection C.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows.
 - 1) If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the assistant superintendent of human resources, the superintendent, or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the assistant superintendent of human resources or designee.
 - 2) If the alleged perpetrator is the principal, the assistant superintendent of human resources or designee is the investigator.
 - 3) If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the assistant superintendent of human resources or designee is the investigator unless the alleged perpetrator is the assistant superintendent of human resources, the superintendent, or a member of the board.
 - 4) If the alleged perpetrator is the assistant superintendent of human resources, the superintendent or designee is the investigator.
 - 5) If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)
 - 6) If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases,

whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)

- b. As applicable, the investigator shall immediately notify the Title IX, Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
- c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
- d. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710/4021/7230.
- e. Failure to investigate and/or address claims of discrimination, harassment, or bullying shall result in disciplinary action.

2. Conducting the Investigation

- a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230 or policy 1730/4022/7231. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); (3) individuals identified as witnesses by the complainant or alleged perpetrator(s); and (4) any other individuals, including other possible victims, who may have relevant information. The investigation will include a review of all evidence presented by the complainant or alleged perpetrator.
- b. The complaint and investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant for further confidentiality will be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4021/7230.
- c. The investigator shall review the factual information gathered through the investigation to determine whether, based on a preponderance of the evidence, the alleged conduct constitutes discrimination, harassment, or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age, and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504, ADA, or other coordinator.

3. Notice to Complainant and Alleged Perpetrator

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

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

b. If required by federal law, information regarding specific disciplinary action imposed on the alleged perpetrator(s) will be given to the complainant, such as when the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant). School officials shall consult with the superintendent and board attorney before releasing such information, however.

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

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

4. Appeal

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

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

E. TIMELINESS OF PROCESS

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

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

Failure by the complainant at any step in the process to appeal a complaint to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the

investigator of a delay and the reason for the delay and the investigator has consented in writing to the delay.

F. GENERAL REQUIREMENTS

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The board and school system officials will consider requests to hear complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.
4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials.
5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

G. RECORDS

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

(Reference: Board of Education Policy 1720/4015/7225)

13. PROHIBITION ON RETALIATION

Board members and employees are expected to be honest and ethical in the performance of their duties and to comply with applicable federal, state, and local laws, policies, and regulations. The board encourages employees to report possible financial improprieties, ethical violations, and other illegal practices and intends that employees who report such matters in good faith will not be subject to retaliation or other adverse employment consequences.

If an employee reasonably believes that (1) there has been a violation of federal, state, or local law, policy, or regulation, public policy, or an individual's ethical duties and (2) the violation is due to a practice, policy, act, or omission of the board of education, an individual board member, a school system employee, or an entity/person with whom the school system has a business relationship, the employee should report that matter in accordance with policy 1750/7220, Grievance Procedure for Employees, or policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure. Any complaint alleging a violation by the superintendent or the board should be filed with the board chair for investigation. The board chair will report the complaint to the board, and the board will authorize a prompt and thorough investigation or other action as necessary.

The board prohibits and will not tolerate any form of reprisal, retaliation, or discrimination against any employee who (1) in good faith, has made or intends to make a report of wrongdoing described in this policy; or (2) has refused to carry out a directive which may constitute a violation of federal, state, or local law, policy, or regulation, or poses a substantial or specific danger to public health and safety.

To be protected by this policy, employees who report violations or suspected violations must be acting in good

faith based on a reasonable belief that the reported information represents an unlawful activity, policy, or practice. The protection extends to those whose allegations are made in good faith but prove to be mistaken. The board reserves the right to discipline employees who know or have reason to believe that the report is inaccurate.

Further, except as otherwise required by law, the provisions of this policy apply only to those situations in which:

1. an employee brings the alleged unlawful activity, policy, or practice to the attention of school officials or the board and
2. the employee provides school officials or the board with a reasonable opportunity to investigate and correct the alleged unlawful activity.

If necessary, school officials or the board may specify reasonable steps to protect the complaining employee from retaliation.

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

Reference: Board of Education Policy 1760/7280

14. TECHNOLOGY RESPONSIBLE USE

The board provides its students and staff access to a variety of technological resources. These resources provide opportunities to enhance learning and improve communication within the school community and with the larger global community. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

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

A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

The use of school system technological resources, including access to the Internet, is a privilege, not a right. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette. General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct and other regulations and school rules, apply to use of the Internet and other school technological resources.

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

Before using the Internet, all students must be trained about appropriate online behavior as provided in policy [3226/4205](#), Internet Safety.

All students and employees must be informed annually of the requirements of this policy and the methods by which they may obtain a copy of this policy. Before using school system technological resources, students and employees must sign a statement indicating that they understand and will strictly comply with these requirements. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuse may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

B. RULES FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business and is not otherwise prohibited by board policy or procedure.
2. Under no circumstance may software purchased by the school system be copied for personal use
3. Students and employees must comply with all applicable laws, including those relating to copyrights and trademarks, confidential information, and public records. Any use that violates state or federal law is strictly prohibited. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.
4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages or other material that is obscene, defamatory, profane, pornographic, harassing, abusive or considered to be harmful to minors.
5. The use of anonymous proxies to circumvent content filtering is prohibited.
6. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
7. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
8. Users must respect the privacy of others. When using e-mail, chat rooms, blogs or other forms of electronic communication, students must not reveal personal identifying information, or information that is private or confidential, such as the home address or telephone number, credit or checking account information or social security number of themselves or fellow students. For further information regarding what constitutes personal identifying information, see policy [4705/7825](#), Confidentiality of Personal Identifying Information. In addition, school employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private or confidential information concerning students (including names, addresses or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy [4700](#), Student Records. Users also may not forward or post personal communications without the author's prior consent.

9. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. Users must scan any downloaded files for viruses.
10. Users may not create or introduce games, network communications programs or any foreign program or software onto any school system computer, electronic device or network without the express permission of the technology director or designee.
11. Users are prohibited from engaging in unauthorized or unlawful activities, such as “hacking” or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems or accounts.
12. Users are prohibited from using another individual’s ID or password for any technological resource without permission from the individual. Students must also have permission from the teacher or other school official.
13. Users may not read, alter, change, block, execute or delete files or communications belonging to another user without the owner’s express prior permission.
14. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.
15. If a user identifies a security problem on a technological resource, he or she must immediately notify a system administrator. Users must not demonstrate the problem to other users. Any user identified as a security risk will be denied access.
16. Teachers shall make reasonable efforts to supervise students’ use of the Internet during instructional time.
17. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

C. RESTRICTED MATERIAL ON THE INTERNET

The Internet and electronic communications offer fluid environments in which students may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless school system personnel shall take reasonable precautions to prevent students from accessing material and information that is obscene, pornographic or otherwise harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose. The superintendent shall ensure that technology protection measures are used as provided in policy [3226/4205](#), Internet Safety, and are disabled or minimized only when permitted by law and board policy. The board is not responsible for the content accessed by users who connect to the Internet via their personal mobile telephone technology (e.g., 3G, 4G service).

D. PARENTAL CONSENT

The board recognizes that parents of minors are responsible for setting and conveying the standards their children should follow when using media and information sources. Accordingly, before a student may independently access the Internet, the student’s parent must be made aware of the possibility that the student could obtain access to inappropriate material while engaged in independent use of the Internet. The parent and student must consent to the student’s independent access to the Internet and to

monitoring of the student's e-mail communication by school personnel.

In addition, in accordance with the board's goals and visions for technology, students may require accounts in third party systems for school related projects designed to assist students in mastering effective and proper online communications or to meet other educational goals. Parental permission will be obtained when necessary to create and manage such third party accounts.

E. PRIVACY

No right of privacy exists in the use of technological resources. Users should not assume that files or communications created or transmitted using school system technological resources or stored on services or hard drives of individual computers will be private. School system administrators or individuals designated by the superintendent may review files, monitor all communication and intercept e-mail messages to maintain system integrity and to ensure compliance with board policy and applicable laws and regulations. School system personnel shall monitor online activities of individuals who access the Internet via a school-owned computer.

F. PERSONAL WEBSITES

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

1. Students

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

2. Employees

Employees' personal websites are subject to policy [7335](#), Employee Use of Social Media.

3. Volunteers

Volunteers are to maintain an appropriate relationship with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or online networking profiles in order to prevent the possibility that students could view materials that are not age-appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

G. TEXTING

Employees, non-Randolph County School employed but support personnel (i.e. lay coaches, band coaches, boosters, club sponsors, etc.) and school volunteers should not send text messages to individual students. When text messaging is used for school-related matters, the following rules apply

1. Employees, non-instructional support and school volunteers shall not send text messages to elementary and middle school students;
2. Employees, non-instructional support and school volunteers shall use group texting websites (such as "cel.ly", "Remind 101") to communicate with high school students via text message;
3. Employees, non-instructional support and school volunteers must invite parents to join the group texting website;
4. Employees, non-instructional support and school volunteers may not communicate with high school students via text message unless the student's parent or guardian has provided a phone number for texting that is listed in the NC Student Information System/ HomeBase database; and
5. Employees, non-instructional support and school volunteers may only text high school students on the number listed in the NC Student Information System/Home Base database; and
6. Employees, non-instructional support and school volunteers must keep a record of all texts sent to

and from students.

As a general rule, student record information protected by the Family Education Rights and Privacy ACT (FERPA) and personnel records confidential pursuant to state law should not be sent via email, text, or facsimile unless sent in a secure manner.

Reference: Board of Education Policy 3225/4312/7320

15. TOBACCO FREE SCHOOLS

The Randolph County Board of Education recognizes that the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The board believes that the use of tobacco products on school grounds, in school buildings, and facilities, on school property or at school-related or school-sponsored events is detrimental to the health and safety of students, staff and visitors. The Board acknowledges that adult employees and visitors serve as role models for students. The Board recognizes that it has an obligation to promote positive role models in schools and promote a healthy learning and work environment, free from unwanted smoke and tobacco use for the students, employees, and visitors on the school campus. Finally, the board recognizes that it has the legal authority and obligation pursuant to G.S. 115C-407 Policy prohibiting Tobacco Use in School Buildings as well as the federal Pro-Children’s Act, Title X of Public Law 103-227 and the No Child Left Behind Act.

Tobacco Use Prohibited

No student, staff member or school visitor is permitted to use any tobacco product at any time, including non-school hours:

- in any building, facility, or vehicle owned, leased, rented or chartered by the Randolph County Schools;
- on any school grounds and property – including athletic fields and parking lots – owned, leased, rented or chartered by Randolph County Board of Education; or
- at any school-sponsored or school-related event on-campus or off-campus.

In addition, school district employees, school volunteers, contractors or other persons performing services on behalf of the school district also are prohibited from using tobacco products at any time while on duty and in the presence of students, either on or off school grounds.

Further, no student is permitted to possess a tobacco product while in any school building, while on school grounds or property or at any school-sponsored or school-related event or at any other time that students are under the authority of school personnel.

Tobacco products may be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product.

Definition of Tobacco Products and Tobacco Use

For the purposes of this policy, “tobacco product” is defined to include cigarettes, cigars, blunts, bidis, pipes, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products. “Tobacco use” includes smoking, chewing, dipping, or any other use of tobacco products.

Signage

Signs will be posted in a manner and location that adequately notify students, staff and visitors of the 100 percent tobacco-free schools policy.

Enforcement for Students

Consequences for students engaging in the prohibited behavior will be provided in accordance with the school's student behavior management plan. Students who violate the school districts tobacco use policy will be referred to the guidance counselor, a school nurse, or other health or counseling services for all offenses for health information, counseling and referral. The administration will consult with appropriate health organizations in order to provide students violators with access to an Alternative to Suspension (ATS) program. The ATS program will provide up-to-date information on the many consequences of tobacco use, offer techniques that students can use to stop tobacco use at school, and provide referrals to local youth tobacco cessation programs. Parents/guardians will be notified of all violations and actions taken by the school. Schools may also use community service as part of the consequences. Suspension will only be used after a student has three or more prior violations or refused to participate in other outlined measures.

Enforcement for Staff and Visitors

Consequences for employees who violate the tobacco use policy will be in accordance with personnel policies and may include verbal warning, written reprimand, or termination. Visitors using tobacco products will be asked to refrain while on school property or leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to leave the school property.

Opportunities for Cessation

The administration will consult with the county health department and other appropriate health organizations to provide students and employees with information and access to support systems, programs and services to encourage them to abstain from the use of tobacco products.

Prevention Education

The administration will consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment. The administration will insure, per G.S. 115C-81.a3.11, that the North Carolina Healthful Living Education Standard Course of Study for grades K-9 be taught using sequential, age appropriate, current, accurate, evidenced based curricula and a skills based approach (involving students in active "hands on" learning experiences).

Procedures for Implementation

The administration will develop a plan for communicating the policy that may include information in student and employee handbooks, announcements, at school-sponsored or school-related events, and appropriate signage in buildings and around campus. An enforcement protocol, which identifies consequences for students, staff and visitors who violate the policy, will be created and communicated to all students, staff and parents.

(Reference: Board of Education Policy 5026/7250)

16. ABSENCES DUE TO INCLEMENT WEATHER

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

1. Report to work;
2. Take accumulated annual (vacation) leave;
3. Take accumulated personal leave, if available (teachers only);
4. Take leave without pay;
5. Use compensatory leave already accumulated; or
6. Make up the time missed.

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

When the school district is closed to staff and students due to inclement weather, makeup days will follow those established in the annual school calendar approved by the Board, giving the greatest weight to how to best maintain the opportunity and environment for student learning.

(Reference: Board of Education Policy 7550)

17. WORKDAY/FAIR LABOR STANDARDS

A. WORK SCHEDULES

The length of the school day for licensed and professional staff will be a minimum of seven hours and forty-five minutes and will continue until professional responsibilities to the student and school are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require hours beyond the stated minimum.

The length of the school day for teacher assistants generally will be a minimum of seven hours and forty-five minutes. However, since teacher assistants are compensated for a 40-hour workweek, the principal may assign additional duties up to one hour and 15 minutes (1.25 hours) per week without the teacher assistant receiving additional compensation.

Work schedules for other employees will be defined by the superintendent or his/her designee, consistent with the Fair Labor Standards Act and the provisions of this policy.

B. WORKWEEK DEFINED

Working hours for all employees not exempted under the Fair Labor Standards Act, including secretaries, teacher assistants, cafeteria, janitorial and maintenance personnel, will conform to federal and state regulations. The superintendent will ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors will make every effort to avoid circumstances which require non-exempt employees to work more than 40 hours each week. For purposes of Fair Labor Standards Act Compliance, the workweek for school district employees will be 5:01 p.m. Friday until 5:00 p.m. the next Friday. A copy of the Fair Labor Standards Act and any administrative procedures established by the superintendent will be available to employees in the personnel office.

C. OVERTIME AND COMPENSATORY TIME

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

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half (1.5) hours for each one hour of overtime worked, if such compensatory time (1) is agreed to by the employee before the overtime work is performed and (2) is authorized by the immediate supervisor. Employees must be allowed to use compensatory time within a reasonable period after requesting such use (see policy 7510, Leave of Absence). Employees may accrue a maximum of 240 compensatory time hours before they must be provided overtime pay at the appropriate rate. In addition, upon leaving the school district, an employee must be paid for any unused compensatory time at the rate of not less than the higher of (1) the average regular rate received by the employee during his/her last three years of employment or (2) the final regular rate received by the employee.

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

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

D. ATTENDANCE EXPECTATIONS

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

E. VOLUNTEERING BY NON-EXEMPT EMPLOYEES

The Fair Labor Standards Act prohibits non-exempt employees from volunteering to perform services on behalf of the school system if the volunteer duties involve the same type of duties that employees regularly perform. Furthermore, in order to be a bona fide volunteer, an employee must freely and voluntarily, without pressure or coercion, agree to perform the volunteer duties for no compensation (although a nominal fee may be provided). If a non-exempt employee who meets these requirements volunteers for any school-related or district-related activities, such employees will be required to sign a volunteer agreement verifying that they are volunteering to perform the activities.

(Reference: Board of Education Policy 7500)

EMPLOYMENT PROCEDURES & RESPONSIBILITIES

1. ASSIGNMENTS, REASSIGNMENTS, AND TRANSFERS

ASSIGNMENT

All assignments and transfers 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 transfers authorized by the superintendent. The superintendent may assign school personnel in any manner that he or she deems appropriate, taking into account the qualifications of employees and the needs of the school district. Assignments shall be consistent with legal requirements and shall be without regard to sex, race, religion, national origin, age or disability. In assigning professional staff to the alternative school, the superintendent shall consider the experience and evaluating ratings of professional staff, as provided in policy [3470/4305](#), Alternative Schools. No new assignment shall be made that places one member of a family in direct supervisory or evaluative relationship with another member of his/her immediate family. For the purposes of this provision, a member of the immediate family is defined as spouse, children, parents, brothers or sisters.

TRANSFER/REASSIGNMENT

Voluntary and involuntary transfers/reassignments will be made in accordance with course requirements, fluctuating enrollments, allotments, efforts to improve student performance, and the general welfare of the school district. 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 district. Employees will be informed of transfer decisions as soon as reasonably feasible.

Any professional employee of the board of education has the privilege to request a reassignment of teaching responsibilities within the same school. Such a request should be made directly to the principal. If a vacancy exists that would make the reassignment possible, consideration will be given to the request. Proper certification and suitability for the position are necessary for such a reassignment. Primary responsibility and authority for the final transfer decision will be made by the school principal.

Changes in enrollment, curriculum and reorganization may make it necessary to reassign teachers to different schools. Whenever such reassignment is necessary, personnel affected will be notified as soon as possible. If there is dissatisfaction, the teacher shall discuss the matter with his/her principal. If satisfaction is not achieved at this level, the teacher may appeal the transfer, as provided below.

The superintendent will establish any necessary procedures for employee-initiated transfer requests. Any teacher has the privilege to request a transfer to another school within the school district. If a request for transfer is made, it should be made in writing to the director for personnel no later than April 15 of the school year. The teacher requesting the transfer will have his/her name placed on a priority list in the Personnel Office. If a vacancy occurs or a transfer can be arranged, the teacher will be notified and is assured of being considered for the vacancy or transfer. The transfer must have the approval of the principal of the teacher's current school, the principal of the receiving school, the director for personnel and the final approval of the board of education.

Placement of personnel who are being relocated as a result of the closing of a school or schools shall occur before other transfer requests can be considered.

Appeals

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.

(Reference: Board of Education Policy 7440)

2. CONFIDENTIAL INFORMATION

Employees have an absolute duty to maintain the confidentiality of records as required by law. Employees, by the nature of their occupation, are exposed to confidential information which should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or the executive director for personnel. Where violations occur, appropriate disciplinary action will be taken. (Reference: Board of Education Policy 7315)

3. CRIMINAL RECORDS CHECKS

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

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

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

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

In addition, each contract executed by the board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries as specified in policy 5022, Registered Sex Offenders. (Reference: Board of Education Policy 7100)

4. Requirements to Report Criminal Charges

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

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

(Reference: Board of Education Policy 7300)

4. EMPLOYEE ASSISTANCE PROGRAM

The board of education provides as a benefit to employees the use of the Employee Assistance Program. The goal of the Employee Assistance Program is to assist employees and their families in resolving problems that affect their personal lives and/or job performance.

A request for service in the Employee Assistance Program may be initiated by the employee or family. In addition, an employee's supervisor may encourage an employee to seek assistance when there is concern that a personal problem is interfering with job performance, or upon written agreement with the employee, the supervisor may require that an employee seek assistance in lieu of disciplinary action, pursuant to policies [7930](#) (Career Employees: Demotion and Dismissal) and [7940](#) (Classified Personnel: Suspension and Dismissal).

Initial problem assessment and counseling services are free to employees and their immediate family members. If continued services are needed, the cost will be the employee's responsibility, unless the program is mandated by the school district in lieu of disciplinary action. Employees are encouraged to contact the personnel office for additional information about the Employee Assistance Program.

(Reference: Board of Education Policy 7660)

5. EMPLOYEE DRESS AND APPEARANCE

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. It is expected that all school system employees will dress professionally and appropriately relative to their specific job duties and responsibilities. All employees, while on duty, are representatives of the school system and shall adhere to the guidelines for employee dress and appearance.

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. The principal or supervisor may approve variations in employee dress for special situations such as field trips, spirit days, class or team days, workdays, (when there are no parent conferences or meetings involving the public) or for

those individuals whose responsibilities may necessitate an alternate form of dress such as physical education teachers, vocational education instructors, coaches, and auxiliary personnel.

Reasonable accommodations shall be made by the appropriate supervisor for those employees who because of a sincerely-held religious belief, cultural heritage, or medical reason request a waiver of a particular part of this policy.

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:

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

If the supervisor determines that the employee's dress or appearance is inappropriate, detrimental to the work or learning environment, or hazardous to the health or safety of the employee, fellow employees or students, the supervisor will counsel the employee regarding appropriate attire that is consistent with this policy. Any employee in violation of this policy may be asked by his or her supervisor to go home and change clothes, to refrain from wearing such clothing in the future and/or other action the supervisor determines is necessary to ensure compliance with this policy. 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.

(Reference: Board of Education Policy 7340)

7. EXTRACURRICULAR AND NON-INSTRUCTIONAL DUTIES

The Board acknowledges that instructing students is the primary mission of the school system. However, in order to carry out the responsibilities of the school system, teachers and other staff members may also be required to perform certain non-instructional and extracurricular duties. While assigned additional duties are considered part of all employees' responsibilities, assignment of additional duties to teachers should be minimized to allow time for teachers to plan, collaborate with colleagues, conference 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 can mentor 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 guidelines outlined in Board of Education Policy 7405.

(Reference: Board of Education Policy 7405)

8. HEALTH EXAMINATION CERTIFICATE

All new employees, as well as employees who have been separated from public school employment for more than a year or who have been absent for more than 40 successive school days because of a communicable disease, must provide a fully completed health certificate on the form provided by the State Superintendent of Public Instruction.

A completed health exam is required within 30 days of employee's start date.

All public school employees are required to submit a current health certificate as a condition of employment

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

(Reference: Board of Education Policy 7120)

(General Statute 115C)

9. IDENTIFICATION BADGES

The safety of our students and staff is very important to us. A Randolph County Schools' picture identification badge is to be worn by all employees when on duty. Staff should report unidentified adults in their school to an administrator.

10. MONEY COLLECTED BY EMPLOYEES

Except as otherwise provided by law, all monies collected or received by an officer, employee or agent of the school district or an individual school will be deposited in accordance with this policy. Each officer, employee and agent of the school district or individual school whose duty it is to collect or receive any taxes or other monies will deposit daily his or her collections and receipts. All monies collected during the school day by school personnel at individual schools shall be turned in daily to the school secretary/treasurer. The school secretary shall make all deposits with the finance officer or in an official depository as provided above. No funds should be left in the school overnight, except as otherwise provided by state law. In the case of gate receipts or other monies collected after bank closing hours, where feasible, a night deposit should be made. It is the responsibility of the school principal to provide for the safekeeping of all funds not deposited immediately.

(Reference: Board of Education Policy 8325)

12. RESIGNATIONS OF EMPLOYEES

Professional employees who intend to resign for any reason are encouraged to indicate their plans in writing at as early a date in the school year as possible, such as when plans become firm and/or the decision to leave the school system is made. A resignation becomes effective at the end of the school year in which it is submitted. A resignation for any other time requires 30 days' notice unless the superintendent consents to a shorter notice period.

If a teacher has not been recommended for dismissal but fails to meet the notice requirements and the superintendent does not consent to a waiver of notice, the superintendent shall inform the board and recommend to the board whether a request should be made to the State Board of Education to revoke the teacher's license for the remainder of the school year. The superintendent shall place a copy of the request in the teacher's personnel file.

If a teacher who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; (3) the employee shall be deemed to have consented to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education; and (4) the employee shall be deemed to have voluntarily surrendered his or her license pending an investigation by the State Board of Education to determine whether to seek action against the employee's license.

B. ALL EMPLOYEES

Letters of resignation must be submitted to the superintendent. Resignations may be accepted, on behalf of the board, by the superintendent or designee. To help ensure the smooth operation of the schools, 30 days' notice is requested whenever possible.

The resignation/retirement form is located on the Randolph County School System website under the human resources department in HR forms. The completed form should be submitted to the assistant superintendent of human resources.

Reference: Board of Education Policy 7900

13. STAFF-STUDENT RELATIONS

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

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

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

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

(Reference: Board of Education Policy 4040 /7310)

14. SUBSTITUTES

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

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

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

In accordance with policy 1320/3560, Title I Parent and Family Engagement, school principals shall notify the parent of any child who receives instruction for four or more consecutive weeks from a substitute teacher who does not meet the certification and licensure standards for the grade level and subject area to which the substitute teacher has been assigned.

(Reference: Board of Education Policy 7430)

15. SUSPENSION AND DISMISSAL OF EMPLOYEES

Professional Employees – Demotion and Dismissal

The board recognizes that an effective professional staff is critical to the smooth operations of the school system and to creating a learning environment where students are able to succeed. The board expects all professionally licensed employees, whether employed pursuant to a contract or through continuing career status, to exemplify above-average performance in carrying out their teaching or other professional responsibilities. Such employees are 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 professionally licensed employee who is unable or unwilling to meet the performance expectations or other reasonable standards of the board may be subject to demotion or dismissal as provided in this policy.

Evaluators of licensed employees are expected to follow policy 7810, Evaluation of Licensed Employees, policy 7820, Personnel Files, and policy 7811, Plans for Growth and Improvement of Licensed Employees. Evaluators should provide the superintendent with carefully documented evidence concerning a person's inadequacies and lack of competencies when such deficiencies have led to the recommendation and contemplation of dismissal or demotion. These documents also should show ways in which the evaluator has endeavored to help the employee become a more effective professional. In the interest of students and the welfare of the school system, dismissal or demotion may be pursued regardless of whether the evaluator has met these expectations and regardless of whether the employee has first been placed on a growth plan or mandatory improvement plan, so long as the grounds for seeking dismissal or demotion are in accordance with the law.

All legally required procedures, including those prescribed in the applicable state law, will be followed in the dismissal or demotion of employees. Career status teachers, non-career status teachers during the terms of their contracts, and school administrators during the terms of their contracts may be dismissed only for the following reasons:

1. inadequate performance, as defined by the applicable state statute;
2. immorality;
3. insubordination;
4. neglect of duty;
5. physical or mental incapacity;
6. habitual or excessive use of alcohol or non-medical use of a controlled substance as defined in Article 5, Chapter 90 of the General Statutes;
7. conviction of a felony or a crime involving moral turpitude;
8. advocating the overthrow of the government of the United States or of the state of North Carolina by force, violence, or other unlawful means;
9. failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes;
10. failure to comply with such reasonable requirements as the board may prescribe;
11. any cause that constitutes grounds for the revocation of an employee's teaching or school administrator license;

12. a justifiable decrease in the number of positions due to school system reorganization, decreased enrollment, or decreased funding, provided that there is full compliance with other statutory requirements;
13. failure to maintain one's license in current status;
14. failure to repay money owed to the state in accordance with the provisions of Article 60, Chapter 143 of the General Statutes; and
15. providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry.

Resignation by a teacher who has been recommended for dismissal under the applicable state statute is subject to the provisions of policy 7900, Resignation.

(Reference: Board of Education Policy 7930)

Classified Personnel Suspension and Dismissal

Classified positions are critical to the effective operation of the school district. The board encourages open communication between classified employees and their supervisors. When performance problems arise, supervisors are encouraged to clearly communicate in oral or written form the nature of the deficiencies and to provide a reasonable opportunity to improve. Any written notices or reprimands will be included in the employee's central office personnel file. All employees are expected to meet job requirements and to seek clarification and guidance when needed to fulfill these requirements.

Suspension: The superintendent or his or her designee may suspend an employee without pay as a disciplinary sanction. The superintendent will provide written notice of the suspension without pay to the employee. This notice will be placed in the personnel file. The suspension without pay may begin immediately.

Termination: As "at will" employees, employees in classified positions may be terminated on any nondiscriminatory basis, including inadequate performance, misconduct, failure to follow board policies or a reduction in staff. All terminations to reduce staff will be in accordance with board policy [7921](#). All other terminations will be made pursuant to this policy. The superintendent has the authority to terminate at-will employees. The superintendent should provide written notice to the employee and the board of the decision to terminate.

(Reference: Board of Education Policy 7940)

Professional Development and Evaluation

1. LICENSURE

Except as allowed otherwise by State Board of Education policy, a professional employee must hold at all times a valid North Carolina license appropriate to the position in which he or she is employed. 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.

(Reference: Board of Education Policy 7810)

License Renewal

- Participation in professional development is a required component for licensed employees as a part of license renewal and district and school plans for improving student learning. Any employee who is unable to attend a scheduled professional development activity, must have prior approval from his/her immediate supervisor.
- Certified employees are required to have the following professional development credits for each 5 year cycle in order to request license renewal.

For license renewals 6/30/2016 and after, the requirements are:

K-8 Teachers – 8.0 CEU's

- 3 – Content area
- 3 – Literacy
- 2 – General

All other Educators – 8.0 CEU's

- 3 – Content area
- 5 – General

School Administrators – 8.0 CEU's

- 3 – focused on the school executive's role as instructional, human resources & managerial leader
- 5 – General

*The requirement of two Digital Learning Competency CEU's will go into effect for teachers and for administrators with licenses expiring on or after June 30, 2019 per G.S.115C-296(b)(1)c.

2. EVALUATION OF CLASSIFIED (NON-LICENSED) EMPLOYEES

The board attaches a high priority to securing the most competent personnel available and, once they are employed, in assisting them in their growth and development throughout their careers. Evaluations of non-licensed employees' performance must conform to the following board directives.

1. Exemplary performance as well as deficiencies in performance should be clearly identified.
2. Supervisors and principals should facilitate open communication with employees about performance expectations.
3. An employee who is unclear about how performance is being assessed or desires additional evaluation opportunities should address these issues with his or her immediate supervisor.
4. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.
5. Evaluation data may be used in making employment decisions, including transfers, promotions and dismissal and demotion of employees (policy 7940).

6. The superintendent and all evaluators are encouraged to develop ways to recognize exemplary employees and to capitalize on the abilities of exemplary employees in helping other employees.

(Reference: Board of Education Policy 7815)

Annual evaluation requirements for support staff:

- a. Employee who is new to RCSS
 - (1) Probationary evaluation at end of first 90 calendar days. If performance becomes an issue, note steps described below.
 - (2) Annual evaluation at end of school/fiscal year
- b. Current RCSS employee who is new to school/work site or position
 - (1) Optional: Probationary evaluation at end of first 90 calendar days (Evaluator is encouraged to give notice to employee at beginning of 90 days that he/she will have probationary evaluation.)
 - (2) Annual evaluation at the end of the school/fiscal year
- c. Current RCSS employee who is in same position and same school/work site as previous year
 - (1) Annual evaluation at end of school/fiscal year

3. EVALUATION OF LICENSED EMPLOYEES

The board recognizes that an effective staff is critical to the smooth operation 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. It is the intent of the board to employ only those licensed employees who continuously exhibit a pattern of behavior that exemplifies excellent performance.

The board places a high priority on securing the most competent personnel available and, once they are employed, in assisting them in their professional growth and development throughout their careers. An effective evaluation program that clearly describes an employee's performance is a critical aspect of professional growth and assistance. Further, performance evaluation data is an important factor for consideration in decisions regarding continued employment. The superintendent must be able to substantiate any recommendation for continued employment with evaluation data, among other factors.

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

All licensed personnel must be evaluated at least annually using state-approved evaluation instruments in conformance with any processes established by the State Board for that class of personnel. For a career teacher, the abbreviated evaluation process established in State Board Policy TCP-C-004 is sufficient to satisfy the annual evaluation requirement; however, a teacher receiving an abbreviated evaluation may request that the evaluator conduct a formal evaluation. In addition, in any given year, the principal may elect to use the formal evaluation process set forth in the State Board Policy TCP-C-004 to evaluate a career teacher. The annual evaluation of principals and assistant principals must include a mid-year review.

The evaluation system must incorporate the following directives.

1. Evaluators must clearly identify exemplary performance as well as deficiencies in performance.
2. Evaluators are encouraged to use supplementary means of assessing and documenting performance in

addition to the state performance standards, assessment rubrics and evaluation instruments, including, but not limited to, additional formal observations, informal observations, conferences, reviews of lesson plans and grade books, interactions with the employee, plans of growth or improvement, and any other accurate indicators of performance.

3. Student performance and growth data will be considered as a part of the evaluation of licensed personnel, as provided in the assessment rubric for the class of employees under evaluation. For teachers, such data shall include analysis of student work for performance-based courses and student performance as measured by the statewide growth model for educator effectiveness or as otherwise authorized by the State Board of Education and approved by the local board. Multiple means of assessing student performance must be used whenever possible. If only one method is used to measure student performance, it must be a clearly valid tool for evaluating an employee's impact on student performance.
4. Peer observations of probationary teachers must be conducted as required by law using the evaluation instrument and process established by the State Board and must be considered by the school administrator in evaluating teacher performance.
5. Supervisors and principals should facilitate open communication with employees about performance expectations.
6. An employee who is unclear about how performance is being assessed or who desires additional evaluation opportunities should address these issues with his or her immediate supervisor.
7. Evaluators will be held accountable for following the evaluation system and all applicable state guidelines on the evaluation of employees.
8. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.
9. Evaluation data will be used in making employment decisions, including decisions related to professional and staff development (see policy 1610/7800, Professional and Staff Development), and suspension, demotion and dismissal of employees (see policy 7930, Professional Employees: Demotion and Dismissal, and policy 7940, Classified Personnel: Suspension and Dismissal). Employment decisions may be made by the board and administrators regardless of whether evaluators have followed the evaluation system, so long as there is a legally sufficient basis for the decisions.
10. The superintendent and all evaluators are encouraged to develop ways to recognize distinguished performance and to capitalize on the abilities of such exemplary employees in helping other employees. The superintendent and evaluators are encouraged to involve employees in developing these processes.

The superintendent shall develop any other necessary procedures and shall provide training, as necessary, to carry out the board's directives and to meet state requirements.

(Reference: Board of Education Policy 7810)

4. PERSONNEL FILES

As required by North Carolina General Statute 115-C, personnel files must be maintained for all employees. Personnel files are housed in the administrative offices of Randolph County School System. Evaluations, commendations, complaints or suggestions for correction or improvement are maintained, as are application forms, employee's academic records,

professional licenses, and other pertinent records or reports. An employee has the right to inspect his/her file, provided that 3 days' notice is given to the personnel office. All personnel information that is classified as public records may be disclosed in accordance with applicable laws. An employee who feels that information in the personnel file is invalid, irrelevant, or outdated, may petition the board of education to remove the information.

(Reference: Board of Education Policy 7820)

5. PLANS FOR GROWTH AND IMPROVEMENT OF LICENSED EMPLOYEES

The board expects all professionally licensed employees to maintain high levels of performance. If an employee does not meet this standard, the superintendent and administrative staff shall address any identified performance or other deficiencies through appropriate means, including by placing the employee on a monitored growth, directed growth or mandatory improvement plan when required by state law, State Board policy or this policy or when otherwise deemed necessary.

Growth and mandatory improvement plans as defined by law and this policy are valuable tools to promote the professional development of licensed employees. The board recognizes, however, that not all conduct and performance issues require the development of a plan. Administrators and supervisory personnel are authorized to address inappropriate conduct and/or inadequate performance using such other lawful means as they may deem appropriate. This policy shall not be interpreted to limit in any way the authority of administrators or other supervisory personnel to direct and reprimand licensed employees for inappropriate conduct or inadequate performance.

The superintendent shall develop procedures in accordance with state law, State Board guidelines and this policy as necessary to carry out the board's directives.

A. DEFINITIONS

1. As used in this policy, "teacher" means an individual defined as a teacher in G.S. 115C-325(a)(6).
2. As used in this policy, "licensed employee(s)" includes school administrators as defined in G.S. 115C-325(a)(5b) and teachers.

B. INDIVIDUAL, MONITORED AND DIRECTED GROWTH PLANS

1. Use of Growth Plans
 - a. Teachers

Teachers who receive an overall rating of at least "proficient" on all standards on the North Carolina Teacher Evaluation Rubric as indicated on the Teacher Summary Rating Form shall develop an individual growth plan designed to improve performance on specifically identified standards and elements.

A teacher who is performing below a proficient level on the Teacher Summary Rating Form shall be placed on a monitored growth plan or a directed growth plan unless dismissal, demotion, nonrenewal or placement on a mandatory improvement plan (see Section C, below) is warranted. A monitored growth plan developed in accordance with State Board policy is required for a teacher who is rated "developing" on one or more standards of the North Carolina Teacher Evaluation Rubric. State Board policy also requires that a teacher who is rated "not demonstrated" on any standard or who is rated "developing" on any standard for two

sequential years be placed on a directed growth plan. The superintendent may establish other criteria that will be deemed evidence that performance is below a proficient level or otherwise represents unsatisfactory or below standard performance and warrants placement on either a monitored growth plan or a directed growth plan.

Unless otherwise limited by state law or State Board policy, the principal is authorized to place a teacher on a monitored or directed growth plan or other plan of improvement at any point during the school year if the principal determines that the teacher is performing below the expected level.

b. School Administrators

Professional growth plans will be developed for school administrators as provided in State Board policy. A professional growth plan will include mutually agreed upon performance goals and recommendations based upon the school administrator's self-assessment, the consolidated assessment and the summary evaluation using the *North Carolina School Executive; Principal and Assistant Principal Evaluation Process*. Development of the professional growth plan will be discussed at a meeting between the school administrator and the superintendent or designee when completing the annual evaluation process.

The superintendent may move to dismiss or demote a licensed employee whether or not the employee has been first placed on a growth or other improvement plan. See policy 7930, Professional Employees: Demotion and Dismissal.

2. Components of Growth Plans

Individual growth plans may contain, but are not limited to, any of the components listed below. However, monitored or directed growth plans must include at least the following components.

a. Identification of Deficiencies

All performance deficiencies, including all specific standards and elements of the Teacher Evaluation Rubric identified for improvement during the teacher's evaluation, must be identified and addressed in the growth plan.

b. Performance Expectations and Goals

For each problem identified, the growth plan must include a statement of the expected level of performance and/or other goals to be accomplished.

c. Strategies

The growth plan must set forth a strategy or strategies designed to correct each identified deficiency. The strategies should be specific and clearly state the activities the teacher should undertake to achieve the expected level of performance. The strategies also should identify all individuals responsible for implementing the plan.

d. Dates for Monitoring and Completion

The growth plan must include dates upon which the teacher's progress under the plan will be reviewed and the date by which performance is to be improved to the expected level. Under a monitored growth plan, the teacher must achieve proficiency within one school year. A directed growth plan may provide for a shorter period to achieve proficiency, not to exceed one school year.

3. Review of Growth Plans

Individual and professional growth plans should be reviewed at least annually with the licensed employee's supervisor and/or the principal, the superintendent, or their designees, as applicable.

In the case of a teacher's monitored or directed growth plan, once the designated time period for completion of a plan has elapsed, the principal or supervisor shall review the teacher's performance, including the results of any subsequent evaluation and determine whether the teacher continues to perform below the expected level in any area or whether the teacher's performance has improved sufficiently. If the teacher's performance remains below proficient, the principal or supervisor shall recommend to the superintendent one of the following:

- a. the board dismiss the teacher or demote or transfer the teacher to a position in which the teacher can be successful;
- b. the teacher be placed on a mandatory improvement plan in accordance with the provisions of Section C below; or
- c. the teacher be moved to a new monitored or directed growth plan or continue on a previous growth plan that has been revised as necessary, provided the principal or supervisor determines that:
 - 1) the teacher's continuing performance problems are not having an adverse impact on student learning or the school environment, or
 - 2) the teacher is making good progress toward improvement in deficient areas and is likely to improve to an acceptable level within a reasonable, additional time period.

C. MANDATORY IMPROVEMENT PLANS

A mandatory improvement plan is an instrument designed to improve a licensed employee's performance by providing the employee with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided to the employee, so that he or she may satisfactorily resolve such deficiencies within a reasonable timeframe.

The use of mandatory improvement plans as provided in this policy is discretionary and will be determined on a case-by-case basis. Nothing in this policy will be interpreted so as to require the use of mandatory improvement plans in addition to, or in lieu of, growth plans or other disciplinary action, including dismissal from employment as provided by law.

1. Initiating a Mandatory Improvement Plan
 - a. Licensed Employees in Low-Performing Schools

If a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance in an area that the licensed employee was expected to demonstrate, the individual or team that conducted the evaluation shall recommend to the superintendent that (i) the employee receive a mandatory improvement plan designed to improve the employee's performance or (ii) the superintendent recommend to the board that the employee be dismissed or demoted. If the individual or team that conducted the evaluation elects not to make either of the above recommendations, the said individual or team shall notify the superintendent of this decision. The superintendent shall determine whether to develop a mandatory improvement plan or to recommend a dismissal proceeding.

- b. Teachers in Schools Not Identified as Low-Performing

If, in an observation report or year-end evaluation, a teacher in a school not identified as low-performing receives a rating that is below proficient or otherwise represents unsatisfactory or below standard performance on any standard that the teacher was expected to demonstrate, the principal may place the employee on a mandatory improvement plan. The mandatory improvement plan will be utilized only if the superintendent or designee determines that an individual, monitored or directed growth plan would not satisfactorily address the deficiencies.

c. Any Licensed Employees Engaging in Inappropriate Conduct or Performance

A principal may recommend to the superintendent or designee that a licensed employee be placed immediately on a mandatory improvement plan if the employee engages in inappropriate conduct or performs inadequately to such a degree that the conduct or performance causes substantial harm to the educational environment, but immediate dismissal or demotion of the employee is not appropriate. The principal must document the exigent reason for immediately instituting such a plan.

2. Components of the Plan

A mandatory improvement plan for any licensed employee must include the following components.

a. Identification of Deficiencies

The performance areas in which the employee is deficient must be identified and addressed in the mandatory improvement plan.

b. Performance Expectations

For each problem identified, the plan must include a statement of the expected level of performance.

c. Strategies

The plan must establish a strategy or strategies designed to correct each identified deficiency. The strategies should be specific and clearly state the activities the employee should undertake to achieve the expected level of performance and the specific support to be provided to the employee. The strategies also should identify all individuals responsible for implementing the plan.

d. Dates for Monitoring and Completion

The plan must include dates upon which the employee's progress under the plan will be reviewed and the date by which performance is to be improved to the expected level.

3. Development and Implementation of the Plan

a. Licensed Employees in Low-Performing Schools

When directed by the superintendent, a mandatory improvement plan to improve the performance of a licensed employee will be developed by the person who evaluated the licensed employee or the employee's supervisor, unless the evaluation was conducted by an assistance team. If the evaluation was conducted by an assistance team, that team shall develop the mandatory improvement plan in collaboration with the employee's supervisor. Mandatory improvement plans will be designed to be completed within 90 instructional days or before the beginning of the next school year.

b. Teachers in Schools Not Identified As Low-Performing

When a principal decides to put a teacher on a mandatory improvement plan, the principal shall develop the

plan in consultation with the teacher. The teacher shall have five instructional days after receiving the plan to request a modification to the plan before it is implemented. The principal must consider the requested modification before finalizing the plan. The teacher shall have at least 60 instructional days to complete the mandatory improvement plan.

A teacher has five workdays after finalization of the mandatory improvement plan within which to submit a request to the principal for a qualified observer, as defined in G.S. 115C-333.1(c)(1), to observe the teacher in the area or areas of concern identified in the plan. In accordance with G.S. 115C-333.1(c)(2), the board will create and maintain a list of qualified observers who are employed by the board and available to conduct observations. The board will strive to limit the list to administrators and teachers who have excellent reputations for competence and fairness. Selection of the qualified observer and submission of the qualified observer's report to the principal will be in accordance with G.S. 115C-333.1(c)(3).

4. Reassessment

a. Licensed Employees in Low-Performing Schools

After the expiration of the time period for the mandatory improvement plan, the superintendent or designee or the assistance team shall assess the employee's performance. If the assessor determines that the employee has failed to become proficient in any of the performance standards articulated in the mandatory improvement plan or to demonstrate sufficient improvement toward such standards, the superintendent shall recommend that the employee be dismissed or demoted under G.S. 115C-325.

b. Teachers in Schools Not Identified As Low-Performing

Upon completion of a mandatory improvement plan, the principal or supervisor shall assess the performance of the employee. For teachers, the principal shall also review and consider any report provided by the qualified observer if one has been submitted before the end of the mandatory improvement plan period. If, after the assessment of the employee and consideration of any report from the qualified observer, the superintendent or designee determines that the teacher has failed to become proficient in any of the performance standards identified as deficient in the mandatory improvement plan or demonstrate sufficient improvement toward such standards, the superintendent may recommend that the employee be dismissed or demoted under G.S. 115C-325.

(Reference: Board of Education Policy 7811)

6. PROFESSIONAL DEVELOPMENT AND ASSISTANCE

The board believes a strong relationship exists between the quality of education afforded students and the competency of professional personnel employed by the school district. The board attaches a high priority to securing the most competent personnel available and, once they are employed, in assisting them in their professional growth and development throughout their careers. The primary purpose of staff development, both for individuals and groups of employees, is to improve the instructional program for all students by assisting teachers and other licensed personnel in improving and gaining even greater competence in their profession. The board challenges its licensed employees to professional growth and development through in-service programs, attendance at professional meetings, and continued college work whenever possible. Acceptance of the above challenge will make it possible for all professionals to keep abreast of changes in education issues and keep up with the current developments in specific disciplines.

A. STAFF DEVELOPMENT

It is the board's objective to provide conditions which will enable teachers and other professionals to continue to grow and develop. Attempts will be made to provide opportunities for in-service programs which will result in

worthwhile educational experiences making it possible for all professionals to become more efficient and effective in their career work.

The superintendent may provide ongoing professional staff development opportunities. Input from employees will be sought in developing district-wide programs. Each individual school should design and arrange training experiences to meet the needs of the school. Local school staff development programs will be planned jointly by the principal and staff members.

Staff development must be provided, at the district or school level, on the effective delivery of the required curriculum, the incorporation of technology in the student learning process, and on subjects clearly matched to the goals and objectives of the local safe school plans.

B. SELF-IMPROVEMENT

Licensed and professional employees are responsible for self-improvement. These employees are encouraged to seek information and training through staff development programs as well as other opportunities in order to meet this responsibility.

C. PLANS FOR GROWTH AND IMPROVEMENT

The Board expects all professionally licensed employees to maintain high levels of performance if an employee does not meet this standard, the superintendent and administrative staff shall address any identified performance or other deficiencies through appropriate means, including by placing the employee on a monitored growth, directed growth or mandatory improvement plan when required by state law, State Board policy or this policy or when otherwise deemed necessary.

Growth and mandatory improvement plans as defined by law and this policy are valuable tools to promote the professional development of licensed employees. (Board policy 7811, Required Plans for Growth and Improvement of Licensed Employees, specifically sets forth the requirements for growth and mandatory improvement plans.)

D. COURSE/PROGRAM APPROVAL

Approval for professional development courses or programs should be requested on appropriate forms available online. All licensed personnel have the responsibility of informing the Personnel Department of any training that is completed and creditable towards license renewal.

E. PAYMENT OF COSTS

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

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

(Reference: Board of Education Policy 1610/7800)

EMPLOYEE BENEFITS AND COMPENSATIONS

1. LEAVE

All full-time and part-time permanent employees who work or are on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in a monthly pay period are entitled to earn annual vacation leave at the same rate provided for state employees. Leave for a part-time employee is computed on a pro rata basis of the amount earned by a full-time employee in that class of work. A single employee working in two or more positions may not earn more than the benefits allowed for one full-time position.

An employee who has unused vacation time from another school system in North Carolina or any state agency subject to the State Personnel Act of North Carolina may have the vacation time transferred to this school system.

The rate of earning is based on the length of total State service as follows:

WHEN YOU HAVE	YOU ARE GRANTED			
	Days per Month	10 Month Employees	11 Month Employees	12 Month Employees
Years of State Service				
Less than 5 years	1.17	11.70	12.87	14.04
5 but less than 10 years	1.42	14.20	15.62	17.04
10 but less than 15 years	1.67	16.70	18.37	20.04
15 but less than 20 years	1.92	19.20	21.12	23.04
20 years or more	2.17	21.70	23.87	26.04

Bus drivers and instructional personnel who must be replaced by a substitute may not take earned vacation on days when school is in session for students unless the employee's absence is due to a catastrophic illness and the employee has exhausted all of his or her sick leave. In such instances, the employee will not be required to pay the substitute. This leave is available only for the employee's personal illness.

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

All requests for leave, with or without pay, must be addressed in accordance with state and federal law, as well as policies promulgated by the State Board of Education, including those specified in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual*.

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

A. **MINIMUM LEAVE TIME**

An employee may take any type of leave in increments of half or full days unless otherwise specified in this policy.

B. **CONTINUOUS LEAVE OF MORE THAN 10 DAYS**

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

C. SICK LEAVE

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

1. Use of Sick Leave

Sick leave may be used for:

- a. a temporary disability or personal illness of the employee, pregnancy, childbirth and recovery, and adoption of child;
- b. medical appointments of the employee;
- c. an illness in the immediate family or for medical appointments related to the illness of an immediate family member; or
- d. death in the immediate family.

For the purposes of this policy, the term "immediate family" means spouse, children, parents, siblings, grandparents, grandchildren, dependents living in the employee's household, and the step, half and in-law relationships.

D. EXTENDED SICK LEAVE

Extended sick leave is available to classroom teachers and media coordinators who require substitutes if they are absent due to their own personal illness or injury and have exhausted all available accumulated paid leave (sick leave, annual vacation leave, and bonus leave). In order to be eligible, the employee must be in a permanent full-time or part-time position. Those qualifying are allowed extended sick leave of up to 20 workdays throughout the regular (annual) term of employment. Employees on extended sick leave receive full salary less the required substitute deduction. The deduction is mandatory whether or not a substitute is employed. The standard deduction is \$50 per day.

E. PERSONAL LEAVE

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

Personal leave must be used in half or whole day units. Personal leave may be requested by application in accordance with the policies of the State Board of Education and may be used only upon the authorization of the teacher's immediate supervisor. A teacher shall not take personal leave on the first day he or she is required to report for the school year, on a required teacher workday, on days scheduled for state testing, or on the day before or the day after a holiday or scheduled vacation day, unless the

request is approved by the principal. On all other days, if the request is made at least five days in advance, the request will be automatically granted subject to the availability of a substitute teacher. The teacher cannot be required to provide a reason for the request.

F. VACATION LEAVE

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

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

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

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

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

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

G. CHILD-SCHOOL INVOLVEMENT LEAVE

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

H. CIVIL DUTY LEAVE

No deduction shall be made from the salary of an employee who is absent from work to serve on a jury or to attend court in connection with his/her official duties.

I. COMPENSATORY LEAVE

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

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory

time (comp time) at a rate of one and one-half hours for every one hour worked in lieu of receiving overtime pay for each hour worked beyond 40 in a given workweek. For the purpose of compliance with the Fair Labor Standards Act, the workweek for school system employees will be from 12:00 a.m. Saturday until 11:59 p.m. Friday. Supervisors shall arrange for employees to take comp time within one pay period following the time it is earned, if possible. The superintendent or designee may exempt certain employees or categories of employees from this comp time provision when deemed necessary for the proper administration of the school system.

All employees must obtain approval from his or her immediate supervisors before taking compensatory leave.

J. MILITARY LEAVE

Employees may take up to 15 workdays of paid military leave during the federal fiscal year, which runs from October 1 through September 30. Paid military leave may be used for: (1) active duty training in the Reserve Components of the U.S. Armed Forces, including the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve and the Coast Guard Reserve; (2) required physical examinations relating to membership in a reserve component; and (3) regularly scheduled unit assemblies, also referred to as drills. For infrequent special activities in the interest of the state when authorized by the Governor or designee, members of the National Guard may be paid for up to 30 days in addition to the 15 days allowed for training.

K. LEAVE OF ABSENCE WITHOUT PAY

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

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

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

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

(Reference: NC Benefits and Employment Policy Manual ID 3.1 and 3.0)

(Reference: Board of Education Policy 7510)

2. FLEXIBLE BENEFITS PROGRAM

The Randolph County School System offers all full-time employees a comprehensive Flexible Benefits Program. The Flexible Benefits Program allows employees to save money by paying for non-reimbursed medical expenses, day care expenses, vision, dental, and cancer insurance with pre-tax dollars. The open enrollment for flexible benefits is held during the fall each year. The effective date of coverage is November 1. Once enrolled, NO changes in coverage options may be made for one year unless there is a qualifying event as outlined on your election form for flexible benefits. Additional information is available from the Benefits

Specialist at Central Office.

3. DEATH BENEFIT

After completing at least one calendar year as a member of the Retirement System, eligible employees are automatically covered by a death benefit during employment and up to 180 days after the last day for which a salary is paid. Upon death, the beneficiary will receive a lump sum payment equal to the employee's salary during a 12-month period, with a minimum of \$25,000 and a maximum of \$50,000.

(Reference: NC Benefits and Employment Policy Manual)

4. STAFF INSURANCE AND BENEFITS PROGRAM

A. Medical/Hospitalization Insurance

The state of North Carolina provides a group hospitalization program for all permanent full-time employees paid from state funds. This coverage includes payment of the full cost for the employee and providing the option for the employee to purchase coverage for dependents. The board of education provides the same coverage for each full-time employee paid from local funds. The same coverage also is made available to part-time employees, with the employee paying the full cost for coverage.

Payroll deductions shall be made for any medical or hospitalization insurance costs for family members or, when applicable, for employees.

Employees who have questions about hospital and medical benefits are encouraged to contact the benefits specialist in the personnel department.

B. Workers' Compensation Insurance

All school district employees shall be covered by workers' compensation insurance pursuant to legal requirements. This insurance provides coverage for medical expenses and reduced pay benefits for employees injured as a result of accidents or occupational diseases arising from and in the course and scope of their employment. Any employee who is injured on the job must notify his/her supervisor immediately.

C. UNEMPLOYMENT COMPENSATION INSURANCE

The school district will pay unemployment insurance as required by law to provide temporary monetary relief to separated employees who qualify for unemployment compensation benefits. Eligible employees receive benefit amounts that are based on a percentage of the person's earnings, up to the allowable maximum.

D. DISABILITY INCOME PLAN

The Disability Income Plan of North Carolina provides short- and long-term disability benefits for permanent employees who are members of the Teachers' and State Employees' Retirement System and who meet certain state service requirements. The plan is administered by the Department of State Treasurer and the retirement system.

All permanent, full-time and part-time employees who work four or more hours daily are eligible to purchase an optional dental plan.

E. DENTAL PLAN

All permanent, full-time and part-time employees who work four or more hours daily are eligible to purchase an optional dental plan

F. FLEXIBLE SPENDING ACCOUNTS

Federal income tax regulations make it possible for individuals to have the cost of qualifying medical and dependent care expenses deducted from their income before taxes are calculated. All permanent full-time employees are eligible to participate in the Flexible Benefits Program and should contact the benefits specialist in the personnel department for additional information.

(Reference: Board of Education Policy 7630)

5. FMLA (FAMILY MEDICAL LEAVE ACT)

All eligible employees will be provided with leave as required by the federal Family and Medical Leave Act of 1993 (FMLA) and applicable state laws and State Board of Education policies. The FMLA allows eligible employees to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks (26 weeks in certain cases) in any 12-month period for certain qualifying conditions or events. (The 12-month period during which an employee is eligible for FMLA leave will be from July 1 to June 30.) The employee may continue to participate in the school system's group insurance plan while on FMLA leave. In addition, the FMLA allows eligible employees to take the same job-protected leave for the birth, adoption or foster care of a child.

To be eligible for FMLA benefits, an employee must be employed by the employer for at least 12 months (not necessarily consecutive) and work at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

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

Continuous Leave of More Than 10 days (Paid or Unpaid)

An employee must comply with the notice and verification requirements as provided in policy 7520. The requirements include contacting the Personnel Department to request approval of a leave (paid or unpaid) and completion of all FMLA forms.

(Reference: Board of Education Policy 7520/7510)

6. 401-K and 403-B

401-K - Supplemental Retirement Income Plan of NC

Participation is available in the 401(K) Supplemental Retirement Income Plan of North Carolina. Prudential is the state administrator of the plan. For information, contact the Finance Office at Central Office.

403-B - Tax-Sheltered Annuities

Tax-sheltered annuities are available for interested employees. Employees are provided payroll deduction for the purchase of a tax sheltered annuity from approved vendors. For information, contact the Finance Office.

(Reference: Board of Education Policy 7625)

7. HOLIDAYS

Twelve-month employees receive 11 paid legal holidays per year, and ten-month employees receive 10 paid legal holidays per year in accordance to the State Personnel Act. Local Boards of Education determine when holidays are scheduled.

8. INCOME TAX WITHHOLDING

Federal (Form W-4) and state (Form NC-4) forms may be obtained from the school office, or Finance Office for the purpose of changing income tax withholding information. Changes in exemptions and deductions may be made at any time during the year.

9. INSURANCE AFTER SEPARATION

Continuation of group health insurance coverage is available to an employee, spouse and/or dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Public Health Service Act (PHSA) as required by federal law. For more information concerning the COBRA regulations, please contact the Insurance Specialist at Central Office.

10. LIFE INSURANCE

The Board of Education provides to all permanent, full-time employees basic group life insurance coverage in the amount of \$5,000.00 upon employment. Employees may elect to purchase additional coverage up to \$200,000.00 for themselves at a minimum cost and coverage for family members with premiums being payroll deductible. Coverage will cease at termination of employment. Terminating employees can call Mark III Brokerage at **1-800-532-1044** to get a conversion price quote if they want to keep the coverage.

11. RETIREMENT

All permanent full-time employees participate in the Teachers' and State Employees' Retirement System. Eligible employees contribute 6% of their gross salary (pre-taxed) to the Retirement System. Monthly benefits at retirement are based upon the employee's average salary, years of state service, and/or age at retirement.

Retirement will be in accordance with the Teacher's and State Employees' Retirement System of North Carolina. No employee will be required to retire at any age.

Any employee who anticipates retirement will notify the assistant superintendent of personnel at least 60 days prior to his or her intended retirement date, except in cases where health or other extenuating circumstances make shorter notices necessary.

(Reference: Board of Education Policy 7910)

12. SHARED LEAVE

The purpose of voluntary shared leave is to provide economic relief for employees who are likely to suffer financial hardship because of a prolonged absence or frequent short term absences caused by a serious medical condition.

Eligibility

Only full-time and part-time permanent employees who have exhausted all accumulated paid leave (sick leave, annual vacation leave, and bonus leave, if applicable) are eligible to receive donated leave from employees of the same LEA, a different LEA, a community college or a state agency as identified in Section 4.3.4. An employee need not exhaust personal leave and the 20 days of extended sick leave to be eligible for voluntary

shared leave. An employee who is receiving benefits or is eligible to receive benefits from the Disability Income Plan and elects to use paid leave is not eligible to receive donated leave. Voluntary shared leave may be used only during the required waiting period. The superintendent shall approve or deny all requests for receipt of donated leave.

Application of Voluntary Shared Leave

An employee who, due to a serious medical condition of self or of his or her immediate family (see Section 1.1.9), faces prolonged or frequent absences from work may apply to the superintendent of the LEA for donated leave. An application may also be made by a third person acting on the employee's behalf, if the employee is unable to make application.

An employee may make an application for shared leave at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave. The following items must be included in the application:

1. a doctor's statement, and
2. an authorization for release of medical information signed by the person who is suffering the medical condition (or parent or guardian of a minor). This release may also be signed by any legally authorized party.

Donation and Receipt of Leave

- a) **Annual vacation leave:** Any eligible employee in the LEA may donate annual vacation leave to any approved employee in the same LEA. Family members may donate annual vacation leave to an immediate family member (see Section 1.1.12) in another LEA, community college or state agency. Employees of another LEA, community college or state agency may donate annual vacation leave if a coworker's immediate family member is eligible for donated leave and works in a LEA, state agency, or community college. (See Section 1.1.12) Bonus leave may also be donated. (See Bonus Leave, Section 3.4.)

There is no provision for public school employees to donate or receive annual vacation leave from employees or family members in county agencies of mental health, public health, social services or emergency management including those covered by the State Personnel Act.

A donor may not reduce his or her annual vacation leave balance below one-half of what that person can earn in a year.

- b) **Sick leave:** Sick leave may be donated to an employee of a public school system (LEA). A public school employee shall not donate more than five days of sick leave per year to any one nonfamily member. Sick leave may be donated to an immediate family member in the same or another LEA, community college or state agency (See Section 1.1.12).

There is no provision for public school employees to donate or receive sick leave from employees or family members in county agencies of mental health, public health, social services or emergency management including those covered by the State Personnel Act.

The combined total of sick leave donated to a recipient from nonfamily members shall not exceed 20 days per year.

A donor may not reduce his or her sick leave balance below one-half of what that person can earn in a year.

Donated sick leave shall not be used for retirement purposes.

14. STATE EMPLOYEES CREDIT UNION

Randolph County School System allows voluntary monthly deductions from permanent full-time or part-time employees for financial obligations incurred with the State Employees' Credit Union. State Employees' Credit Union payroll deductions may be made for savings, checking, summer cash and/or loan accounts.

15. SUPPLEMENT

The board annually provides a local salary supplement contingent upon the availability of funding from the board of county commissioners. In order to qualify for the district supplementary pay plan, the individual must be employed by the system on the scheduled date of payment and must have been employed by the system in a professional capacity for a minimum of 120 work days within the current fiscal year.

(Reference: Board of Education Policy 7600)

16. WORKERS' COMPENSATION

All school district employees shall be covered by workers' compensation insurance pursuant to legal requirements. This insurance provides coverage for medical expenses and reduced pay benefits for employees injured as a result of accidents or occupational diseases arising from and in the course and scope of their employment. Any employee who is injured on the job must notify his/her supervisor immediately.

(Reference: Board of Education Policy 7630)

STUDENT AND STAFF SAFETY

1. CARE AND MAINTENANCE OF FACILITIES

The board strives to maintain the school system's facilities in good condition in order to:

1. continue to provide a safe, orderly and inviting educational environment;
2. protect financial investments in the facility;
3. reduce the need for major repair; and
4. facilitate the conservation of energy resources.

All staff, students and visitors to the school are expected to use reasonable care to prevent property damage. Principals and teachers are to instruct students in the proper care of public property. Anyone who willfully or carelessly damages school property may be held financially liable, as provided by law, including G.S. 115C-523.

Principals must inspect their school buildings for health, fire and safety hazards on a regular basis and as required by law. Principals shall notify the director of maintenance immediately of unsanitary conditions or repairs needed to meet safety standards. Any employee who observes a potential hazard shall notify his or her supervisor or the principal immediately. Proper signs indicating potential hazards or recommended safety precautions must be posted.

The maintenance department shall make reasonable efforts to maintain the facilities in good condition and to make needed repairs. All major repairs or renovations will be under the supervision of the director of maintenance.

The superintendent is directed to ensure that facilities are evaluated and inspected in accordance with the facilities inventory as provided in policy 9000, Planning to Address Facility Needs.

(Reference: Board of Education Policy 9200)

2. CHILD ABUSE – REPORTS AND INVESTIGATIONS

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

Any school employee who knows or has cause to suspect child abuse, neglect, dependency, or death as a result of maltreatment is legally required to report the case of the child to the director of social services. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the employee making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the employee making the report shall give the person's name, address, and telephone number. The employee also shall immediately report the case to the principal.

Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately. A school employee is immune by statute from any civil and/or criminal liability when

reporting in good faith suspected child abuse, neglect, dependency or death as a result of maltreatment. Failure on the part of any school employee to report may result in disciplinary action being brought against the employee by the school system or civil action under the law.

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

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

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

(Reference: Board of Education Policy 4240/7312)

3. RESPONSIBILITIES FOR STUDENT SAFETY

School Safety

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

A. SUPERVISION OF STUDENTS

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

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

B. SUPERVISION OF VISITORS

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

C. SAFETY OF SCHOOL BUILDINGS AND GROUNDS

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

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

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

D. ESTABLISHING PROCESSES TO ADDRESS POTENTIAL SAFETY CONCERNS AND EMERGENCIES

1. Responding to Student Altercations and Other Threats to Safety

All school system employees have a duty to be alert at all times to situations that may pose a threat to the safety of students, employees, or visitors on school property, at school events, or in other situations in which the students are under the authority of school employees. Even an employee who does not have responsibility for supervising students is expected to make an immediate report if the employee observes or has reason to suspect that a situation poses a threat to safety and no administrator, teacher, or other supervisory employee is present and aware of the potential threat.

Teachers, teacher assistants, coaches, and other employees with responsibility for supervising students will use appropriate student behavior management techniques to maintain order and discipline on school property, at school events, and anywhere that students are under the employees' authority. Such employees must enforce the Code of Student Conduct and address student behavior in accordance with the school plan for management of student behavior.

When employees with responsibility for supervising students have personal knowledge or actual notice of a student altercation or other situation that poses an immediate threat to safety, they shall use their professional judgement to determine how best to address the situation to protect the safety of everyone in the vicinity. Emergency procedures identified in a student's Behavior Intervention Plan shall be followed to the maximum extent possible under the circumstances. For minor threats or altercations or altercations involving young children, the employee shall intervene directly to end the fight or address the safety threat if the employee can do so safely. An employee who encounters a situation that cannot be managed safely and effectively by that employee immediately shall request assistance from other employees or administrative staff and shall take steps to remove bystanders from the area. Only the degree of force or physical control reasonably necessary shall be used to re-establish a safe environment.

Employees should take further action as appropriate in accordance with any response protocols established by the principal or superintendent. All employees are responsible for knowing and following such protocols to the fullest extent reasonable under the circumstances at the time.

2. School Rules

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

3. Training for Staff and Students

Staff training must include detailed instruction on how to respond to a variety of emergency situations. In addition, staff should be able to recognize and respond to behavior, information, and related indicators that warn of impending problems. School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety.

4. Safety Equipment

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

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

The board, in coordination with local law enforcement and emergency management agencies, will adopt a school risk management plan relating to incidents of school violence for each school in the school system. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the school risk management plan and updated emergency response information when such updates are made. The superintendent must also provide the Division and local law enforcement with schematic diagrams, including digital schematic diagrams, of all school facilities and updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams must meet any standards established by the Department of Public Instruction for the preparation and content of the diagrams. In addition, the superintendent shall provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices.

At least one school-wide tabletop exercise and drill that meets the requirements of state law and is based on the procedures documented in the school risk management plan will be held annually at each school. Principals shall also conduct fire drills as required by law.

6. Reporting Suspicious Behavior

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

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

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

7. Potential Threats of Registered Sex Offenders

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

8. Student Behavior Standards

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

(Reference: Board of Education Policy 1510/4200/7270)

4. RULES FOR USE OF SECLUSION AND RESTRAINT IN SCHOOLS

The following rules will govern the use of seclusion and restraint by school personnel. As used in this policy, “school personnel” means employees of the board and any persons working on school grounds or at a school function (1) under a contract or written agreement with the school system to provide educational or related services to students or (2) for another agency providing educational or related services to students. Violation of this policy by school personnel may result in disciplinary action, up to and including dismissal.

A. PHYSICAL RESTRAINT

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

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

1. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
2. as reasonably needed to maintain order or to prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
5. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
6. as reasonably needed to escort a student safely from one area to another;
7. if used as provided for in an IEP, Section 504 plan, or behavior intervention plan; or
8. as reasonably needed to prevent imminent destruction to school or another person’s property.

Except as set forth above, physical restraint of students is prohibited. In addition, physical restraint is specifically prohibited when used solely as a disciplinary consequence.

B. MECHANICAL RESTRAINT

Mechanical restraint means the use of any device or material attached or adjacent to a student’s body that restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove.

Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

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

the control of a student;

4. as reasonably needed for self-defense;
5. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying, taping, or strapping down of a student, is prohibited.

C. SECLUSION

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

Seclusion of a student by school personnel may be used in the following circumstances:

1. as reasonably needed to respond to a person in control of a weapon or other dangerous object;
2. as reasonably needed to maintain order or prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or
5. when used as specified in the student's IEP, Section 504 plan, or behavior intervention plan.

Seclusion may only be used if all of the following conditions are met:

1. the student is monitored by an adult in close proximity who is able to see and hear the student at all times while the student is in seclusion;
2. the student is released from seclusion upon cessation of the behaviors that led to the seclusion, or as otherwise specified in the student's IEP, Section 504 plan, or behavior intervention plan;
3. the confining space has been approved for such use by the local education agency;
4. the space is appropriately lighted, ventilated, and heated or cooled; and
5. the space is free from objects that unreasonably expose the student or others to harm.

Except as set forth above, the use of seclusion is prohibited. In addition, seclusion is specifically prohibited when used solely as a disciplinary consequence.

D. ISOLATION

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

Isolation is permitted as a behavior management technique provided that:

1. the isolation space is appropriately lighted, ventilated, and heated or cooled;
2. the duration of the isolation is reasonable in light of the purpose for the isolation;

3. the student is reasonably monitored while in isolation; and
4. the isolation space is free from objects that unreasonably expose the student or others to harm.

E. TIME-OUT

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

F. AVERSIVE PROCEDURES

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

1. significant physical harm, such as tissue damage, physical illness, or death;
2. serious and foreseeable long-term psychological impairment; or
3. obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice.

Examples of aversive procedures are:

1. electric shock applied to the body;
2. extremely loud auditory stimuli;
3. forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin;
4. placement in a tub of cold water or shower;
5. slapping, pinching, hitting, or pulling hair;
6. blindfolding or other forms of visual blocking;
7. unreasonable withholding of meals;
8. eating one's own vomit; or
9. denial of reasonable access to toileting facilities.

The use of aversive procedures is prohibited.

G. NOTICE, REPORTING, AND DOCUMENTATION

1. School personnel shall promptly notify the principal or designee of any of the following:
 - a. any use of aversive procedures;
 - b. any prohibited use of mechanical restraint;
 - c. any use of physical restraint resulting in observable physical injury to a student;
 - d. any use of seclusion, prohibited or otherwise.

2. Notice to Parents

When a principal or designee has personal or actual knowledge of any of the events listed in subsection G.1, above, he or she shall promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident. Such notice shall be provided by the end of the workday during which the incident occurred when reasonably possible, but no later than the end of the following workday. Such notice also shall be provided in addition to the written incident report required in subsection G.3, below.

3. Written Report to Parents

Within a reasonable period of time not to exceed 30 days after any incident involving the use of physical restraint, mechanical restraint, seclusion, isolation, or aversive procedures, the principal or designee shall provide the parent or guardian with a written incident report. This report must include the following:

- a. the date, time of day, location, duration, and description of the incident and interventions;
- b. the events or events that led up to the incident;
- c. the nature and extent of any injury to the student; and
- d. the name of a school employee the parent or guardian can contact regarding the incident.

4. Reporting to State Board

The board will maintain a record of incidents reported under the procedure described in subsection G.3, above, and will provide this information annually to the State Board of Education.

5. Non-Retaliation for Reporting

Any employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion, or aversive procedure will not be discharged, threatened, or retaliated against through compensation, terms, conditions, location, or privileges of employment unless the employee knew or should have known that the report was false.

(Reference: Board of Education Policy 4302)