



**MONTGOMERY COUNTY  
SCHOOLS**

***2020 – 2021***

***Employee Handbook***

August, 2020

# MONTGOMERY COUNTY SCHOOLS

## MONTGOMERY COUNTY BOARD OF EDUCATION

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Mrs. Shannon Robinson	Clerk to the Board of Education/ Admin. Asst. to the Superintendent
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Mrs. Ellen Jones	Interim Assistant Superintendent for Curriculum
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Mr. Rodney Neal	Director of Technology
Dr. Chuck Dulin	Director of Exceptional Children
Mrs. Terri Absher	Director of Elementary Ed/AIG Programs
Mr. Mitch Taylor	Chief Financial Officer
Mr. Vance Thomas	Director of Pre-K and After School Programs
Mrs. Jessalyn Spell	Differentiation Coordinator

## OUR SCHOOLS

<b>STATE CODE</b>	<b>SCHOOL</b>	<b>PRINCIPAL</b>	<b>GRADES</b>
620-310	Montgomery Learning Academy	Dr. Amy B. Reynolds	K-12
620-312	Candor Elementary	Mr. Enoc Robledo	K-5
620-314	East Middle	Ms. Della Ingram	6-8
620-318	Green Ridge Elementary	Ms. Carla Miller	PK-5
620-324	Mt. Gilead Elementary	Ms. Sloan Bourgeois	PK-5
620-330	Page Street Elementary	Ms. Teresa Dunn	3-5
620-334	Star Elementary	Ms. Janet Deaton	K-5
620-336	Troy Elementary	Dr. Maxine Brown	PK-2
620-339	West Middle	Ms. Chanda Stokes	6-8
620-350	Montgomery Co. Early College	Dr. Heather Seawell	9-12
620-356	Montgomery Central High	Ms. Anne McLean	9-12

## Staffing Our Schools

Montgomery County School's employees are divided into two categories: classified and licensed. Licensed positions include teachers, counselors, media coordinators, principals, assistant principals, psychologists, social workers, central office administrators requiring teacher licensure, and other positions requiring licensure by the Department of Public Instruction. Classified positions include clerical personnel, teacher assistants, ISS instructors in grades 6-12, interpreters, custodians, occupational and physical therapists, central office administrators not requiring teacher licensure, child nutrition workers, facility services workers, transportation workers, bus drivers and any other positions not requiring licensure by the Department of Public Instruction.

### **NOTICE OF EQUAL OPPORTUNITY AND NON-DISCRIMINATION**

In compliance with federal law, the Montgomery County Board of Education does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, military service, creed, marital status, or economic and social status in its policies, programs, activities, admissions or employment.

Inquiries or complaints should be made to the Deputy Superintendent, Montgomery County Schools, 441 Page Street Troy, NC 27371; telephone (910) 576-1742. The Deputy Superintendent is the designated Title IX Coordinator. The designated Section 504 Coordinator is Dr. Kevin Lancaster.

Non-Retaliation - The Board prohibits retaliation against any student or employee in connection with any report of discrimination or harassment, or in their exercise of any rights under Board policies or under state or federal law.

### **ALLOTMENTS**

Allotments of licensed personnel are determined largely by student enrollment, state regulations, and budget constraints.

Licensed personnel are assigned by the Human Resources Department to the respective schools, and every effort is made to assign personnel according to the principal's request and the individual's preference. It is the principal's responsibility to make assignment to grade and subject areas.

Other special positions may be allotted on an as-needed basis.

Application screening, interview screening, and interviews by principals and appropriate supervisors are conducted to assure selection of the best candidates for positions available in our school system.

## **Getting Started**

### **SIGN-UP PROCEDURES**

Sign-up procedures have been established to help new employees complete the necessary forms and gain needed employment information. The following items are covered at the sign-up appointment:

- General employment information and benefits
- Salary and pay periods
- Tax, immigration (I-9)
- Retirement, insurance, and health forms

An employee will not receive a paycheck unless he/she has completed the sign-up process and all necessary forms have been turned in.

### **NEW TEACHER ORIENTATION**

New teacher orientation is held prior to the first day of each school year. At this meeting pertinent employment information is covered, and central office staff members meet with new employees to discuss various aspects of the school system including: policies, employee benefits, and payroll.

### **WORK WEEK**

Conformity to a definite minimum schedule is required of all licensed personnel. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, and extracurricular activities may require hours beyond the minimum. The work day schedule is posted in each school.

The work week for classified employees is Monday through Friday. Certain emergency situations may call for a change in the work schedule. The hours of

the work day vary with positions and employees because of the school hours and the demands of certain jobs. Employees are scheduled to work no more than 40 hours per week. Some custodial positions require night work up to but no later than 10 p.m. during days that school is in session; however, during summer, day shift is scheduled.

## **EMPLOYEE HEALTH CERTIFICATE**

## **POLICY 7120**

All new employees, as well as employees who have been separated from public school employment for more than a year or who have been absent for more than 40 successive school days because of a communicable disease, must provide a fully completed health certificate. Such certificate must be prepared by:

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

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

Such certificate must certify that the employee does not have tuberculosis in the communicable form; any other communicable disease; or any disease, physical or mental, that would impair the ability of the individual to perform effectively in his or her duties. The board or superintendent may require any individual covered by this policy to take a physical examination when deemed necessary.

Health certificates shall be maintained in separate, confidential medical files in the human resources office, Salary could be withheld if health certificate is not completed and turned in to the human resources department within 2 months of the hire date.

## **Promotions/Transfers/Resignations/Dismissals**

### **PROMOTIONS/TRANSFERS**

An employee interested in a promotion or transfer should submit a request in writing to the Deputy Superintendent. A copy will be sent to all appropriate supervisors/principals. The transfer request will be recorded and considered when appropriate vacancies occur.

The Superintendent or designee may initiate transfers in instances where the best interests of students, employees, and/or the school system dictate the transfer.

Employees in a classroom setting are not transferred during the school year except for unusual circumstances.

## RESIGNATIONS

### **Classified:**

A two-week notice is required for all classified resignations. Employees who wish to resign should:

1. Discuss resignation with immediate supervisor.
2. Submit a letter of resignation.

### **Licensed:**

All licensed employees are required to give a 30-day notice of resignation.

A licensed employee who finds it necessary to resign should contact his/her principal and submit a letter of resignation. No teacher may resign without the consent of the Board of Education except upon a 30-day notice. Giving notice of resignation fewer than 30 days prior to the beginning of the school year constitutes grounds for revocation (at the discretion of the State Board of Education) of the teacher's license for the remainder of the school year. See G.S.115C-325(o).

### **Contracted:**

All contract employees must adhere to the conditions for resignation as stated in the contract. All principals and central office staff members must give a 60 day notice.

## **PROFESSIONAL PERSONNEL REDUCTION IN FORCE Policy 7920**

The purpose of this policy is to establish an orderly procedure for reducing the number of licensed, professional employees of the school system.

### **A. GROUNDS FOR REDUCTION IN FORCE**

A reduction in force may be implemented when the board determines that any of the following circumstances have resulted in the need to decrease the number of positions of professional personnel:

1. System Reorganization

System reorganization is defined as (a) the closing, consolidation or reorganization of schools, school buildings or facilities (b) the elimination,

curtailment or reorganization of a curriculum offering, program or school operation; or (c) the merger of two or more school systems.

2. Declining Enrollment

Declining enrollment exists (a) when the enrollment or projected enrollment for the next succeeding school year causes a decrease in the number of teaching or administrative positions allocated by the State or any other funding source; or (b) when the enrollment or projected enrollment of a curriculum offering or program for the next succeeding school year is inadequate to justify continuation of the course or program.

3. Financial Exigency

Financial exigency means (a) any significant decline in the board financial resources that compels a reduction in the school system's current operational budget; (b) any significant decrease or elimination in funding for a particular program; (c) or any insufficiency in funding that would render the board unable to continue existing programs at current levels.

**B. PRELIMINARY DETERMINATION**

1. The superintendent shall determine whether or not a reduction in force is necessary, appropriate or in the best interests of the school system.
2. If the superintendent decides to recommend a reduction in force, he or she shall first determine which licensed positions shall be subject to the reduction. In making that determination, the superintendent shall account for:
  - a. structural considerations, such as identifying positions, departments, courses, programs, operations and other areas where there are (1) less essential, duplicative or excess personnel; (2) job responsibility and/or position inefficiencies; (3) opportunities for combined work functions; and/or (4) decreased student or other demands for curriculum, programs, operations or other services; and
3. The superintendent shall then present a recommendation to the board. The recommendation must include:
  - a. the grounds for reduction in force;
  - b. the licensed positions to be reduced, categorized by area(s) of licensure and/or program responsibility; and

- c. the background information, data and rationale for the recommendation.
4. The board will review the superintendent's recommendation and will determine whether to reduce the number of licensed employees or to reduce their terms of employment.
5. If the board, after exploring, considering and discussing a variety of ways to avoid a reduction in force, determines that a reduction in force of licensed employees is necessary, the superintendent shall recommend to the board which individuals are to be dismissed, demoted or reduced to part-time employment, based on the criteria set forth below.

**C. CRITERIA**

The primary consideration in any reduction in force will be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. The superintendent shall consider a variety of factors, including the following in determining which employees will be included in the reduction in force:

1. performance ratings;
2. areas of licensure;
3. highly qualified status;
4. program enrollment;
5. service in extra duty positions and ability to fill such positions;
6. length of service, with higher priority given to service in this school system; and
7. degree level.

The superintendent shall develop a system for using the above-mentioned factors to determine which employees will be recommended to the board for inclusion the reduction in force.

**D. PROCEDURE FOR TERMINATION**

The board will consider the superintendent's recommendation and may, by resolution, order dismissal or demotion of an individual or reduce an individual to part-time employment. All requirements of G.S. 115C-325 will be met, including time limits and procedures for notice and opportunity for a hearing, when any career teacher (as defined in G.S. 115C-325) is terminated, demoted or reduced to part-time employment due to reduction in force or when any probationary teacher (as defined in G.S. 115C-325) is terminated, demoted or reduced to part-time employment during the term of the contract due to a reduction in force.

**E. TERMINATION/REEMPLOYMENT OF A CAREER EMPLOYEE**

When a career teacher is dismissed in accordance with this policy, his or her name will be placed on a list of available employees to be maintained by the board.

**F. NONRENEWAL OF AN EMPLOYEE**

The board, upon recommendation of the superintendent, may refuse to renew the contract of a probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient. The nonrenewal of a probationary teacher contract or non-reemployment of any teacher who is not under contract is not considered a “termination” under this policy. As a result, the procedures set forth in this policy will not be required to be followed before the board's decision not to renew or reemploy such employee.

**DISMISSAL**

Details on employee dismissal can be found in the Montgomery County Board of Education Policy Manual. Termination of teachers and principals will be handled according to G.S. 115C-325

**PERFORMANCE EVALUATION**

**LICENSED EMPLOYEES.** Each licensed employee will be evaluated at least twice a year and will receive a summative and will complete a PDP. Teachers with less than 3 years with MCS licensed employees receive a minimum of four formal observations, a summative every year and they must develop an individual growth plan. Teachers are required to complete an Individual Growth Plan Annually.

The principal/supervisor may require a Performance Improvement Plan whenever an individual's performance indicates that corrective action is needed to avoid a “below standard” rating.

**CLASSIFIED EMPLOYEES.** All classified employees will be evaluated at least once a year.

Copies of evaluation instruments are given to employees upon employment. Evaluations are conducted by the immediate supervisor with copies available for the employee and supervisor. A copy is kept in the employee's personnel file at the central office. Performance Improvement Plans are available and may be required for employees having difficulty in some areas of their job.

## **Personnel Records and Information**

**PERSONNEL RECORDS**

All employees have a personnel file in the central office. Whenever any complaint, commendation, or suggestion is placed in the personnel file, the employee will be notified in writing. The following have access to personnel files: superintendent, immediate supervisor, appropriate director or coordinator, employees in the Human Resources Department, and Board of Education members if access relates to specific duties of the Board member.

An employee may review his/her personnel record during regular office hours with a member of the Human Resources Department present. Employees must schedule an appointment to review their records at least 48 hours in advance. Pre-employment records are not available to the employee. (Additional details concerning personnel files can be found in section 115C-325(b) of the North Carolina General Statutes.)

### PERSONNEL DIRECTORY

The Human Resources Department compiles an annual personnel directory containing employees' names, addresses, phone numbers, positions, and work sites. The directory also contains names, addresses, and phone numbers of members of the Board of Education. Copies of the directory can be found in the principal's office, the central office, the transportation department, and the student support services department.

### UPDATING PERSONAL INFORMATION

If your name or address changes for any reason, please notify the personnel department.

**IMPORTANT: The name on your records should agree with the name on your social security card.**

Name changes must be reflected on the teaching license. This must be completed within 30 days of official change.

Each spring, the NC State Retirement System provides all members with a report of their retirement contributions and years of service. If you have questions about the figures on this report, you should contact the retirement system at the address on your form.

North Carolina (NC-4) and Federal (W-4) tax forms may be changed at any time. Forms may be obtained from the school secretary or the Finance Department. The completed tax form is sent to the finance department for entry and is later filed in your personnel file. Your current federal and state exemptions are located in the top right corner of your check stub.

If you would like to update any other personal information, please contact the Finance Department. Any changes must be completed in 30 days.

## **Salary Determination**

### **LICENSED PERSONNEL**

Salaries of licensed personnel are determined by the State Salary Schedule and any legislative action pertaining to its implementation. Teachers (including social workers, counselors, media specialists, and school psychologists) are placed on the salary schedule according to the level of license and experience showing on the license. Principals and assistant principals have separate salary schedules, which are experience based. Other administrators will be paid on the central office pay schedule.

### **SUPPLEMENTS**

A local supplement is paid to all teachers. This supplement is divided into two payments, one in November and one in June. Also, extracurricular activities such as coaching duties are supplemented locally.

### **DUAL EMPLOYMENT**

Most classified employees are required to accept dual employment; which requires them to be licensed as bus drivers.

### **EMPLOYEE DRESS and APPEARANCE      Policy 7340**

The board believes that the appearance and the conduct of its employees are of supreme importance in establishing a positive climate for learning and for presenting a good example for students. Therefore, the board affirms its expectations that all personnel shall be cleanly, neatly, and appropriately attired for the work to be done. An employee's dress must not disrupt or distract from the educational process and must be in accordance with health and safety standards and practices.

Employee dress and appearance is important to the school system's climate and should be professional, and enhance rather than detract from that climate. Dress and appearance, including footwear should be appropriate, based on the following factors:

- The nature and environment of the work;
- 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 effect of inappropriate dress on school climate.

Based on these factors, the following guidelines are established:

1. It is expected that an employee's dress or appearance will not disrupt the educational process. Employees shall be clean, neat, and appropriately attired.
2. The dress and appearance of employees should be appropriate to the type of work performed, with reasonable accommodation when the nature of an employee's work is unique.
3. Uniform dress may be required for certain categories of employees such as food service and maintenance personnel.

The following are considered inappropriate for employees:

- Clothing which is revealing – bare midriffs, shirts with spaghetti straps, low cut necklines, shorts, or skirts that are shorter than knee length;
- Clothing which, by word or symbol, promotes alcoholic beverages, tobacco or the use of controlled substances or that contains profanity or nudity, depicts violence or is sexual in nature.
- Clothing which reveals undergarments;
- Jewelry affixed to the body other than to the ears;
- Body art which is disruptive or obscene;
- Clothing which is tattered or ragged;
- Clothing which disrupts or is provocative by being overly tight to the body;
- Any item of clothing that creates a disruption in the school environment or learning activities or that poses a threat to the safety and well-being of students or staff.

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 or medical reason request a waiver of a particular part of this policy for dress or appearance.

An employee's immediate supervisor shall make an initial determination of whether an employee's dress or appearance is a violation of guidelines. If the supervisor determines that the employee's dress or appearance is inappropriate, the supervisor shall counsel the employee regarding appropriate attire that is consistent with this policy and shall determine whether the employee is allowed to remain at work or must leave work to change his/her dress. Any failure to follow the supervisor's directive and/or blatant violation or repeated violations of this policy may subject the employee to disciplinary action.

## **OVERTIME – Policy 7500**

### **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. 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, 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 12:00 a.m. Sunday until 11:59 p.m. Saturday. 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 will not work overtime without the prior 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 will monitor employees' work, will ensure that overtime provisions of this policy and the FLSA are followed and will 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 will 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 to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy will constitute the written agreement required in this section.

#### **D. ATTENDANCE EXPECTATIONS**

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

### **License Renewal**

***\*\*The definition of teacher includes instructional support personnel***

All licenses have a 5-year renewal cycle during which they must be renewed with 8.0 units of appropriate credit.

\*As a condition of employment per [NC State Board of Education Policy LICN-005](#) employing school systems reserve the right to assign literacy requirements for any educator.

\*Renewal requirements are subject to change based on NC State Board of Education policy updates.

<b>Credits Required for Licensure Renewal</b>	
<b>Grades K-5</b> <ul style="list-style-type: none"> <li>• 3 Subject Area</li> <li>• 3 Literacy</li> <li>• 2 Digital Learning</li> </ul>	<b>Student Services Personnel</b> <ul style="list-style-type: none"> <li>• 3 Professional Discipline</li> <li>• 2 Digital Learning</li> <li>• 3 General</li> </ul>
<b>Grades 6-12</b> <ul style="list-style-type: none"> <li>• 3 Subject Area</li> <li>• 2 Digital Learning</li> <li>• 3 General</li> </ul>	<b>Administrators</b> <ul style="list-style-type: none"> <li>• 3 Executive's Role</li> <li>• 2 Digital Learning</li> <li>• 3 General</li> </ul>
<b>North Carolina Retired Teachers</b> <p>A Lifetime License is issued to a teacher who holds a current license after 30 or more years of classroom teaching as a licensed teacher in North Carolina PreK-12 public schools. Renewal of the Lifetime License is not required (per SL 2019 -71).</p>	

### **Renewal Criteria**

- A unit of renewal credit (CEU) is equal to 10 clock hours of professional development
- 8 units of renewal credit are required to renew both a current and expired CPL
- For a CPL to remain current, all renewal credit must be earned by the expiration date of the license

### **Activities Accepted for Renewal Credit:**

- College or university courses
  - Official transcripts are required as documentation; grade reports are not accepted.
- Local in-service courses or workshops
  - The administrative unit certifies credits.
- Classes and workshops approved by an LEA
  - Documentation of completion is provided by the agency sponsoring the activity

Documentation of completion is provided by the agency sponsoring the activity. Licenses are always dated to expire on June 30. Required renewal credits **MUST** be met prior to expiration date of license.

Access [NCDPI Online System Licensure](#) to print a copy of your license free of charge. Instructions and more information are available within the online licensure system.

## **Locally-Planned Workshops**

1. Please do not request prior approval for a Montgomery County locally-planned workshop. It is not necessary.
2. When you complete a workshop, a Montgomery County School's Certificate of Credit will be issued.

THE SCHOOL SYSTEM RESERVES THE RIGHT TO DENY CREDIT FOR ANY ACTIVITY NOT DEEMED APPROPRIATE OR NOT HAVING SUFFICIENT DOCUMENTATION OF COMPLETION.

## **TRACKING RENEWAL PROGRESS**

A year before your license is due to expire, the Licensure Specialist will send you a printout showing the courses credited toward your renewal. If there is discrepancies in the CEU printout log, please check with your onsite staff development facilitator at your school. Once you have completed requirements for renewal, you will be able to enter license renewal information to NCDPI online licensure system.

Keeping careful records of your renewal activities will enable you to know your renewal status. However, if you need to check on your renewal, you may do so by going to [www.montgomery.k12.nc.us](http://www.montgomery.k12.nc.us) and the information is located under the HRMS link.

## **LATERAL ENTRY LICENSES**

Effective June 30, 2019, the **Lateral Entry** licensure pathway will no longer be an option for educators. Those that currently hold a Lateral Entry license will continue to hold that licensure type and are expected to fulfill the educational requirements associated with that license. All licensure requirements for Lateral Entry **MUST** be satisfied by **June 20, 2022**.

## **NEW LICENSURE TYPES**

**Residency License** – replaces Lateral Entry effective July 1, 2019. Residency License allows qualified individuals to obtain a teaching position with Montgomery County Schools, while obtaining a professional educator's license as they teach. T Residency License is a one-year license with an option to renew no more than twice within a 3-year period. Renewal is determined by the (EPP) Educator Preparation Program.

Employed or prospective teachers must meet the state requirements and have 18 hours to be eligible for a Residency License.

**Emergency License** – is a one year, nonrenewable license that provides an optional pathway to Residency License. The Emergency License allows qualified individuals to obtain employment while meeting all requirements to convert to a Residency License.

Employed or prospective teachers must meet the state requirements and have 18 hours to be eligible for a Residency License.

**Permit to Teach License** – replaces Emergency Permit License. Permit to Teach License is a one year, nonrenewable license. The Permit to Teach License allows qualified individuals to obtain employment while meeting all requirements to convert to an Emergency License or Residency License.

Employed or prospective teachers must meet the state requirements and have 18 hours to be eligible for a Residency License.

## **TUITION REIMBURSEMENTS**

(Contingent on the availability of funds)

### *Eligibility*

Permit to Teach, Emergency, Residency and provisionally certified personnel who are seeking licensure in the area in which they are employed are eligible for tuition reimbursement for courses they have completed in an approved educational program at an accredited college or university.

### *Prior approval*

Prior to registering for a course for which tuition reimbursement will be requested, the individual must present an approved plan detailing course work required by the certifying institution in order to make a recommendation for certification in the required area. The course for which reimbursement is requested must appear on the approved plan. If a course is substituted, a documentation of approval must be provided to amend the plan.

### *Documentation*

Following completion of the course, the individual must present a letter requesting reimbursement with the following attachments:

- a receipt for the paid tuition
- a copy of the college transcript or grade report verifying the completion of the course
- a copy of the prior approval form

### *Rate of reimbursement*

50% reimbursement pending availability of funds.

### *Contract Agreement*

Reimbursements may be capped if reimbursement are over \$5,000.

Restitution for the amount of tuition reimbursement will be forgiven at a rate of 20% per year from the time of payment of the request. Should an individual voluntarily leave the employment of Montgomery County Schools in less than five (5) years following the date of reimbursement or should the individual request a transfer into another area of licensure within the restitution period, the balance of the restitution will be assessed and paid by the individual in a manner deemed appropriate by the human resources director.

### **BEGINNING TEACHER SUPPORT PROGRAM**

Beginning Teachers are required to participate in a three-year induction process known as the Beginning Teacher Support Program. This program is designed to provide teachers direction, support, and feedback during their first three years in the classroom so that their experiences are positive and focused on the knowledge, skills, and dispositions associated with effective teaching.

The Coordinator of the Beginning Teacher Support Program and Lead Mentor will provide guidance and help during the transition into the profession. Observations and evaluations will be conducted on a specified schedule during this three-year period.

Beginning Teachers must show evidence of professional growth during the three-year period. CEUs obtained during this time are documented on the Professional Development Log, which is a part of the Beginning Teacher's file. When the license is converted to a Continuing Professional License, teachers begin the five-year renewal cycle during which time they must earn 8.0 CEUs

### **MENTOR TRAINING**

Montgomery County Schools offers the new Mentor Training approved by the Department of Public Instruction, Public Schools of North Carolina—Mentoring the Beginning Teacher. For the next scheduled training contact the Human Resource Department.

### **CLASSIFIED PERSONNEL**

Montgomery County Schools offers ongoing career development opportunities to all classified personnel. These opportunities are designed to aid in developing and maintaining skills required to succeed in current positions and to prepare for promotions to other levels of employment. All classified employees are encouraged to attend staff development sessions.

Classified employees submit their credit hours to their principal, assistant principal or supervisor, and once a year the principal, assistant principal or supervisor records the number of hours earned on the employee's evaluation form.

Information about classified career development courses offered system-wide will be publicized at each work site. Employees are encouraged to participate in career development activities at their school.

## **TERMS OF EMPLOYMENT**

Employees who are employed for 10 months are to follow the 10-month school calendar. Employees in good standing in permanent positions and who are not given an "automatic non-reappointment" status, have reasonable assurance of returning to work each year in August.

## **A Look at Employee Benefits**

### **HOLIDAYS**

The State Personnel Commission determines whether 10 or 11 holidays will be observed during the year, depending on which day of the week Christmas falls. Ten-month employees are granted either 10 or 11 holidays yearly, while 12-month employees are granted 11 or 12 holidays. Local boards of education determine when holidays are scheduled.

### **VACATION (ANNUAL LEAVE)**

Permanent school employees working at least half time earn vacation leave at the same rate as that provided to state employees. Part-time permanent employees working half time or more earn leave on a pro rata basis equated to their percentage of employment. State regulations and local school system policies govern when vacation leave may be taken. Ten annual leave days are built into the school calendar for 10-month employees.

- Unused vacation leave may be accumulated and on June 30, a maximum of 30 days may be carried to the next fiscal year. Days over 30 will be converted to sick leave.
- Vacation leave will be transferred when a school employee transfers to another school system, and it may be transferred to a state agency if the agency is willing to accept the leave. Otherwise, the employee leaving the public schools will be paid for up to 30 days accumulated leave.
- In case of death, the employee's estate will receive payment for any accumulated leave.
- The chart below shows the number of days of vacation earned each month BASED ON YEARS OF STATE SERVICE:

When You Have Worked

You Are Granted

Years of State Service	Days per Month	10-Mo. Empl.	11-Mo. Empl.	12-Mo. Empl.
Less than 5 years	1.167	11.67	12.84	14.00
5 but less than 10 years	1.417	14.17	15.58	17.00
10 but less than 15 years	1.667	16.67	18.34	20.00
15 but less than 20 years	1.917	19.17	21.09	23.00
20 years or more	2.167	21.67	23.84	26.00

**SICK LEAVE**

Sick leave is earned by permanent employees at the rate of one day per month. Permanent part-time employees earn sick leave equated to their percentage of employment. Sick leave may be granted for:

1. personal illness or injury;
2. medical appointments and illnesses for employee or immediate family (spouse, children, parents, and other dependents living in the household);
3. death in immediate family (spouse, children, parents, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, and stepfather).

Sick leave must be taken in increments of half days or whole days. Sick leave may be accumulated indefinitely and is transferable among school systems.

Sick leave regulations provide for “Voluntary Shared Leave.” For details concerning donating and receiving shared leave, contact the Benefits Specialist at the central office.

**MATERNITY LEAVE**

Montgomery County Schools adheres to the Family Medical Leave Act of 1993 (FMLA). FMLA allows eligible employees to take up to 12 weeks of leave time to care for a newborn or adopted child within the first year of life or placement in the home. To qualify for FMLA, the employee must have worked with Montgomery County Schools for at least 1250 hours the preceding year. During the 12 weeks, an employee will continue to have insurance coverage paid by the employer (employee only coverage-dependent coverage will still be maintained by the employee) and the employee will have job security. Forms to complete for maternity leave can be obtained from the finance office. Questions relative to maternity leave should be directed to the benefits office.

Regardless of the amount of leave you have accumulated, six weeks after delivery is the time frame allowed for maternity leave. Eight weeks after delivery will be allowed for C-sections. Any additional time requested will require a doctor’s statement.

You should notify the Finance Department approximately 30 days prior to the projected leave date.

### **SICK LEAVE UPON SEPARATION**

- (a) In the event an employee separates from service before earning sick leave which has been advanced, a deduction will be made from the final salary check for the total unearned sick leave used.
- (b) Pay for unused sick leave is not permitted, except when an employee has been approved for long-term disability.
- (c) Accumulated sick leave counts as creditable service towards retirement. One month of credit is allowed for each 20 days of unused sick leave upon retirement. One more month is allowed for any part of 20 days left over. Sick leave converted from access annual vacation leave is also creditable.
- (d) From the date an employee resigns or moves to a temporary position, the sick leave balance is retained for 60 months. If the person is re-employed in a full-time or part-time permanent position, or retires within this 60 months, the sick leave balance is reinstated. After 60 months, the sick leave balance cannot be reinstated.

### **TWENTY-DAY EXTENDED SICK LEAVE**

The teaching staffs in the public schools are provided 20 days each year of additional sick leave, less \$50 daily deduction pay, for personal illness. This extended sick leave can be used when the teacher exhausts all accumulated sick leave. Extended sick leave cannot be accumulated.

### **LEAVE OF ABSENCE (Family, Medical, or Educational)**

A public school employee, male or female, may be granted a leave of absence without pay for up to one calendar year for the birth or adoption of a child. Teachers may also use accumulated annual leave or personal leave to care for a newborn or a child placed through adoption or foster care during the first 12 months following the arrival of the new child.

Employees may be granted a medical or educational leave of absence without pay for periods determined by the local administrative unit. FMLA leave should be requested in advance. For information on applying for a leave of absence, contact the Benefits Specialist.

### **PARENTAL INVOLVEMENT LEAVE**

Four hours of leave per year will be granted to any full-time employee who is a parent, guardian, or person standing in loco parentis of a school-age child in order that the employee may attend or otherwise be involved in that child's school. Part-time employees, four or more hours per day, will receive leave on a pro rata basis. (For

details about parental involvement leave, consult the policy manual or the Benefits Specialist.)

### **PERSONAL LEAVE**

Personal leave is earned by classroom teachers and school media coordinators who require substitutes. In order to be eligible, the teacher must be in a permanent full or part-time position. Personal leave is earned at the rate of .20 days for each full month of employment not to exceed two days per year. Part-time personal leave may be carried forward from one year to another and may be accumulated without limitation until June 30<sup>th</sup>. On June 30<sup>th</sup>, personal leave in excess of 5 days is converted to sick leave so that a maximum of 5 days of personal leave are carried forward to July 1<sup>st</sup>.

### **PROFESSIONAL LEAVE**

Professional leave may be granted to public school employees who have professional responsibilities or who need to attend professional meetings or staff development activities. Professional leave must be approved in advance by the principal/supervisor. Detailed regulations can be found in *Employee Leave Policies*.

### **JURY DUTY**

When a permanent employee is absent to serve on a jury, no deduction is made from the regular salary. The employee is entitled to regular compensation plus any compensation awarded for serving on jury duty.

### **COURT ATTENDANCE**

When permanent employees are absent from work to attend court in connection with their official duty or because they were subpoenaed or directed by proper authority to appear as a witness for another individual, no salary deduction is made. Any fees received when serving in an official capacity as a witness must be returned to the local school system. If, however, an employee is a defendant or a plaintiff in a case not connected with official duties and must be absent from work, no salary is to be received unless that time is charged to accumulated leave.

### **MILITARY LEAVE**

Leave with pay is granted to members of reserve components of the U.S. Armed Forces for certain periods of active duty training and for state military duty. Leave with pay is extended to full- or part-time permanent school employees, normally not to exceed 96 hours (12 days) each calendar year for annual training and military maneuvers. Military leave without pay can be granted for one enlistment period of active service.

# **Insurance Benefits**

## **HEALTH INSURANCE**

Employees have Blue Cross Blue Shield of North Carolina Health Smart Choice PPO Plan as their insurance carrier. Montgomery County Schools pays for individual coverage for full-time employees wishing to enroll in the Blue Cross Blue Shield of N.C. Smart Choice PPO. Coverage for dependents and part-time employees may be added at the employee's expense through payroll deduction.

Employees who work at least half of the workdays in the pay period in which they terminate will have their coverage continued for one calendar month after the month in which they terminate. If they work less than half of the workdays, their coverage will end on the last day of the month during which termination occurs.

Employees on approved leave of absence may continue their health insurance by paying the entire premium to Montgomery County Schools by the 1st of each month.

## **DENTAL INSURANCE**

Dental insurance is offered for all full-time employees through Sun Life Financial. The employee must pay the full amount of the premium for this coverage. Eligible employees may also insure their dependents. Dental insurance must be applied for at the time of employment; it is not available at a later date unless the company grants a period of open enrollment.

Questions concerning health and dental insurance should be directed to the Benefits Specialist at the central office.

## **UNEMPLOYMENT INSURANCE**

School employees are entitled to unemployment insurance. Eligibility is determined individually, and benefit amounts are based on a percentage of a person's earnings up to the allowable limit.

## **DISABILITY INCOME**

A comprehensive short-term and long-term disability income plan is provided at the employer's expense for permanent employees who are members of the Teachers' and State Employees' Retirement System and who meet certain state service requirements. For more information, contact the Benefits Specialist.

## **WORKER'S COMPENSATION**

All Montgomery County School employees are covered under the Workers' Compensation Act. As defined under the North Carolina Workers' Compensation Act "an injury is covered under workers' compensation if it was caused by an accident or incident, which arose out of and in the course of your employment."

When an incident occurs, school employees are responsible for notifying his/her principal **immediately**. Employees at the central office, transportation, and facility services notify their immediate supervisor. If medical treatment is necessary, the employer directs appropriate medical procedures. In regard to an occupational disease, an employee must give notice to the employer when the employee is first informed by a competent medical authority of the nature and work-related cause of the illness. The safety coordinator, or the school office designee, at each school or department, will need to complete the necessary paperwork for worker's compensation claim. The principal and/or supervisor must sign and date, the MCS Employee Incident Report and Supervisor's Accident Investigation form. The completed form is then forwarded to the Human Resources Department.

If time away from work is necessary after the incident, the employee will continue to earn sick leave, annual vacation leave, and, if applicable, personal leave. The employee will continue to earn longevity credit if applicable. While on workers' compensation leave you do not receive retirement service credits. Teachers do not earn experience credit while on workers' compensation, except when they are using sick leave, extended sick leave, personal leave, or any other available paid leave. However, the employee will continue to earn longevity credit, if applicable.



## **EMPLOYEE'S PROCEDURES TO FOLLOW WHEN INJURED ON THE JOB**

- If you are injured, you **must** tell your supervisor immediately, and no later than 30 days after the injury. If you need medical treatment other than first aid, your supervisor will direct you to an appropriate medical provider. If needed, the school/department designee will make you an appointment with the appropriate medical provider.
- You must complete a written statement, *Montgomery County Schools Employee Incident Report*, detailing your injury that is included as part of your supervisor's Incident Investigation Report.
- On the day of your injury, you will not be charged leave for the time lost from work due to your injury. However, you are expected to return to work-related injury unless the initial medical provider (authorized treating physician) where you are referred for treatment says you must go home for the day.
- Your authorized treating physician will provide you with a written note for any time out of work or assigned work restrictions related to your work-related injury or illness. You must give all work notes to your supervisor or workers' compensation administrator as soon as possible upon receipt.

- Your ongoing medical treatment will be directed by the Third Party Administrator's assigned adjuster that is handling claims on behalf of Montgomery County Schools.
- If the injury results in more than one lost work day, you must go on workers' compensation leave. There is a seven-day waiting period where no compensation for time lost from work will be provided unless the injury results in disability for more than 21 days, then compensation will be allowed from the date of disability. You may use vacation or sick leave in lieu of taking workers' compensation leave during this seven-day waiting period.
- The NC Workers' Compensation Act provides medical benefits and compensation for your time lost from work and any permanent disability that results from your injury. Your weekly benefit is 66 2/3% of your average weekly wages up to a statutorily calculated annual maximum amount. You may also use Supplemental Leave while you are completely out of work due to your injury.
- Return To Work: Montgomery County Schools has a structured Return To Work program. Montgomery County Schools will use this program to provide you with modified/transitional duty employment that complies with the work restrictions indicated by your doctor during the healing period for your injury.
- **REMEMBER** it is the employee's responsibility to keep the employer informed of any work status reports, and all treatment(s) received. It is Montgomery County Schools' goal to make sure that every injured employee receives the relief and care that is required.

## **Retirement Benefits**

### **RETIREMENT**

Permanent full-time employees are covered by the North Carolina Teachers' and State Employees' Retirement System. Employees contribute 6% of their monthly salary; employers will contribute 19.70%, effective 07/01/2019.

#### **Service Retirement (Unreduced) Benefits are available:**

- at age 65 with 5 years
- at age 60 with 25 years of credible service, or
- at any age with 30 years of creditable service.

#### **Early Retirement (Reduced) Benefits are available:**

- at age 50 with 20 years of creditable service, or
- at age 60 with 5 years

Your early retirement benefit is determined by the same formula as a service retirement benefit multiplied by a reduction percentage based on your age and/or service at early retirement.

**If You Leave the System Before Retirement**, and you meet all eligibility requirements, you may still receive a deferred benefit at a later date, provided you do not withdraw your contributions. Your benefit is determined by the formula in effect on the effective date of your retirement. If you leave the System before you have 5 years of membership service, the only payment you can receive is a refund of your contributions.

For additional information on retirement records/change of beneficiary, see section on "Updating Personal Information."

### **DEATH BENEFIT**

After one year of membership in the retirement system, employees are automatically covered by a death benefit. Upon death, the beneficiary will receive a lump sum equal to the employee's salary for the previous 12 highest months in a row during the last 24 months before the employee's death, with a minimum of \$25,000 and a maximum of \$50,000.

### **SOCIAL SECURITY**

Employees are members of the Federal Social Security System, and contributions are made by both employee and employer. The current contribution rate is 7.65%.

## **Other Benefits**

Employees may choose to participate in a flexible benefits plan whereby certain insurance, health care, and child care expenses can be paid for on a pre-tax basis. The Benefits Specialist can answer specific questions about this plan.

### **CREDIT UNION**

Permanent public school employees are eligible for membership in the State Employees' Credit Union. In Troy, the State Employees' Credit Union location is 1058 Albemarle Road (across from Friendly Chevrolet). The Credit Union offers savings accounts, checking accounts, credit cards, loan services, and direct deposit of paychecks.

### **LIABILITY INSURANCE**

Montgomery County Schools provides liability insurance (errors and omissions/general liability) protection to school employees. For further details, contact the Finance Director at the central office.

## **Policy Highlights**

### **POLICY MANUAL**

The Montgomery County Schools Policies and Procedures were developed by the school system and adopted by the Board of Education. These policies and procedures are the rules and regulations that govern the employees and students of the school system. The policy manual is placed at all schools and the Central Office.

Employees should be familiar with all policies dealing with personnel as contained in Section 7 of the policy manual. Particular attention should be given to the following:

### **Recruitment and Selection of Personnel – Policy 7100**

#### **A. GENERAL PRINCIPLES**

It is the policy of the board to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion and other benefits of employment without regard to race, color, religion, national origin, sex, age or handicap, except when sex, age or physical requirements are essential occupational qualifications. All candidates shall 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.

#### **B. RECRUITMENT**

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

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

#### **C. CRIMINAL HISTORY**

Applicants must notify the human resources department 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 Deputy Superintendent 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 Deputy Superintendent 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.

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.

#### **D. SELECTION**

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

1. application;
2. education and training;
3. licensure and certification (when applicable);
4. relevant experience;
5. personal interviews; and
6. references and/or background checks.

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

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

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

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

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

### **Grievance Procedure for Employees – Policy 1750/7220**

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 which may arise among employees. The intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems which arise from time to time and affect employees.

#### **A. RESOLUTION**

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

#### **B. DEFINITIONS**

##### **1. Days**

Days are the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day

following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday-Friday) so that the matter may be resolved before the close of the school term or as soon as thereafter as possible.

2. Final Administrative Decision

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

3. Grievance

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

- a. that there has been a violation, misapplication or misinterpretation of state or federal law or regulations, school board policy or administrative procedure;
- b. that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or
- c. that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

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

2. Grievant

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

3. Official

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

4. Parties in Interest

Parties in interest refer to the grievant and the person against whom the grievance is filed.

### **C. TIMELINESS OF PROCESS**

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

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

### **D. GENERAL REQUIREMENTS**

1. All parties in interest and their representatives in any grievance filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.
2. The board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance files and decided pursuant to this policy.
3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.
4. All meetings and hearings conducted pursuant to this policy will be private.
5. The board and school system will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to respond to grievants individually.
6. The board and administration will cooperate with the employee and representative in the investigation of any grievance.
7. The employee may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.
8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the

grievant and/or representative from regular work assignments, such as absences will be excused without loss of pay or benefits.

## **E. PROCESS FOR REPORTING A GRIEVANCE**

### **1. Filing a Grievance**

- a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days that claims a violation, misapplication or misrepresentation of state or federal law, including discrimination, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations however; employees should recognize that delays in filing may significantly impair the ability of the school system to investigate and respond effectively to such complaints.
- b. All grievances must be in writing, and the written statement of grievance must remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s) or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation or State Board of Education policy or procedures that the grievant believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision action or physical condition at issue or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted or violated, then the procedure established in policy 1742/5060, Responding to Complaints, is appropriate and the principal or immediate supervisor shall address the concern following that board policy.
- c. The employee(s) shall present the grievance in writing to his or her immediate supervisor or the supervisor's designee unless the grievance alleges that a state or federal law has been misapplied, misinterpreted or violate in which case the grievance may be presented to the executive director of human resources (or to the superintendent if the grievant's supervisor if the executive director of human resources). The person receiving the grievance hereinafter will be referred to as "official."

## 2. Response by Official

- a. The official shall arrange for a grievance file number to be assigned by the human resources office.
- b. In the event the official determines at the outset that review by the official is inappropriate; the official shall forward the formal grievance to the superintendent who will investigate and respond as provided below in subsection E.3.
- c. A meeting will take place at a mutually agreed-upon time within five days after receipt of the grievance.
- d. The official shall conduct any investigation of the facts necessary before rendering a decision.
- e. The official supervisor or designee shall provide the aggrieved employee(s) with a written response to the grievance within 10 days after the meeting.

## 3. Response by Superintendent

- a. If the grievant is dissatisfied with the official's response, the grievant may **appeal in writing the decision to the superintendent for review by the** superintendent or designee within five days of receipt of the official's response.
- b. The superintendent or designee shall arrange for a meeting with the employee(s) to take place within five days of the receipt of the appeal.
- c. The superintendent or designee shall conduct any investigation necessary before arriving at a decision. The superintendent or designee shall provide the aggrieved employee(s) with a written decision within 10 days after the meeting.

## 4. Appeal to the Board

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

which the board may grant at its discretion (see Discretionary Appeals below).

a. Mandatory Appeals

1. If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the board within 10 days of receiving the superintendent's response.
2. A hearing will be conducted pursuant to policy 2500, Hearings before the Board.
3. The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time is taken to respond.

b. Discretionary Appeals

1. If the grievant is not satisfied with the superintendent's response but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may submit the superintendent a written request for a hearing before the board of education within 10 days of receiving the superintendent's response.
2. If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing, otherwise, the board chairperson shall appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3. If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.
4. If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.
5. The board will provide a final written decision within 30 days of the decision to grant an appeal unless further investigation is necessary or the hearing necessitates that more time is taken to respond.

## **F. RECORDS**

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

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

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

### **Staff Responsibilities – Policy 7300**

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 director of 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 shall be in writing, shall include all pertinent facts and shall be delivered to the director of 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 shall 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 director of human resources no later than the next business day following the adjudication.

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

### **Staff Use of Wireless Communication Devices – 7305**

The board recognizes that cellular phones have become an important tool through which people communicate in the 21<sup>st</sup> century. Therefore, it is expected that a majority of staff members possess cellular phones and other wireless communication devices on school property. Wireless communication devices include, but are not limited to, cellular phones, paging devices, two-way radios, IPAD, IPOD and other similar devices.

#### **A. GENERAL GUIDELINES**

In accordance with policy code #3000, Goals and Objectives of the Educational Program, the use of wireless communication devices that impede an employee from performing the essential and secondary functions of his/her job is strictly forbidden.

Further, classroom teachers should ensure such devices are secured, in the off/silent position, and not in use during the instructional time. If a device is to be used for an instructional activity, prior approval should be obtained from the principal.

#### **B. CONSEQUENCES FOR UNAUTHORIZED USE**

Violations of this policy will be handled according to established employee disciplinary procedures.

### **Staff –Student Relations – Policy 4040/7310**

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 shall 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 officer but does not include student employees.

### **Technology Acceptable Use Policy - Policy 3225/4312/7320**

The board provides its student and staff access to a variety of technological resources, including laptop computers and tablets. 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. The agreement is in effect until either the student changes schools or the employee moves to a different place of employment within the Montgomery County School System. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuses may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

## **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 the school system business and is not otherwise prohibited by board policy or procedure.
2. School district technological resources are installed and maintained by members of the Technology Department. Students and employees shall not attempt to perform any installation or maintenance without the permission of the Technology Department.
3. Under no circumstances may software purchased by the school system be copied for personal use.
4. 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.

5. 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. All users must comply with policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying when using school technology.
6. The use of anonymous proxies to circumvent content filtering is prohibited.
7. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
9. 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.
10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks or data or 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.

11. 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.
12. 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.
13. 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.
14. Users may not read, alter, change, block, execute or delete files or communications belonging to another user without the owner’s express prior permission.
15. Employees shall not use passwords or user IDs for any data system (e.g., Power School, CECAS, time-keeping software, etc.) for an unauthorized or improper use.
16. 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.
17. Teachers shall make reasonable efforts to supervise a-students’ use of the Internet during instructional time, to ensure that such use is appropriate for the student’s age and the circumstances and purpose of the use..
18. 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.
19. Without permission by the board, users may not connect any person technologies such as laptops, workstations and printers, wireless access points and routers, etc. to a district owned and maintained local, wide or metro area network. Connection of personal devices such as iPods, smartphones, PDAs and printers is permitted but not supported by Montgomery County Schools. 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).
20. Users must back up data and other important files regularly.

21. Those who use district owned and maintained laptops must also follow these guidelines:
- a. Keep the laptop secure and damage free
  - b. Use the provided protective case at all times.
  - c. Do not loan out the laptop, charger or cords.
  - d. Do not leave the laptop in your vehicle.
  - e. Do not leave the laptop unattended.
  - f. Do not eat or drink while using the laptop or have food or drinks in close proximity to the laptop.
  - g. Do not allow pets near the laptop.
  - h. Do not place the laptop on the floor or on a sitting area such as a chair or couch.
  - i. Do not leave the laptop near table or desk edges.
  - j. Do not stack objects on top of the laptop.
  - k. Do not leave the laptop outside.
  - l. Do not use the laptop near water such as a pool.
  - m. Do not check the laptop as luggage at the airport.
  - n. Back up data and other important files regularly, Montgomery County Schools Technology Department will at times perform maintenance on the laptops by imaging. All files not backed up to server storage space or other storage devices will be deleted during this process.

**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 materials 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 communications, and intercept e-mail messages to maintain system integrity and to ensure compliance with board policy and applicable laws and regulations. School system personnel shall monitor on-line activities of individuals who access the Internet via a school-owned computer.

#### **F. SECURITY/CARE OF PROPERTY**

Security on any computer system is a high priority, especially when the system involves many users. Employees are responsible for reporting information security violations to appropriate personnel. Employees should not demonstrate the suspected security violation to other users. Unauthorized attempts to log onto any school system computer on the board's network as a system administrator may result in cancellation of user privileges and/or additional disciplinary action. Any user identified as a security risk or having a history of problems with other systems may be denied access.

Users of school district technology resources are expected to respect school district property and be responsible in using the equipment. Users are to follow all instructions regarding maintenance or care of the equipment.

Users may be held fiscally responsible for any loss or damage caused by intentional or negligent acts in caring for computers while under their

control. The school district is responsible for any routine maintenance or standard repairs to school system computers.

## **G. 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 on-line behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy (see the student behavior policies in the 4300 series).

### **2. Employees**

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 on-line networking profiles in order to prevent. The possibility that students could view materials that is 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.

### **Use of Personal Technology to Conduct School Business** **-Policy 3228/7323**

The board recognizes that employees may use a variety of personal technology devices and accounts in their personal lives. At times, it may be convenient for employees to use their personal technology devices and accounts to conduct school business. Although such use of personal technology devices and accounts may be convenient, it is likely to produce a conflict between employees' interests and the school's obligations: employees ordinarily expect privacy in their personal technology devices and accounts, but the school is legally obligated to preserve certain school business-related electronically stored information ("ESI").

School business-related ESI (including text messages and e-mails) sent and/or received by an employee using a personal technology device or account may constitute public records or student education records, and as a result may require retention and disclosure by the school system. In the event of litigation, school business-related ESI located on a personal technology device or account may be subject to discovery and a litigation hold.

## **A. LIMITATIONS ON USE**

Unless otherwise authorized by a BYOT (Bring Your Own Technology) initiative, employees are expected to use school-controlled technology devices and accounts for conducting school business and storing school business-related ESI when such devices and accounts are readily available. Any use of personal technology devices and accounts is subject to this policy and all other relevant board policies, including but not limited to policy 3225/4312/7320, Technology Responsible Use, and policy 7335, Employee Use of Social Media.

### **1. Personal Technology Devices**

For purposes of this policy, “personal technology device” means a technology device that is not under the control of the school system and which the school system does not have the ability to access without the employee’s assistance. This definition includes, but is not limited to, computers, phones, tablets, and other technological devices that are owned or leased by an employee.

Use of personal technology devices to conduct school business or to store school business-related ESI is authorized only when (1) done in accordance with an official BYOT program; (2) the use is occasional and incidental to the regular use of school-controlled technology devices; or (3) the superintendent or designee has pre-approved in writing the employee’s regular use of personal technology for conducting school business and/or storing school business-related ESI.

For purposes of this policy, “personal external storage device” means a device that has a primary purpose of storing data, is not under the control of the school system, and which the school system does not have the ability to access without the employee’s assistance. Personal external storage devices constitute personal technology devices for purposes of this policy, but are subject to the following additional limitation: employees are prohibited from storing school business-related ESI on personal external storage devices, including, but not limited to, external hard drives, USB flash drives, flash memory cards, DVDs, compact discs, or magnetic tape, unless specifically authorized to do so by the superintendent or designee in writing.

## 2. Personal Accounts

For purposes of this policy, “personal account” means an account that is not under the control of the school system and which the school system does not have the ability to access without the employee’s assistance. This definition includes, but is not limited to, personal email accounts, social media sites, and online file storage services (e.g., file hosting services, cloud storage services, or online file storage providers that host user files via the Internet).

Employees are prohibited from using personal accounts to conduct school business or to store school business-related ESI unless specifically authorized to do so by the superintendent or designee in writing.

### **B. SCHOOL SYSTEM ACCESS TO SCHOOL BUSINESS-RELATED ESI ON EMPLOYEES’ PERSONAL TECHNOLOGY DEVICES AND ACCOUNTS**

Any school business-related ESI stored on an employee’s personal technology devices or accounts is property of the school system. Employees shall transfer to an appropriate custodian all school business-related ESI upon request of the superintendent or designee and upon leaving employment. Employees shall cooperate with school officials in accessing any school business-related ESI stored on personal technology devices or accounts.

Employees are cautioned that using personal technology devices or accounts to conduct school business or to store school business-related ESI will significantly reduce their expectation of privacy in those devices or accounts. If an employee uses a personal technology device or account to conduct school business or to store school business-related ESI, an inspection of the employee’s device or account may be necessary to ensure that all public records and education records are preserved.

By using personal technology devices or accounts to conduct school business or to store school business-related ESI, employees are deemed to consent to the school system accessing and inspecting such devices or accounts to gather school business-related ESI and ensure that all public records and education records are preserved. If school officials have a reasonable basis to conclude that school business-related ESI is stored on an employee’s personal technology device or account, a reasonable inspection of the employee’s device or account may be performed in order to retain any public records or education records required to be retained by law and/or board policy. Such an inspection shall be made only after consultation with the board attorney.

## C. REQUIRED NOTICES AND CONSENT

All employees must be informed annually of the terms of this policy and the methods by which they may obtain a copy of this policy. Employees must sign a statement indicating that they understand and will comply with the requirements of this policy.

### **Smoking and Tobacco Products – Policy 5026/7250**

The board of education promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the school board or at school-related or school-sponsored events is detrimental to the health and safety of students, staff and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco - free policy that and prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, the term “tobacco product” means any product that contains or is made or derived from tobacco and is intended for human consumption, including all lighted and smokeless tobacco products as well as electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.
2. In addition, persons attending a school-sponsored event at a location not specified in subsection I above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) in an area where use of tobacco products is otherwise prohibited by law.
3. Nothing in this policy prohibits the use of tobacco products for an instructional or research activity conducted in a school building provided such activity is conducted or supervised by a faculty member and the activity does not include smoking, chewing or otherwise ingesting tobacco.
4. The administration will consult with the county health department and other appropriate organizations to provide employees with information and access to support systems and programs to encourage employees to abstain from the use of tobacco products. The school district may, from time to time, provide free non-smoking programs and services to

be offered to employees in the schools, after the regular school day.

5. The principal of each school and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students, and visitors that the use of tobacco products by any person is prohibited at all times in or on school property.
6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel, and the public.
7. All school personnel are required to adhere to and enforce this policy and other policies, rules or regulations addressing the use of tobacco products.

**\*See Drug-Free and Alcohol-Free Workplace Environment Policy:  
Policy Code 7240**

**(<https://www.montgomery.k12.nc.us/cms/lib/NC01000976/Centricity/Domain/37/7240%20Drug%20Free%20and%20Alcohol%20Free%20Workplace%20Approved%20120913%20WEB.pdf>)**

### **Child Abuse and Related Threats to Child Safety** **– Policy 4240/7312**

The board is concerned with the health, safety, and welfare of all children and recognizes the legal and ethical obligations that school employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has two separate systems that mandate reports to state authorities of suspected child abuse, neglect, dependency, or maltreatment and a third system for mandated reporting of certain crimes against juveniles to local law enforcement.

When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or dependent, this information must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude, and sexual servitude of a child and death of a child as a result of maltreatment are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services, Division of Child Development and Early Education. When the source of the harm or threat of harm to the child is uncertain, a report should be made to both the county child welfare agency and the Department of Health and Human Services, Division of Child Development and Early Education.

In addition, state law mandates reports to local law enforcement when a child is a victim of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

The board of education supports all employees who in good faith make a report under North Carolina's mandated reporting laws.

**A. DUTY TO REPORT CERTAIN CRIMES AGAINST CHILDREN TO LOCAL LAW ENFORCEMENT**

A school employee, contractor, or volunteer is legally required to report to local law enforcement when the employee or volunteer knows or reasonably should know that a child has been a victim of any of the following crimes:

1. a sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to inappropriate sexual contact with a child);
2. an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means;
3. an attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or
4. misdemeanor child abuse, which occurs when a parent or any other person providing care or supervision to a child who is under the age of sixteen (1) inflicts or allows to be inflicted physical injury to the child by nonaccidental means or (2) creates or allows a substantial risk of physical injury to the child by nonaccidental means.

Compliance with this reporting requirement does not relieve the employee or volunteer from his or her duty to report pursuant to Sections B and C of this policy. The employee, contractor, or volunteer also shall immediately report the case to the principal.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report maybe restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

**B. DUTY TO REPORT CHILD ABUSE, NEGLECT, DEPENDENCY, OR DEATH AS A RESULT OF MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY**

A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the director of social services. The employee, contractor, or volunteer 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, contractor, or volunteer is immune by statute from any civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

**C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION**

A school employee, contractor, or volunteer who has cause to suspect that a child in a child care facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a child care facility is legally required to report the case to the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE).

A “child care facility” includes any DHHS-licensed classroom or program operated by the school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs, and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child’s care is being provided in a child care facility must be resolved in favor of reporting, and the report should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by board, the principal shall immediately notify the superintendent of the suspected maltreatment. No reprisals of any kind may be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed classroom or program operated by the board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system.

#### **D. COOPERATION WITH STATE AND LOCAL AGENCIES**

1. The principal may establish a contact person in the school to act as a liaison with state and local agencies charged with investigating reports made pursuant to this policy.
2. Employees shall cooperate fully with agency personnel conducting an investigation.
3. In a case under the jurisdiction of local law enforcement in which the child's parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.
4. In a case under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.
5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.
6. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.
7. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly connected with carrying out the responsibilities of the school system or the employee.

## **E. SHARING INFORMATION WITH OTHER AGENCIES**

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 by the department of social services of a report of child abuse, neglect, dependency, or death as a result of maltreatment; (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.

## **F. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM**

In even numbered years, the school system will provide a child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals. The program will include at least two hours of training related to best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. Designated school personnel shall participate in such training as required by law and board policy.

The superintendent shall develop any necessary procedures for making a report pursuant to this policy, for sharing information with designated agencies, and for cooperating with agency investigations.

In addition to the requirements of this policy, any administrator who knows or has reason to believe that a licensed employee has engaged in conduct which involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction in accordance with subsection C.4 of policy 4040/7310, Staff-Student Relations.

### **Employee Use of Social Media – Policy 7335**

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

accordance with policies 3220, Technology in the Educational Program, and 3225/4312/7320, Technology Responsible Use.

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

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

#### **A. SOCIAL MEDIA COMMUNICATIONS INVOLVING STUDENTS**

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

The use of electronic media for communicating with students and parents is an extension of the employee’s workplace responsibilities. Accordingly, the board expects employees to use professional judgment when using social media or other electronic communications.

Employees are prohibited from knowingly communicating with current students through a personal social network page. An internet posting on a personal social media website intended for a particular student will be considered a form of direct communication with that student in violation of this policy. However, an employee may communicate with a student using personal social media networks to the extent the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of

the employee's child, or a member or participant in the same civic, social, recreational, sport or religious organization.

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

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

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

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

**C. POSTING TO SOCIAL MEDIA SITES**

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

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

3. Employees shall not knowingly allow students access to their personal social media sites that discuss or portray sex, nudity, alcohol or drug use or other behaviors associated with the employees' private lives that would be inappropriate to discuss with a student at school.
4. Employees may not knowingly grant students access to any portions of their personal social media sites that are not accessible to the general public, unless the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting.
5. Employees shall be professional in all Internet postings related to or referencing the school system, students and other employees.
6. Employees shall not use profane, pornographic, obscene, indecent, lewd, vulgar or sexually offensive language, pictures or graphics or other communication that could reasonably be anticipated to cause a substantial disruption to the school environment.
7. Employees shall not use the school system's logo or other copyrighted material of the system without express, written consent from the board.
8. Employees shall not post identifiable images of a student or student's family without permission from the student and the student's parent or legal guardian.
9. Employees shall not use internet postings to libel or defame the board, individual board members, students or other school employees.
10. Employees shall not use internet postings to harass, bully or intimidate other employees or students in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying, or state and federal laws.
11. Employees shall not post inappropriate content that negatively impacts their ability to perform their job

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

#### **D. CONSEQUENCES**

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

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

#### **Political Activities – Policy 7720**

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

These political activities must not:

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

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

#### **Employee Conflict of Interest– Policy 7730**

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. Employees 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. Although conflicts of interest are not limited to those described in this policy, at a minimum employees must comply with the board directives established below. In addition, employees engaged directly or indirectly in the school system's procurement, purchasing, and/or contracting process must comply with policy 6401/9100, Ethics and the Purchasing Function.

## **A. CONTRACTS WITH THE BOARD**

An employee shall not do any of the following:

1. 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;
2. participate in the selection, award, or administration of a contract supported in whole or in part by federal funds if the employee has a real or apparent conflict of interest as described in policy 8305, Federal Grant Administration;
3. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the employee will obtain a direct benefit from the contract; or
4. 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. An exception is allowed for employment contracts between the board and the spouse of the superintendent if approved by the board in an open session meeting in accordance with the requirements of state law and subsection D.2 of policy 7100, Recruitment and Selection of Personnel.

## **B. MISUSE OF INFORMATION**

An employee shall not do any of the following:

1. use information, which was learned in the employee's role as an employee and which has not been made public, to acquire a financial interest or gain a financial benefit, or to intentionally help another do so; or
2. acquire or gain, or intentionally help another person to acquire or gain, a financial interest or benefit in contemplation of official action by the employee or the school system.

## **C. 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:

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

The superintendent may grant prior approval for work performed under subsections C.4 and C.5 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.

Except as otherwise provided in the superintendent's contract, the superintendent is subject to the provisions of this section on non-school employment and shall seek prior approval from the board before engaging in consulting or other employment activities outside the school system. The board expects the superintendent to comply with all sections of this policy and all state and federal laws regarding conflicts of interest in his or her position as superintendent.

## **D. RECEIPT OF GIFTS**

No employee may solicit or accept any gifts from any potential or current provider of E-rate services or products in violation of federal E-rate program gifting rules.

No employee may solicit or accept trips, meals, favors, or other gifts or items of monetary value from any other person or group desiring to do or doing business with the school system, unless such gifts are of nominal value (\$50 or less) and (1) are instructional products or advertising items that are widely distributed; (2) are honorariums for participating in a meeting; (3) are meals served at a banquet; or (4) are approved for receipt by the superintendent or designee. These exceptions for gifts of nominal value do not apply to employees involved in purchasing and procurement activities except as provided in policies 6401/9100, Ethics and the Purchasing Function, and 8305, Federal Grant Administration, and applicable state and federal law.

## **E. VIOLATIONS**

The superintendent or designee shall ensure that all personnel are aware of the requirements of this policy and applicable conflict of interest laws. Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 6401/9100, Ethics and the Purchasing Function, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 6401/9100, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

### **Authority of School Personnel Policy 4301**

The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that if violated could result in short-term or long-term suspension or expulsion.

The teacher has the authority and responsibilities to manage student behavior in the classroom and while students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the board and school. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds, or at any school-sponsored activity.

Teachers and other school employees have the authority to manage or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to quell a disturbance threatening injury to others;
2. to obtain possession of a weapon or other dangerous object on the person, or within the control, of a student;
3. for self-defense;
4. for the protection of persons or property; or
5. to maintain order on school property, in the classroom, or at a school-related activity on or off school property.

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions; during any period of time when they are subject to the authority of such personnel.

## **Rules for Seclusion and Restraint in Schools Policy 4302-R**

The following rules shall govern the use of seclusion and restraint by school personnel. As used in this regulation, “school personnel” means an employee of the board and any persons working on school grounds or at a school function (1) under a contract or written agreement with the public school system or (2) for another agency to provide educational or related services to students.

### **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, 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 will not be considered a reasonable use of force and its use is prohibited. In addition, physical restraint will not be considered a reasonable use of force when used solely as a disciplinary consequence.

### **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, behavior intervention plan, or as otherwise prescribed by a medical or related service provider;
2. when using seat belts or other safety restraints to secure a student during transportation;
  3. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
  4. as reasonably needed for self-defense;
  5. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying down, taping or strapping down of a student, will not be considered to be a reasonable use of force, and its use 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 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, or behavior intervention plan; and
  - a. the student is constantly monitored by an adult in close proximity who is able to see and hear the student at all times;
  - b. 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, or behavior intervention plan;
  - c. the confining space has been approved for such use by the local education agency;
  - d. the space is appropriately lighted, ventilated and heated or cooled; and
  - e. 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 not considered to be reasonable force and its use is prohibited. In addition, seclusion will not be

considered a reasonable use of force 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 other 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;
3. Obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:
  - a. electric shock applied to the body;
  - b. extremely loud auditory stimuli;
  - c. forcible introduction of foul substances to the mouth, eyes, ear, nose, or skin;
  - d. placement in a tub of cold water or shower;
  - e. slapping, pinching, hitting or pulling hair;
  - f. blindfolding or other forms of visual blocking;
  - g. unreasonable withholding of meals;
  - h. eating one's own vomit; or
  - i. denial of reasonable access to toileting facilities.

The use of aversive procedures in public schools is prohibited.

## **G. NOTICE, REPORTING AND DOCUMENTATION**

1. School staff will 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 prohibited use of seclusion; or
  - e. any seclusion exceeding ten minutes or beyond the amount of time specified on a student's behavior intervention plan.

2. Notice to Parents

When a principal or designee has personal or actual knowledge of any of the events listed above, he or she shall promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident.

3. Written Report to Parents

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

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

4. Reporting to State Board

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

5. Non-Retaliation for Reporting

An employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion, or aversive procedure shall NOT be

discharged, threatened, or retaliated against through compensation, terms, conditions, location, or privilege of employment by any local board of education or any employee unless the employee knew or should have known that the report was false.

**PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, AND BULLYING Policy**  
**Code: 1710/4021/7230**

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. Any violation of this policy will be considered serious and school officials shall promptly take appropriate action to address the violation.

**A. PROHIBITED BEHAVIOR**

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 by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

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

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

**B. DEFINITIONS**

For purposes of this policy, the following definitions apply:

1. Discrimination

Discrimination means any actor failure to act, whether intentional or unintentional, 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.

## 2. Harassment and Bullying

a. Harassment or bullying behavior is deliberate conduct intended to harm another person or group of persons. Such conduct violates this policy when any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication:

- 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, acts of disrespect, intimidation, or threats, such as 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. Harassment and bullying may occur through electronic means ("cyberbullying"), such as through the Internet, emailing, or text messaging, or by use of

personal websites to support deliberate and repeated behavior intended to cause harm to persons or groups. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

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

b. Sexual harassment is a form of harassment that violates this policy. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Sexually harassing conduct 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.

As provided in policy 4040/7310, Staff-Student Relations, employees are strictly prohibited from engaging in a romantic or sexual relationship with any student enrolled in the school system, whether or not the relationship is consensual. Such conduct is prohibited whether or not it constitutes sexual harassment.

- c. Gender-based harassment is also a type of harassment that violates this policy. 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.

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

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should inform a school official designated to receive such complaints, as described in policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

Any employee who has witnessed, or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct in accordance with policy 1720/4015/7225. Employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

Reports, except mandatory employee reports, may be made anonymously, and all reports will be investigated in accordance with policy 1720/4015/7225.

### **D. RESPONDING TO OCCURRENCES OF DISCRIMINATION, HARASSMENT, OR BULLYING**

#### **1. Consequences for the Perpetrator**

##### **a. Disciplinary Consequences for Students**

Students will be disciplined in accordance with the school's student behavior management plan (see policy 4302, School Plan for

Management of Student Behavior). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the violation may also be reported to law enforcement, as appropriate.

Incidents of misbehavior that do not rise to the level of discriminatory harassment or bullying may violate acceptable standards of student behavior, including, but not limited to, the expectation that students will demonstrate civility and integrity in their actions and interactions with others. See policy 4310, Integrity and Civility. The consequences for such behavior will be consistent with applicable board policy and the Code of Student Conduct.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

b. Disciplinary Consequences for Employees

Employees who violate this policy will be subject to disciplinary action up to, and including, dismissal. In addition, the violation may also be reported to law enforcement, as appropriate. Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish unlawful discrimination, harassment, or bullying, but the conduct otherwise violates board policy or expected standards of employee behavior.

c. Consequences for Other Perpetrators

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. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

2. Consideration of Need for More Extensive Response

School administrators shall consider whether the misconduct warrants more than just a response at the individual level. Given the nature and severity of the misconduct, the administrators may determine that a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include additional staff training, harassment and bullying prevention

programs, and other measures deemed appropriate by the superintendent to address the behavior.

The actions taken must be reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

### 3. Retaliation Prohibited

The board prohibits reprisal or retaliation against any person for (a) reporting or intending to report violations of this policy, (b) supporting someone for reporting or intending to report a violation of this policy, or (c) 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.

## **E. TRAINING AND PROGRAMS**

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination, harassment, and bullying and to foster an environment of understanding and respect for all members of the school community. 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 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 at each school and worksite. 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  
Name: Tracy Grit  
Office Address: 441 Page Street, Troy, NC 27371  
Phone Number: 910-576-6511
2. Section 504 Coordinator  
Name: Tracy Grit  
Office Address: 441 Page Street, Troy, NC 27371  
Phone Number: 910-576-6511
3. ADA Coordinator  
Name: Tracy Grit  
Office Address: 441 Page Street, Troy, NC 27371  
Phone Number: 910-576-6511
4. Age Discrimination Coordinator  
Name: Tracy Grit  
Office Address: 441 Page Street, Troy, NC 27371  
Phone Number: 910-576-6511
5. Coordinator for Other Non-discrimination Laws  
Name: Tracy Grit  
Office Address: 441 Page Street, Troy, NC 27371  
Phone Number: 910-576-6511

## **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 discrimination 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.

***\*Every attempt has been made to ensure the accuracy of the above Montgomery County Schools Employee Handbook; however, any applicable federal and state laws and the most up-to-date policies, as approved by the Montgomery County Board of Education, will always take precedence in the event of a discrepancy.\****

### MONTGOMERY COUNTY SCHOOLS TECHNOLOGY ACCEPTABLE USE AGREEMENT FOR STAFF – Policy Code 3225/4312/7320-E-1

**Read carefully** the Montgomery County Schools' *Technology Acceptable Use Policy* (policy 3225/4312/7320). Sign and return this page to the designated person at your work site.

#### EMPLOYEE AGREEMENT:

I have read, understand and will abide by the Rules and Regulations for Montgomery County Schools' *Technology Acceptable Use Policy* (policy 3225/4312/7320). I further understand that any violation may result in the loss of access privileges and/or in other legal or disciplinary actions.

I also understand that as a school employee it is my responsibility to remind students to adhere to the Technology Acceptable Use Policy.

Employee Name: (please print) \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***STAFF-STUDENT RELATIONS***

**AGREEMENT TO ADHERE TO POLICY**

I, \_\_\_\_\_, as an employee of  
Printed Name

Montgomery County Schools, have read and fully understand Policy Code 4040/7310, and agree to abide by the guidelines prohibiting Staff-Student Relations. I understand that any breach of this policy may result in disciplinary action, up to and including my dismissal.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_