

# MONTGOMERY COUNTY SCHOOLS

## *Employee Handbook\**

**2012-2013**



Updated August 22, 2012

# MONTGOMERY COUNTY SCHOOLS

## MONTGOMERY COUNTY BOARD OF EDUCATION

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## OUR SCHOOLS

<b>STATE CODE</b>	<b>SCHOOL</b>	<b>PRINCIPAL</b>	<b>GRADES</b>
620-310	Montgomery Learning Academy	Mr. Todd Beane	K-12
620-312	Candor Elementary	Mr. Donnie R. Lynthacum	K-5
620-314	East Middle	Ms. Della Ingram	6-8
620-316	East Montgomery High	Ms. Heather Seawell	9-12
620-318	Green Ridge Elementary	Ms. Donna Kennedy	PK-5
620-324	Mt. Gilead Elementary	Ms. Beth Lancaster	PK-5
620-330	Page Street Elementary	Ms. Anne McLean	3-5
620-334	Star Elementary	Mr. Bruce Williams, Interim	K-5
620-336	Troy Elementary	Mr. Vance Thomas	PK-2
620-339	West Middle	Ms. Joan Frye	6-8
620-340	West Montgomery High	Mr. Jack Cagle	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 Assistant Superintendent of Operations, Montgomery County Schools, 441 Page Street Troy, NC 27371; telephone (910) 576-1742. The Executive Director of Human Resources 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 EMPLOYEE ORIENTATION

New employee 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.

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

### PROMOTIONS/TRANSFERS

An employee interested in a promotion or transfer should submit a request in writing to the Executive Director of Human Resources. 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.

Legal References: G.S. 115C-325

Cross References:

Adopted: May 1, 2000

Updated: May 4, 2009

Updated: September 14, 2011

## 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. Non-tenured 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. A copy of the evaluations and the summative evaluation, signed by the employee, is filed in the employee's personnel file.

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. 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. A form for this purpose may be obtained from the licensure specialist in the central office. 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.

## **Teacher Contracts**

Teachers are categorized as “probationary” or “career.”

### PROBATIONARY TEACHERS

Probationary teachers are those who do not have career status. Their contracts are for one year only, and they must be re-employed annually.

### CAREER TEACHERS

Career teachers are those who have obtained career status (tenure) as provided in the General Statutes of the State of North Carolina and summarized as follows:

1. When a teacher (defined here to include media coordinator, counselor, and school psychologist) has been employed with the school system four consecutive years with a continuing license, the Montgomery County Board of Education will vote whether to grant the teacher career status.
2. Persons tenured in another system in this state may be recommended for career status after one year of employment in Montgomery County. (Previously tenured individuals should make certain that prior tenure is on record with Montgomery County Schools.)
3. Persons in part-time (less than 80%) positions are not eligible for career status.
4. Persons with only a provisional license (lateral entry, vocational, validated expired license, and temporary permit) cannot earn time toward tenure. Questions concerning progress toward tenure should be directed to the licensure specialist.

Complete details on career status (tenure) can be found in the Montgomery County Board of Education Policy Manual (7410).

## **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.

## RAISE FOR HIGHER LEVEL LICENSE

When a teacher earns a higher level of licensure, a new salary is determined by the level of license and years of experience.

Salary increases for higher level licenses are effective with the pay period which begins in the same month as the effective date on the certificate. Teachers holding a teaching or student service area beyond the A level (e.g., master's, sixth-year, or doctoral) qualify for placement on the salary schedule at the highest level held. This rule applies for teaching assignments only. (Exception: Licensure at the M level in JROTC and certain vocational areas which are not based on the completion of approved education programs do not qualify.)

## 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.

## UNIFORMS

If the school system provides any Montgomery County employee a uniform, they are required to wear it to work at all times unless it has been approved by their supervisor.

## **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. Saturday until 11:59 p.m. Friday. A copy of the Fair Labor Standards Act and any administrative procedures established by the superintendent will be available to employees in the personnel office.

**C. OVERTIME AND COMPENSATORY TIME**

The board of education discourages overtime work by non-exempt employees. A non-exempt employee 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.

Legal References: The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, et seq.; G.S. 115C-47(18), -288, -307; *North Carolina Public School Personnel Employee Salary and Benefits Manual (2002-2003)*, North Carolina Department of Public Instruction, Division of School Business

Cross Reference: Leave of Absence (policy 7510)

Adopted: May 1, 2000

Amended: February 2, 2004

Updated: April 6, 2009

**LONGEVITY**

Longevity is paid to permanent, full-time, and half-time (at least 20 hours) employees who have completed ten years of qualifying North Carolina service. This annual payment is a percentage of the yearly base salary, and the percentage increases as years of state service increase. Longevity payments are paid during the pay period following a person's anniversary date. The chart below shows the longevity pay rates:

<u>Years of State Service</u>	<u>Longevity Pay Rate</u>
10 but less than 15 years	1.50%
15 but less than 20 years	2.25%
20 but less than 25 years	3.25%
25 or more years	4.50%

**PAYDAY**

- Ten-month employees and substitute teachers are paid monthly on the 25<sup>th</sup> day of the month (Aug-May)
- Eleven- and twelve-month employees are paid on the 25<sup>th</sup> day of the month.

- Cafeteria employees, bus drivers, and classified substitutes (cafeteria workers receive their checks on the 25<sup>th</sup> day of the month (September-June).
- Overtime checks, checks for hourly paid employees, and longevity checks are released on the 25<sup>th</sup> day of the month.
- If a payday falls on the weekend, checks will be released on Friday.

Supplements for coaching and other extracurricular activities will be paid on regular teacher paydays.

All paychecks will be picked up from the central office by school principals (or designees). Central office personnel will pick up their checks from the Finance Department.

Salary schedules are available in the secretary's office at the schools, or in the Human Resource Department at the central office.

### **DEDUCTIONS**

The Finance Department will deduct from each employee's check the mandatory deductions for federal and state withholding taxes, social security, and retirement. Other mandatory deductions are tax levies, child support, alimony, bankruptcy, and NC Teacher Assistance Authority payments.

Deductions for voluntary contributions (insurance premiums, tax sheltered annuities, cafeteria benefits, United Way, State Employees Credit Union) are made as authorized by the employee.

### **TEACHING LICENSE**

#### **SUPERINTENDENT'S COPY**

By law, the Superintendent's copy of the teaching license must be on file with the employing school system. When you receive a license directly from the Department of Public Instruction (DPI), you should immediately forward the Superintendent's copy to the Licensure Specialist in the central office. Keep the individual's copy for your files.

#### **LICENSE RENEWAL**

All licenses have a 5-year renewal cycle during which they must be renewed with 7.5 units of appropriate credit; 1.0 renewal credit for literacy, 1.0 renewal credit in the specific academic subject area, 1.5 renewal credit for technology, and 4 general credits. Credit is no longer given for teaching experience. Licenses are always dated to expire on June 30, and the renewal credit MUST be completed by that date. Credit may not be carried from one renewal cycle to the next. Course work may not be repeated within the 5-year cycle, and duplications will not be allowed.

Credit must be directly applicable to the license field(s), professional responsibilities, and/or educational goals of the individual, or be directly applicable to school system needs. Renewal credit may be earned in the following ways:

1. College/University Courses - Courses may be at graduate or undergraduate level and may be taken through any accredited college or university, including technical and community colleges. For these courses, 1.5 renewal credits will be awarded for each semester hour. A course which is audited (not taken for college credit) may not be used for renewal credit. Up to 10 semester hours, which equates to 15 units, may be recorded for licensure renewal.
2. Courses or Workshops - sponsored by Montgomery County Schools or North Carolina Department of Public Instruction.
3. Other Activities - Renewal credit may be awarded for other activities if credit has been established by an entity empowered to determine credit; independent study activities; or conferences/seminars set up to award CEUs). Generally speaking, 1.0 renewal credit is awarded for each 10 contact hours.
4. Teaching Experience - A year of full-time teaching experience equals 1.0 renewal credit.
5. NBPTS – Completion of the process for National Board Certification is acceptable to complete renewal requirements for an individual's next renewal cycle, even if the individual does not achieve national certification. A National Board Certified teacher who completes the National Board Certification may earn the 7.5 credits. Those who are in the 10 year National Board renewal cycle may earn 2.0 credits (1.0 content and 1.0 literacy).

### **PROCEDURES FOR OBTAINING PROFESSIONAL DEVELOPMENT CREDITS**

- Prior approval must be obtained through the appropriate department head before credit will be given for out-of system professional development attended.
- Prior approval must be obtained through the appropriate department head before credit will be given for school-based professional development.
- Credit will be awarded only with prior approval from the appropriate department head.
- The type of professional development credit requested must be checked on the prior approval form.
- Once school-based or out-of-system professional development is completed, a certificate of verification must be sent to the department head who will verify and then send to HR for posting of credit.
- School-based professional development and professional meetings that offer renewal credit (and have received prior approval) must use sign-in sheets as verification of attendance. Sign-in sheets should be dated and signed by a



facilitator who is responsible for turning the sheets in to HR within 5 days for posting.

- Once verification of credit and/or sign-in sheets are received, HR will be responsible for posting credit on the HRMS system. Staff members can then check on their renewal credits by linking on to the HRMS link through their schools.
- Principals and assistant principals earn 3 credits focused on the school executives as instructional, human resources, and managerial leader. The remaining 4.5 credits may be general credits.

### **Institutes/Seminars/Workshops NOT Approved by DPI or Other Certifying Entity**

In order to receive CEU credit for conferences, workshops and other professional development outside the district offerings, a form must be completed and sent to the instructional services office 10 days before attending. The form is in the employee intranet on the Montgomery County School's web-site.

In order for staff development to be approved there must be:

1. evidence of scientific research
2. approval from the principal, and
3. a statement regarding how the professional development will relate to the individual's professional assignment

### **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.
3. Be sure your **name** and at least the last four (4) digits of your **social security number** is on the bottom of the Certificate of Credit. Then submit it to the Licensure Specialist.

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 your records do not agree, contact the Licensure Specialist. Once you have completed requirements for renewal, you need not do anything else. The Licensure Specialist will handle the necessary paperwork, and a copy of your new license will be forwarded to you at your school. Frequently, it takes until early fall to process and distribute new licenses.

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 submit a written request to the Licensure Specialist. Please contact the Licensure Specialist for a current report.

## **LATERAL ENTRY LICENSES**

Law requires teachers to be licensed for ALL classes they teach. All lateral entry teachers that are designated highly qualified can receive a provisional license. They will be required to complete six semester hours each year until you have met licensure requirements. Provisional licenses are issued for one year at a time.

## **TUITION REIMBURSEMENTS**

(Contingent on the availability of funds)

### *Eligibility*

Lateral-entry 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*

Rate shall be consistent with in-state tuition at the North Carolina University System

NOTE: 100% reimbursement for first 18 hours

50% reimbursement for next 9 hours

## *Contract Agreement*

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.

### **READING CREDIT**

Pre-K-8 license renewal requires at least 3.0 units of reading credit.

### **ADMINISTRATOR CREDITS**

Requires at least 5.0 units for each renewal cycle focused on teacher recruitment, teacher retention and empowerment and/or teacher leadership.

### **TECHNOLOGY CREDITS**

Pre-K – 12 license renewal requires at least 3.0 units of technology credit.

### **EXPERIENCE CREDIT**

Teaching experience earned anywhere other than a North Carolina public school must be verified on Form E and submitted to the State Department of Public Instruction to be added to the license. Contact the Licensure Specialist for forms and/or details.

### **BEGINNING TEACHER SUPPORT PROGRAM**

Beginning Teachers are issued a Standard Professional 1 license and 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 from the Standard Professional 1 to a Standard Professional 2, teachers begin the five-year renewal cycle during which time they must earn 15 CEUs

## **Staff Development**

### **LICENSED PERSONNEL**

Montgomery County Schools offers staff development activities for licensed employees primarily to promote their professional growth. In addition to the activities offered by the system and the individual schools, there are other opportunities for professional growth; some examples are listed below. These opportunities assist in the license renewal process as well.

### **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.

### **NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING**

Through an application and acceptance process, teachers may participate in programs sponsored by the North Carolina Center for the Advancement of Teaching (NCCAT). Although the Center does not offer renewal credit, Montgomery County Schools will award 2.0 CEU's for the week-long program if the topic of study is related to the licensure area(s).

### **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:

<u>When You Have Worked</u>	<u>You Are Granted</u>			
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 unusual 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**

TEACHERS, EXCLUDING COUNSELORS, receive a .2 of a day of personal leave for each two and one-half months of employment with a \$50 deduction from their salary for the cost of a substitute. A maximum of five days may be accumulated and may be transferred between school systems. Personal leave is not allowed on the first day of school, a required teacher workday, or the day before or after a holiday or scheduled vacation day.

## **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 provided for all full-time and permanent part-time employees through Lincoln National. 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 at the building completes the Report of Injury Form to file the workers’ compensation claim. 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.

## **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; effective July 1, 2009, employers will contribute 8.75 %.

- Employees may retire with unreduced benefits if they: (1) reach age 65 and have completed at least five years of service, (2) reach age 60 with 25 years of service, or (3) have 30 years of service at any age.
- Employees may retire with reduced benefits if they: (1) reach age 50 and have completed 20 years of service or (2) reach age 60 with 5 years of service.
- When an employee resigns or is terminated, the accumulated EMPLOYEE contributions, plus any interest earned, may be withdrawn if employee is vested (5 years) with the State Retirement System. Members with less than five years may withdraw contributions only. Members with five or more years of service may leave contributions in the retirement system and receive future retirement benefits.

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

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent.

If a final candidate for employment or hiring as an independent contractor is found to have a criminal history, other than for minor traffic offenses, 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. If the superintendent recommends such a candidate to the board for employment, the board must be notified of the criminal history and the basis for the superintendent's determination. No individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school system.

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

#### **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.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S. C. 12102 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. -1703; Equal Pay Act of 1963, 29 U.S.C. -206; Fair Credit Reporting Act, 15 U.S.C.-1681, *et seq.*; Rehabilitation Act of 1973, 29 U.S.C.794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; G.S. 14-208.18; 114-19.2; 115C-36, -47, -332; 126-7.1(f), -16; 127A-202.1; 127B-10, -12, -14; 16 N.C.A.C. 6C.0313

Cross Reference: Registered Sex Offenders (policy 5022)

### **Employee Grievances – 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.

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 individual grievants.
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, any grievant intending to be represented by legal counsel 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. Reporting 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 reporting 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 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 (hereinafter "official"), unless the grievance alleges unlawful discrimination, in which case the grievance may be presented instead to the director of human resources.

### **2. Response by Official**

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

- b. In the event the official determines at the outset that review by the official is inappropriate; the formal grievance will be investigated and a response given at the first stage of appeal provided below.
- 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 immediate 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 if a hearing should be granted. The panel will report the decision to the board, the board may modify the decision of the panel upon majority vote at a board meeting.
3. If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500, the board may choose to review discretionary appeals on the record only, without allowing oral presentations.

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

## **F. RECORDS**

Records on discrimination grievances will be maintained as required by policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans With Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Racial Incidents and Harassment Against Students At Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office of Civil Rights (2001); G.S. 126-16

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

### **Sexual Harassment Complaint Procedure for Employees 1755/7237**

The board takes seriously all complaints of harassment or discrimination. The process provided in this policy is designed for employees who believe that they may have been sexually harassed. Employees may also submit a complaint of discrimination or harassment, other than sexual harassment, through the procedure established in this policy. For purposes of investigating complaints of non-sexual discrimination, harassment or bullying, the terms "discrimination," "harassment" or "bullying" should be substituted for the term "sexual harassment" as appropriate.

## **A. INFORMAL RESOLUTION**

The board acknowledges that reports of harassment, including sexual harassment, may be addressed informally through such methods as conferences or mediation, and the board encourages the use of such procedures to the extent possible. If an informal process is used, the designated school official must (1) notify the employee-complainant that he or she has the option to request formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. In those circumstances in which informal procedures fail or are inappropriate or in which the complainant requests formal

procedures, the complaints will be investigated promptly, impartially and thoroughly according to the following procedure.

## **B. DEFINITIONS**

### 1. Alleged Harasser

The alleged harasser is the employee, student, volunteer or visitor alleged to have harassed the complainant.

### 2. Complainant

The complainant is the employee complaining of being sexually harassed.

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

### 4. Investigator

The investigator is the school official responsible for investigating and responding to the complaint (which the investigator may be the director of personnel or another designated school official).

## **C. TIMELINESS OF PROCESS**

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

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

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

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

#### **D. GENERAL REQUIREMENTS**

1. No reprisals or disciplinary action of any kind will be taken by the board or by an employee of the school system against the complainant or other employee on account of his or her filing a complaint or participating in an investigation of a complaint filed and decided pursuant to this policy, unless the employee reporting the harassment or a participating employee knows or has reason to believe the report is false or knowingly provides false information.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The board and school system will consider requests to hear complaints from a group, but the board and officials have the discretion to respond to complainants individually.
4. The complainant may have a representative, including an attorney, at any stage of the complaint.
5. Should, in the judgment of the superintendent or designee, the investigation or processing of complaint require that the complainant and/or representative be absent from regular work assignments, such absences will be excused without loss of pay or benefits.

#### **E. PROCESS FOR COMPLAINT**

1. Reporting Complaint
  - a. An employee or job applicant who believes he or she has been sexually harassed may make a complaint orally or in writing to either of the following:
    - 1) the employee's immediate supervisor; or
    - 2) the superintendent or designee.
  - b. A complaint should be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the complaint. For a complaint submitted after 30 days that claims a violation, misapplication or misinterpretation of state or federal law, including discrimination, the superintendent or designee shall determine whether the complaint 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 reporting may significantly impair the ability of the school district to investigate and respond effectively to such complaints.

- c. Any supervisor who receives a sexual harassment complaint, or has reason to believe that an employee is being sexually harassed shall notify the superintendent or designee immediately. Any supervisor who fails to report promptly allegations, suspicions or claims of sexual harassment may be subject to disciplinary action.

## 2. Investigation

- a. Upon receiving notification of a harassment complaint, the executive director of personnel shall investigate the complaint or authorize and supervise the investigation of the complaint by another school official (the executive director of human resources or designee is hereinafter referred to as the investigator). Failure to investigate and/or address claims of sexual harassment will result in disciplinary action.
- b. The investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged harasser; and (3) any other persons the investigator has reason to believe may have relevant knowledge concerning the complaint.
- c. Information will be shared only with individuals who need the information in order to investigate and address the complaint appropriately.
- d. The investigator shall review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information; the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct; and the context in which the alleged incidents occurred.

## 3. Investigator's Report

- a. The investigator shall make a written report of the findings of the investigation. The investigator shall notify the complainant of the results of the investigation within 15 days of receiving the complaint unless additional time is necessary to conduct an impartial, thorough investigation. The report to the complainant will specify:

- 1) whether the complaint was substantiated; and
  - 2) whether the alleged harasser violated relevant law or board policy by his or her actions (regardless of whether the complaint as submitted is substantiated)
- b. If the investigator determines that sexual harassment has occurred, the investigator also shall specify
- 1) reasonable, timely, effective corrective action intended to end the harassment;
  - 2) if needed, reasonable steps to address the effects of the harassment on the complainant; and
  - 3) if needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

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

- a. The investigator shall submit the full report and investigative findings to the superintendent and the Title IX coordinator.
- b. If the corrective steps involve actions outside the scope of the investigator's responsibilities, the superintendent shall be responsible for directing the appropriate individual to take necessary corrective action.
- c. The alleged harasser will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged harasser violated board policy or law (regardless of whether the complaint was substantiated), and what, if any, disciplinary actions or consequences shall be imposed upon the alleged harasser in accordance with board policy. The alleged harasser may appeal any disciplinary action or consequences in accordance with board policy and law, but the appeal will not preclude school officials from taking appropriate action to address the alleged harassment.

#### 4. Appeal

- a. If the complainant is dissatisfied with the investigator's report, the complainant may appeal the report to the superintendent. The appeal must be in writing within five days of receiving the investigator's report. The superintendent shall review the documents, conduct any further investigation necessary or take any



other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is necessary.

- b If the complainant is dissatisfied with the superintendent's response, the complainant may appeal the decision to the board within five calendar days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary before making a determination or take any other steps that the board

## **F. RECORDS**

Records will be maintained as required by policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans With Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (2001); *Gebser v. Lago Vista Independent School District*, 524 U.S. 274, (1998); *Davis v. Monroe Count Board of Education*, 526 U.S. 629 (1999); G.S. 126-16; State Board of Education Policy SS-A-007

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Sexual Harassment Defined (policy 1736/4026/7236), Grievance Procedure for Employees (policy 1750/7220), Hearings Before the Board (policy 2500)

### **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 tobacco and is intended for human consumption, including all lighted and smokeless tobacco products.

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.
2. In addition, persons attending a school-sponsored event at a location not specified in subsection 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.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 - 6084; G.S. 14-313; 115C-47(18), -407

Cross References: Tobacco Products (policy 4320)

### **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.

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

Cross References:

### **Prohibited Relationships With Students – 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.

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*, 34 C.F.R. pt 106; G.S. 14-27.7, -202.4; 115C-47(18); 16 NCAC 6C.0601, 0602; State Board of Education Policy QP-C-014

Cross References: Governing Principle – Removal of Barriers (policy 1700), Prohibition Against Discrimination and Harassment (policy 1710/4021/7230), Harassment Defined (policy 1735/4025/7235), Sexual Harassment Defined (policy 1736/4026/7236), Student and Parent Grievance Procedure (policy 1740/4010), Sexual Harassment Complaint Procedure for Students (policy 1745/4027), Staff Responsibilities (policy 7300)

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

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

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

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

A. REQUIREMENTS FOR USE OF TECHNOLOGICAL RESOURCES

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

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

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited.
2. Under no circumstances may software purchased by the school system be copied for personal use.
3. Students and employees must comply with all applicable board policies, administrative regulations, and school standards and rules in using technological resources. All applicable laws, including those relating to copyrights and trademarks, confidential information, and public records, apply to technological resource use. Any use that violates state or federal law is strictly prohibited.
4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally accessing, downloading, storing, printing or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages or other material that is obscene, defamatory, profane, pornographic, harassing or considered to be harmful to minors.
5. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
6. Users must respect the privacy of others. When using e-mail, chat

rooms, blogs or other forms of electronic communication, students must not reveal personally identifiable, private or confidential information, such as the home address or telephone number, of themselves or fellow students. In addition school employees must not disclose on the Internet or on school system websites or web pages any personally identifiable information concerning students (including names, addresses or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records.

7. Users also may not forward or post personal communications without the author's prior consent.
8. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software or computer networks.
9. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. Users must scan any downloaded files for viruses.
10. Users may not create or introduce games, network communications programs or any foreign program or software onto any school system computer, electronic device or network without the express permission of the technology director or designee.
11. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems or accounts.
12. Users are prohibited from using another individual's computer account. Users may not read, alter, change, execute or delete files belonging to another user without the owner's express prior permission.
13. 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.
14. Teachers shall make reasonable efforts to supervise a student's use of the Internet during instructional time.
15. Views may be expressed as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

B. RESTRICTED MATERIAL ON THE INTERNET

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

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

C. PRIVACY

No right of privacy exists in the use of technological resources. School system administrators or individuals designated by the superintendent may review files, monitor all 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.

D. PERSONAL WEBSITES

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

## 1. Students

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

## 2. Employees

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

Employees are to maintain an appropriate relationship with students at all times. Employees are encouraged to block students from viewing personal information on employee personal websites or on-line networking profiles in order to prevent. The possibility that students could view materials that are not age-appropriate.

If an employee creates and/or posts inappropriate content on a website or profile and it has a negative impact on the employee's ability to perform his or her duties as it relates to working with students, the employee will be subject to discipline up to and including dismissal. This section applies to all employees, volunteers and student teachers working in the school system.

Legal Reference: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; G.S. 115C,-325(e), -391

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

### **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 tobacco and is intended for human consumption, including all lighted and smokeless tobacco products.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel, and the public.
14. All school personnel are required to adhere to and enforce this policy and other policies, rules or regulations addressing the use of tobacco products.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 - 6084; G.S. 14-313; 115C-47(18), -407

Cross References: Tobacco Products (policy 4320)

### **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.

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

Cross References:

### **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 job responsibilities with the school system. While there may be other conflicts of interests, employees must follow board directives in the following areas.

#### **A. FINANCIAL INTERESTS**

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

1. Contracts with the Board

An employee shall not do any of the following:

- a. obtain a direct benefit from a contract that he or she is involved in

making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;

- b. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board; or
- c. solicit or receive any gift, reward or promise for recommending, influencing or attempting to influence the award of a contract.

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

## 2. Non-School Employment

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

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

The superintendent may grant prior approval for work performed under subsections d and e above if such work enhances the employee's professional ability or professional growth for school-related work. The

superintendent may establish reporting procedures to require employees to notify the school district of any nonschool employment.

**B. RECEIPT OF GIFTS**

No gifts from any person or group desiring or doing business with the school system may be accepted by a school employee except for instructional products or advertising items of nominal value that are widely distributed.

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

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

**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.

Legal Reference: G.S. 115C-47, -288, -307, -390, -391, 391.1

Cross Reference: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), Rules for Use of Seclusion and Restraint in Schools ( regulation 4302-R)

### **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 under a contract or written agreement with the public school system or 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; and the isolation space is free from objects that unreasonably expose the student or

4. others to harm

#### **E. TIME-OUT**

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

#### **F. AVERSIVE PROCEDURES**

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

1. Significant physical harm, such as tissue damage, physical illness or death;
2. Serious, and foreseeable long-term psychological impairment;
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 the incident, 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.

### **Absences Due to Inclement Weather – Policy 7550**

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

- report to work as soon as it is safe to travel
- take accumulated annual (vacation) leave;
- take accumulated personal leave, if available (teachers only);
- take leave without pay;
- use compensatory leave already accumulated; or
- make up the time missed.

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

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

***\*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.\****

ALERTNOW  
Rapid Communication Service

Keeping you informed is a top priority at Montgomery County Schools. That's why we have adopted the ALERTNOW Notification Service which will allow us to send a telephone or e-mail message to you providing important information about school events or emergencies. We anticipate using ALERTNOW to notify you of school delays or cancellations due to inclement weather, as well as remind you about various events including report card distribution, open house, field trips and more. In the event of an emergency at school, you can have peace of mind knowing that you will be informed immediately by phone.

**What you need to know about receiving calls sent through ALERTNOW**

- Caller ID will display the school's main number when general announcement is delivered.
- Caller ID will display 411 if the message is a dire emergency.
- ALERTNOW will leave a message on any answering machine or voicemail.
- If the ALERTNOW message stops playing, press any key 1-9 and the message will replay from the beginning.

We are very excited to incorporate ALERTNOW as a tool to improve parent communication and look forward to having the ability to deliver real time information to you and provide awareness of all the great events that take place within the school.

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Please fill out the following information and return to your child's school. The information you provide will be used to notify you using our ALERTNOW Notification Service which will allow us to send telephone, text messages and e-mail notification that will provide important information about school events or emergencies. **It is very important that parents update the school each time your home phone, mobile phone or email changes.**

NAME: \_\_\_\_\_ SCHOOL: \_\_\_\_\_

CHILD'S NAME: \_\_\_\_\_ PRIMARY PHONE: \_\_\_\_\_

EMERGENCY PHONE: \_\_\_\_\_ EMER. PHONE 2: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

CELL NUMBER: \_\_\_\_\_ LANGUAGE:  ENGLISH  SPANISH  
(CHECK ONE)