**EQUAL EMPLOYMENT OPPORTUNITIES** 5000

It is the policy of the Edenton-Chowan Board of Education to provide equal opportunities for employment and compensation for all persons. When making employment and compensation decisions, when providing training, and in all other attributes of employment, the Board shall do so in a manner without regard to race, color, sex, age, religion, national origin, political affiliation, mental status or disability, except where specific sex, age, or physical or mental requirements constitute bona fide and essential occupational qualifications. Further, the Edenton-Chowan Board of Education requires all employees to abstain from any discriminatory practices.

LEGAL REF: Title VII of the Civil Rights Act of 1964 as amended by the

 Equal Employment Opportunity Act of 1972

 Title IX of the Education Amendments of 1972, 20 U.S. C. § 1681 *et seq*.

 Rehabilitation Act of 1973 (Public Law 93-112), Section 504, 29 U.S.C. § 794

 Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq*.

 Civil Rights Act of 1991

 Equal Pay Act of 1963, 29 U.S.C. § 206(d)

 Age Discrimination in Employment Act of 1967, 1978, 1986, and 1996,

 29 U.S.C. § 621 *et seq*.

 Civil Rights Act of 1866, 1870, 1871, and 1964 and 1991,

 42 U.S.C. § 1983 and 2000E *et seq*.

 U.S. Const. Amend XIV

 G.S. 115C-299

 G.S. 115C-276(j)

 G.S. 115C-315

 G.S. 168A-1 *et seq*.

 G.S.115C-330

ADOPTED: February 7, 2005

**RECRUITMENT AND SELECTION** 5020

It shall be the policy of the Edenton-Chowan Board of Education that a continuous system of recruitment and selection of personnel be maintained in order to assure competent candidates for vacancies as needed. The Edenton-Chowan Board of Education believes in the value of providing students with an opportunity to learn from staff members of diverse backgrounds. Therefore, the Board is committed to recruiting applicants who reflect the racial, sexual and cultural diversity of the Chowan County community and the students who attend the Edenton-Chowan Schools.

The Board will employ the best candidate for the job.

The Superintendent will recommend and the Board will hire candidates for employment based on the following:

 1. Application

 2. Qualifications, including those required by No Child Left Behind

 3. State licensure, where applicable

 4. Record of experience, background information, performance, including references

 5. Personal interviews

 6. Criminal record checks

 7. Any other relevant information

All hiring practices will comply with the Board’s Equal Employment Opportunities policy.

LEGAL REF: G.S. 115C-36, -47, 276(j), -299, -315; 20 U.S.C. § 6319; 20 U.S.C. § 7081

ADOPTED: February 7, 2005

**REGISTERED SEX OFFENDERS**  **5022**

The board is committed to the safety of students and other persons on school property. In order to maintain a safe school environment, the superintendent and all school personnel shall enforce the provisions of this policy at all times.

1. **Registered Sex Offenders Banned from All School Property**

In accordance with G.S. 14-208.18, all persons who (1) are required to register under the Sex Offender and Public Protection Program AND (2) have been convicted of any sexually violent offense or any offense in which the victim was under the age of 16 years at the time of the offense are expressly forbidden to knowingly be present on any property owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, school buses, activity buses or other property of any kind for any reason, including attendance at sporting events or other school-related functions, whether before, during or after school hours. In addition, sex offenders subject to G.S. 14-208.18 may not attend or be present at any student function or field trip on or off school property that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This policy applies to all covered sex offenders regardless of their relationship to or affiliation with a student in the school system.

1. **Persons Prohibited from School Property**

The superintendent or designee shall consult with the board attorney and create and maintain a list of the criminal offenses that subject a person to the requirements of Section A above.

1. **Enforcement**

All school personnel must immediately report to a school administrator the presence or suspected presence of a known or suspected registered sex offender on school property. School administrators and other supervisory personnel shall report to the superintendent and law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event.

School administrators also shall notify the superintendent or designee of any known student or parent or guardian of a student at their school who is suspected to be a registered sex offender.

1. **Exceptions**

A person who is banned from school property under G.S. 14-208.18 may be on school property only under the following circumstances.

1. Students

Students who are subject to G.S. 14-208.18 may be on school property only in accordance with policy 4262, Student Sex Offenders.

1. Voters

Voters who are subject to G.S. 14-208.18 and are eligible to vote may be present on school property for the sole purpose of voting if the school property is being used as a voting place. The voter must notify the principal of the school that he or she is registered under the Registry Program and the voter must remain at all times in the portion of the school being used as the polling place. The voter must leave school grounds immediately after voting.

1. Parents or Guardians
	1. An individual who is subject to this policy and is the parent or guardian of a student enrolled in school may be on school property only with prior written permission from the principal, and only for the following reasons:
	2. to attend a scheduled conference with school personnel to discuss the child’s academic or social progress; or
	3. at the request of the principal or designee, for any reason relating to the welfare or transportation of his or her child.
		1. Prior to any visit, the parent must notify the principal of the school of his or her registration on the Sex Offender Registry and his or her desire to visit the school. The principal will notify the Superintendent or designee, who will issue a written letter granting or denying permission and imposing any limitations. A copy of this letter will be delivered to the principal.
		2. If permission to visit the school is granted, the individual must notify the principal in advance of the specific time and reason for each proposed visit.
		3. For each visit authorized by subsection (a) above, the parent or guardian must check in at the principal’s office upon arrival and departure and remain under the direct supervision of school personnel at all times. If school personnel are not available to supervise the parent or guardian during any visit, then the parent or guardian will not be permitted to enter or remain on school property.
		4. For each visit authorized by subsection (a) above, the parent or guardian must comply with all reasonable rules and restrictions placed upon him or her by the principal, including restrictions on the date, time, location and length of meeting.
2. **Contractual Personnel**

In order to ensure compliance with this policy, each contract executed by the board that may involve the presence of outside personnel on school property must include a provision that requires the other party to the contract to conduct an annual check of the State Sex Offender and Public Protection Program and the State Sexually Violent Predator Registration Program on all employees who may be sent to perform tasks on or deliver products to school property or have contact with students. Persons who are subject to Section A of this policy may not be sent onto school property for any reason.

In addition, each time the board enters into any contract or agreement for contracted services that involve direct interaction with children, the contract must include a provision that requires the other party to the contract to conduct an annual check of the National Sex Offender Registry on all contracted employees who may have direct contact with children.

No contractor or employee of a contractor registered with the State Sex Offender and Public Protection Program, the State Sexually Violent Predator Program or the National Sex Offender Registry may have direct interaction with children. This provision applies to contracts with a single individual.

Legal References: G.S. 14-208.18, -25A; 115C-332, -332.1

Adopted: 12/1/2008

Revised:

**REGISTERED SEX OFFENDERS – REGULATIONS** 5022-R

Sex Offender and Public Protection Registry: All principals are required to register with the Sex Offender and Public Protection Registry to receive email notifications when a registered sex offender moves into the area. It is highly recommended that the principal’s administrative assistant registers as well. Attached are directions that will allow for notification whenever a registered sex offender moves into Chowan County.

Enforcement and Notification:

* All school personnel must immediately report to a school administrator the presence or suspected presence of a known or suspected sex offender on school property or school event.
* Principals shall report to the superintendent when they reasonably believe a sex offender (student, parent/guardian, or non-parent) is or has been on school property or school event.
* The superintendent shall check with law enforcement or the school attorney to determine if the sex offender identified by the principal is covered by the Jessica Lunsford Act. The Act does not apply to everyone on the Registry and the determination can only be made by checking the criminal record of each individual.
* Principals shall provide direct notification of the law and Edenton-Chowan Schools Policy 5022 – Registered Sex Offenders to any covered parent/guardian sex offender.

Exceptions to Being on School Property:

* Students: Refer to Policy 4262 – Student Sex Offenders
* Voters: If schools are used as a voting site, refer to Policy 5022 – Registered Sex Offenders, Section D.2.
* Parents/Guardians: An individual who is covered by the Act and is the parent or guardian of a student may be on school property only under limited exceptions and in accordance with Policy 5022 – Registered Sex Offenders, Section D.3.a-d.

Contractual Personnel: To ensure compliance with this policy, each contract must include the following provision that requires the contracted party to conduct an annual check to affirm all employees who may be sent to school property are not registered sex offenders. Any person subject to Policy 5022 may not be sent onto school property for any reason. Employees of Edenton-Chowan Schools already have a criminal history background check as required by law.

*“All employers of personnel must conduct an annual check of the State Sex Offender and Public Protection Program and the State Sexually Violent Predator Registration Program on all employees who may be sent to perform tasks on or deliver products to school property. In addition, an annual check of the National Sex Offender Register must be conducted on all contracted employees who may have direct contact with children. As a term of this contract, said annual checks must be performed by the employer and reported to the Superintendent. The Edenton-Chowan Board of Education and the North Carolina General Statutes prohibit any personnel listed on such Registries from being on school property or from having direct interaction with students.”*

**NEPOTISM** 5030

The Board of Education recognizes that there are times when the most qualified candidate for a particular vacant position might be related to a current employee of the Edenton-Chowan Schools. The Board further recognizes that an educational institution functions best when all staff members are free of situations which might encourage conflicts of interest in the supervision and evaluation of employees. The following guidelines shall be established to eliminate the possibilities of conflicts existing in the direct supervision and evaluation of an employee:

1. No administrator or employee shall directly supervise or evaluate an employee in that administrator’s immediate family. For purposes of this policy, “immediate family” shall refer to father, mother, sister, brother, daughter, son, spouse, daughter-in-law, son-in-law, sister-in-law, brother-in-law, mother-in-law, father-in-law, grandparent, grandchild, step-parent, step-child, step-sister, step-brother, or guardian.

2. No member of an immediate family of an employee will be shown preference for employment in either a temporary or permanent position because of that family relationship. No employee or Board member shall recommend the employment of immediate family without disclosure to the Superintendent or designee.

3. Members of the immediate families of Board of Education members may be considered for employment in either temporary or permanent positions. Board members must disqualify themselves from discussions or votes related to personnel matters involving immediate family members.

4. This policy does not prohibit the continued employment of individuals who are employed in the Edenton-Chowan Schools in any position at the time of the initial adoption of this policy by the Edenton-Chowan Board of Education.

LEGAL REF: G.S. 115C-36; -47

ADOPTED: February 7, 2005

**SELECTION AND USE OF ATHLETIC COACHES** 5040

The Edenton-Chowan Board of Education supports the concept of interscholastic athletic competition as permitted under the rules and regulations of the North Carolina State Board of Education and the North Carolina High School Athletic Association (NCHSAA). The Board of Education recognizes the important role of the athletic coach in assuring that participants on interscholastic athletic teams receive proper instruction in the skills and techniques for their respective sports and adequate supervision to protect their health and safety.

It is the intent of the Board of Education that head coaches of all athletic teams be selected from the full-time faculty members of the school system. Furthermore, the Board encourages principals of schools with athletic programs to follow these same guidelines in selection of assistant coaches, trainers and others who work directly with students. In rare circumstances, when all options have been considered and no qualified faculty member can be identified to serve as the head coach of an athletic team, the principal of the school involved may recommend an individual who is not otherwise a school employee to fill the vacancy. All individuals assigned to work with athletes must be approved by the Superintendent and processed through the Department of Human Resources, prior to their assuming their athletic duties.

This policy pertains to the selection of all coaches, salaried or volunteer/non-salaried.

ADOPTED: February 7, 2005

**ADVERTISING VACANCIES** 5050

All full-time vacancies occurring during the regular school year shall be advertised a minimum of seven calendar days prior to filling of said vacancies except for hardship and/or circumstances affecting the instruction of children which warrant filling the position sooner.

No one shall be employed for a position until said position has been incorporated in the current budget by the finance officer.

LEGAL REF: G.S. 115C-36; -47

ADOPTED: February 7, 2005

**CRIMINAL RECORDS CHECKS** 5060

A criminal records check will be conducted of applicants and/or newly hired employees, including substitutes. If an applicant is hired prior to the completion of the criminal records check, the employment shall be considered conditional pending a review of the results of the check.

Applicants shall be required to answer completely and accurately questions on their application with regard to previous criminal history. Failure to do so will subject the applicant to not being hired and an employee to being dismissed. Applicants also shall consent in writing to an initial criminal record check and post employment criminal record checks and to any identifying information relied upon by any relevant repositories of criminal information. Failure to consent or provide relevant information will result in rejection of an applicant or dismissal of a newly hired employee.

At a minimum, the following criminal records check shall be conducted:

(a) In the case of applicants or conditional employees who have lived and worked within the state of North Carolina for the five years before the date of application, the administration will conduct a statewide criminal record check.

(b) In the case of applicants or conditional employees who have lived or worked outside of North Carolina during the five years before the date of application, the administration will conduct state criminal record checks and may conduct federal records checks at the discretion of the Superintendent.

(c) A check of the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry.

The applicant or conditional employee will be rejected for employment if the employee appears on any sex offender registry or if the criminal record check and supporting records reveal a "criminal history," defined as the conviction of a crime, whether a misdemeanor or felony, that indicates the employee (1) poses a threat to the physical safety of students or personnel, or (2) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as a public school employee. Conviction of a crime, as used in this policy, includes the entry of (1) a plea of guilty, nolo contendere, no contest or the equivalent; or (2) a verdict or finding of guilty in a court of law or military tribunal.

If the school system considers criminal history in making a decision adverse to an applicant or conditional employee, the Superintendent or designee shall make written findings with regard to how it used such information.

The school system shall provide to the State Board of Education information on where to obtain the record of conviction, including the person’s name, criminal case number, and the county of conviction for a conviction of a person who is certificated, certified or licensed by the State Board of Education when the school system discovers the “criminal history” through an employment criminal history check.

If a criminal record check reveals that an applicant or conditional employee was charged with but not convicted of a crime, whether misdemeanor or felony, that suggests that the employee may not meet the employment standards of the Board, the administration may conduct a further investigation into the person’s conduct and the circumstances surrounding the charge to determine the person’s fitness for employment.

Applicants and current employees shall notify the Director of Human Resources immediately if they are charged with or convicted of a criminal offense (including entering a plea of guilty or nolo contendere) except minor traffic violations.

A criminal records check also may be conducted on an individual, random, or rotating basis of annually rehired and current employees (including substitutes), as well as on independent contractors and volunteers whose services involve contact with students. If the school system conducts these checks through the North Carolina Department of Justice or through a private service, it must first obtain the individual’s consent.

Information obtained through the implementation of this policy shall be kept confidential as provided in the North Carolina General Statutes and regulations. The school system shall maintain in paper format only data from a criminal history check conducted through the North Carolina Department of Justice. These records shall be kept in a locked, secure place, separate from the individual’s personnel file. Procedures for implementing this policy, including a list of individuals entitled to access criminal history information, may be developed and administered by the Superintendent.

If a criminal record check is conducted that is subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.

LEGAL REF: G.S. 115C-332; 16 N.C.A.C. 6C.0313; G.S. 110-90.2; G.S. 114-19.2;

 15 USC § 1681 *et seq*.

ADOPTED: February 7, 2005

**HEALTH CERTIFICATE REQUIRED**  5070

Any person initially employed in a public school, or re-employed after an absence of more than one school year, shall file in the Human Resources office a certificate certifying that the person does not have any physical or mental disease, including tuberculosis in the communicable form or other communicable disease, that would impair the person’s ability to perform his or her duties effectively.

Any public school employee who has been absent for more than 40 successive school days because of a communicable disease must, before returning to work, file with the Human Resources office a certificate certifying that the individual is free from any communicable diseases.

The certificate required by this policy must be prepared by:

1. a physician licensed to practice in North Carolina,

2. a nurse practitioner approved under G.S. 90-18(14), or

3. a physician’s assistant licensed to practice in North Carolina.

In the case of a person initially employed in a public school, any of the following who holds a current, unrestricted license or registration in another state may prepare the certificate:

1. a physician,

2. a nurse practitioner, or

3. a physician’s assistant

so long as evidence of the license or registration is on the certificate.

The health certificate form is available in the Human Resources office.

LEGAL REF: G.S. 115C-323

ADOPTED: February 7, 2005

**GENERAL CODE OF ETHICS AND STANDARDS OF CONDUCT** 5100

All school system employees hold positions of public trust; they are responsible for the education of students and also serve as examples and role models to students. Each employee is responsible for both the integrity and the consequences of his or her own actions. The highest standards of honesty, integrity, and fairness must be exhibited by each employee when engaging in any activity concerning the school system, particularly in relationships with vendors, suppliers, students, parents, the public, and other employees. Employee conduct should be such as to protect both the person’s integrity and/or reputation and that of the school system. Employees shall not use their positions or assignments to influence students in a manner that would provide personal benefit to the employee. An unswerving commitment to honorable behavior by each and every employee is expected. Integrity can accommodate the inadvertent error and the honest difference of opinion; it cannot accommodate deceit or subordination of principle.

This policy applies at all times and locations where the employee’s conduct might reflect poorly on the school, the school system, the employee’s status as a role model for students, or to the extent otherwise permitted by law.

Employees shall perform their jobs in a competent and ethical manner without violating either the public trust or applicable law, policies, and regulations. It is not practical or possible to enumerate all of the situations that might fall under the guidelines of this policy. Employees must honor other policies, regulations, and approved practices that have been established covering specific areas of activity, such as conflicts and student testing. The absence of a law, policy, or regulation covering a particular situation does not relieve an employee from the responsibility to exercise the highest ethical standards at all times.

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

LEGAL REF: G.S. 14-234, -234.1 , -47(18), -308

ADOPTED: February 7, 2005

CROSS-REFERENCE: Policy 5155, Dual Employment/Tutoring for Pay; Policy 5160, Conflict of Interest

**RESPONSIBILITIES AND DUTIES** 5105

All school employees shall be held responsible for familiarizing themselves with the printed policies of the Board and shall be held accountable for compliance with those policies, as well as any system-wide or school rules, plans or procedures.

Each employee is responsible for:

 A. The smooth and efficient operation of the school system;

 B. The growth and development of students;

 C. Conducting oneself as a role model for students;

 D. Complying with applicable state and federal laws;

 E. Performing all duties in a professional and effective manner; and

 F. Demonstrating and maintaining the required competence and qualifications for the assigned position.

Each employee is directly responsible to the designated supervisor, and additional responsibilities may be assigned to each employee by the designated supervisor. The failure to follow the directive of a supervisor is grounds for dismissal.

LEGAL REF: G.S. 115C-36, -47, -105.47, -307, -308, -325; 20 U.S.C. § 6319; 20 U.S.C. § 7801

ADOPTED: February 7, 2005

**SOLICITATION AND SALE OF COMMERCIAL PRODUCTS** 5110

4470

There shall be no soliciting from or selling to students or staff within the school without approval of the Superintendent or designee. Students, teachers, or other school personnel acting on behalf of the school may not engage in the sale of commercial products during the school day, even when the proceeds would be used to support certain school activities. The following exemptions may be taken to this policy: sales of individual pictures, sales of magazines, class rings, ticket sales for school activities, concession stand sales, sales of ads for school publications, insurance sales to students for school insurance, instructional supplies and personal hygiene items.

1. Soliciting outside the school premises for funds for school activities, or sales of products outside the school premises for funds for school activities by the students or staff of any school, in the name of any school, or on behalf of any school, shall have the prior written approval of the Superintendent and the principal. All money collected and expended as the result of such activities shall be recorded in the accounts of the school treasurer and shall be subject to the annual school audit. Solicitation or borrowing of products for school activities shall have the principal’s approval.

2. Schools or organizations within schools may sell commercial products for related club or organization activities after school hours. Any and all sales and solicitations must be approved in advance by the principal.

3. No employee shall set as a precondition of membership or participation in any course or school-related activity, endeavor, or function any requirement calling for an expenditure of money by a parent, guardian, or students, except with the knowledge and consent of the Superintendent or designee.

LEGAL REF: G.S. 14-238, G.S. 115C-36 and G.S. 115C-47

ADOPTED: February 7, 2005

**STAFF INVOLVEMENT IN DECISION-MAKING** 3260

5115

It shall be the policy of the Board to encourage employee participation in decision-making for the school district. The Superintendent is authorized to establish such committees as necessary to recommend policies and rules for the proper functioning of the district.

All professional personnel shall be encouraged to assist in the formulation of recommended educational policy for the district through their representatives on the Teacher Advisory Council (TAC) or other committees as appointed by the Superintendent.

In the development of rules, regulations, and arrangements for the operation of the school system, the Superintendent shall include at the planning stage whenever feasible those employees who will be affected by such provisions.

LEGAL REF:

ADOPTED: February 7, 2005

**PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING** 5125/4400

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. The board will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities.

**A. Prohibited Behaviors and Consequences**

1. Discrimination, Harassment and Bullying

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

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

Any violation of this policy is serious, and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school system’s Code of Student Conduct (Policy 4210). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 2100, Visitors to Schools.

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

2. Retaliation

The board prohibits reprisal or retaliation against any person for reporting or

intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy or participating in the investigation of reported violations of this policy.

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

**B. Application of Policy**

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

This policy applies to behavior that takes place:

1. in any school building or on any school premises before, during or after school hours;

2. on any bus or other vehicle as part of any school activity;

3. at any bus stop;

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

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

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

**C. Definitions**

For purposes of this policy, the following definitions apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age or disability. Discrimination may be intentional or unintentional.

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

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

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual’s association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability.

It is possible for harassment, including sexual or gender-based harassment, to occur in various situations. For example, harassment may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

* 1. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
1. submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment, academic progress or completion of a school-related activity;
2. submission to or rejection of such conduct is used as the basis for

employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student’s performance within a course of study or other school-related activity; or

1. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with an employee’s work or performance or a student’s educational performance, limiting a student’s ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual’s body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

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

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

Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment or bullying. All reports should be made in accordance with policy 4410/5130, Discrimination, Harassment and Bullying Complaint Procedure, and reported to one of the school officials identified in that policy. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

**E. Training and Programs**

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

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

**F. Notice**

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

**G. Coordinators**

The superintendent or designee shall publish the names, office addresses and phone numbers of the “Title IX coordinator” (for sex discrimination) and the “Section 504” and “ADA coordinator(s)” (for discrimination on the basis of disability) in a manner intended to ensure that students, employees, applicants, parents and other individuals who participate in the school system’s programs are aware of the coordinators. The coordinators shall coordinate the school system’s efforts to comply with and carry out its Title IX, Section 504 and ADA responsibilities, which include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504 or the ADA or alleging actions which would be prohibited by those laws.

**H. Records and Reporting**

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

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

**I. Evaluation**

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq*.; Americans With Disabilities Act, 42 U.S.C. 12101 *et seq.*, 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 for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.9 through -407.12; 126-16; State Board of Education Policy HRS-A-007

Adopted:

AMENDED: January 11, 2010

**DISCRIMINATION, HARASSMENT AND BULLYING COMPLAINT PROCEDURE** 5130/4410

The board takes seriously all complaints of unlawful discrimination, harassment and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied or harassed in violation of policy 4400/5125, Prohibition Against Discrimination, Harassment and Bullying. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment or bullying also should report such violations to one of the school system officials listed in subsection C.1. of this policy. Reports may be made anonymously.

1. **Definitions**
	1. Alleged Perpetrator

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

* 1. Complaint

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

* 1. Complainant

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

* 1. Days

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

* 1. Investigative Report

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

* 1. Investigator

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

* 1. Report

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

1. **Reporting by Employees or Other Third Parties**
	1. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed or bullied in violation of policy 4400/5125 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment or bullying shall be subject to disciplinary action.

* 1. Reporting by Other Third Parties

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

* 1. Anonymous Reporting

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

* 1. Investigation of Reports

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

1. **Complaints Brought by Alleged Victims of Discrimination, Harassment or Bullying**
	1. Filing a Complaint

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

* + 1. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;
		2. an immediate supervisor if the individual making the complaint is an employee;
		3. the director of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the director of human resources is the alleged perpetrator);
		4. the Title IX coordinator for claims of sex discrimination or sexual harassment; or
		5. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability.

* 1. Time Period for Filing a Complaint

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

* 1. Informal Resolution

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

1. **Process for Addressing Complaints of Alleged Incidents of Discrimination, Harassment or Bullying**
	1. Initiating the Investigation
		1. Whoever receives a complaint of discrimination, harassment or bullying pursuant to subsection C.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows:
			1. If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the director of human resources, the superintendent or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the director of human resources or designee.
			2. If the alleged perpetrator is the principal, the director of human resources or designee is the investigator.
			3. If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the director of human resources or designee is the investigator unless the alleged perpetrator is the director of human resources, the superintendent or a member of the board.
			4. If the alleged perpetrator is the director for human resources, the superintendent or designee is the investigator.
			5. If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the director of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)
			6. If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)
		2. As applicable, the investigator shall immediately notify the Title IX, Section 504 or ADA coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
		3. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
		4. Written documentation of all reports and complaints, as well as the school system’s response, must be maintained in accordance with policy 4400/5125.
		5. Failure to investigate and/or address claims of discrimination, harassment or bullying shall result in disciplinary action.
	2. Conducting the Investigation
		1. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 4400/5125. In so doing, the investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); and (3) any other individuals, including other possible victims, who may have relevant information.
		2. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for confidentiality shall be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 4400/5125.
		3. The investigator shall review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, harassment or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.
	3. Investigative Report
		1. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504 or ADA coordinator.
		2. The investigator shall notify the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
			1. reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment or bullying and prevent it from recurring;
			2. as needed, reasonable steps to address the effects of the discrimination, harassment or bullying on the complainant; and
			3. as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
		3. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).
		4. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 4400/5125. If the corrective steps involve actions outside the scope of the investigator’s authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.
		5. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment or bullying.
	4. Appeal of Investigative Report
		1. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the director for human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection E.4.b below). The appeal must be submitted in writing within five days of receiving the investigative report. The superintendent may review the documents, conduct any further investigation necessary or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.
		2. If the complainant is dissatisfied with the superintendent’s response, he or she may appeal the decision to the board within five days of receiving the superintendent’s response. The board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing and will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.
2. **Timeliness of Process**

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

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

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

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

Records will be maintained as required by policy 4400/5125.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq*.; Americans With Disabilities Act, 42 U.S.C. 12101 *et seq.*, 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 (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, 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 County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-407.10; State Board of Education Policy HRS-A-007

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 4400/5125), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Assaults, Threats and Harassment (policy 4331)

Adopted:

Amended: January 11, 2010

**PROHIBITED RELATIONSHIPS WITH STUDENTS** 5135

All employees of the Edenton-Chowan Board of Education, including student teachers, substitute teachers, and contractors hired to perform instructional or professional services, are prohibited from dating, courting or entering into a romantic or sexual relationship with any student enrolled in the Edenton-Chowan Schools, regardless of the student’s age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and referral to law enforcement.

Any employee who has reason to believe that another employee is inappropriately involved with a student, as described above, shall report this information to the Director of Human Resources. An employee who fails to inform the Director of Human Resources or Superintendent of a reported or suspected inappropriate relationship between an employee and a student may be subject to disciplinary action.

LEGAL REF: Title IX of the Education Amendments of 1972; G.S. 115C-47(18); G.S. 14-27.7.

ADOPTED: February 7, 2005

ALCOHOL AND **DRUG-FREE WORKPLACE ENVIRONMENT** 5140

It is the policy of the Edenton-Chowan Board of Education that a drug-free workplace shall be maintained. The Board prohibits the unlawful manufacture, transmission, conspiring to transmit, distribution, dispensation, possession, use, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids, alcoholic or other intoxicating beverage, counterfeit substances, other intoxicants of any kind, or any other controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and further defined by regulation at 21 CFR 1300.11 through 1300.15. In addition, no employee shall exude the odor of any alcoholic beverage or controlled substance while acting within the course and scope of his/her employment. The Board prohibits the possession, use, transmission, or conspiring to transmit drug paraphernalia.

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

No employee shall be impaired by the excessive use of prescription or nonprescription drugs in the workplace. The proper use of a drug authorized by a valid medical prescription from a legally authorized health care provider shall not be considered a violation of this policy when the drug is taken by the person for whom the drug was prescribed. Any employee with prior knowledge that the use of a prescribed medication under a doctor’s direction or an over-the-counter medication could alter the employee’s ability to perform the duties and responsibilities of his/her position must notify the appropriate supervisory person. An employee is responsible for finding out from a health care professional the effects of any prescribed drug being taken. Failure to take such action may result in disciplinary action under this policy.

If in the opinion of the employee’s supervisor, an employee’s action and/or behavior are considered unsafe as a result of the proper use of medication, the employee may be sent home. A conference shall be conducted with the employee prior to the employee’s resuming his/her duties. Prior to the employee’s returning to work, the employee must provide written assurance that:

 A. The medication’s use has been terminated; or

 B. The medication has been adjusted/modified to avoid impairment.

Each employee shall be given a copy of this policy and shall be responsible for knowing and adhering to the requirements of this policy.

An employee having reasonable grounds to believe that another employee is using or in possession of any illegal drug, or is under the influence of or in possession of alcohol while in the workplace, or is impaired by the use of prescription or nonprescription drugs while on duty shall immediately report the facts and circumstances to a supervisor/principal. Any employee who has been convicted of violating any criminal drug statute or of driving while impaired shall notify his/her supervisor within five (5) calendar days of such conviction.

Violation of this policy shall subject an individual to personnel action by the Board up to and including termination of employment with the Edenton-Chowan Schools and referral for criminal prosecution or the requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by the Board and a federal, state or local health law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation, and re-entry programs shall be provided to employees.

The Board has a strong commitment to assist any employee who voluntarily asks for help. It is the employee’s responsibility to seek help for drug and alcohol problems before they must be addressed at the workplace or otherwise become apparent as unsatisfactory job performance and/or work habits. Such action on the part of the employee shall be viewed as responsible and shall be supported by the Board and the supervisor to the extent that this is consistent with protecting the safety and welfare of students, staff, and the public.

Where there are reasonable grounds to believe that an employee is in violation of the Board’s Drug-Free Workplace Environment Policy, the Superintendent may require that the employee submit to a medical examination, including a drug or alcohol assessment at the school system’s expense. The drug or alcohol assessment will be conducted to determine whether the employee has been under the influence of illegal drugs, under the influence of alcohol while on duty, or impaired by the use of prescription or nonprescription drugs while on duty. If the drug or alcohol assessment is positive and there is no legitimate medical explanation for the results, the employee may be subject to disciplinary action, including termination of employment. Any drug testing shall conform with state law governing administration of controlled substance examinations.

Any employee who refuses a drug or alcohol screening test may be terminated.

The Superintendent may devise procedures to implement this policy.

LEGAL REF: Drug-Free Workplace Act, 41 U.S.C. § 8102 *et seq*.; 21 U.S.C. § 812; G.S. ch. 95, art. 20

ADOPTED: February 7, 2005

**ALCOHOL/DRUG-FREE WORKPLACE POLICY – REGULATIONS** 5140-R

It is the policy of the Edenton-Chowan Board of Education that all employees shall have the right to a workplace which is free of alcohol and other drugs. This policy is established to ensure the safety and well-being of employees and students of Edenton-Chowan Schools.

It is the responsibility of administrators, supervisors and employees to become familiar with the expectations of Edenton-Chowan Schools and to comply with the provisions of this policy.

Alcohol and other drug abuse is a legitimate concern of the Board of Education when it impacts on the workplace. Abuse can directly affect the safety, productivity and general well-being of everyone concerned. Therefore, the Edenton-Chowan Board of Education has adopted the following policy to address this concern.

SECTION I

ALCOHOL AND DRUG ABUSE IN THE WORKPLACE

A. Illegal Drug Activity

 1. The manufacture, distribution, dispensing, possession or use of an illegal substance, including look-alike, designer, or counterfeit drugs, and alcohol is prohibited. An employee who violates this provision at the workplace is subject to disciplinary action up to and including dismissal. Any illegal drug activity on the job will be dealt with as deemed appropriate by school officials, which may include notifying the appropriate law enforcement authority.

 2. Any employee arrested and/or indicted for any criminal drug statute violation or driving while impaired must notify the appropriate supervisor promptly. Failure to do so will be addressed as a performance of duty requirement that has not been met.

3. Any employee convicted of a criminal drug statute violation occurring in the workplace must notify the appropriate supervisor no later than five (5) calendar days after such conviction. Failure to provide notification may result in the initiation of dismissal procedures.

B. Impairment on the Job

 1. Any employee shall not report to the workplace impaired by alcohol or other drugs, including drugs prescribed by a doctor and over-the-counter medications. Impairment is determined by the supervisor when in his/her opinion the employee’s performance is adversely affected by alcohol or other drugs. Such impairment is determined by physical observation of employee performance, communication and other job-related functions. If an employee reports to the workplace while impaired by any of the above he/she shall be placed on “Suspension Without Pay,” as deemed appropriate. For those employees covered by G.S. 115C-325(f) “Suspension Without Pay” and (fl) “Suspension With Pay” shall apply while additional investigation of the facts may be necessary.

 2. Any employee using prescribed medications under a doctor’s direction or over-the-counter medication that could alter the employee’s ability to perform the duties and responsibilities of his/her position must notify the appropriate supervisor. If, in the opinion of the employee’s supervisor, an employee’s actions and/or behaviors are considered unsafe as a result of using medication, the employee may be required to take leave or temporarily reassigned.

 3. Employees involved in safety-sensitive duties as defined in School Board Regulation 5145-R, *Guidelines for Drug and Alcohol Testing of Commercial Motor Vehicle Operators,* are subject to all of the provisions of that policy including, but not limited to, testing, consequences for misuse and rehabilitation/re-entry procedures.

SECTION II

PROGRAM GUIDELINES

The Edenton-Chowan Board of Education has a commitment to assist any employee who voluntarily asks for help.

A. Employees’ Responsibilities

Employees are expected to report to the workplace prepared to perform their duties. Responsible use of legal drugs (to include both prescriptive and over-the-counter medications) is expected of employees. Use of illegal drugs or abuse of alcohol or legal drugs is deemed personal conduct for which disciplinary actions up to and including dismissal could be initiated.

Employees who are experiencing alcohol or other drug problems should seek help immediately. Such action on the part of the employee shall be viewed as responsible and shall be supported. Efforts by the employee to obtain help will be respected and will be handled in confidence.

An employee who witnesses, or has reasonable cause to suspect, illegal alcohol or drug abuse or impairment by another employee while on the job shall report such to the immediate

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supervisor as soon as possible. If it is not practical or if it is inadvisable to report to the immediate supervisor, an appropriate central office administrator shall be notified. Such reports by employees will be investigated by appropriate personnel in order to verify the information. To the extent possible, the identity of the source of the information will remain confidential.

B. Supervisors’ and Administrators’ Responsibilities

The following actions should be taken if any employee is suspected of being impaired by alcohol or other drugs, or if any illegal activity occurs in the workplace.

 1. Illegal Drug Activity in the Workplace

The supervisor should contact the superintendent, or his or her designee who may notify appropriate law enforcement personnel.

 2. On the Job Impairment

Inform the superintendent or his or her designee of the job impairment as soon as possible and seek guidance and/or assistance.

C. Superintendent’s Responsibilities

The Superintendent, or his or her designee, is responsible for implementing this policy and procedures to ensure an alcohol/drug-free workplace through coordination with appropriate community substance abuse treatment and/or counseling programs, staff training and orientation sessions related to increasing awareness of the prevention of alcohol and other drug problems in the workplace.

RECOMMENDED GUIDELINES FOR HANDLING ALCOHOL

AND OTHER DRUG PROBLEMS OR SITUATIONS IN THE SCHOOL

Confront the employee about the behavior and advise the employee that he/she does not appear to be “ready for duty.” Point out the behavior of concern. Do not accuse the employee of alcohol or drug abuse until reasonable confirmation is made. Have an appropriate “third party” present as witness to the conferences.

With assistance from the superintendent or the superintendent’s designee, initiate “Suspension Without Pay,” or “Suspension With Pay,” or sick leave as deemed appropriate.

Take steps to remove the employee from the workplace as soon as possible. Ask him/her to leave or, if necessary, use law enforcement personnel to escort the employee from the work area. Such an impaired person should not drive home. Assist the person in making arrangements to have someone else drive. If refused, explain that you will notify the proper authorities that he/she is impaired and should not be driving.

Document in writing the events up to and including your action. Include dates, times, and other specifics.

The superintendent or his designee shall initiate due process procedures leading to a resolution of the situation. Included may be a referral to an appropriate community substance abuse treatment and/or counseling program as a condition for consideration of continued employment. When a referral is initiated, clearance through the agency shall be required before the employee can return to work.

**DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS** 5145

The purpose of this policy is to help ensure safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program of drug and alcohol testing for any person who operates a commercial motor vehicle and who is employed by or volunteers for the Edenton-Chowan Board of Education.

**Applicability**

Persons subject to this policy include any driver who operates a commercial motor vehicle in the course of duties for the Edenton-Chowan Board of Education, including anyone who regularly or intermittently drives a school bus, activity bus, or other vehicle designed to transport sixteen or more people, including the driver. For purposes of this policy and its accompanying regulations, the term “driver” includes, but is not limited to, school bus drivers, activity bus drivers, substitute school or activity bus drivers, and school system delivery truck drivers employed by the Edenton-Chowan Board of Education, and any volunteers or independent contractors who operate a commercial motor vehicle on behalf of the Edenton-Chowan Board of Education.

**Prohibited Acts**

Drivers shall not be impaired by alcohol or drugs while on duty or while operating any motor vehicle or while performing any safety-sensitive function. Prescription or nonprescription drugs shall be validated by the driver’s supervisor. In all cases, a driver will be considered impaired and in violation of the policy when testing reveals the presence of any alcohol or drugs. Further, no driver will be permitted to perform or continue to perform safety sensitive functions if evidence exists of alcohol consumption or if the employer knows the driver has consumed any alcohol or used a controlled substance. Drivers shall not commit any act prohibited by federal law, the federal regulations contained in the Controlled Substance and Alcohol Use and Testing (49 C.F.R. part 382), by this policy and its regulations, or by the Board’s Drug-Free Workplace Environment Policy. Further, anyone who supervises commercial motor vehicle operators shall be responsible for enforcing and complying with the foregoing provisions.

**Testing**

The administration shall carry out pre-employment testing for drugs, and post-accident, random, reasonable suspicion, return-to-duty and follow-up testing for drugs and alcohol as required by 49 C.F.R. part 382 for all drivers. School bus drivers and others employed by the Board for the primary purpose of operating a commercial motor vehicle shall undergo pre-employment testing. All other drivers will not be subject to pre-employment testing but must undergo all other testing required by

49 C.F.R. part 382, and shall undergo pre-employment drug testing prior to performing any safety-sensitive function for the Board. All other employees whose duties change during the course of their employment to include the driving of commercial motor vehicles shall be subject to a pre-driving drug test and shall undergo any other testing required by 49 C.F.R. part 382 prior to being assigned driving duties. Volunteer drivers who are not employees will be initially tested prior to operating a school or activity bus and tested on a random basis thereafter. Refusal of any test required pursuant to this policy or 49 C.F.R. part 382 shall be cause for dismissal or removal.

**Pre-employment Inquiry**

All applicants who would be subject to this policy if employed shall consent in writing to the release of any information gathered pursuant to 49 C.F.R. part 382 by any of the applicant’s previous employers.

Before employing any applicant covered by this policy or 49 C.F.R. part 382, the administration shall obtain, pursuant to the applicant’s written consent, all records maintained by the applicant’s previous employer(s) of prohibited acts by the applicant that have taken place in the two years prior to the inquiry date.

**Training and Education**

Each driver and supervisory employee, including principals and assistant principals, shall be provided with educational materials that inform them of drug testing procedures, prohibited acts, consequences, and other aspects of 49 C.F.R. part 382, this policy and any attached regulations. The information also shall identify a school system employee who will be responsible for providing information on substance abuse. Each employee shall sign a statement certifying receipt of these materials.

Each supervisor responsible for overseeing the performance of drivers,including principals and assistant principals, shall undergo at least one hour of training concerning alcohol misuse and an additional hour of training concerning drug abuse.

**Referrals**

Each driver who commits acts prohibited by 49 C.F.R. part 382shall be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information shall include names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

**Penalties**

Employees found in violation of this policy and the attached regulations, or 49 C.F.R. part 382, will be subject to disciplinary action up to and including dismissal.

**Procedures**

The Superintendent shall enact appropriate regulations and procedures to ensure compliance with the collection and testing procedures outlined in the Federal Highway Administration’s “Procedures for Transportation Workplace Drug and Alcohol Testing Programs” (49 C.F.R. part 40), and to ensure compliance with 49 C.F.R. part 382, including, but not limited to, testing, reporting, record retention, training, and confidentiality.

LEGAL REF: 49 U.S.C. § 31306; 49 C.F.R. parts 40 and 382

ADOPTED: February 7, 2005

**GUIDELINES FOR DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS** 5145-R

These regulations serve as an outline of the testing regulations established by federal law and required by the Board’s Drug and Alcohol Testing of Commercial Motor Vehicle Operators Policy. These regulations should in no way be interpreted to cover the entire scope of the laws and regulations for drug and alcohol testing. Copies of the Omnibus Transportation Employee Testing Act and the Department of Transportation’s Drug and Alcohol Testing Rules will be made available by the Director of Transportation Any questions regarding these policies or any of the materials regarding these policies should be directed to the superintendent’s designee.

For the purpose of the Drug and Alcohol Testing of Commercial Motor Vehicle Operators Policy and these Regulations, a “safety-sensitive function” means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and responsibility from performing work. Safety-sensitive functions include, but are not limited to, all time waiting to be dispatched; all time inspecting, servicing, or conditioning any commercial motor vehicle; all time driving a commercial motor vehicle and in or upon any commercial motor vehicle; all time loading or unloading a vehicle; and all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

I. ALCOHOL TESTING

 A. Prohibited Conduct.

 Performance of safety-sensitive functions is prohibited:

 1. While having an alcohol concentration of 0.04 percent or greater.

 2. While consuming alcohol.

 3. Within four hours after using alcohol.

 4. While possessing alcohol.

Refusing to submit to an alcohol test when requested and using alcohol within eight hours after an accident or until undergoing a post-accident test are prohibited. A driver’s failure to be available for testing within this time frame following an accident is considered a refusal to take a test.

Failure to sign a consent to testing form, to give a sample, to provide an adequate sample, or to otherwise cooperate in completing a test are considered refusals to take any alcohol test.

Drivers who refuse to take alcohol tests shall not perform or continue to perform a safety-sensitive function.

 B. Types of Tests.

 The following types of alcohol tests will be conducted:

 1. Preemployment tests will be conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. All applications for safety-sensitive positions, and all applications for positions which will permit the use of School System vehicles to transport students will be subject to preemployment testing. Employees seeking to transfer to those positions will also be required to undergo such tests.

No one will be allowed to begin working in a safety-sensitive position until he/she has received a negative test result. No person whose test is more than 0.02% but less then 0.04% will be allowed to begin working for at least 24 hours, and that person must have a negative test result.

All applicants who are considered for employment in a safety-sensitive position must sign an applicant drug alcohol screening consent form authorizing the school system to perform the screening tests. Applicants who refuse to sign the consent form will not be considered for employment. If the screen is negative, the applicant may be considered for employment. If the alcohol screen is positive, the applicant may not be hired and may not reapply or be considered for employment for twelve (12) months.

 2. Post-accident tests will be conducted within two hours, or as soon as practicable, after accidents, if requested by the transportation supervisor. Post-accident tests shall be performed on each driver~~s~~ who was performing safety-sensitive functions for all fatal accidents and for each driver who receives a citation for a moving traffic violation.

 3. Reasonable suspicion tests will be conducted when a trained supervisor or administrative official observes behavior or appearance that is characteristic of alcohol misuse by a driver performing a safety-sensitive function. The tests will be performed by someone other than the supervisor or administrator who made the reasonable suspicion determination.

A trained supervisor or administrative official must base a reasonable suspicion test upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The test shall be performed only if these observations are made while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has performed safety-sensitive functions.

 4. Random testing will be conducted on a random basis just before, during or just after performance of safety-sensitive functions. The number of random alcohol tests will equal at least 25% of the average number of driver positions annually. The testing dates and times will be unannounced.

 5. Return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol conduct standards returns to performing safety-sensitive duties. Follow-up tests will be unannounced, and administered at the employee’s expense. At least six tests will be conducted in the first 12 months after an employee returns to safety-sensitive duties. Follow-up testing may be extended for up to 60 months.

 C. Testing Procedures.

Alcohol testing will generally be performed by an evidential breath testing device. Such tests will be administered by a Breath Alcohol Technician (BAT). All testing will be performed in accordance with 49 C.F.R. Part 40.

 D. Consequences of Alcohol Misuse.

 1. Test results 0.04 percent or greater or refusal to be tested.

Any test results of 0.04 percent or greater or refusal to be tested are considered positive results and will result in the driver being immediately removed from safety-sensitive functions and subjected to disciplinary action up to and including termination. Drivers who have engaged in alcohol misuse cannot return to safety-sensitive duties until they have been evaluated by a substance abuse professional and have complied with any treatment recommendations to assist them with an alcohol problem as recommended by the substance abuse professional.

 2. Test results 0.02 percent or greater, but less than 0.04 percent.

Drivers who have an alcohol concentration of 0.02 percent or greater, but less than 0.04 percent when tested just before, during or just after performing safety-sensitive functions will be removed from their duties for at least 24 hours and subjected to disciplinary action up to and including termination. A negative alcohol test (less than 0.02 percent) will be required to return to performing safety-sensitive duties.

 3. Reasonable suspicion test.

If a driver’s behavior or appearance suggests alcohol misuse, a reasonable suspicion test may be conducted. If an alcohol test is not administered within eight hours, the driver must be removed from performing safety-sensitive duties for at least 24 hours, and may be required to take annual leave, sick leave or leave without pay. The driver may also be subjected to disciplinary action up to and including termination. A negative alcohol test (less than 0.02 percent) will be required before a driver will be permitted to return to performing safety-sensitive duties.

 E. Rehabilitation/Re-entry.

Drivers who violate any alcohol misuse rule shall undergo an evaluation by a substance abuse professional, and must complete the rehabilitation recommended to receive consideration for reinstatement. The School System is not required to provide rehabilitation, pay for treatment or reinstate the driver in his/her position. The School System will provide the driver with names, addresses and telephone numbers of substance abuse professionals as well as counseling and treatment programs.

A driver will not be permitted to return to safety-sensitive duties unless and until the Edenton-Chowan School System ensures that the driver: (1) has been evaluated by a substance abuse professional; (2) has complied with any recommended treatment as determined by a substance abuse professional; (3) has taken a return-to-duty alcohol test with a result less than 0.02 percent; (4) has agreed to unannounced follow-up alcohol tests; and (5) has been recertified by the Bus Driver Trainer.

II. DRUG TESTING

 A. Prohibited Conduct.

The following drugs are prohibited and all drug tests will be analyzed for these drugs:

 1. Marijuana (THC) metabolite.

 2. Cocaine

 3. Amphetamines

 4. Opiates (including heroin)

 5. Phencyclidine (PCP)

Use of any other unauthorized or illegal controlled substances not listed above is also prohibited. Illicit use of drugs by drivers performing safety-sensitive functions is prohibited at any time whether on or off duty.

 B. Types of Tests.

 The following types of drug tests will be conducted:

 1. Preemployment tests will be conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. All applications subject to preemployment alcohol testing are subject to this policy. These tests are also required to be conducted before performing safety-sensitive functions when an employee’s duties change during the course of his/her employment to include the driving of a commercial motor vehicle.

 2. Post-accident tests will be conducted as soon as practicable after accidents if requested by the transportation supervisor. Post-accident tests shall be performed on each driver who was performing safety-sensitive functions for all fatal accidents and for each driver who receives a citation for a moving traffic violation. A driver may not use any controlled substance during the thirty-two hour period of time following an accident without a written prescription from a doctor of medicine or osteopathy; under such circumstances, use must be in strict compliance with the written prescription. Failure to follow these restrictions will be considered a refusal to test.

 3. Reasonable suspicion tests will be conducted when a trained supervisor or administrative official observes behavior or appearance that is characteristic of misuse of controlled substances by a driver performing ~~in~~ a safety-sensitive function. The tests will be performed by someone other than the supervisor or administrator who made the reasonable suspicion determination.

A trained supervisor or administrative official must base a reasonable suspicion test upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

 4. Random testing will be conducted on a random basis just before, during or just after performance of safety-sensitive functions. The number of random drug tests will equal at least 50% of the average number of driver positions. The testing dates and times will be unannounced.

 5. Return-to-duty and follow-up testing will be conducted when an individual has violated the controlled substances policy and returns to performing safety-sensitive duties. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. All follow-up testing will be at the driver’s expense.

 C. Test Procedures.

All drug testing will be conducted in compliance with 49 C.F.R. Part 40. Such testing is generally conducted on a two-stage process. First, a screening test is performed. If it is positive for one or more controlled substances, then a confirmation test is performed for each identified drug using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that over the counter medications and prescriptions taken in normal doses are not reported as positive results.

All drug test results are reviewed and interpreted by a physician Medical Review Officer (MRO) before they are reported to the School System. If the laboratory reports a positive test result, the MRO contacts the employee (in person or by telephone) and conducts an interview to determine if there is an alternative explanation for the drugs found by the test. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the test is reported as negative.

If the Edenton-Chowan School System must contact the driver because the MRO is unable to, the driver will be required to contact the MRO within five (5) calendar days.

 D. Consequences of Drug Misuse.

Any driver who tests positive for any of the controlled substances listed in Section IIA of this regulation will be removed from safety-sensitive duties.

Notwithstanding anything else stated in this policy, any driver who tests positive for any controlled substance will be subject to disciplinary action up to and including termination.

 E. Rehabilitation/Re-entry.

Drivers who test positive for any controlled substance or abuse of legal drugs shall undergo an evaluation by a substance abuse professional, and must complete the rehabilitation recommended to receive consideration for reinstatement. The Edenton-Chowan School System is not required to provide rehabilitation, pay for treatment or reinstate the driver in his/her position. The school system will provide the driver with names, addresses and telephone numbers of substance abuse professionals as well as counseling and treatment programs. A driver will not be returned to safety-sensitive duties unless and until he/she: (1) has been evaluated by a substance abuse professional or physician; (2) has complied with any recommended rehabilitation as determined by a substance abuse professional; (3) has a negative result on a return-to-duty drug test; (4) has agreed to drug follow-up tests; and (5) has been recertified by the Bus Driver Trainer. Follow-up testing to monitor the driver’s continued abstinence and compliance with this policy will be required at the driver’s expense.

III. OTHER PROVISIONS

 A. Education and Training.

The Edenton-Chowan School System will provide information on drug and alcohol abuse and treatment resources to drivers of commercial motor vehicles. All supervisors of drivers and all administrators designated by the Superintendent must attend at least one hour of training on the signs and symptoms of alcohol abuse and one hour of training regarding controlled substance use. The training will cover the physical, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Only those supervisors and administrators who have received training are authorized to make a reasonable suspicion determination.

Action on the part of administrators and supervisors to address legitimate concerns about alcohol and other performance and work habits will continue to be expected. A supervisor or administrator who knowingly tolerates or ignores information and events described in this policy, or who otherwise fails to act appropriately in accordance with this policy concerning information and events, is considered to be acting irresponsibly to carry out the intention of this policy. Such a supervisor or administrator may be subject to disciplinary action in accordance with applicable statutes and policies.

 B. Record Retention and Confidentiality.

The records of all alcohol and drug testing programs will be maintained in a secure location with controlled access. The records will be maintained in accordance with applicable law.

All testing records will be kept confidential as provided by law. Test results and other confidential information may only be released as provided by law.

Employees will be entitled to review their records upon reasonable notice. With respect to testing results, the Edenton-Chowan School System will notify applicants of their preemployment test results only if the applicant requests notification within 60 calendar days of notification of disposition of the employment application. Employees will be notified of the results of the random, reasonable suspicion, post-accident, return-to-duty, and follow-up tests whenever the results of the tests are positive.

**REPORTING INFORMATION TO ADMINISTRATORS AND EXTERNAL AGENCIES**

5150

It is the policy of the Board in serious matters relating to the safety and welfare of students and employees that certain actions and information be reported to external agencies as required by law or regulation.

1. Reports to School-level Administrators

All school employees, including, but not limited to, teachers, substitute teachers, student teachers, teacher assistants and volunteers, must immediately report to the principal or his/her designee any act of violence in school, on school property, or at school-sponsored events. Acts that should be reported are all those known or believed to be violent. This includes, but is not limited to, acts reportable by the principal to law enforcement under this policy. If it is the principal who is accused of engaging in the violent act, the report shall be made to the director of human resources.

Any employee who has reason to believe that another employee is involved in an inappropriate relationship with a student shall report this information to the Director of Human Resources as provided in Policy 5135, Prohibited Relationships with Students.

Any employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior or sexual harassment shall report the incident to the principal or immediate supervisor of the employee according to the procedure provided in the Harassment/Bullying Policy (5125).

2. Reporting Crimes on School Property

(a) Principal’s Duty to Report to Law Enforcement

Any principal who has personal knowledge, a reasonable belief, or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law shall immediately report the act to the appropriate law enforcement agency. “Immediately” means without undue delay and as soon as possible after the act has occurred. The principal shall designate persons who shall report the acts to law enforcement in his/her absence.

For purposes of this requirement, “school property” shall include any school building, bus, public school campus, grounds, recreation area, or athletic field in the charge of the principal.

If the principal reports a crime committed by a child with a disability, the principal must ensure that copies of the child’s special education and disciplinary records are transmitted to the appropriate authorities for consideration. The principal shall obtain the written consent of the parent or student (if the student is at least eighteen (18) years of age) before transmitting the records. If consent is refused, the records will not be transmitted unless pursuant to a lawful subpoena or court order, or as otherwise authorized under the Family Educational Rights and Privacy Act (FERPA) and with proper notice to the parent as may be required by that law.

(b) Principal’s Duty to Report to Superintendent

The principal or the principal's designee shall notify the superintendent in writing or by electronic mail of any report made to law enforcement involving the criminal acts listed above. This notification shall occur by the end of the workday in which the incident occurred when reasonably possible but not later than the end of the following workday. The superintendent shall provide the information to the Board of Education.

(c) Principal’s Duty to Notify Victim’s Family

The principal or principal’s designee shall provide prompt notice to the parents or legal guardians of any student alleged to be a victim of any act reported to law enforcement under this policy.

3. Reports to the Superintendent of Public Instruction

Any administrator, including the superintendent, assistant superintendent, associate superintendent, personnel administrator, or principal, who knows or has substantial reason to believe that a certified employee has engaged in illegal or immoral conduct amounting to physical or sexual abuse of a child, shall report the information to the Superintendent of Public Instruction. Failure to report such information constitutes grounds for certificate revocation or suspension.

For purposes of this requirement, “physical abuse” means the infliction of serious physical injury other than by accidental means or other than self defense. The term “sexual abuse” means the commission of any sexual act upon a student or causing a student to commit a sexual act regardless of the age of the student and regardless of the presence or absence of consent.

Principals shall provide annual reports to the State Board of Education regarding criminal acts occurring on campus through the State-approved discipline reporting system.

4. Reports to the Department of Social Services

Any employee who has cause to suspect that a child is abused, neglected, dependent, or has died as a result of suspected maltreatment has a duty to report the situation to the Department of Social Services. Any employee who has cause to suspect abuse or neglect should make an oral report at once to the principal or designee. The principal or designee and the employee who initiated the report should immediately place a call to the Department of Social Services together. The principal should not divert reports through investigation, but may contact Social Services for consultation to determine if a report should be filed and indicate when the employee making the report will be available. If the principal or designee is not present or does not follow through with making the report to Social Services, the employee shall make the call to Social Services directly and without delay.

5. Reports to the Department of Health

Principals shall report suspected cases of reportable communicable diseases or conditions to the Chowan County Health Director for investigation. Without releasing information that would identify the employee, the principal shall also report suspected cases of reportable communicable diseases or conditions to the superintendent. Any employee who has reason to believe that a fellow employee has a reportable communicable disease and is not following safe practices shall report the situation to his/her principal or supervisor. Supervisory personnel shall report such unsafe conduct to the health director. In the absence of the principal or supervisor, the employee must report the situation to the health director.

Confidentiality of such reports is protected by law, and school officials cannot be liable for making such reports. (Refer also to Policy 5200, Communicable Diseases.)

The Superintendent may develop procedures necessary for the implementation of this policy.

Legal Reference: G.S. 115C-47(56), G.S. 115C-400, 16NCAC6C.0312, G.S. 115C-288, G.S.130A-136, G.S. 115C-307, 20 U.S.C. § 1415(k)(9), and 34 CFR 300.529(b)

**DUAL EMPLOYMENT/TUTORING FOR PAY** 5155

Responsibilities related to employment with the Edenton-Chowan Schools shall take precedence over any form of outside employment. Outside employment is not allowed when it prevents the employee from performing responsibilities in an effective manner.

Private tutoring of students for a fee on school property or with school supplies is prohibited. Any employee who accepts pay for privately tutoring students shall provide such tutoring off school property and shall limit his/her practice to students other than those he/she teaches.

Any employee seeking a waiver to this policy must file a written request and must receive the prior written approval of the Superintendent. In considering a waiver request, the Superintendent shall consider the individual circumstances of the request, the current state of the law, and any other information deemed relevant. The Superintendent’s decision shall be final and not reviewable by the Edenton-Chowan Board of Education.

LEGAL REF: G.S. 115C-36; G.S. 14-234.1, -236

CROSS REFERENCE: Policy 5110, Solicitation or Sale of Commercial Products; Policy 5160, Conflict of Interest

ADOPTED: February 7, 2005

**CONFLICT OF INTEREST**  5160

Except as otherwise expressly provided by law, no school system official or employee:

1. who is involved in making or administering a contract on behalf of the school system shall derive a direct benefit from the contract.

2. who will derive a direct benefit from any contract entered into by or on behalf of the Edenton-Chowan Board of Education or the Edenton-Chowan Schools shall attempt to influence any other person who is involved in making or administering the contract.

3. may solicit or receive any gift, reward, or promise or reward in exchange for recommending, influencing, or attempting to influence the award of any contract by the Edenton-Chowan Board of Education or the Edenton-Chowan Schools.

4. shall use non-public or confidential knowledge to gain any pecuniary benefit from the action or aid another to do so.

LEGAL REF: G.S. 14-234; G.S. 115C-48

ADOPTED: February 7, 2005

**WEAPONS PROHIBITED ON SCHOOL PROPERTY** 5165

It is the policy of the Edenton-Chowan Board of Education that all schools and places of employment within the Edenton-Chowan Schools shall be free of all unauthorized weapons. No employee or other person shall carry, or encourage another person to carry, whether openly or concealed, an unauthorized weapon as defined below, onto school property at any time. This policy also prohibits any employee or other person from bringing or possessing on school property at any time, whether openly or concealed, any ammunition, weapon parts, or facsimile of a weapon, without the advance written authorization of the principal.

**Weapon** is defined as any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife (a knife containing a blade that opens automatically by the release of a spring or a similar contrivance), blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on school property.

**School property** is defined as any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the Edenton-Chowan Board of Education.

This policy shall not apply to:

 (a) A weapon used solely for educational or school-sanctioned ceremonial purposes, with the prior approval of the principal;

 (b) A weapon used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the principal; or

 (c) Firefighters, emergency service personnel, North Carolina Forest Service personnel, any private police employed by Edenton-Chowan Board of Education when acting in the discharge of their official duties, law enforcement officers, or any of those persons specifically exempted by G.S. 14-269(b);

 (d) Pursuant to G.S. 14-269.2, a person, other than an ECPS student, who has a North Carolina concealed handgun permit, provided the weapon is a handgun, is kept in a closed compartment or container within the person’s locked vehicle or in a locked container securely affixed to the vehicle, and provided the handgun remains in the closed compartment or container at all times and the vehicle is kept locked except when the permit holder is entering or exiting.

Any employee who is aware that an unauthorized weapon has been carried onto school property must immediately notify the school principal or Superintendent.

Violation of this policy may subject the employee to dismissal.

The principal shall immediately report violations of this policy to law enforcement.

LEGAL REF: G.S. 14-269; -269.2

**PROHIBITED CONDUCT AT SCHOOL EVENTS**  2430

5170

Regulation of Conduct

In an effort to promote safe schools and good character and to reduce the opportunities for disruption of or interference with school and school-related activities, while preserving the school grounds for their intended purposes and promoting the basic educational mission of the schools, the following conduct shall be prohibited at all times on school grounds and at all school-related events:

Profane, lewd, obscene or offensive conduct, including the use of profane, lewd, obscene or offensive language.

Conduct that creates a material and substantial disruption of school activity or appropriate discipline in the operation of the school or the rights of students.

Rude or riotous noise or conduct.

Disorderly or assaultive conduct.

Defacing public property.

Commission of any nuisance.

Threatening the health or safety of others.

Any other conduct that violates any applicable laws or policies of this Board.

Staff or any other individuals who engage in such conduct are subject to immediate expulsion from school grounds or from a school-related activity. Where appropriate, individuals engaging in such conduct may be subject to arrest and prosecution.

The school principal shall have the authority to take other reasonable measures to implement this policy and to maintain a safe and positive learning environment for students and staff. The school principal is specifically authorized to invoke state trespassing laws to maintain safety and order in school.

For purposes of this policy statement, “School Grounds” shall include school parking lots, auditoriums, gymnasiums, athletic fields, buildings, school buses, and all lands surrounding such places that are school property.

Use of school grounds for school events is expressly reserved to benefit the character and education of our students. During these times school grounds are deemed to be a nonpublic forum.

LEGAL REF: G.S. 115C-47(18); 14-132

ADOPTED: February 7, 2005

**INTERNET ACCEPTABLE USE BY EMPLOYEES**   5175

I. DEFINITIONS

As used in this policy, the term “computer resources” shall include all computing and telecommunicating equipment, servers, networks, systems, and other computing and telecommunicating resources, including laptops and other mobile computing devices, Internet, intranet, on-line services, electronic mail, and web sites.

As used in this policy, the term “electronic data files” shall include all electronic mail, Internet records, and data or other stored information on the school system network or hardware or on a disk used on the school system network or hardware.

Unless specifically stated otherwise, the provisions of this policy shall apply to employee use of all computer resources owned, leased, rented or otherwise provided or controlled by the Edenton-Chowan Board of Education and Edenton-Chowan Schools.

II. INTRODUCTION

The Edenton-Chowan Board of Education’s computer resources are owned by the school system. The Board may provide school system employees with access to computer resources when available and desirable. Computer resources are provided to employees to further educational goals, to use for valid work-related purposes, and to provide for efficient work-related communication between employees. The Edenton-Chowan Schools’ computer resources are not intended to create and shall not constitute a public forum.

Employees’ use of computer resources is governed by federal and state law and Board policies and procedures. Individual schools or divisions / departments within the school system may adopt additional rules and regulations governing employee use of computer resources to meet specific administrative or academic needs. Any adopted requirements must be in compliance with applicable federal and state laws and this policy.

The Edenton-Chowan Schools’ computer resources are intended to be used for business purposes only. These computer resources are not to be considered a substitute for an employee’s personal computer, mobile device and/or Internet connection. All electronic data files stored or transmitted on Edenton-Chowan Schools’ computer resources are considered Edenton-Chowan Schools’ records.

As a condition of initial and continued employment, all employees shall sign a statement indicating that they understand and will strictly comply with this Acceptable Use policy.

III. REGULATORY LIMITATIONS

A. The school system may monitor access to its computer resources and all electronic data files stored or transmitted on school computer resources for the following purposes:

1. To ensure the security and operating performance of its equipment, systems, and networks.

2. To review employee performance or conduct.

3. To enforce applicable laws and policies.

4. To respond to requests for records as permitted by law.

B. The school system may authorize confidential passwords or other secure entry identification. However, while the school system does not intend to review employees’ electronic mail, Internet records or data files routinely, employees have no right or expectation of privacy in material stored or transmitted on school system computer resources. The school system may monitor employees’ use of computer resources and electronic data files for the reasons stated in section A. above or for any other lawful purpose.

C. As with other school records, electronic data files are subject to disclosure to law enforcement or government officials or to other third parties through public records request, subpoena or other lawful process. The Edenton-Chowan Board of Education reserves the right to disclose employee electronic mail, Internet records, and data files to law enforcement, government officials, or other third parties without notification to or permission from the employees sending, receiving, or storing the material.

D. The school system reserves the right to limit employee access to its computer resources when federal or state laws or Board policies are violated, where school system contractual obligations or school system operations may be impeded, or where the Superintendent or designee believes it is in the best interests of the school system to so limit access.

E. There is an enormous quantity and variety of free software available on the Internet. In addition to viruses that could infect the school’s systems, the cumulative effect of widespread downloading on the school’s computers can significantly degrade performance and create the need for additional maintenance. Therefore, employees may not load or install software from any source without advance approval from the district technology department or system administrator.

F. Security on the school system’s computer resources is a high priority. If any employee identifies a security problem, the employee must notify the district technology department immediately. The employee shall not demonstrate the problem to other users or attempt to fix the problem without permission from the district technology department.

 G. In accordance with federal law, Internet filters will be placed on all computers with Internet access to prevent the access of obscene visual depictions and pornography and, in the case of minors, of material that is harmful to minors. The filters may only be disabled by the principal or designee at each school and only for employee use for research or other lawful purposes. Intentional attempts to evade content filters will be considered a violation of this policy.

IV. PERMISSIBLE USE

Computer resources are provided solely to support the educational mission of the school system and are to be used for school purposes. Any incidental personal use of school computer resources must be kept to an absolute minimum, must not interfere with the employee’s job performance, must not violate any of the rules contained in this or any other Board policy, and must not damage the school system’s computer resources. All employees are expected to act responsibly and in conformity with generally accepted rules of network etiquette. All uses of the school system’s computer resources must comply with the following guidelines.

A. Any use which would involve accessing, producing, posting, sending, or displaying pornographic, obscene, discriminatory, profane, lewd, vulgar, threatening, or sexually suggestive material, language or images, including images of exposed private body parts, is prohibited. Anything an employee views, sends, receives, generates, or accesses must be appropriate for viewing, sending, receiving, generating, or accessing by school children.

B. Any use that violates state or federal laws or Board policies against race or gender discrimination, including sexual harassment, is prohibited. All Board policies against sexual harassment and other forms of discriminatory harassment apply equally to communication on school computer resources.

C. Any use in violation of federal or state law or Board policy is prohibited.

D. Any use that may damage the school system’s computer resources is prohibited.

E. Any use that involves plagiarizing or infringing the copyrights or trademarks of any work, including works found on the Internet, is prohibited.

F. Any use that involves the transmission or storage of confidential information concerning students or others on computer resources not designated for that use is prohibited. All employees should use care to protect against negligent disclosure of confidential information.

 G. Use of another’s ID or password without that person’s written permission is prohibited, except by a person in the district technology department authorized to use IDs or passwords. Employees are responsible for safeguarding their own passwords, and they will be held accountable for the consequences of intentional or negligent disclosure of this information. Unauthorized attempts to log onto the computing system as a network system administrator will result in cancellation of user privileges and other potential discipline. Any user identified as a security risk may be denied access.

H. Any illegal or unauthorized use of data in folders or work files is prohibited.

I. Any use that intentionally wastes limited resources (including distribution of mass electronic mail messages on non-work-related subjects, participation in chain letters, creation of and participation in unauthorized news groups, and storage of electronic data files without proper authorization) is prohibited.

 J. Any use for personal commercial purposes is prohibited. Employees may not advertise or solicit for any commercial service or product or solicit money for or participation in any fundraising event using school system computer resources without prior approval from the Superintendent or designee.

 K. Any use that includes posting personal, private or identifying information about any person, including the author of the posting, on the Internet is prohibited except as authorized in advance by the Superintendent or designee. This provision does not prohibit an employee from including his/her name, address, and phone number on an email communication. This provision does prohibit posting to the Internet from a home or personal computer any personal, private or identifying information about another person that is obtained as a result of the employee’s employment with Edenton-Chowan Schools.

L. Any use that involves engaging in, arranging to engage in, or advocating illegal acts or violence (including accessing material about pornography and hate literature) is prohibited.

 M. Any use that could be disruptive, cause damages, or endanger students or staff is prohibited.

N. Any use that publishes in any way false or defamatory information about a person or organization is prohibited.

O. Any use that involves accessing chat-rooms unless for official school business is prohibited.

P. Any electronic mail sent from the school computer is likely to contain a return address identifying the school district. Sending an electronic mail from the school is analogous to an employee using school letterhead. Accordingly, employees shall exercise caution to ensure that they do not have their own statements mistakenly attributed to the school district. Any use through which an employee’s views may be attributed mistakenly (via express statement or implication) to the school district is prohibited. Additionally, employees should always ensure that the business information contained in electronic mail/Internet messages is accurate, appropriate, and lawful.

V. CONSEQUENCES OF VIOLATION OF POLICY

In the event that an employee violates this policy, the following consequences may result. Any of these consequences may be enforced alone or in conjunction with one another by the school system against the violating employee.

A. Revocation or limitation of access privileges.

B. Disciplinary action up to and including termination of employment.

C. Personal liability for damage to school system computer resources caused by intentional misuse.

D. Any other sanctions or remedies provided by law.

Employees who violate this policy will not be defended at Board expense pursuant to N.C. Gen. Stat. § 115C-43.

Any employee who publishes or duplicates copyrighted material shall be held personally liable for any of his or her actions that violate copyright laws.

VI. APPLICATION OF PUBLIC RECORDS LAW

All information created or received for work purposes and stored on or contained in the school system’s computer resources or electronic data files is subject to public disclosure unless an exception to the Public Records Law applies. This information may be purged or destroyed only in accordance with the applicable records retention schedule and the State Division of Archives regulations.

VII. WAIVER OF RESPONSIBILITY

The Edenton-Chowan Schools makes no warranties of any kind, whether express or implied, for the computer resources it may provide. The Edenton-Chowan Schools will not be responsible for any damages suffered, including damages caused by loss of service, interruptions or any other cause.

Use of information obtained via the Internet is at the user’s risk. The Edenton-Chowan Schools specifically denies any responsibility for the accuracy or quality of information obtained via its Internet service. The Edenton-Chowan Schools also specifically clarifies that electronic mail / Internet messages authored by employees may not necessarily reflect the views of the Edenton-Chowan Board of Education.

LEGAL REF: 47 U.S.C. § 254; G.S. 115C-43

ADOPTED: February 7, 2005

CROSS-REF: Policy 5180, Employee Use of Social Media

**5180**

**Employee Use of Social Media**

Given the open nature of the Internet, creating, maintaining, or posting information on a publicly accessible website, blog, or social media platform is considered a form of communication accessible to students, parents, and co-workers. Moreover, inappropriate use of social media and other forms of electronic communication may breach laws and policies governing confidentiality and privacy and/or cause disruptions in the workplace or school environment. Accordingly, all employees must adhere to the following rules in their use of social media and other forms of electronic communications.

For purposes of this policy, the phrase “social media” includes personal websites and weblogs (“blogs”), wikis, social networking platforms, online forums, video-sharing websites, and other websites and electronic networks that allow social interaction and are not under the direct control and maintenance of the Edenton-Chowan Schools.

1. **Restrictions on Use of Social Media and Other Electronic Communications**
	1. Employees shall use the Edenton-Chowan Schools’ communications networks communicating electronically in their roles as employees with students, parents, and/or other employees.
	2. Employees shall maintain appropriate and professional relationships with students at all times, including but not limited to any electronic communications.
	3. Employees shall not knowingly permit students to access any words, images, or other content they have posted or maintained on social media that would not be appropriate to share or discuss with students at school. Employees shall take reasonable precautions, including but not limited to the use of available privacy or security settings, to keep students from accessing such content.
	4. Employees shall not use social media to post or convey information about students that is deemed confidential under any applicable law or policy.
	5. Employees shall not use social media to post or convey information about confidential personnel matters.
	6. Employees shall be respectful and professional in all electronic communications directed to or referencing parents, students, and/or other employees, including but not limited to communications through social media.
	7. Employees shall not use social media or other forms of electronic communication in violation of any other Board of Education policies or administrative regulations, including but not limited to Board Policies 5125 (Bullying and Harassment), 4100 (Maintenance, Review, and Release of Student Records), 5100 (Code of Ethics and Standards of Conduct), and 5135 (Prohibited Relationships with Students).
	8. Employees shall not use social media in a manner that adversely affects their ability to perform their job duties.
	9. Employees shall not engage in any electronic communications with students, parents, supervisors, or co-workers, including but not limited to communications through social media, that adversely affect their ability to perform their job duties.
2. **Consequences for Violation of Policy**
	1. Violation of this policy may result in disciplinary action, up to and including dismissal.
	2. Employee uses of social media or other electronic communications that violate one or more other Board Policies, including but not limited to any of the policies listed above, may result in disciplinary action under the terms of the applicable policies.
3. **Administrative Regulations and Additional Guidance**
	1. The superintendent is authorized to adopt regulations and procedures to implement this policy and apply it to changing technologies.
	2. The superintendent is further authorized to provide other forms of written directives and guidance to employees on electronic communications and social media, provided such directives and guidance are consistent with this policy.

**STAFF PARTICIPATION IN POLITICAL ACTIVITIES** 5190

The Edenton-Chowan Board of Education believes that school system employees have the right and obligation to be informed and politically active citizens - including the right to register, the right to vote, the right to be active members of the political party of their choice, the right to campaign for candidates and the right to seek, campaign for, and serve in public office provided there is no local, state or federal law prohibiting them from seeking a certain political office. No employee’s position will be in jeopardy due to his or her political activities as long as the employee adheres to the terms of this policy.

No person employed by the Edenton-Chowan Board of Education shall engage in partisan political activity during the employee’s working hours or at any time the employee is performing his or her job duties for the school system, nor shall employees participate in political activity in a manner that may be perceived to represent the school or school system. No employee may use school equipment or resources at any time for a partisan political activity.

LEGAL REF: G.S. 115C-47

ADOPTED: February 7, 2005

**FACULTY/EMPLOYEE DRESS** 5195

All faculty and employees of the Edenton-Chowan Schools serve as role models for the students with whom they work and as leaders in the community. Consistent with these roles, all faculty and employees shall dress in a manner and have an appearance that is appropriate and professional in light of the environment in which they work, the duties of their jobs, and the impressionable youth they serve. The overriding principle is that all employees, while on duty, are representatives of the Edenton-Chowan Schools.

Immediate supervisors shall establish appropriate dress for employees.

LEGAL REF: G.S. 115C-36, -47, -288, -308

ADOPTED: February 7, 2005

**COMMUNICABLE DISEASES OR CONDITIONS** 5200

**Employees**

It is the goal of the Edenton-Chowan Board of Education to provide a safe and secure environment for all students and employees. In an effort to maintain a balance between the need to protect the rights of students and employees and to control the spread of serious communicable diseases and conditions, decisions regarding the employment status of employees with communicable diseases or conditions shall be made on a case-by-case basis in accordance with this policy.

1. In order to prevent the spread of communicable diseases and conditions, universal health and safety precautions, which include regulations regarding the cleanup of all bodily fluids (including blood), shall be distributed by the administration and shall be followed by all school system employees. Failure to follow these universal precautions may result in disciplinary action against the offending employee. Instances of an employee’s failure to follow the universal precautions shall be reported to the school principal or the Director of Human Resources.

2. In accordance with North Carolina General Statute section 130A-136, school principals shall report suspected cases of reportable communicable diseases or conditions to the Chowan County Health Director for investigation and shall provide the health director with available factual information to substantiate the report. Such reports shall remain strictly confidential and may be shared only with other staff members as necessary to prepare and file a report. Allstaff members who are made aware of any such report shall keep the information strictly confidential. Without releasing any information that would identify the affected employee, the principal also shall report suspected cases of reportable communicable diseases or conditions to the Superintendent.

3. Any employee suffering from a communicable disease or condition shall follow all control measures given to him or her by the health director and shall take all necessary precautions to prevent the transmission of the disease or condition. Any school system employee who has reason to believe that a fellow employee is suffering from a reportable communicable disease and that the fellow employee is failing to follow safe practices shall report this to his or her principal or supervisor or the health director. Supervisory personnel shall report all such unsafe conduct to the health director. Failure to follow control measures may result in severe sanctions against the offending employee. An employee suffering from a communicable disease or condition is encouraged to inform his or her principal so that appropriate accommodations may be made and appropriate precautions may be taken.

4. If the Chowan County Health Director notifies the Superintendent or any other school system personnel that a school system employee with a communicable disease or condition may be posing a threat to the public health, these personnel shall cooperate with the health director in eliminating the threat.

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

6. Any employee who feels he or she is unable to continue to perform his or her regular duties due to a communicable disease or condition or who feels he/she may risk transmitting his or her disease to others if he or she continues to perform his or her assigned duties may request the Superintendent or designee to consider altering his or her duties or other conditions of his or her employment. The employee seeking alteration in the conditions of employment must apprise the Superintendent or designee of his or her condition, submit medical documentation regarding such conditions, suggest possible accommodation known to him or her, and cooperate in any ensuing discussion and evaluation regarding whether there are possible reasonable accommodations. If the Superintendent so requests, the employee must also give the Superintendent written permission either to consult the appropriate medical personnel or to convene an interdisciplinary committee to receive medical information regarding the employee in order to assist the Superintendent in determining whether alternative employment opportunities reasonably can be provided to the affected employee. The committee may include appropriate school system personnel, appropriate medical personnel (including the employee’s personal physician when possible), the health director or his/her designee, and the employee.

When addressing the issue of whether reasonable accommodation is possible, the Superintendent shall determine to what degree the employee’s presence in his or her current job exposes students or other staff to possible transmission of the disease and/or whether the employee is able to continue in his or her current position with reasonable modifications. The Superintendent shall consult with the health director if there is any question as to the employee’s risk of transmission on the job. If the Superintendent determines that significant risk of transmission exists in the employee’s current position or that the employee is no longer able to continue in his or her current position for health reasons, the Superintendent shall determine whether alternative employment opportunities are reasonably available within the school system.

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

7. Any employee who has been absent for more than 40 successive school days because of a communicable disease must, before returning to work, file a health certificate with the director of Human Resources as provided in the Board’s Health Certificates policy. Nothing in this policy prohibits the school system from requiring an employee to submit a fitness for duty medical statement when the employee is absent for any number of days.

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

**Students**

It is the goal of the Edenton-Chowan Board of Education to provide a safe and secure environment for all students and employees. In an effort to maintain a balance between the need to educate all eligible students, to protect the rights of students and employees, and to control the spread of serious communicable diseases or conditions, decisions regarding the educational status of affected students shall be made on a case-by-case basis in accordance with this policy.

1. In order to prevent the spread of communicable diseases and conditions, universal health and safety precautions, which include regulations regarding the cleanup of all bodily fluids, shall be distributed by the administration and shall be followed by all school system employees.

2. The Edenton-Chowan Schools, in accordance with the North Carolina Standard Course of Study, shall include health, hygiene, and safety education in its curriculum. The curriculum shall include age appropriate information concerning safe health practices that will inhibit and prevent the spread of communicable diseases and conditions.

3. In accordance with North Carolina General Statute section 130A-136, school principals shall report suspected cases of reportable communicable diseases or conditions to the Chowan County Health Director for investigation. Such reports shall remain strictly confidential and may be shared only with other staff members as necessary to prepare and file such a report. All staff members who are made aware of any such reports shall keep the information strictly confidential. Without identifying the student who is suspected of having the disease or condition, principals shall report suspected cases of communicable diseases or conditions to the Superintendent.

4. If an employee is aware that a student suffers from a reportable communicable disease or condition, or reasonably believes that a student is suffering from a reportable communicable disease or condition and he or she also reasonably believes that the student is engaging in behavior that creates a risk of transmission of the communicable disease or condition, the employee shall report this conduct to his or her principal or supervisor or the health director. Supervisory personnel shall report such unsafe conduct to the health director.

5. The health director is responsible for determining which school personnel shall be informed of the identity of a student who is suffering from a communicable disease or condition. Any employee who is informed or becomes aware of the student’s condition shall respect and maintain that student’s right of privacy and the confidentiality of his/her records.

6. The health director is further responsible for determining when the school community must be notified of the outbreak of a contagious disease. The school system shall cooperate with the health director in making such notification.

7. Parents should be encouraged to inform the school principal and their child’s teacher when their child is suffering from a communicable disease. This will allow school personnel to better provide for the child’s needs. All employees who are informed or become aware that a child has a communicable disease or condition shall respect and maintain that student’s right of privacy and the confidentiality of his or her records.

8. Children with AIDS and HIV infection shall be permitted to attend school without special restrictions except in accordance with 10A NCAC 41A.0202(3) and this policy.

It is the responsibility of the Chowan County Health Director to notify the Superintendent if a child infected with the HIV virus is enrolled or scheduled for admission into the school system and there may be a serious risk of transmission by that child.

Within three days of being notified by the health director that a child with AIDS or HIV infection may pose a serious risk for transmission, the Superintendent, in consultation with the health director, shall appoint an interdisciplinary committee.

The committee shall include appropriate school system personnel, appropriate medical personnel (including the child’s personal physician when possible), the health director or designee, and the child’s parent or guardian and may include legal counsel to the Board.

The Superintendent shall inform the Board whenever a committee has been formed and shall advise the Board of the professional composition of the committee, but shall not reveal any information that would identify the affected student.

The purpose of the interdisciplinary committee is to consult with the health director or designee regarding the investigation and determination of risk of transmission and to advise the Superintendent regarding the placement of the student. If, after consultation with the committee, the health director concludes that there is a significant risk of transmission in the student’s current placement, the committee shall determine if an appropriate adjustment can be made to the student’s school program to eliminate this risk. If that is not possible, an alternative educational program which incorporates protective measures required by the health director shall be designed by appropriate school personnel.

The committee shall reevaluate the student’s condition and placement at least quarterly. The student’s placement shall continue until the health director determines that the child’s status has changed, whereupon the committee shall determine the appropriate educational placement for the student.

If the committee determines that the student has limited strength, vitality, or alertness which may be adversely affecting the student’s educational performance, it shall make a referral of the student for possible identification and placement as a student with special needs.

 All deliberations of the interdisciplinary committee shall be kept strictly confidential.

9. A student may be removed from a school setting if he or she suffers from a communicable disease or condition and such placement jeopardizes his or her health or such placement creates a significant risk that he/she will transmit the disease and such risk cannot be controlled in the school setting. Students who are removed from the school setting as a result of such circumstances shall be provided an alternative instructional program.

10. Nothing in this policy is intended to grant students any school attendance or education rights beyond those existing by law.

LEGAL REF: G.S. § 130A, Article 6; G.S. § 115C-81(e1), -323; 10A N.C.A.C. 41A.0100 *et seq*.; Americans With Disabilities Act, 42 U.S.C. § 12101 *et seq*.

ADOPTED: \_\_\_\_\_\_\_\_\_ , 2013

**BLOODBORNE PATHOGENS** 5210

In accordance with the regulations established by the United States Department of Labor pursuant to the Occupational Safety and Health Act and the North Carolina Occupational Safety and Health Bloodborne Pathogens Standard, the Edenton-Chowan Schools shall have in effect a Bloodborne Pathogens Exposure Control Plan designed to eliminate or minimize employee exposure to blood or other potentially infectious materials.

For employees with occupational exposure to blood or other potentially infectious materials, the plan shall include appropriate training, provision of hepatitis B vaccinations, and specific work practice precautions to minimize contact with potentially infectious materials. Employees “with occupational exposure” shall refer to those employees who are reasonably anticipated to come into contact with blood or other potentially infectious materials in the normal performance of their assigned work duties. Employees who while at work, may perform “good Samaritan” acts that are not within their required job duties (such as assisting a co-worker or a student with a nosebleed or rendering first aid to an accident victim) shall not be considered to have occupational exposure.

A copy of the Bloodborne Pathogens Exposure Control Plan shall be accessible to all employees and a copy shall be maintained in each school unit or department. The plan shall be updated as required by state and federal law.

It shall be the duty of each employee to familiarize himself or herself with the provisions of the Bloodborne Pathogens Exposure Control Plan and to comply with the provisions thereof. Failure to comply with the plan shall be cause for disciplinary action.

LEGAL REF: Federal regulations and standards under the Occupational and Health Safety Act, 29 C.F.R. § 1910.1030, G.S. § 95-131, 13 N.C.A.C. 7F.0101 *et seq*.,

ADOPTED: \_\_\_\_\_\_\_\_\_\_, 2013

**EDENTON-CHOWAN SCHOOLS 5210-R**

BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

**1.0 Purpose**

This plan establishes procedures for the Edenton-Chowan Schools to eliminate or minimize employee exposure to bloodborne pathogens that may lead to disease or death. The plan is to be accessible to the employees at the school or department level and must be reviewed with employees at a minimum of once every twelve months. The plan must be made available to employees upon request.

**2.0 Organizations Affected**

This plan is applicable to all schools and departments with employees who are occupationally exposed to blood, body fluids or other potentially infectious materials resulting from the performance of work duties. An exposure list by school or department and position titles is listed in Appendix A.

**3.0 Organizational Responsibilities**

Edenton-Chowan Schools, through the human resources office, will provide training to exposed employees, at no cost, during work hours within ten days of initial assignment, and prior to an employee performing any tasks that put him/her at risk of exposure and, at least, annually thereafter. The human resources office will provide exposed employees with Hepatitis B vaccinations and post exposure evaluations and follow-up at no cost; maintain appropriate records; and evaluate compliance with this plan.

It will be the responsibility of each school or department with employees occupationally exposed to blood or other potentially infectious materials to protect their employees as outlined in this plan.

Required protection measures include determining occupational exposure; implementing engineering and work practice controls; utilizing appropriate housekeeping procedures, labels and signs; maintaining appropriate records; and following procedures for post-exposure evaluation and follow-up.

**4.0 References**

United States Department of Labor Occupational Safety and Health Administration, Bloodborne Pathogens Standard 29 C.F.R. 1910.1030

North Carolina General Statute § 95-131

13 North Carolina Administrative Code 7F.0101

**5.0 Definitions**

5.1 **Blood** – Human blood, human blood components and products made from human blood.

5.2 **Bloodborne Pathogens** – Pathogenic microorganisms present in human blood and can cause disease and death in humans, including but not limited to hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

5.3 **Contaminated** – The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

 5.4 **Contaminated Laundry** – Laundry which has been soiled with blood or other potentially infectious materials or which may contain sharp objects.

 5.5 **Contaminated Sharps** – Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

 5.6 **Collateral Duty** – A duty existing at the same time, but in a subordinate relationship to the work duties required by an employee’s job.

 5.7 **Decontamination** – The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

 5.8 **Engineering Controls** – Controls (e.g., sharps, disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

 5.9 **Exposure Incident** – A specific eye, mouth, other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee’s duties.

 5.10 **Handwashing Facilities** – Facilities providing an adequate supply of running potable water, soap and single use towels or hot air drying machines. (See 8.4)

 5.11 **Licensed Health Care Professional** – A person whose legally permitted scope of practice allows him or her to independently perform the activities required for Hepatitis B vaccination and Post-Exposure Evaluation and Follow-up.

 5.12 **HBV** – hepatitis B virus.

 5.13 **HIV** – buman immunodeficiency virus.

 5.14 **Occupational Exposure** – Reasonably anticipated skin, eye, mucus membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties. (This does not include “Good Samaritan Acts” -- acts in which an employee voluntarily responds to an accident or incident that may place him or herself at risk to exposure to blood or other potentially infectious materials while on the job, but not as part of any express duty of their job.)

 5.15 **Other Potentially Infectious Materials** – (1) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid visibly contaminated with blood and all body fluids where it is difficult or impossible to differentiate between body fluids ; (2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and (3) HIV containing cell or tissue cultures, organ cultures and HIV- or HBV- containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infested with HIV or HBV.

5.16 **Parenteral** – Piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts and abrasions.

 5.17 **Personal Protective Equipment** – Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard) are not considered to be personal protective equipment.

 5.18 **Reasonably Anticipated** – Exposure to blood or other potentially infectious materials is reasonable to anticipate based on tasks assigned to an employee as a requirement of the job. Examples: job tasks where employees are required to handle blood or blood products, such as laboratory technicians, physicians, nurses and emergency medical technicians. (This does not include “Good Samaritan Acts” -- acts in which an employee voluntarily responds to an accident or incident

 that may place him or herself at risk to exposure to blood or other potentially infectious materials while on the job, but not as part of any express duty of their job.)

 5.19 **Regulated Waste** – Liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing those materials during handling; contaminated sharps; and pathological wastes containing blood or other potentially infectious materials.

 5.20 **Sharps with Engineered Sharps Injury Protections** – a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

 5.21 **Source Individual** – Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, institutions for the developmentally disabled; trauma victims; clients or drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

 5.22 **Sterilize** – The use of physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

 5.23 **Universal Precautions** – An approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids and contaminated materials are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

 5.24 **Work Practice Controls** – Controls that reduce the likelihood of exposure by altering the manner in which a task is performed. (e.g., prohibiting recapping of needles by a two-handed technique.)

**6.0 Occupational Exposure Determination**

* 1. Each school or department shall evaluate the work environment to determine the actual and potential hazards, including biological hazards for HIV, HBV and other bloodborne pathogens. Each school or department that has positions classified as occupationally exposed as determined in Appendix A is required to prepare an exposure determination that includes the following:

 6.1.1 A list of all job classifications classified as occupationally exposed as determined in Appendix A in which all employees have occupational exposure. (Category I)

6.1.2 A list of job classifications classified as occupationally exposed as determined in Appendix A in which some employees have occupational exposure. (Category II)

6.1.3 A list of all tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and that are performed by employees in job classifications listed in Category II. The tasks identified will be examined and a recommendation shall be made on how to reduce the potential of exposure to blood or other infectious materials through work practice controls, protective equipment or other methods. If any school or department is not sure of the exposure status of an employee, the employer may administer the exposure determination questionnaire to that employee to analyze exposure status. (See Appendix A) The exposure determination shall be made without regard to the use of personal protective equipment. (See Appendix A)

**7.0 Methods of Compliance**

7.1 **General**

Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

**8.0** **Engineering and Work Practice Controls**

8.1 Engineering and work practice controls shall be used by schools or departments to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

8.2 Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

* 1. All procedures involving blood or other potentially infectious materials shall be performed so as to minimize splashing, spraying, spattering or generation droplets of these substances. All procedures involving blood or body fluids shall be performed to minimize exposure to eyes, mouth and skin.

 8.4 Handwashing facilities shall be made readily accessible to employees. When provision of handwashing facilities is not feasible, the employer shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible. Employers shall ensure that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

 8.4.1 It is the responsibility of the school or department to ensure that employees wash their hands or any other skin with soap and water and flush eyes and mouth with water immediately, or as soon as feasible, following contact with body fluids, blood or other potentially infectious materials.

 8.5 Needles, sharps, glass, uniforms, clothing, equipment and any other objects where blood or body fluids are present shall be considered to be potentially infectious. Universal precautions must be used.

 8.5.1 Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as noted in paragraphs 8.5.2 and 8.5.3 below. Shearing or breaking of contaminated needles is prohibited.

8.5.2 Contaminated needles and other contaminated sharps shall not be bent, recapped or removed unless the employer can demonstrate that no alternative is feasible or that such action is required by a specific medical or dental procedure.

 8.5.3 Such bending, recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique .

 8.5.4 All items contaminated with bodily fluids shall be placed in appropriate containers until properly disposed of or reprocessed.

 8.5.5 Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be: closable to prevent employees from reaching into them, puncture resistant, labeled or color-coded in accordance with this standard, and leakproof on the sides and bottom.

 8.6 Labels for containers shall be fluorescent orange, orange-red, or predominantly so, with lettering or symbol prints using contrasting colors. In accordance with the requirements set forth for reusable sharps.

 8.6.1 Red bags or red containers for sharps may be substituted for labels.

 8.7 Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure. “No eating,” “no drinking,” and “no smoking” signs shall be posted.

8.8 Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops or benchtops where blood or other potentially infectious materials are present.

 8.9 Equipment such as sports equipment that may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary, unless the school or department can demonstrate that decontamination of such equipment or portions of such equipment is not feasible. A readily observable label in accordance with this procedure shall be attached to the equipment stating which portions remain contaminated.

 8.10 The school or department shall ensure that this information is conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate prior to handling, servicing or shipping so that appropriate precautions will be taken.

 8.11 Containers for contaminated sharps shall be accessible to employees and located as close as feasible to where sharps are found. Containers should be maintained upright throughout use, replaced routinely and not be allowed to overfill. Reusable containers shall not be opened, emptied or cleaned manually or in any manner, which would expose employees to risk of injury.

 8.12 Mouth pippetting/suctioning of blood or other potentially infectious materials is prohibited.

 8.13 Specimens of blood or other potentially infectious materials shall be placed in a container, which prevents leakage during collection, handling, processing, storage, transport, or shipping.

 8.14 The container for storage, transport, or shipping shall be labeled or color-coded and closed prior to being stored, transported, or shipped. When a facility utilizes universal precautions in the handling of all specimens, the labeling/color-coding of specimens is not necessary provided containers are recognizable as containing specimens. This exemption only applies while such specimens/containers remain within the facility. Labeling or color-coding is required when such specimens/containers leave the facility.

 8.15 If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded according to the requirements of this standard.

 8.16 If the specimen could puncture the primary container, the primary container shall be placed within a secondary container, which is puncture-resistant in addition to the above characteristics.

**9.0 Personal Protective Equipment**

9.1 **Provision**

Each school or department shall provide all exposed employees the appropriate personal protective equipment. This includes, but is not limited to, gloves, gowns, laboratory coats, resuscitation bags, pocket masks, mouthpieces, face shields, masks, eye protection or other ventilation devices. Personal protective equipment shall be provided at no cost to the exposed employee. Personal protective equipment shall be considered “appropriate” only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee’s work clothes, street clothes, undergarments, skin, eyes, mouth or other mucous membranes under normal conditions of use and for the duration of the time which the protective equipment will be used.

 9.2 **Use**

It is the responsibility of each school or department to ensure that all affected employees use appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use when, under rare and extraordinary circumstances, it was the employee’s professional judgment that in the specific instance its use would have prevented the delivery of healthcare or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

 9.3 **Accessibility**

It is the responsibility of each school or department to ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to the employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

 9.4 **Cleaning, Laundering, and Disposal**

All personal protective equipment shall be cleaned, laundered, and disposed of at no cost to the employee.

 9.5 **Repair and Replacement**

9.5.1 All personal protective equipment shall be repaired and replaced as needed to maintain its effectiveness at no cost to the employee.

 9.5.2 If garments are penetrated by blood or other potentially infectious materials, the garments shall be removed immediately or as soon as feasible and they shall be placed in an appropriate designated area or container for washing, decontamination, or disposal.

 9.5.3 Personal protective equipment shall be removed prior to leaving the work area and placed in an appropriate designated area or container for storage, washing, decontamination or disposal.

 9.6 **Gloves**

Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, contaminated equipment surfaces, mucous membranes and non-intact skin, or other situations deemed appropriate by the school, department, or employee.

 9.6.1 Disposable (single use) gloves, such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. These gloves shall not be washed or decontaminated for re-use, nor ever used on more than one student.

 9.6.2 Utility gloves (heavy rubber glove) may be decontaminated for re-use if the integrity of the glove(s) is not compromised. However, they must be discarded if their ability to function as a barrier is compromised (e.g., cracked, peeling, torn, punctured, etc.).

 9.7 **Masks, Eye Protection, and Face Shields**

Masks in combination with eye protection devices, such as goggles, spectacles, glasses with solid side shields or chin-length face shields, shall be worn whenever splashes, spray, spatter, droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

9.8 **Gowns, Aprons, and Other Protective Body Clothing**

Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated.

 9.9 Surgical caps or hoods and/or shoe covers or boots shall be worn in instances when gross contamination can reasonably be anticipated (e.g., autopsies, orthopaedic surgery).

**10.0** **Housekeeping**

 10.1 **General**

Schools or departments shall ensure the worksite is maintained in a clean and sanitary condition. Schools or departments shall determine and implement an appropriate written schedule for cleaning and method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.

All equipment and environmental and working surfaces shall be cleaned and decontaminated with an appropriate disinfectant (e.g. 1 part household bleach and 10 parts water) after contact with blood or other potentially infectious materials.

Contaminated work surfaces shall be decontaminated with an appropriate disinfectant, after completion of procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the work shift if the surface may have become contaminated since the last cleaning.

Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the workshift if they may have become contaminated during the shift.

All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.

Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dustpan, tongs or forceps and disposed of in sharps container or hard wall containers.

10.2 **Regulated Waste**

Regulated waste shall be placed in containers which are closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping, labeled or color-coded in accordance with this procedure, and closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport or shipping.

 10.2.1 **Contaminated Sharps Discarding and Containment**

Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are closable, puncture resistant, leakproof on sides and bottom, and labeled or color-coded.

During use, containers for contaminated sharps shall be easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries), maintained upright throughout use, and replaced routinely and not allowed to overfill.

When moving containers of contaminated sharps from the area of use, the containers shall be closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping and placed in a secondary container if leakage is possible. The second container shall be closable, constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping, and labeled or color-coded.

Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

10.2.2 **Other Regulated Waste Containment**

Regulated waste shall be placed in containers which are closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping, labeled or color-coded and closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping, labeled or color-coded and closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

10.2.3 Disposal of all regulated waste shall be in accordance with applicable laws, codes and regulations of the United States and Territories of city and county.

 10.3 **Laundry**

Contaminated laundry shall be handled as little as possible with a minimum of agitation. It shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.

 10.3.1 Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded. When a facility utilizes universal precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with universal precautions.

10.3.2 Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through of or a leakage from the bag or container, the laundry shall be placed and transported in bags or containers that prevent soak-through and/or leakage of fluids to the exterior.

10.3.3 The schools or departments shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

10.3.4 When a facility ships contaminated laundry off-site to a second facility which does not utilize universal precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers that are labeled or color-coded in accordance with this procedure.

**11.0 Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-Up**

 11.1 **General**

The Hepatitis B vaccine and vaccination series will be made available to all employees working in job classifications determined as having occupational exposure (See Appendix A). A Post-Exposure Evaluation and Follow-up will be provided to those having an exposure incident. Each school or department shall ensure that all medical evaluations and procedures including the Hepatitis B vaccine and vaccination series and Post-Exposure Evaluation and Follow-up, including prophylaxis, shall be:

11.1.1 Made available to the employee at no cost;

11.1.2 Made available to the employee at a reasonable time and place;

11.1.3 Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional; and

11.1.4 Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place.

 11.2 **Hepatitis B Vaccination**

11.2.1 The Hepatitis B vaccination shall be made available to all exposed employees after training and within 10 working days of initial assignment unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing has revealed that the employee is

 immune, or the vaccine is contraindicated for medical reasons. (See Appendix B)

11.2.2 The employer shall not make participation in a prescreening program a prerequisite for receiving Hepatitis B vaccination.

11.2.3 If an employee initially declines the vaccination but at a later date while still covered under the standard decides to accept the vaccination, the employer shall make available Hepatitis B vaccination at that time.

11.2.4 All employees who decline to accept Hepatitis B vaccination offered by the employer shall sign the statement in Appendix C.

11.2.5 If a routine booster dose(s) of Hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available in accordance with this procedure.

**12.0** **Post-Exposure Evaluation and Follow-Up**

 12.1 Immediately following an exposure incident, or as soon as possible, the employee will perform personal decontamination measures and perform first aid procedures as needed.

If there are injuries and they are of a serious nature, the employee shall be transported by the Emergency Medical Service to a hospital emergency room. Once employee is released from the hospital, the employee shall go to the Health, Safety, and Nutrition Director and begin the post-exposure evaluation process.

If an exposure incident occurs and there is an injury and not of the nature requiring emergency medical services, the employee along with his/her supervisor, should go to an urgent care facility clinic or hospital emergency room for assessment and further treatment of the injury/wound. Once an injury/wound has been treated, it is the responsibility of the employee and his/her supervisor to go to the Edenton-Chowan Schools Health, Safety, and Nutrition Director during the next 48 hours. At this time the post-exposure evaluation process will begin.

When an exposure incident occurs and after injuries/wounds have been treated, if applicable, the employee will complete and employee’s accident/exposure incident report and provide it to the Edenton-Chowan Schools Health, Safety, and Nutrition Director (See Appendix B). The employee will also complete the Post-Exposure Evaluation and Follow-up forms required by OSHA Standard 1910.1030. The Edenton-Chowan Schools Health, Safety, and Nutrition Director will provide the employee with the necessary forms and documents and refer the exposed employee to a third party health care professional.

 12.2 Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up including at least the following elements:

 12.2.1 Documentation of the route(s) of exposure and the circumstances under which exposure occurred;

12.2.2 Identification and documentation of the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law;

12.2.3 The source of the individual’s blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual’s consent is not required by law, the source individual’s blood, if available shall be tested and the results documented. If consent is not given the Chowan County Health Director will be immediately notified;

12.2.4 When the source individual is already known to be infected with HBV or HIV, testing for the source individual’s known HBV or HIV status need not be repeated;

12.2.5 Results of the source individual’s testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations about disclosure of the identity and infectious status of the source individual by a healthcare professional and/or Edenton-Chowan Schools Health, Safety, and Nutrition Director;

12.2.6 Collection and testing of blood for HBV and HIV serological status;

12.2.7 The exposed employee’s blood shall also be collected as soon as feasible and tested by the third party healthcare professional after consent is obtained;

12.2.8 If the exposed employee consents to baseline blood collection, but does not consent at that time to HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible; and

12.2.9 Post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service; Counseling; and Evaluation of reported illnesses.

 12.3 **Information Provided to the Healthcare Professional**

 12.3.1 Medical information shall also be provided to the outside healthcare professional(s) by the Edenton-Chowan Schools Health, Safety, and Nutrition Director. The employer shall ensure that the healthcare professional responsible for the employee’s Hepatitis B vaccination is provided a copy of 29 C.F.R. § 1910.1030.

12.3.2 The employer shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:

12.3.2.1 A copy of 29 C.F.R. § 1910.1030;

12.3.2.2 A description of the exposed employee’s duties as they relate to the exposure incident;

12.3.2.3 Documentation of the route(s) of exposure and circumstances under which exposure occurred;

12.3.2.4 Results of the source individual’s blood testing if available; and

12.3.2.5 All medical records relevant to the appropriate treatment of the employee including vaccination status, which are the employer’s responsibility to maintain.

**NOTE:** Maintaining this information is the responsibility of the Health, Safety, and Nutrition Director.

 12.4 **Healthcare Professional’s Written Opinion**

The Health, Safety, and Nutrition Director shall see that the third party healthcare professional provides in writing to the employee a copy of his/her written opinion within 15 days of the completion of the evaluation.

 12.5 Any opinion for the Hepatitis B vaccination shall be limited to whether Hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination.

12.6 Any opinion for Post-Exposure Evaluation and Follow-up shall be limited to the following information:

12.6.1 That the employee has been informed of the results of the evaluation by the third party healthcare professional.

12.6.2 That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

**NOTE:** All other findings or diagnoses shall remain confidential and shall not be included in a written report.

12.7 **Medical Recordkeeping**

The required medical records shall be maintained pursuant to section (h) (l) of the 29 C.F.R. § 1910.1030 standard. The records shall be kept by the Edenton-Chowan Schools Health, Safety, and Nutrition Director for the duration of employment, plus 30 years and shall include:

12.7.1 The name and social security number of the employee;

12.7.2 A copy of the employee’s hepatitis B vaccination status including the dates of all hepatitis B vaccinations and any medical records relative to the employee’s ability to receive the vaccination;

12.7.3 A copy of all results of examinations, medical testing and follow-up as required by 29 C.F.R. § 1910.1030; and

12.7.4 The school’s or department’s copy of the healthcare professional’s written opinion as required by 29 C.F.R. § 1910.1030;

12.7.5 A copy of the information provided to the healthcare professional as required by 29 C.F.R. § 1910.1030;

NOTE REGARDING CONFIDENTIALITY: The employer shall ensure that employee medical records are kept confidential, and not disclosed or reported without the employee’s express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

**13.0** **Communication of Hazards to Employees**

 13.1 It will be the responsibility of the school or department to ensure that warning labels be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious materials, and other containers used to store, transport or ship blood or other potentially infectious materials.

 13.2 Where appropriate, the schools or departments shall use the biohazard logo.

**14.0** **Biohazard Container Labeling Requirements**

 14.1 Biohazard labels shall be fluorescent orange or orange-red, or predominantly so, with lettering or symbol in a contrasting color, and include the following biohazard logo:

[​](http://www.westlaw.com/Link/Document/Blob/I18516280efb811dc8d8ce83e7f1d3979.png?targetType=CFR&originationContext=document&vr=3.0&rs=cblt1.0&transitionType=DocumentImage&contextData=(sc.Category)) 

 14.2 Required labels shall be affixed as close as feasible to the container by string, wire, adhesive or other method that will prevent their loss or unintentional removal.

 14.3 Red bags or red containers may be substituted for labels.

 14.4 Individual containers of blood or other potentially infectious materials (e.g., urine) that are placed in a labeled container during storage, transport, shipment or disposal are exempt from labeling.

 14.5 Labels required for contaminated equipment shall be in accordance with this paragraph and state which portions of the equipment remain contaminated.

**Note:** Regulated waste that has been decontaminated need not be labeled or color-coded.

**15.0** **Employee Training –** Edenton-Chowan Schools shall provide appropriate training on the transmission of bloodborne pathogens to all employees in Category I and Category II job classifications at no cost to the employee and during working hours.

 15.1 Training shall be provided to an employee within 10 days of his or her assignment to a Category I or Category II job classification.

 15.2 Training shall be provided on an annual basis for all Category I and Category II employees.

 15.3 Training shall be provided within 90 days after the effective date of the standard.

 15.4 For employees who have received training on bloodborne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard which were not included need be provided.

 15.5 Annual training for all employees shall be provided within one year of their previous training.

 15.6 Records of training shall be maintained for three years from the date of the training. Such records shall include the dates of training session, a summary of the contents of the session, and the name and qualifications of the person conducting the training, and the names and job classifications of all persons attending the training sessions.

 15.7 **Contents of Training Program** – Each training program shall contain at least the following elements:

A. A copy of the North Carolina Occupational Safety and Health Bloodborne Pathogens Standard and an explanation of its contents;

B. A general explanation of the epidemiology and symptoms of bloodborne disease;

C. An explanation of the modes of transmission of bloodborne pathogens;

D. An explanation of this Exposure Control Plan and the means by which this plan is accessible to employees;

E. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

F. An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;

G.

H.

I. Information on the Hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

J. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

K. An explanation of the procedure to follow if an exposure incident occurs, including method of reporting the incident and the medical follow-up that will be made available;

L. Information on the Post-Exposure Evaluation and Follow-up that Edenton-Chowan Schools is required to provide for the employee following an exposure incident;

M. An explanation of the signs and labels and/or color-coding required by law;

N. An opportunity for interactive questions and answers with the person conducting the training session.

 15.8 The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

* 1. The employer shall provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities shall not include the handling of infectious agents. A progression of work activities shall be assigned as techniques are learned and proficiency is developed. The employer shall assure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

 15.10 **Additional Training** – In addition to the annual training and training upon initial Category I or Category II job assignment as described above, Edenton-Chowan Schools shall provide additional training when changes such as modification of procedures or institution of new tasks or procedures affect an employee’s occupational exposure. Such additional training may be limited to addressing the new exposures created.

15.11 Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.

**16.0** **Training Records**

16.1 Training records are required by law and shall be maintained by the Health, Safety, and Nutrition Director for three years from the training date. The information collected shall include the following: (See Appendix D)

 16.1.1 The dates of the training sessions;

16.1.2 The contents or a summary of the training sessions;

16.1.3 The names and qualifications of persons conducting the training; and

16.1.4 The names and job titles of all persons attending the training sessions.

 16.2 Individual training for new employees in accordance with 16.1 shall occur within 10 days of employment.

16.3 The Edenton-Chowan Schools Health, Safety, and Nutrition Director will ensure training records are made available upon request to NIOSH and OSHA for examination and copying.

 16.4 All applicable training records shall be provided upon request for examination and copying to employees, employee representatives, and NIOSH and OSHA in accordance with OSHA standard 1901.20.

 16.5 Employee medical records, in accordance with OSHA standard, shall be provided upon request for examination and copying to the subject employees, to anyone having written consent of the subject employee, NIOSH and OSHA standard.

**17.0** **Recordkeeping and Surveillance**

 17.1 Medical records shall be maintained by the Edenton-Chowan Schools Health, Safety, and Nutrition Director as outlined in OSHA standard 1910.20 and 1910.30. Medical records shall provide for or include the following:

 17.1.1 Name and social security number of the employee;

17.1.2 Copy of employee’s Hepatitis B vaccination status including dates of vaccinations and any medical records relative to employee’s ability to receive vaccination;

17.1.3 Copy of all results of examinations, medical testing and follow-up procedures;

17.1.4 An employer’s copy of the Health, Safety, and Nutrition Director’s written opinion concerning the exposure, treatment and follow-up care; and

17.1.5 A copy of the information provided to the managing Health, Safety, and Nutrition Director by the school or department or in cases where the healthcare professional is outside the organization, the Health, Safety, and Nutrition Director will provide appropriate documentation.

 17.2 Employee medical records shall be kept confidential and not disclosed or reported without the employee’s express written consent to any person within or outside the workplace except as required in accordance with state law.

 17.3 Medical records shall be maintained for the duration of employment, plus 30 years. (See OSHA 1910.20)

**18.0** **Surveillance**

 18.1 A workplace survey will be conducted annually to monitor adherence to this policy and procedures. Any non-compliance and corrective actions taken will be noted on the proper form.

 18.2 The survey will be conducted annually by designee from the safety and security office and the Edenton-Chowan Schools Health, Safety, and Nutrition Director. (See Appendix E and F)

**19.0** **Transfer of Records**

19.1 The employer shall comply with the requirements involving transfer of records.

19.2 If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the Director, at least three months prior to their disposal and transmit them to the Director, if required by the Director to do so, within that three-month period.

19.3 **Sharps Injury Log**

 19.3.1 The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum:

19.3.1.1 The type and brand of device involved in the incident;

19.3.1.2 The school, department, or work area where the exposure incident occurred; and

19.3.1.3 An explanation of how the incident occurred.

 19.3.2 The requirement to establish and maintain a sharps injury log shall apply to any employer who is required to maintain a log of occupational injuries and illnesses.

 19.3.3 The sharps injury log shall be maintained for the period required by 29 CFR 1904.33.

**EDENTON-CHOWAN SCHOOLS**

**EXPOSURE CONTROL PLAN**

**APPENDIX A**

**Occupational Exposure Job Classification Determination**

Occupationally exposed job classification includes but may not be limited to, the job classification listed below.

 Principals/Assistant Principals

 School Nurses (Trained by Chowan County Human Services)

 Physical Education Teachers

 Athletic Trainers

 Trade and Industrial Education Teachers

 AutoTech., Construction/Cabinetmaking, FACS, Masonry, Woodworking

 Agricultural Education Teachers

 Health Occupations Teachers

 Custodians

 Bus Drivers of Handicapped Students/Safety Assistants

 Special Education Teachers and Teacher Assistants (Self-Contained)

 BEH Case Managers

Job classifications in which some employees may be occupationally exposed:

 School administrators and other personnel who are assigned to:

 1. Break up fights

 2. Maintain the health room

 3. Administer first aid

 4. Perform invasive procedures

1. Perform sharps duties

**PERSONNEL RECORDS AND FILES** 5220

Official personnel files shall be maintained for each employee of the Edenton-Chowan Schools. Such files shall include records and documents collected and retained by the school system concerning the employee, including but not limited to:

 • evaluation reports

 • complaints and commendations

 • written suggestions for correction and improvement

 • licensure/certificates

 • health certificates

 • academic records

 • documentation on leave(s) and/or other absences

 • application forms

 • other pertinent records or reports

Any pre-employment data or other information obtained about an employee before his/her employment by the Board may be kept either in the regular personnel file or in a separate file, and shall not be made available to the employee.

Any commendation, complaint or suggestion about an employee’s professional conduct that is placed in the personnel file must be signed by the person who makes it and a copy of the document must be provided to the employee at least five work days before it is placed in the personnel file.

Every employee is entitled to offer a denial or explanation of the evaluation, commendation, complaint or suggestion, and any such denial or explanation shall become part of the employee’s personnel file, provided it is signed and dated. The Superintendent may elect not to place in the personnel file a letter of complaint that contains invalid, irrelevant, outdated, or false information, or a letter of complaint when there is no documentation that the complainant attempted to resolve the issue.

Each employee may have access to his or her own personnel file at all reasonable times during regular office hours under procedures established by the Superintendent.

Access to a personnel file may be permitted to the following persons without the consent of the employee:

 1. The Superintendent and those supervisory school officials involved in the employment and evaluation process of the individual, the school Board attorney, and members of the Board of Education if the examination of a particular file relates to the duties and responsibilities of the Board.

 2. A party by authority of a subpoena or proper court order may inspect and examine a particular confidential portion of an employee’s personnel file.

The Superintendent may, in his discretion, or shall at the direction of the Board of Education, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or nonemployment of any applicant, employee or former employee and the reason therefore, and may allow the person or corporation to inspect and examine any portion of an employee’s personnel file if:

 1. The Board has determined that the release of the information or the inspection and examination of the file or a portion of the file is essential to maintaining the integrity of the Board or to maintaining the level or quality of services provided by the Board; and

 2. Prior to releasing the information or making the file or any portion of it available, the Superintendent has prepared a memorandum setting forth the circumstances which he and the Board deem to require disclosure and the information to be disclosed. (The memorandum shall be a public record.)

No person other than those listed above may have access to a personnel file except under the following circumstances:

 1. When the employee gives written consent for the release of his or her records. The written consent must specify the records to be released and to whom they are to be released.

 2. When the records have been subpoenaed or sought by court order or as authorized by law.

Certain records are open to inspection with respect to each employee. They include: name, age, date of original employment or appointment, current position, the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the board has the written contract or a record of the oral contract in its possession; title, current salary, date and amount of most recent increase or decrease in salary, date and type of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification with the Edenton-Chowan Schools; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the Edenton-Chowan Schools; and the office or station to which the employee is currently assigned. If the employee has been dismissed, the Board must maintain copy of the written notice of the final decision of the Board setting forth the specific acts or omissions that are the basis for the dismissal, which shall be a public record.

All information provided to the Human Resources Department by an applicant for employment or by an employee must be true, accurate and complete to the best of that applicant’s or employee’s knowledge. It shall be a violation of Board policy and, therefore, grounds for dismissal for an employee to present information to the Human Resources office which is intended to or does defraud or materially misrepresent or conceal the truth. Furthermore, the presentation of such information to the Human Resources office by an applicant for employment shall be considered just cause for termination of the application process.

Any employee may petition the Board to remove from his or her personnel file invalid, incorrect, irrelevant or outdated information. The Board will review the petition on the record and may order the Superintendent to remove the information if it finds the information is invalid, irrelevant or outdated.

LEGAL REF: G.S. 115C-36, -47(18), -276, -319 to -321, -325

ADOPTED: February 7, 2005

UPDATED:

**EMPLOYEE GRIEVANCE POLICY** 5230

The initial approach to settling any issue is open communication. An employee should first seek to resolve any complaint with his/her immediate supervisor through informal discussion. If such discussion does not resolve the matter informally, and the employee believes that his/her complaint rises to the level of a grievance as defined below, then the employee may initiate a formal grievance as described in this policy in an effort to seek an equitable solution.

**Definitions**

A. Grievance: A grievance is defined as a formal written complaint by an employee that a final administrative decision violates a specified federal law, state law, State Board of Education policy, state rule, or local Board policy. This grievance policy shall apply to any decision subject to appeal under G.S. 115C-45(c) or any other statute that provides employees a right to appeal to the Board of Education, except that dismissals, demotions or suspensions without pay of non-certified employees initiated by the Superintendent or designee shall be reviewed initially at Level Two of the policy and except that complaints of alleged sexual harassment shall be made pursuant to the Board’s Sexual Harassment policy and except as otherwise provided by this policy. Recommendations for final administrative decisions are not grievable.

Any employee who believes he or she has been aggrieved by a decision not covered by the definition of grievance in this policy may appeal the decision to the Superintendent and thereafter have the right to petition the Board for a hearing. The Board shall notify the employee of its decision whether to grant a hearing.

B. Day: Day is defined as a scheduled workday except where provided otherwise. Day of receipt or other event does not count as one of the working days.

**Time Limitation**

No grievance shall be heard unless it has been filed in writing within thirty (30) calendar days after the act or condition giving rise to the grievance and states with particularity the basis for the grievance and the remedy sought. In order to be considered, the formal written grievance must be filed on the appropriate form at Level One as described below.

**Level One**

The grievant may initiate a formal grievance by obtaining a grievance form from the Human Resources office, filling out the form and providing a copy to his or her supervisor. The grievant shall specify on the form the facts supporting the grievance; the specific law, policy, or regulation alleged to have been violated; and the relief requested. The supervisor shall make every reasonable effort to provide a written response to the employee’s grievance within five (5) business days of receiving the completed grievance form.

**Level Two**

A. If the employee is not satisfied with the decision rendered at Level One, the employee may appeal to the Superintendent or designee. The employee shall file a written appeal on the designated form specifying with particularity the reason(s) for the appeal. The employee shall file the appeal with the Superintendent or designee within five (5) days of receiving the supervisor’s written response to his/her grievance.

B. The Superintendent or designee shall make every effort to schedule a meeting with the employee for the purpose of resolving the grievance within fifteen (15) days from the receipt of the appeal form. If the Superintendent or designee determines that additional time is needed to develop the factual record, the grievance may be put on hold for thirty (30) days (or longer if by mutual written agreement) to allow time for investigation.

 Each party may bring one representative to this meeting.

The Superintendent or designee shall make every reasonable effort to send written notice of the decision to the grievant and the supervisor involved within five (5) days of the meeting.

**Level Three**

A. If any employee is not satisfied with the decision rendered at Level Two, the employee has the right to file an appeal with the Board of Education within five (5) days of receiving the Superintendent’s decision. Upon receipt of this appeal, the Board chair may appoint a committee of not fewer than two (2) members of the Board to hear and decide the grievance.

B. The committee shall make every reasonable effort to meet and consider the appeal within twenty (20) days after the chair refers the grievance to the committee. Reasonable notice of the appeal hearing will be given to the parties. The committee shall review the grievance on the record unless it determines that additional information may be presented. No new evidence, written or verbal, may be presented without the prior knowledge and consent of both parties or upon a majority vote of the hearing committee. Each party may make a brief oral presentation (no more than 15 minutes) to the committee to summarize his or her position. The appeal hearing may be recorded and shall be held in closed session.

1. The Board committee may affirm, reverse or modify the decision of the Superintendent. The Superintendent’s Level Two decision will be reversed only if the decision was:

 (1) in violation of constitutional provisions;

 (2) in excess of statutory authority or jurisdiction of the school system;

 (3) made upon unlawful procedure;

 (4) affected by other error of law;

 (5) unsupported by substantial evidence in view of the entire record as submitted; or

 (6) arbitrary or capricious.

As used in this policy, substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

D. The decision of the committee shall be final. The committee shall make every reasonable effort to send to the grievant and the Superintendent a written statement of its decision within five (5) days of the hearing. A copy of the decision shall also be delivered to the Board.

**Decision of the School Board**

This policy establishes a procedure for employees to grieve certain decisions of school officials. The policy does not grant employees the right to appeal decisions of the Board itself. Nonetheless, an employee may petition the Board to reconsider one of its own decisions. The request must be made in writing to the Board chair within thirty (30) days of the Board’s decision and must state the reasons why the Board should reconsider its decision. The Board may exercise its discretion to grant the petition. The Board will review the decision on the record unless it determines that additional information may be presented.

**Disciplinary Actions Under G.S. 115C-325**

This grievance procedure shall not be available to contest dismissal, demotion, suspension or nonrenewal of a teacher or instructional administrator initiated under G.S. 115C-325. If the grievance is filed and then a disciplinary action is begun under G.S. 115C-325 on the same or related issue, no further action shall be taken with the grievance procedure while the disciplinary action is pending.

**Guidelines for Implementation of Above Proceedings**

The steps of the grievance procedure will be followed to the convenience of all parties whenever possible. When meetings are held during work hours, no employee shall suffer loss of pay for time away from his/her duties, nor shall he or she receive extra pay when meetings are held at a time other than working hours.

In order to process grievances as expediently as possible, every effort should be made to handle each step in the specified time period. If the grievant fails to comply with the time periods or other procedures outlined in this policy, the grievant waives any further right of appeal and the grievance will be considered resolved. If the school system fails to comply with the time periods or other procedures outlined in this policy, the grievant may advance the grievance to the next level. There shall be no other consequences or remedies for failure of the school system to meet the time periods outlined in this policy.

The grievance may be voluntarily withdrawn at any level. Once a grievance is withdrawn, it cannot be reopened. If at any time during the grievance process the school system grants the grievant the relief sought, the Superintendent or designee may terminate the grievance.

No retaliation of any kind shall be taken by the Board or by an employee of the Edenton-Chowan Schools against any party or other employee on account of his or her participation in a grievance proceeding filed pursuant to this policy.

The Superintendent will develop a grievance form to document each step of the grievance process.

LEGAL REF: G.S. 115C-45(c), -325

ADOPTED: February 7, 2005

AMENDED:

Exhibit 5230-E1

 **EDENTON-CHOWAN SCHOOLS EMPLOYEE GRIEVANCE FORM**

**An employee who has a grievance within the meaning of Edenton-Chowan Schools Employee Grievance Policy should first try to resolve the grievance through discussion with his or her supervisor. If the matter cannot be resolved through informal discussion, the employee may initiate a formal grievance by filling out this form. Use the back of this page if you need more space.**

 **DESCRIPTION OF GRIEVANCE**

**(TO BE COMPLETED BY EMPLOYEE. MUST BE SUBMITTED TO SUPERVISOR WITHIN 30 CALENDAR DAYS AFTER THE ACT OR CONDITION GIVING RISE TO THE GRIEVANCE)**

**Employee’s Name Job Title**

**Work Location Supervisor**

**1. Date that act or condition about which you are complaining occurred:**

**2. Specify the law, regulation, or policy that you feel has been violated.**

**3. Have you discussed the situation with your supervisor? [ ] yes [ ] no**

 **If so, what was the result of that discussion?**

**4. How would you suggest that the situation be corrected?**

 **Signature of Employee Date Form Submitted to Supervisor**

**\* TO EMPLOYEE: Keep a copy of the completed form. The Supervisor shall make every reasonable effort to provide a written response to your grievance within five (5) business days of receiving the completed grievance form.**

\*\***TO SUPERVISOR: Keep a copy of the employee’s grievance and your response.**

**LEAVE/BENEFITS AND EMPLOYMENT** 5240

It is the policy of the Edenton-Chowan Board of Education to comply with the benefits and employment policies promulgated by the State Board of Education in the most current edition of the *Public Schools of North Carolina Benefits and Employment Policy Manual* and the local supplement, available from the human resources office. The most current State Board manual can be accessed through the Internet, through the DPI home page at: <http://www.ncpublicschools.org> (click on Employment & Licensure). To access the manual directly the web address is: http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf. A copy of the manual is also maintained in the human resources office and can be provided to any employee who has difficulty accessing the online version. State Board policy is supplemented by the local Board policies located at the end of this policy. **The reader is advised to consult both the State Board policy and the local supplemental policy (if any) when reviewing a particular topic.**

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

 **LOCAL SUPPLEMENT TO**

 **STATE BENEFITS POLICIES**

**LEAVE/BENEFITS AND EMPLOYMENT**

**II. SUPPLEMENTAL LOCAL POLICIES**

 The following State Board Policies are supplemented by local Board policy:

 Section 01

 01.1 Definitions

 Section 02

 02.1 Paid Legal Holidays

 Section 03

 03.1 Annual Vacation Leave

 03.3 Annual Vacation Leave for New Parents

 Section 04

 04.1 Sick Leave

 04.2 Extended Sick Leave

 04.3 Voluntary Shared Leave

 04.4 Voluntary Sick Leave Bank

 Section 05 (None)

 Section 06

 06.1 Educational Leave

 06.2 Professional Leave

 Section 07

 07.3 Court Attendance

 07.4 Elected Officials

 Section 08

 08.1 Parental Leave Without Pay

 08.2 Family And Medical Leave Act

 08.3 Parental Involvement In Schools Leave

 Section 09

 09.1 Compensatory Leave (Fair Labor Standards Act)

 09.2 Workers’ Compensation Leave

 09.3 Episode of Violence

 09.4 Contagious Disease

 09.6 Other Leaves Without Pay

 Section 10

 10.1 Short-term Military Leave

 10.2 Military Leave for Extended Active Duty

 Section 11

 11.1 Teacher Substitutes

 11.3 Reporting Absences

 Section 12 (None)

 Section 13 (None)

 Section 14

 14.1 Probationary Teachers

 14.2 Career Status (Tenure)

This section supplements the State Board of Education policies found in the *Public Schools of North Carolina Benefits and Employment Policy Manual*. It is the policy of the Edenton-Chowan Board of Education to comply with the policies of the State Board, as supplemented by these local Board policies.

**Please consult both the current State Board policy and these local Board policies when reviewing a particular benefit or employment topic**. Instructions for obtaining the most current version of the State Board policies can be found on the first page of this section.

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

01.1 **DEFINITIONS**

 1.1.3 Part-time Employee

Any permanent employee who works at least 20 hours per week will also earn leave on a pro-rata basis.

 1.1.7 Instructional Personnel

For restrictions on use of Annual Vacation Leave see §3.1.3(d).

 1.1.11 Units of Leave:

Leave will be recorded in one-half or whole day units. An employee who is absent less than one-half day shall be charged with the use of one-half day of leave; if an absence is more than one-half day but less than one full day, a whole day of leave shall be charged.

 1.1.12 Immediate Family

Notwithstanding §1.1.9, where FMLA is applied, the definition of immediate family is restricted to employee’s spouse, son, daughter, or parent with a serious health condition. See §8.2.2.

02.1 **PAID LEGAL HOLIDAYS**

 2.1.1 Paid Legal Holidays:

The Edenton-Chowan Board of Education will designate dates for holidays that are in the best educational interests of the students and that comply with state and federal law. Time granted for holidays cannot be accumulated.

03.1 **ANNUAL VACATION LEAVE**

 03.1.2 Eligibility and Rate of Earning:

A single individual working in more than one position may not earn more than the benefits allowed for one full-time position, regardless of whether the separate positions the employee holds are part-time or full-time.

 03.1.3 Use of Annual Vacation Leave:

(b) Approval: The Edenton-Chowan Board of Education is required to maintain leave records for each employee. It is the responsibility of each employee to request and complete a leave form, and the responsibility of the employee’s immediate supervisor to approve and verify that the leave record is accurate. Vacation requests do not need to be sent to the human resources office. The employee’s immediate supervisor is responsible for maintaining leave records.

Requests for annual vacation leave should be submitted on a leave form to the immediate supervisor and approved prior to the vacation. An employee should not call in to say that he/she has decided to take vacation that day. (Exception: Emergency or illness in which employee elects to use annual vacation leave in lieu of some other form of leave). Absences for which an employee has not received approval in advance may be grounds for dismissal.

 Annual vacation leave shall not be used to extend the term of employment.

 (c) Units of Leave: Leave is to be used in one-half or whole day units. An employee who is absent less than one-half day shall be charged with the use of one-half day of leave; if an absence is more than one-half day but less than one full day, a whole day of leave shall be charged.

 (k) Leave Deficit: An employee who has neither earned nor will earn sufficient annual leave to cover any scheduled vacation day in the school calendar will be placed on leave without pay for that day.

 (l) Vocational and technical education teachers: Vocational and technical education teachers who are employed for 11 or 12 months may, with prior approval of the principal, work on annual vacation leave days designated in the school calendar and may use those annual vacation days during the eleventh or twelfth month of employment.

 (m) Employees holding both full and part-time positions: Leave earned in a full-time position may only be used in the full-time position. Leave benefits earned in the full-time position may not be applied to any current or subsequent part-time position.

 (n) Instructional employees in specialized programs: Notwithstanding policy, instructional personnel, including teacher assistants, who teach in specialized programs such as art, music, physical education, drama, dance, etc., for which their attendance is necessary for a minimum of eleven (11) months may use annual vacation leave on days when students are in class, provided they have obtained written permission from their principal prior to taking the leave.

 03.1.5 Advancement:

An employee may be advanced the amount of annual vacation leave that may be earned in the remainder of the fiscal year only upon prior approval by the employee’s immediate supervisor and the Superintendent or designee.

03.2 **ANNUAL VACATION LEAVE FOR CATASTROPHIC ILLNESS**

 03.2.1 Benefit:

Leave under this section may run concurrently with Family and Medical Leave (See section 08.1) where consistent with law and Board policy.

03.3 **ANNUAL VACATION LEAVE FOR NEW PARENTS**

 03.3.1 Annual Vacation Leave for New Parents:

 (c) Leave under this section may run concurrently with Family and Medical Leave (See section 08.1) where consistent with law and Board policy.

04.1 **SICK LEAVE**

 04.1.1 Eligibility and Rate of Earning:

 (c) Units: Sick leave must be used in one-half or whole day units. An employee who is absent less than one-half day shall be charged with the use of one-half day of leave; if an absence is more than one-half day but less than one full day, a whole day of leave shall be charged.

 04.1.2 Purposes for Which Sick Leave May be Used:

 (a) Sick leave may be used only to supplement workers’ compensation payments; it may not be used in lieu of such payments.

 (f) Length of Leave for Death in the Immediate Family: The length of leave granted for illness or death in the immediate family is normally from three to five days; however, individual circumstances may dictate shorter or longer leaves for this purpose. It is the responsibility of the employee to communicate with his/her supervisor regarding the need for this leave and its length.

 04.1.3 Verification of Need for Sick Leave:

Absences of more than three (3) consecutive days duration must be supported by a physician’s statement or other acceptable proof that the employee was unable to work due to personal illness, medical appointment, or illness or death in the family.

 (a) Fitness for Duty: An employee who has been absent for an extended period of time due to a personal illness may be required by the Director of Human Resources to provide a fitness for duty certification from his/her treating physician(s).

04.2 **EXTENDED SICK LEAVE**

 04.2.2 Approval:

Extended sick leave must be requested (it is not extended automatically), on the appropriate form and must be accompanied by a physician’s statement. Unlike sick leave, extended sick leave cannot be used to attend to a child’s or spouse’s illness, etc. Accumulated sick leave must be exhausted before extended sick leave is granted.

04.3 **VOLUNTARY SHARED LEAVE**

 04.3.3 Application for Voluntary Shared Leave:

An application for voluntary shared leave must be signed and dated by the employee or a person acting on the employee’s behalf if the employee is unable to make the application. The Superintendent or his designee shall approve or disapprove all requests for receipt of donated leave based on all relevant circumstances, including but not limited to, whether a request was made in a timely manner.

 04.3.4 Donation of Leave:

 (g) Donor Compensation: The donating employee may not receive compensation in any form for the donation of leave. An employee who gives or receives remuneration for the donated leave will be subject to dismissal.

 (h) Eligibility to Donate Leave: Only permanent employees on active payroll status are eligible to donate leave.

 04.3.5 Length of Leave:

 (c) All donated leave must be used in one-half or whole-day units.

04.4 **VOLUNTARY SICK LEAVE BANK**

 04.4.1 Establishing a Voluntary Sick Leave Bank:

The Edenton-Chowan Board of Education has not established a voluntary sick leave bank.

06.1 **EDUCATIONAL LEAVE**

 06.1.2 In-service School Projects:

Mentor and initially licensed teachers (ILT) in-service events directly related to the Initially Licensed Program (ILP) may receive paid leave for qualifying in-service activities, subject to the same approval process as other educational leave (see 06.1.5).

 06.1.5 Other Educational Leave:

(a) Eligibility Criteria: An employee who otherwise meets eligibility criteria (see 06.1.1)is eligible to request educational leave after successful completion of four (4) consecutive years of service in the Edenton-Chowan Schools. Earlier consideration for educational leave may be given if the education or credential sought is related to an area of critical need in the system. Educational leave may be denied if the Superintendent or designee believes granting the leave would not be in the best interests of the school system.

 (b) Conditions of Leave: Except as provided in 06.1.2-.4, educational leave is nonpaid. Except as provided below, educational leave may not exceed one (1) year in duration. Nonpaid educational leave in order to participate in the Principal Fellows Program may not exceed two (2) years in duration. A person granted educational leave must be responsible for obtaining information and making necessary individual arrangements for continuation of retirement, hospitalization and other benefits during the leave of absence. The school system will continue to make monthly matching contributions to the State Retirement System for an employee on approved leave under this policy, but only if the employee makes a request in writing to the director of human resources – staffing and development before the leave begins.

 (c) Notification and Reinstatement: Application for educational leave must be approved by the immediate supervisor and submitted to human resources prior to April 15 of the school year preceding the proposed leave. By April 15 of the year in which the leave is taken, the employee must notify human resources of his/her intent to return. Employees enrolled in the Principal Fellows Program must notify human resources of their continued enrollment in the Principal Fellows Program by April 15. Additionally, by April 15 of their second year, they must notify human resources of their intent to return to Edenton-Chowan Schools. Educational leaves of shorter duration require thirty (30) calendar days written notice of the employee’s interest to return. If appropriate written notification is received, reemployment will be assured following the leave. However, while employment is guaranteed upon the employee’s return, it may not necessarily be the same position, school, or grade level. Nothing in this section prohibits the Superintendent or designee from making exceptions based on compelling reasons.

06.2 **PROFESSIONAL LEAVE**

 06.2.5 Procedure for Taking Professional Leave for Meetings and Workshops:

Requests for professional leave with the approval of the principal for meetings and workshops must be made to the Superintendent or designee three (3) working days prior to the contemplated absence. The Request for Leave form should also be sent directly to the Director of Human Resources.

If the substitute is to be paid by an agency outside of the Edenton-Chowan Schools, the complete name and address should be provided so the business office can invoice the agency for the cost of the substitute.

07.3 **COURT ATTENDANCE**

 07.3.1 Court Attendance:

 (b) Attendance for Personal Reasons:

If court attendance is for a matter in which the employee has a personal stake in the outcome, then the absence will be considered for “personal reasons” under this subsection. School personnel who are absent when responding to subpoenas for civic responsibility must attach a copy of the subpoena to the leave form.

07.4 **ELECTED OFFICIALS**

 07.4.1 Elected Officials:

Full-time or part-time public school employees serving as elected government officials may, with their supervisor’s approval, choose to use appropriate earned leave to attend to the responsibilities of their elected office.

8.1 **PARENTAL LEAVE WITHOUT PAY**

 08.1.2 Leave:

(a) Intermittent leave will not be granted under this section, but may be available under section 08.2.7.

 (b) Non-exempt employees will be required to take compensatory time (“comp time”) prior to going on non-paid leave of absence. If the employee is entitled to FMLA leave, the FMLA entitlement will commence once the compensatory time is exhausted.

08.2 **FAMILY AND MEDICAL LEAVE ACT**

5

 as permitted by law and State Board policy

 08.2.6 Determining the 12-Month Leave Period:

The 12-month period for purposes of calculating an employee’s 12-week FMLA leave entitlement is measured forward from the first date of the FMLA-qualifying leave.

 08.2.7 Reduced or Intermittent Leave:

The minimum leave increment is one hour.

When taking intermittent leave, the employee, with approval of a health care provider, must consult with his/her supervisor and make reasonable effort to have treatment provided at a time convenient to the needs of the school system.

08.2.16 Reimbursement of Health Premiums: The school system shall seek recovery for payment of its share of health plan premiums as provided in Section 08.2.16 of the State Board Policy.

 08.2.22 Fitness-for-Duty Certificate:

Before returning to work from FMLA leave for a serious health condition, the employee must present a fitness-for-duty certification from the employee’s health care provider which states that the employee is able to return to work, unless the employee took intermittent leave.

 08.2.25 Maintenance of Health Benefits:

During any period of unpaid FMLA leave, the employee is responsible for any premium payments normally deducted from the employee’s pay check for extended benefits. The employee is responsible for making necessary arrangements through the compensation services department to continue these benefits.

08.3 **PARENTAL INVOLVEMENT IN SCHOOLS LEAVE**

 08.3.1 Conditions for Leave:

Employees wishing to take parental involvement leave must provide a written request at least 48 hours in advance. An employee must complete the Edenton-Chowan Schools Child Involvement Leave Form and submit it to his/her principal or immediate supervisor. The employee may be required to furnish written verification from the child’s school of his/her participation in a school function or other involvement at school.

The ECPS DOES/DOES NOT allow use of accrued paid leave in lieu of non-paid parental involvement leave.

09.1 **COMPENSATORY LEAVE (FAIR LABOR STANDARDS ACT)**

 09.1.1 Eligible Employees:

 (a) Work Week: For purpose of compliance with the Fair Labor Standards Act, the employee week shall be from 12:01 a.m. Monday to 12 midnight Sunday. Only hours actually worked are considered in calculating eligibility for overtime.

 (b) Approval for Overtime Work: Overtime should not be worked by nonexempt employees except in emergency or extraordinary circumstances and upon prior approval by the Superintendent or designee and the employee’s immediate supervisor. Supervisors shall make every attempt to modify an employee’s schedule to avoid his/her working more than forty (40) hours in a given week.

 (c) Time Records: Employees shall maintain accurate daily records of their hours worked on forms provided by the school system.

 (d) Penalty for Falsifying Work Records: Any employee who falsifies work records will be terminated.

09.1.2 Regulations for the Use of Compensatory Time:

class=Section5>

 (a) It is the practice and policy of Edenton-Chowan Schools to substitute compensatory time for overtime.

 (b) Supervisors shall arrange for employees to take compensatory time within one pay period following the time it is earned if possible.

 (c) Employees must obtain approval from their immediate supervisors before taking compensatory time.

 (d) An employee will be required to use earned compensatory time prior to taking other paid leave where consistent with law and Board policy.

 (e) The Superintendent or his/her designee may exempt certain employees or categories of employees from these provisions when deemed necessary for the proper administration of the school system.

 (f) Use of compensatory time is further subject to the provisions of the Board’s Fair Labor Standards Act Policy.

09.2 **WORKERS’ COMPENSATION LEAVE**

 09.2.1 Eligibility:

 (a) Employee’s Notice of Injury: Employees must report on-the-job injuries to their supervisor immediately. Failure to provide notice of injury may result in forfeiture or delay in workers’ compensation benefits.

 09.2.3 Seven Day Waiting Period:

If no sick leave is available, annual vacation leave may be used during the seven (7) day waiting period for worker’s compensation leave.

 09.2.4 Use of Sick and/or Annual Vacation Leave to Supplement Weekly Compensation:

Sick and/or annual vacation leave used to supplement weekly compensation must be used in whole- or half-day increments.

Employees who wish to use sick and/or annual vacation leave to supplement the workers’ compensation weekly benefits as provided in this section must submit a written request to the compensation services department before the seventh day of absence resulting from the initial injury to avoid delay in receiving payment. Except upon approval by the Superintendent or designee, supplementary sick and/or annual vacation pay will not be provided retroactively.

09.3 **EPISODE OF VIOLENCE**

 09.3.1 Eligibility:

Employees who are injured or who suffer a disability arising from an episode of violence must provide written notice of the injury or disability to human resources as soon as possible, but not later than one year following the event or occurrence that caused the injury or disability. The notice must include: (1) a request for leave for an episode of violence; (2) the date of the event or occurrence; and (3) a description of the circumstances which led to the injury or disability. The school system may require the employee to provide medical documentation of continuing disability. The school system also reserves the right to require an independent medical examination at school district expense.

09.4 **CONTAGIOUS DISEASE**

 09.4.1 See also Board policies on Communicable Diseases.

09.6 **OTHER LEAVES WITHOUT PAY**

 09.6.1 Other Leaves Without Pay:

For good cause the Superintendent may grant non-paid leave. Employees requesting a non-paid leave under this section must submit an application for discretionary leave to their immediate supervisor and to the Director of Human Resources.

 09.6.4 Effect on Other Leave:

Persons on leave without pay shall not earn credit for sick leave, annual leave, tenure, or salary experience credit.

10.1 **SHORT-TERM MILITARY LEAVE**

 10.1.3 Orders and Leave Documentation:

class=Section6>

The employee must attach a copy of the military orders to the request for military leave.

10.2 **MILITARY LEAVE FOR EXTENDED ACTIVE DUTY**

10.2.3 Extended Active Duty

 (b) (iii) Involuntary extensions:

Documentation will be required in order to show that an extension is involuntary.

11.1 **TEACHER SUBSTITUTES**

 11.1.1 Employment of Substitutes:

The Superintendent or designee shall prepare an adequate list of approved substitute teachers designating their approved fields/subject areas and distribute the list to the respective building principals after its approval by the Board and prior to the opening of the school year. The Superintendent shall furnish all principals with updated substitute lists during the year as needed.

In between Board meetings, the Superintendent is given power to approve substitute teachers for the list of substitute teachers subject to final approval by the Board as its next regular meeting.

As a requirement for being placed on the approved substitute list, a prospective substitute teacher shall furnish:

 A. A completed application

 B. Evidence of competency

C. Require effective teacher training

 D. Any other information required by the Superintendent

The substitute teachers must be selected from the list approved and distributed by the Superintendent. Principals are responsible for securing substitute teachers from the list approved by the Board. Principals are encouraged to use substitutes with a teaching license or college education for long-term assignments.

 11.1.2 Teachers Assistants as Substitutes:

 (a) By adopting this policy, the Edenton-Chowan Board of Education authorizes the use of employed teacher assistants as substitute teachers, if determined appropriate by the principal in extenuating circumstances where no other substitute is available.

11.3 **REPORTING ABSENCES**

Teachers and other employees requiring the use of a substitute shall report to their principals as soon as possible after determining the need to be absent. Teachers must leave daily lesson plans, schedules, and seating charts for the substitutes.

12.1 **INTERIM EMPLOYMENT**

 12.1.1 Employment:

 (a) An interim employee cannot be employed for a vacancy created by a permanent employee who is on paid leave, except if the employee is on workers’ compensation paid leave, short-term disability, or paid leave due to an episode of violence.

 (b) While an employee is on active non-paid military leave for an extended period of time during a period of war or other major conflict, the replacement may be considered to be an interim employee with benefits. The interim position will only be available for the duration of the employee’s military absence and must be relinquished upon proper request for reinstatement by the employee on military leave.

14.2 **CAREER STATUS (TENURE)**

 14.2.3 Counting Time for Tenure

If a probationary teacher in a full-time permanent position does not work for at least 120 workdays in a 215 day school year because the teacher is on sick leave, disability leave or both, or if the teacher is on FMLA protected leave, that school year shall not be deemed to constitute (i) a consecutive year of service for the teacher or (ii) a break in the continuity in consecutive years of service for the teacher.

In all cases, where a probationary teacher believes that this provision applies, it is the teacher’s responsibility to notify Human Resources in writing to receive a determination.

14.3 **ADMINISTRATOR TERM CONTRACT LAW**

 14.3.1 Definitions

For purposes of this section, school administrator means a principal, assistant principal, supervisor or director whose major function includes the direct or indirect supervision of teaching or of any part of the instructional program.

**EXCESSIVE ABSENTEEISM** 5250

The Board recognizes the vital importance of having a low absentee rate among school personnel in order to provide consistent services and instruction to students. Regular attendance is a duty of employment and an essential function of the job for all school system employees.

Any leave taken beyond the amount to which the employee is entitled under state and federal laws and regulations will be considered in assessing the employee’s performance. Absences in excess of the entitled legal leave (which does not include donated leave) may result in dismissal from service.

Additional absences beyond the employee’s entitled legal leave may be granted if such an allowance is determined to be in the best interest of the school system. However, the additional leave taken will be considered by the school system when annually assessing the employee’s job performance.

To the extent permitted by law the school system may consider chronic absences which do not exceed an employee’s legal leave amount in assessing the employee’s job performance. The Superintendent may develop regulations to further implement this provision.

LEGAL REF:

ADOPTED: February 7, 2005

**INSURANCE** 5260

The Board shall provide within its discretion such reasonable and necessary insurance as required.

Workers’ compensation shall be provided for all employees in accordance with state law.

The Edenton-Chowan Board of Education offers full-time employees the opportunity to enroll in medical insurance available for teachers and state employees. The employee’s share, if any, of the premium is deducted on a monthly basis from the employee’s paycheck, the amount determined by the type of coverage selected.

Disability insurance is available for all full-time employees through the Teachers’ and State Employees’ Retirement System of North Carolina.

A death benefit is provided all employees through their membership in the Teachers’ and State Employees’ Retirement System of North Carolina, effective after one year of membership in the Retirement System.

LEGAL REF: G.S. 115C-42, -337, -340, -342; G.S. 135-1 *et seq*.

ADOPTED: February 7, 2005

**EMPLOYER-INITIATED TRANSFER** 5270

The Superintendent may assign and transfer any employee from one position to another in the best interest of the school system, but shall provide the Board prior notice before transferring any principal or central office administrator.

LEGAL REF: G.S. 115C-276, -315, -301

ADOPTED: February 7, 2005

**EMPLOYEE-INITIATED TRANSFER** 5280

A request by an employee for transfer to a different school shall be made in writing to the Human Resources office. The request shall set forth the reasons for the transfer request, the school sought, the position sought, and the applicant’s qualifications. Decisions regarding whether to grant the transfer request shall be discretionary and based on the best interest of the school system.

A person requesting transfer or renewing a request shallmake such request by April 15 prior to the school year for which the transfer is desired.

Requests for transfer will not be considered during the school year unless approved by both site administrators and the Superintendent.

LEGAL REF: G.S. 115C-276, -315, -301

ADOPTED: February 7, 2005

**RESIGNATION OF EMPLOYEES** 5290

The Board of Education considers a contract with an employee to be a mutually binding agreement.

Unless specified otherwise in a written contract, a licensed employee desiring to resign from employment with the school system must submit a written resignation to the Human Resources office at least thirty (30) days in advance.

Resignations will be accepted, on behalf of the Board of Education, by the Superintendent or designee.

If a licensed employee resigns without giving thirty (30) days’ notice, the Board of Education may request that the State Board of Education revoke the employee’s license for the remainder of that school year.

Emergency circumstances and early release will be considered by the Superintendent if a suitable replacement is available.

Employees who voluntarily leave employment with the Board of Education may request an opportunity to have an interview with the Human Resources office in order to ask questions and discuss procedures for separation.

Classified employees are required to provide at least ten (10) days written notice to the Human Resources office prior to resigning.

School administrators are required to provide at least sixty (60) days written notice to the Human Resources office prior to resigning from their administrative position.

LEGAL REF: G. S. 115C-325(o)

ADOPTED: February 7, 2005

**RETENTION AND** **NONRENEWAL** 5300

The Edenton-Chowan Board of Education acknowledges that the most important aspect of attaining excellence in education is the quality of the teaching staff and administrative staff. With that in mind, the Board hereby adopts as policy and states its determination to strive for such excellence and further declares its intent to employ only those teachers and administrators who possess, have exhibited, and who continue to strive for excellence in their preparation for, performance of, and contribution toward the educational process.

“Proficient” performance shall be considered the minimum acceptable standard of performance for teachers and administrators in this school system; however, “proficient” performance shall not constitute any assurance to any teacher or administrator of rights to, or consideration for, employment or reemployment for teachers.

Subjective and objective appraisals of preparation for, performance of, and contribution toward the educational process and the needs of the school system shall be considered by the Board in making decisions to employ or reemploy teachers or administrators.

**Basis for Nonrenewal**

The Board of Education, upon the superintendent’s recommendation, may refuse to renew the contract of any probationary or other non-career teacher or school administrator or to reemploy any teacher or school administrator who is not under contract, for any cause it deems sufficient; provided, however, that the cause may not be arbitrary, capricious, discriminatory, or for personal or political reasons, or because the teacher or administrator engaged in activities that are protected by the United States Constitution.

Legal References: G.S. 115C-325,-299, -295, -284, -333 through -335 SBE Policy TCP-C-004

Adopted: February 7, 2005

Amended: October 3, 2011

**NONRENEWAL OF PROBATIONARY TEACHERS** 5303

Nonrenewal Procedure for Probationary Teachers

1. Notice of Nonrenewal Recommendation and Right to Request Information and a Hearing

(a) The superintendent shall provide written notice to a probationary teacher of the

superintendent’s recommendation not to renew the teacher’s contract by May 15.

The notice shall inform the teacher of the teacher’s right to file a written request

to the superintendent within 10 days for the reasons and documents in support

of the superintendent’s recommendation. If the teacher does not file a request to the superintendent

within the required 10 days, the teacher waives both the right to receive the

reasons and documents in support of the recommendation and any right to request a discretionary hearing. If the teacher files a timely request, the superintendent shall provide the

requested information and and the teacher shall

be given an opportunity to submit supplemental information to the superintendent

and board prior to the board making a decision or holding any hearing. If no

hearing is requested or allowed, the teacher shall submit the supplemental

information in accordance with instructions from the superintendent or Board for

this information to be considered. In the case where a hearing is granted, the

information shall be submitted as set forth below (see “Hearing Procedure”).

(b) The teacher may file a petition to the superintendent for a discretionary hearing

before the board. To be considered, the petition must be filed within 10 days after

the notice of the superintendent’s nonrenewal recommendation. At a minimum,

the petition shall state with particularity the reasons why a hearing is necessary

and why the Board could not adequately review the superintendent’s nonrenewal

recommendation based on the documents provided by the superintendent and

teacher. The superintendent will forward any timely petitions to the Board Chair

and Vice Chair who will meet to determine whether a discretionary hearing shall

be granted. If both the Chair and Vice Chair vote in favor of granting a

discretionary hearing, then the teacher will be afforded a hearing; otherwise, the

teacher will be notified in writing of the denial of petition. The decision of the

Board Chair and Vice Chair on whether to grant a discretionary hearing shall be

final.

2. Hearing Procedure

If a probationary teacher is granted a discretionary hearing following

the filing of a timely petition, the following procedure shall apply:

(a) The Board of Education may designate a hearing panel of at least three Board

members to hear the appeal. The decision of a Board panel shall be final.

(b) The teacher and superintendent will be notified of the time, date, and place of the

hearing. At least two work days before the day of the hearing, the teacher and

superintendent will provide to the Board and to one another copies of all

documents to be presented at the hearing. Documents not exchanged in advance

of the hearing may not be used as evidence without the consent of both parties or

by a majority vote of the Board or Board panel. The teacher shall include with

these documents a statement of the specific reasons for challenging the

superintendent’s recommendation.

(c) A record of the hearing shall be made and maintained by the Board.

(d) The hearing shall be informal. Formal rules of evidence will not apply. The

teacher and the superintendent may be represented by legal counsel and may

present witnesses. Unless otherwise modified by the Board or Board panel, each

side will be allowed 30 minutes to make a presentation. The superintendent shall

make his/her presentation first, followed by the teacher. Either party may reserve

time for rebuttal. The Board or Board panel may limit or exclude duplicative or

irrelevant evidence.

3. Board Decisions on Teacher Nonrenewal

(a) The Board or Board panel may uphold the superintendent’s recommendation if it

finds that the reason(s) for the recommendation is not arbitrary, capricious,

discriminatory, personal, or political.

(b) The Board must notify the probationary teacher whose contract will not be

renewed for the next school year of its decision by June 15. However, if the

teacher submits a formal request for information as specified in this policy or for a

hearing, the Board shall provide the nonrenewal notification by July 1 or such

later date upon written consent of the superintendent and the teacher. The Board’s

decision is subject to judicial review in accordance with Article 4 of Chapter 150

B of the North Carolina General Statutes.

4. The right to request a hearing as set forth in this policy applies to

proceedings initiated after August 31, 2010.

Legal Ref.: G.S. 115C-45, G.S. 115C-276, G.S. 115C-278, G.S. 115C-278.1, and G.S. 115C-325

Adopted: 1/1/10

**LICENSURE** 5305

The policy of the Board is to employ professional personnel who hold or are eligible to hold clear license in the employment areas.

1. Establishing licensure with the Division of Professional Services, North Carolina Department of Public Instruction, is the responsibility of the individual.

2. License renewal is the responsibility of the individual.

3. If situations arise which necessitate the employment of professional personnel for whom the local education administrative unit must request provisional license, it is the responsibility of the individual holding a provisional license to satisfy the annual requirements for license extension. Failure to present the annual evidence for gaining licensure extension may make null and void annual contract continuation or renewal in the employment area.

LEGAL REF: G.S. 115C-295, -296; 16 NC Administrative Code 6C.0301 *et seq*.

ADOPTED: February 7, 2005

**JOB DESCRIPTION TEACHER** 5315

Reports to: Principal

Supervises: May coordinate and direct the activities of teacher assistants

Purpose: To plan, instruct, and organize instructional environments which help students learn subject matter and skills that will contribute to their educational and social development.

**DUTIES AND RESPONSIBILITIES**

The Teacher is expected to comply with established laws, policies, rules, regulations and duties as prescribed by the principal or immediate supervisor. The teacher carries out non-instructional duties as assigned to ensure student safety outside the classroom. The teacher may be required to perform other duties as prescribed by the teacher’s supervisor or superintendent.

***PROFESSIONAL STANDARDS***

A. STANDARD I: Teachers Demonstrate Leadership

Teachers Lead In their Classrooms

 Teachers demonstrate leadership by taking responsibility for the progress of all students to ensure that they graduate from high school, are globally competitive for work and postsecondary education, and are prepared for life in the 21st century. Teachers communicate this vision to their students. Using a variety of data sources, they organize, plan, and set goals that meet the needs of the individual student and the class. Teachers use various types of assessment date during the school year to evaluate student progress and to make adjustments to the teaching and learning process. They establish a safe, orderly environment, and create a culture that empowers students to collaborate and become lifelong learners.

Teachers Demonstrate Leadership in the School

 Teachers work collaboratively with school personnel to create a professional learning community. They analyze and use local, state, and national data to develop goals and strategies in the school improvement plan that enhances student learning and teacher working conditions. Teachers provide input in determining the school budget and in the selection of professional development that meets the needs of students and their own professional growth. They participate in the hiring process and collaborate with their colleagues to mentor and support teachers to improve the effectiveness of their departments or grade levels.

Teachers Lead the Teaching Profession

 Teachers strive to improve the teaching profession. They contribute to the establishment of positive working conditions in their school. They actively participate in and advocate for decision-making structures in education and government that take advantage of the expertise of teachers. Teachers promote professional growth for all educators and collaborate with their colleagues to improve the profession.

Teachers Advocate for Schools and Students

 Teachers advocate for positive change in policies and practices affecting student learning. They participate in the implementation of initiatives to improve the education of students.

Teachers Demonstrate High Ethical Standards

 Teachers demonstrate ethical principles including honesty, integrity, fair treatment, and respect for others. Teachers uphold the Code of Ethics for North Carolina Educators (effective

June 1, 1997) and the Standards for Professional Conduct adopted April 1, 1998 by the State Board of Education.

B. STANDARD II: Teachers Establish a Respectful Environment for a Diverse

 Population of Students

Teachers Provide an Environment in Which Each child has a Positive, Nurturing Relationship with Caring Adults

 Teachers encourage an environment that is inviting, respectful, supportive, inclusive, and flexible.

Teachers Embrace Diversity in the School Community and in the World

 Teachers demonstrate their knowledge of the history of diverse cultures and their role in shaping global issues. They actively select materials and develop lessons that counteract stereotypes and incorporate histories and contributions of all cultures. Teachers recognize the influence of race, ethnicity, gender, religion, and other aspects of culture on a student’s development and personality. Teachers strive to understand how a student’s culture and background may influence his or her school performance. Teachers consider and incorporate different points of view in their instruction

Teachers Treat Students as Individuals

 Teachers maintain high expectations, including graduation from high school, for students of all backgrounds. Teachers appreciate the differences and value the contributions of each student in the learning environment by building positive, appropriate relationships.

Teachers Adapt Their Teaching for the Benefit of Students with Special Needs

 Teachers collaborate with the range of support specialists to help meet the special needs of all students. Through inclusion and other models of effective practice, teachers engage students to ensure that their needs are met.

Teachers Work Collaboratively with the Families and Significant Adults in the Lives of Their Students

 Teachers recognize that educating children is a shared responsibility involving the school, parents or guardians, and the community. Teachers improve communication and collaboration between the school and the home and community in order to promote trust and understanding and build partnerships with all segments of the school community. Teachers seek solutions to overcome cultural and economic obstacles that may stand in the way of effective family and community involvement in the education of their students.

C. STANDARD III: Teachers Know the Content They Teach

Teacher Align Their Instruction With the North Carolina Standard Course of Study

 In order to enhance the North Carolina Standard Course of Study, teachers investigate the content standards developed by professional organizations in their specialty area. They develop and apply strategies to make the curriculum rigorous and relevant for all students and provide a balanced curriculum that enhances literacy skills. Elementary teachers have explicit and thorough preparation in literacy instruction. Middle and high school teachers incorporate literacy instruction within the content area of discipline.

Teachers Know the content Appropriate to Their Teaching Specialty

 Teachers bring a richness and depth of understanding to their classrooms by knowing their subjects beyond the content they are expected to teach and by directing students’ natural curiosity into an interest in learning. Elementary teachers have broad knowledge across disciplines. Middle school and high school teachers have depth in one of more specific content areas or disciplines.

Teachers Recognize the Interconnectedness of Content Areas/Disciplines

 Teachers know the links and vertical alignment of the grade or subject they teach and the North Carolina Standard course of Study. Teachers understand how the content they teach relates to other disciplines in order to deepen understanding and connect learning for students. Teachers promote global awareness and its relevance to the subjects they teach.

Teachers Make Instruction Relevant to Students

 Teachers incorporate 21st Century life skills into their teaching and deliberately, strategically, and broadly. These skills include leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, people skills, self-direction, and social responsibility. Teachers help their students understand the relationship between the North Carolina Standard Course of Study and 21st Century content with includes global awareness; financial, economic, business and entrepreneurial literacy; civic literacy; and health awareness.

D. STANDARD IV: Teachers Facilitate Learning for Their Students

Teachers Know the Ways in Which Learning Takes Place, and They Know the Appropriate levels of Intellectual, Physical, Social, and Emotional Development of Their Students

 Teachers know how students think and learn. Teachers understand the influences that affect individual student learning (development, culture, language proficiency, etc.) and differentiate their instruction accordingly. Teachers keep abreast of evolving research about student learning. They adapt resources to address the strengths and weaknesses of their students.

Teachers Plan Instruction Appropriate for Their Students

 Teachers collaborate with their colleagues and use a variety of data sources for short and long-range planning based on the North Carolina Standard Course of Study. These plans reflect an understanding of how students learn. Teachers engage students in the learning process. They understand that instructional plans must be constantly monitored and modified to enhance learning. Teachers make the curriculum responsive to cultural diversity and to individual learning needs.

Teachers Use a Variety of Instructional Methods

 Teachers choose the methods and techniques that are most effective in meeting the needs of their students as they strive to eliminate achievement gaps. Teachers employ a wide range of techniques including information and communication technology, learning styles, and differentiated instruction.

Teachers Integrate and Utilize Technology in Their Instruction

 Teachers know when and how to use technology to maximize student learning. Teachers help students use technology to learn content, think critically, solve problems, discern reliability, use information, communicate, innovate, and collaborate.

Teachers Help Students Develop Critical Thinking and Problem-Solving Skills

 Teachers encourage students to ask questions, think creatively, develop and test innovative ideas, synthesize knowledge and draw conclusions. They help students exercise and communicate sound reasoning; understand connections; make complex choices; and frame, analyze, and solve problems.

Teachers Help Students Work in Teams and Develop Leadership Qualities

 Teachers teach the importance of cooperation and collaboration. They organize learning teams in order to help students define roles, strengthen social ties, improve communication and collaborative skills, interact with people from different cultures and backgrounds, and develop leadership qualities.

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Teachers Communicate Effectively

 Teachers communicate in ways that are clearly understood by their students. They are perceptive listeners and are able to communicate with students in a variety of ways even when language is a barrier. Teachers help students articulate thoughts and ideas clearly and effectively.

Teachers Use a Variety of Methods to Assess What Each Student Has Learned

 Teachers use multiple indicators, including formative and summative assessments, to evaluate, student progress and growth as they strive to eliminate achievement gaps. Teachers provide opportunities, methods, feedback and tools, for students to assess themselves and each other. Teachers use 21st Century assessment systems to inform instruction and demonstrate evidence of students’ 21st Century knowledge, skills, performance and dispositions.

E. STANDARD V: Teachers Reflect on Their Practice

Teachers Analyze Student Learning

 Teachers think systematically and critically about student learning in their classrooms and schools: why learning happens and what can be done to improve achievement. Teachers collect and analyze student performance data to improve school and classroom effectiveness. They adapt their practice based on research and data to best meet the needs of students.

Teachers Link Professional Growth to Their Professional Goals

 Teachers participate in continued, high quality professional development that reflects a global view of educational practices; includes 21st Century skills and knowledge; aligns with the State Board of Education priorities; and meets the needs of students and their own professional growth.

Teachers Function Effectively in a Complex, Dynamic Environment

 Understanding that change is constant, teachers actively investigate and consider new ideas that improve teaching and learning. They adapt their practice based on research and data to best meet the needs of their students.

F. STANDARD VI: Teachers Contribute to the Academic Success of Students.

The work of the teacher results in acceptable, measurable progress for students based on established performance expectations using appropriate data to demonstrate growth.

A teacher’s rating on the sixth standard is determined by a student growth value as calculated by the statewide growth model for educator effectiveness. The End-of-Course assessment, End-of Grade assessment, Career and Technical Education Post-Assessments, and the Measures of Student Learning provide the student data used to calculate the growth value. The ECPS calculates student growth value for its teachers based on methods approved by the State Board of Education.

LEGAL REF: G.S. 115C-325; State Board of Education Policy TCP-C-0006.

ADOPTED: February 7, 2005

Amended: March 29, 2010

Amended:

**LESSON PLANS** 5320

Teachers are required to prepare detailed daily lesson plans and to have detailed plans available for substitutes. Teachers who are out on a planned leave of absence are required to provide appropriate direction and lesson plans in order to maintain continuity of the instructional program.

LEGAL REF: G.S. 115C-301.1

ADOPTED: February 7, 2005

**DUTY-FREE PERIOD**  5325

All full-time assigned classroom teachers shall be provided a daily duty-free period during regular student contact hours. This period will not necessarily correspond to the length of an instructional or lunch period for students, but shall be of reasonable length. During this period, the teacher shall not be assigned duties on an ongoing, regular basis without his/her consent, except that the principal may assign such duties as from time to time the safety and proper supervision of students shall require.

School improvement plans shall include a plan for the provision of duty-free lunch period for teachers and duty-free instructional planning time in accordance with this policy and state law.

LEGAL REF: G.S. 115C-301.1

ADOPTED: February 7, 2005

Revised:

**TEACHER WORKDAY** 5330

In order to protect student safety and to provide for the proper supervision of all students, the teachers’ workday will begin as determined by the administration and/or leadership team at each school site.  The instructional day will continue until all students for which they are responsible have departed and the teachers have completed their professional responsibilities to the students and to the school.   The teachers’ workday shall be a minimum of 7.5 hours per day.

Program development, school committees, professional growth activities, PTA meetings, faculty meetings, bus duty, parent conferences, special help for individual students, and care of school property and equipment are examples of the kinds of activities which will require the continuation of professional service beyond the departure of students.

LEGAL REF: G.S. 115C-84.2

ADOPTED: February 7, 2005

**CONTRACTS FOR LICENSED PERSONNEL** 5335

Contracts for Employment

Contracts for employment will be offered to all new and probationary nonadministrative licensed employees. Contracts for employment are between the Edenton-Chowan Board of Education and the employee and do not guarantee assignment to a particular school. The employee must sign and return the contract to the office of the Superintendent within 15 calendar days after the employee receives the contract, or the offer will be deemed withdrawn.

Contracts will include the term of employment and any special conditions of employment. It is the responsibility of the individual employee to provide all information necessary for proper licensure and credit for prior work experience to the appropriate division of the North Carolina Department of Public Instruction or licensing agency. Establishing licensure with the Division of Professional Services, Department of Public Instruction, and ensuring license renewal are the responsibility of the individual. Contracts for any position requiring licensure will be valid only after such licensure has been secured.

An expired license or failure to meet the teacher qualifications of competencies under No Child Left Behind shall be considered just cause for contract revocation or dismissal, and no professional employee will be allowed to begin a new school year with a certificate or license that has expired.

No applicant shall be employed unless recommended by the Superintendent and subsequently approved by the Board of Education.

LEGAL REF: G.S. 115C-47, -276(j), -295, -296, -299, -325; 20 U.S.C. §6319; 20 U.S.C. § 7081

ADOPTED: February 7, 2005

**SUBSTITUTE TEACHERS:** 5340

**RECRUITMENT AND QUALIFICATIONS**

The Human Resources Department will coordinate the recruitment and selection of substitute teachers. Every effort will be made to employ only those substitute teachers whose training and experience is comparable to training and experience required for licensure by North Carolina Teacher Licensure Standards. Preference will be given to college graduates with prior teaching experience, teacher training, or other special qualifications in the subject area. Qualified applicants shall be recommended to the Board of Education by the Superintendent. Following approval by the Board, the names of approved substitutes shall be placed in the official substitute register prepared and distributed by the Human Resources Department.

The Human Resources Department shall follow the following procedures:

 A. Conduct a personal interview of each applicant.

 B. Evaluate each applicant’s experience.

 C. Recommend qualified applicants to the Superintendent.

 D. Maintain and distribute the official register of substitutes as approved by the Board of Education.

 E. Ensure that each applicant receives a criminal records check.

Principals are to use the following procedure in selecting a substitute:

 A. Make every effort to select substitutes from the register provided by the Human Resources Department.

 B. Deviate from this register only in emergency situations. When this is necessary the principal shall get advance approval of the Superintendent or designee and provide the Human Resources Department with the name, address, and telephone number of the substitute as soon as possible.

Principals are encouraged to suggest to potential substitute candidates that they make application to the Human Resources Department.

Student teachers will not normally be used as substitute teachers. Any use of student teachers as substitutes must be approved by the Human Resources Department. This approval is contingent upon agreement by the student teacher and the principal.

**Substitute Teachers: Use and Compensation**

Substitutes must be provided for those teachers who have regular classroom assignments and for those teachers whose assignments are used for released time.

Substitutes should be provided for specialists and resource teachers if it is in the best interest of the students and an appropriate substitute is available.

All substitutes must be paid through the regular payroll procedure.

The Board of Education discourages the use of teaching assistants to serve as substitute teachers. A principal may assign a teaching assistant to serve as a substitute teacher only when a substitute teacher cannot be found after a reasonable search.

If a teacher assistant acts as a substitute teacher, he/she will be paid for that service as required by law. Special programs teacher assistants may not be assigned to serve as substitute teachers.

LEGAL REF: G.S. 115C-12(8), -45, -276, -307; 16 NCAC 6C.0403

ADOPTED: February 7, 2005

AS**SIGNMENT OF TEACHERS TO NON-INSTRUCTIONAL** **DUTIES AND EXTRACURRICULAR DUTIES** 5345

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

**A. EXTRACURRICULAR DUTIES**

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

1. **Extracurricular Duties Defined**.

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

2. **Temporary Suspension of Policies Regarding Assignment of Extracurricular Duties.**

The Board of Education delegates to the Superintendent the authority to temporarily suspend the rules and policies regarding assignment of extracurricular duties to exempt teachers at a school when there is a compelling reason for not implementing the rules or policies. In determining whether a compelling need exists, it will be assumed that because of budgetary constraints, the principal may not employ teaching assistants and other non-certified employees to perform extracurricular duties unless the assignment is approved in advance by the Superintendent or his or her designee. The following circumstances will be considered to be a compelling reason:

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

1. The school cannot adequately fill extracurricular duties without additional reliance on teachers, including reliance on teachers with initial certification or teachers with 27 or more years of experience; or

(3) An extracurricular duty requires an individual with certain experience, skills or qualifications and only teachers at that particular school with initial certification or with 27 or more years of experience possess the required experience, skills or qualifications.

(4) Other compelling circumstances as determined by the Superintendent after appropriate review.

**B. NON-INSTRUCTIONAL DUTIES**

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

1. **Non-instructional Duties Defined.**

Non-instructional duties include those duties that are not related to the instruction and supervision of students. This includes such things as bus duty, carpool duty, and regular and ongoing use of planning periods to monitor hallways and cafeterias. Nothing in this policy should be construed to relieve teachers of the responsibility to provide for the safety and supervision of students during regular school hours, as necessary to maintain order and discipline in the school.

1. **Distribution of Non-Instructional Duties**.

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

**C. EVALUATIONS**

Teachers with initial certification or teachers with 27 or more years of experience may volunteer in writing to perform extracurricular duties or may be required to perform such duties if the limitations on these assignments are suspended as provided above.

The failure to volunteer to perform extracurricular duties will not be just cause for a less than satisfactory evaluation of a teacher with initial certification or a teacher with 27 or more years of experience provided, however, that the teacher has conducted himself/herself in a professional manner when declining to accept extracurricular duties. Moreover, a teacher’s failure to perform a non-instructional or extracurricular duty in a competent and professional manner may be considered as a part of the teacher’s evaluation.

**D. REQUEST FORM**

The attached form must be completed by all teachers with initial certification or with 27 years or more of teaching experience who request assignment to or agree to accept an extracurricular duty. It is not necessary to use the form when making non-instructional duty assignments.

LEGAL REF: G.S. 115C-47(18a)

ADOPTED: February 7, 2005

Exhibit 5345-E

 **Voluntary Acceptance of an Extracurricular Duty**

**Name**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Social Security Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Check One:**

 \_\_\_\_\_\_ Teacher with initial certification

 \_\_\_\_\_\_ Teacher with 27 or more years of experience

**Check All That Apply:**

\_\_\_\_ I am voluntarily requesting an extracurricular assignment as:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_ I voluntarily agree to accept an assignment to an extracurricular duty as determined by the school principal based on the operational needs of the school program.

\_\_\_ I voluntarily agree to accept temporary assignments to extracurricular duties where deemed necessary by the school principal.

I understand that by accepting or requesting this extracurricular assignment, I agree to perform all of the duties required by this assignment for the duration of the assignment.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Teacher’s Signature

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date

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 Witnessed By:

c: Personnel File

**EVALUATIONS AND IMPROVEMENT PLANS** 5350

Evaluations

Evaluation of licensed employees is a mandated duty and responsibility of the administration. The Superintendent is authorized to establish procedures for evaluating licensed employees. All teachers and other licensed staff shall be evaluated according to any rules and regulations established by the Superintendent and any rules and regulations required by law or by the North Carolina State Board of Education. School principals or other evaluators may supplement the evaluation process as appropriate.

Each person employed by the Edenton-Chowan Board of Education and defined as a “teacher” by G.S. 115C-325(a)(6) shall be evaluated at least annually in accordance with law.

1. Probationary teachers will receive an evaluation by the principal on all standards on the teacher evaluation instrument every year. Career teachers will receive an evaluation on all standards in their license renewal year or when required by the superintendent, designee, or school principal. In any other year, career teachers will receive an evaluation on standards one, four, and six as specified by the State Board of Education.

 2. All licensed employees assigned to a school that has been identified as low-performing, but has not received an assistance team, shall be evaluated at least once annually. This evaluation shall occur early enough during the school year to provide adequate time for the development of a mandatory improvement plan if one is needed. If the employee is a teacher as defined under G.S. 115C-325(a)(6), the principal, assistant principal who supervises the teacher, or an assistance team assigned under G.S. 115C-334 shall conduct the initial evaluation.

 3. All probationary teachers shall be observed at least three times annually by the principal or the principal’s designee and at least once annually by a teacher. Teachers with career status who are scheduled to receive an evaluation on all evaluation standards (summative cycle) will receive, at a minimum, one formal and two informal observations. Teachers with career status who are scheduled to receive an evaluation on standards one, four and six (abbreviated evaluation) shall receive a minimum of two informal observations (a minimum of 20 minutes in the classroom) by the principal or designee.

Improvement Plans

Any certified employee who receives a not demonstrated, developing, below standard, or unsatisfactory rating on an evaluation shall be placed on an improvement plan to address concerns about the employee’s performance, unless the employee is recommended for dismissal, demotion or nonrenewal. An improvement plan also may be used whenever appropriate to address performance concerns.

1. The improvement plan shall contain a statement of the employee’s performance problem(s) and list specific expectations for improvement. The supervisor may consider input from the certified employee in developing the plan.

2. The improvement plan shall provide for periodic review of the employee’s performance in meeting the objectives of the action plan.

3. If the employee’s performance fails to meet expectations stated in the plan, the Superintendent and the employee’s supervisor shall decide whether to recommend that the employee be dismissed, demoted or nonrenewed.

4. An employee’s compliance with the improvement plan is mandatory.

5. An improvement plan constitutes a warning to the employee that the employee must improve his or her performance in order to continue working for the school system.

6. This policy does not limit the Superintendent’s authority to recommend dismissal for any reason allowed by law.

7. The improvement plans for teachers are as follows:

Monitored Growth Plans

The Superintendent, designee, or principal may place a teacher on a Monitored Growth Plan at any time to address performance concerns. A teacher shall be placed on a Monitored Growth Plan whenever he or she:

A. Is rated “Developing” on one or more standards on the Teacher Summary Rating Form; and

B. Is not recommended for dismissal, demotion, or nonrenewal.

A Monitored Growth Plan shall, at a minimum, identify the standards and elements to be improved, the goals to be accomplished and the activities the teacher should undertake to achieve proficiency, and a timeline.

Directed Growth Plans

The Superintendent, designee, or principals may place a teacher on a Directed Growth Plan to address serious performance concerns or when the teacher does not consistently demonstrate proficient performance while on a Monitored Growth Plan. A teacher shall be placed on a Directed Growth Plan whenever he or she:

A. Is rated “Not Demonstrated” on any standard on the Teacher Summary Rating Form; or “Developing” on one or more standards on the Teacher Summary Rating Form for two sequential years; and

B. Is not recommended for dismissal, demotion, or nonrenewal.

A Directed Growth Plan shall, at a minimum, identify the standards and elements to be improved, the goals to be accomplished and the activities the teacher should undertake to achieve proficiency, and a timeline.

Mandatory Improvement Plan

If the school system retains the employment of a teacher who is not proficient in all standards, the teacher has a duty to demonstrate significant and sustained improvement to attain proficient performance on a Monitored Growth Plan or a Directed Growth Plan.  A Monitored and/or Directed Growth Plan provide a teacher ample opportunity to attain proficient performance.  In order to assure that students receive quality instruction, a teacher who has not attained proficient performance with the benefit of a Monitored and/or Directed Growth plan ordinarily will be recommended for dismissal.  In extraordinary situations, the superintendent or designee has the discretion to retain a teacher even though the teacher has not demonstrated proficient performance despite the benefit of a Monitored and/or Directed Growth Plan, in which case the teacher will be placed on a Mandatory Improvement Plan.  The superintendent or designee may also place a teacher on a Mandatory Improvement Plan if it is determined that a Monitored or Directed Growth Plan will not adequately address the deficiencies in the teacher’s performance.

A Mandatory Improvement Plan will provide the teacher with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided the teacher so that the teacher, within a specified period of time, will satisfactorily resolve such deficiencies.  The teacher on a Mandatory Improvement Plan will receive an observation from a “qualified observer” in accordance with law.  Mandatory Improvement Plans shall be designed to be completed within 90 instructional days or before the beginning of the next school year.

8. Employees in low-performing schools: If a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance, the individual or team that conducted the evaluation shall recommend to the superintendent that (i) the employee receive a Mandatory Improvement Plan or (ii) the superintendent recommend that the employee be dismissed or demoted. The superintendent shall determine whether to develop a Mandatory Improvement Plan or recommend dismissal. If the superintendent recommends a Mandatory Improvement Plan, then:

 a. The improvement plan shall be developed by the person who evaluated the employee or by the employee’s supervisor. If, however, the evaluation was conducted by an assistance team, the team shall develop the plan in collaboration with the employee’s supervisor.

 b. The improvement plan shall be designed to be completed within 90 instructional days or before the beginning of the next school year.

 c. Upon completion of the improvement plan, the superintendent, superintendent’s designee, or assistance team shall reevaluate the employee. At that time, if the employee has failed to become proficient in any of the performance standards articulated in the Mandatory Improvement Plan, or to demonstrate sufficient improvement toward such standards, the superintendent shall recommend that the employee be dismissed or demoted.

Inadequate Performance

This policy does not create any additional rights for teachers and a teacher has no right to a Monitored or Directed Growth Plan or a Mandatory Improvement Plan. A teacher is subject to dismissal for any of the grounds set forth by law including “inadequate performance.” Inadequate performance shall mean (i) the failure to perform at a proficient level on any standard of the evaluation instrument or (ii) otherwise performing in a manner that is below standard. However, for a probationary teacher, a performance rating below proficient may or may not be deemed adequate at that stage of development by a Superintendent or designee. For a career teacher, a performance rating below proficient shall constitute inadequate performance unless the principal noted on the instrument that the teacher is making adequate progress toward proficiency given the circumstances.

9. The Superintendent is authorized to develop procedures to enforce this policy.

Legal References: G.S. 115C-333, -333.1, -325, -334, TCP-C-004, SBE Requirement for Annual Teacher Evaluation, SB 466 (E3)

Adopted: February 7, 2005

Amended: October 3, 2011

**PROFESSIONAL DEVELOPMENT OPPORTUNITIES**  5355

The Board of Education recognizes staff members should continue to improve their competencies during their professional service. It expects the Superintendent to promote opportunities for staff development and for staff members to take advantage of them. To the extent feasible, the Superintendent should establish procedures by which staff members can receive proper recognition for efforts to improve themselves professionally during the school year. All certified personnel have the responsibility of informing the Human Resources department of any training which is completed and may be creditable as a licensure renewal requirement. Specific requirements based on licensure areas can be accessed through the website of the Department of Public Instruction.

ADOPTED: February 7, 2005

**REDUCTION IN FORCE: LICENSED EMPLOYEES** 5360

The purpose of this policy is to establish an orderly procedure for the reduction of licensed, professional employees of the school system. This policy applies to teachers as defined by G.S. 115C-325(a)(6) and school administrators as defined by G.S. 115C-287.1(a)(3). Reductions in force shall be determined according to the definition and procedures established in G.S. 115C-325 and by this policy.

A. Grounds for Reduction in Force

Reduction in force may be implemented when the Board determines that any of the following circumstances exist:

 1. District Reorganization - defined as:

 a. declining enrollment, financial exigency, or other cause(s) that warrant(s) closing, consolidation or reorganization of schools, school buildings or facilities and the number of existing certified employees exceeds the number required to staff the school, school buildings or facility as reorganized; or

 b. any elimination, curtailment, or reorganization of a curriculum offering, program or school operation or a reorganization or consolidation of two or more individual schools or school districts that is unrelated to financial exigency.

 2. Decreased Enrollment - shall exist 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 when the enrollment or projected enrollment for the next succeeding school year of a curriculum offering or program is inadequate to justify continuation of the course or program.

 3. Decreased Funding - shall mean any significant decline in the Board of Education’s financial resources that is brought about by the decline in enrollment or by other actions or events that compel a change in the school system’s current operational budget; or any significant decrease or elimination in funding for a particular program; 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. The Superintendent is authorized to limit or narrow the scope of any reduction in force to those employees who work in the school, facility, program or department subject to the reduction in positions.
2. In determining which positions shall be subject to a reduction in force, the Superintendent shall consider the following
3. Structural considerations, such as identifying positions, departments, courses, programs, operations and other areas where there are (i) less essential, duplicative, or excess personnel; (ii) job responsibility and/or position inefficiencies; (iii) opportunities for combined work functions; and/or (iv) decreased student or other demands for curriculum, programs, operations, or other services.
4. Organizational considerations, such as anticipated organizational needs of the school system and program/school enrollment.

 3. When the Superintendent believes that grounds exist for a reduction in force, the Superintendent shall present a written recommendation to the Board of Education. The recommendation shall include:

 a. The grounds for reduction in force;

 b. The number or estimated number of certified employees to be reduced by area(s) of certification and/or program responsibility; and

 c. The background information, data, and rationale for the recommendation.

 4. The Board of Education shall review the Superintendent’s recommendation and shall determine whether to authorize a reduction in certified positions.

 5. If the Board authorizes a reduction in force, 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. Prior to submitting the recommendation to the Board, the Superintendent shall give written notice to the career employees by certified mail or personal delivery of his intention to make the recommendation and the grounds upon which he believes such dismissal or action is justified. The written notice shall also inform the affected employee of their right to request a hearing before the Board, as provided by G.S. 115C-325.

C. Criteria

The primary consideration in any reduction in force shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system.

**The Board will consider the following factors in determining which employees shall be included in the reduction in force:**

 1. Work performance;

 2. Program enrollment;

 3. Service in extra duty positions and ability to fill such positions;

 4. Length of service, with higher priority given to service in the Edenton-Chowan Schools; and

 5. Recommendations and advice from the Superintendent.

6. Other beneficial services provided by the employee to the school system.

 Among these factors primary consideration will be given to criteria (1) and (5) above.

In assessing an employee’s work performance for purposes of this policy, the school system may consider performance evaluations, improvement plans, past disciplinary actions, and other relevant factors as determined by the Superintendent.

D. Exclusions

The Superintendent may recommend to the Board the exclusions of specifically identified employees in an area of certification or administration from a reduction in force for specifically stated special or exceptional circumstances.

 **Special or exceptional circumstances include:**

 1. A need or desire to retain those employees whose performances are deemed outstanding based upon regular evaluation reports and other indicators of excellence;

 2. A need or desire to retain those employees who are specifically qualified to coach or sponsor an extracurricular activity; and

 3. Any other special or exceptional circumstances as recommended by the Superintendent and approved by the Board of Education.

E. Procedure for Termination

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 any probationary teacher (as defined in G.S. 115C-325) is terminated, demoted, or reduced to part-time employment during the contract term due to a reduction in force.

F. Termination/Reemployment of a Career Employee

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

G. Nonrenewal of a Teacher or School Administrator

The Board, upon recommendation of the Superintendent, may refuse to renew the contract of a probationary teacher or school administrator for any reason permitted by law, including, but not limited to, district reorganization, decreased enrollment, or decreased funding. In such cases, the procedures set forth in this policy shall not apply.

LEGAL REF: G.S.115C-325

ADOPTED: February 7, 2005

REVISED: July 11, 2011

**STUDENT TEACHERS** 5370

Student teachers from accredited colleges and universities may be assigned for student teaching experience in the Edenton-Chowan Schools. The Edenton-Chowan Board of Education authorizes the Superintendent or designee to enter into agreements with institutions of higher education that establish student teaching opportunities.

Student teachers will be assigned to those teachers having three or more years of teaching experience. Only exceptionally strong teachers will be permitted to supervise student teachers for more than one semester in a school year.

Student teachers assigned in the Edenton-Chowan Schools shall be subject to the policies, practices and procedures of the school system.

The Superintendent or designee shall remove a student teacher if the student teacher’s presence is detrimental to student welfare or school operations.

LEGAL REF: G.S. 115C-309, 115C-307

ADOPTED: February 7, 2005

**CLASSIFIED PERSONNEL** 5400

Classified personnel are those employees who do not require licensure by the State Board of Education.

The Edenton-Chowan Board of Education is committed to employing and developing a classified staff that will contribute positively to the instructional program and system operations.

All applicants for classified employment must complete an application for employment on the appropriate form provided by the Human Resources office. Applications will include written references and other pertinent data to ensure that prospective employees possess the skills and other qualities necessary to perform the duties prescribed.

All classified employment shall be consistent with budgeted funds and salary schedules. Employment of all classified employees shall be “at will.”

The Superintendent or designee is authorized to require all paraprofessionals who provide instructional support at any school to meet the paraprofessional competencies and qualifications set forth in federal law and regulations.

LEGAL REF: G.S. 115C-36, -47, -276, -315; 20 U.S.C. §6319

ADOPTED: February 7, 2005

**ASSIGNMENT**  5410

Classified employees will be assigned by the Superintendent or designee in accordance with the needs of the school system. Each employee’s principal or supervisor will make specific duty assignments in keeping with the qualifications of each employee and the needs of the school system.

LEGAL REF: G.S. 115C-47, -276, -288, -315

ADOPTED: February 7, 2005

**SELECTION AND EMPLOYMENT OF SCHOOL** **BUS DRIVERS**  5415

In the interest of safe and efficient school bus transportation, the Edenton-Chowan Board of Education adopts the following criteria to determine eligibility of anyone transporting students to and from school via school buses and activity buses. In order to be certified and approved by the Board of Education, every applicant must:

 1. Be at least 18 years of age and have 6 months driving experience.

 2. Have a valid North Carolina operator’s license or chauffeur’s license.

A. No record of conviction of moving violations for a period of six months immediately preceding certification

B. No chargeable traffic accidents during six months immediately preceding certification

 3. Pass such tests as may be required by law and prescribed by the Commissioner of Motor Vehicles and the State Board of Education.

 4. Applicants are required to pass the following tests:

A. Classroom instruction written and oral tests

B. Behind the wheel instruction road test.

The Edenton-Chowan Board of Education has the final authority to select and assign school bus drivers, upon recommendation of the Superintendent.

In addition, the Edenton-Chowan Board of Education may suspend or cancel the school bus driver’s certificate for the following reasons:

 1. Any suspension, revocation, or cancellation of the driving privilege (whether school bus related or personal vehicle related).

 2. Upon charge of any moving violation (whether school bus related or personal vehicle related).

 3. Any accident where there is property damage or bodily injury.

 4. Any other cause deemed sufficient by the principal, the superintendent, or the Edenton-Chowan Board of Education.

Procedure for reinstating the bus driver whose certificate is suspended or cancelled:

 1. The driver who is found not guilty of the charges against him shall automatically have his certificate reinstated.

 2. The driver who is found guilty of the charges against him by the court or the school board may have his certificate reissued by reapplying and repeating the procedures for selection and employment of school bus drivers.

LEGAL REF: G.S. 20-218; 115C-245, -248

ADOPTED: February 7, 2005

**INSTRUCTIONAL PARAPROFESSIONALS** 5420

An instructional paraprofessional is an individual who provides instructional support for students. Instructional paraprofessionals generally include teacher assistants who assist the classroom teacher with instructional or management duties. Instructional paraprofessionals also may assume limited non-instructional duties.

Instructional paraprofessionals do not include individuals who have only non-instructional duties such as providing technical support for computers, providing personal care services or performing clerical duties.

**Qualifications**

Instructional paraprofessionals, regardless of hiring date, must have earned a high school diploma or its equivalent (except for those who act as translators for limited English proficient students or those whose activities consist solely of conducting parent involvement activities) and must work under the direction of a “highly qualified” teacher.

To be considered for employment, instructional paraprofessionals must meet at least one of the following criteria:

1. Successful completion of 48 semester hours of coursework at an institution of higher education; or
2. Possess an associate’s degree from an accredited community college, technical school or other institution of higher education; or
3. Successful completion of the North Carolina Department of Labor Teacher Assistant Apprenticeship Program; or
4. Successful completion of Level I competencies of the North Carolina Association of Teacher Assistants Professional Development Program; or
5. Successful completion of the community college placement tests in reading, mathematics and writing, and completion of 96 hours of staff development in reading, writing, mathematics, working with special populations of students, technology, or classroom management; or
6. Successful completion of the WorkKeys Occupational Profile for Teacher Assistants in the areas of reading, writing and mathematics, and completion of 96 hours of staff development in reading, writing, mathematics, working with special populations of students, technology or classroom management.

**Notice to parents**

At the beginning of each school year, an annual written notice shall be provided to parents of students enrolled in a Title I Schoolwide or Targeted Assistance Program telling them they may request information about any paraprofessionals who provide instructional support for their child. The notice may be combined with a notice regarding No Child Left Behind teacher qualifications.

**LEGAL REF**: 20 U.S.C. § 6319; 34 C.F.R. §§ 200.58, 200.59, 200.61

**FAIR LABOR STANDARDS ACT COMPLIANCE** 5430

It is the policy of the Edenton-Chowan Board of Education to comply with the wage and hour requirements of the Fair Labor Standards Act for all nonexempt employees, including Federal Minimum Wage.

Workweek: For purposes of compliance with the Fair Labor Standards Act, the employee workweek shall be from 12:01 a.m. Sunday to 12 midnight Saturday.

Overtime: Employees who are not exempt from the provisions of the Fair Labor Standards Act shall be entitled to time and a half pay for all hours worked beyond forty (40) in a given work week except as provided in this policy below (compensatory time). The work week for teaching assistants is 37 ½ hours. Overtime should not be worked by nonexempt employees except in emergency or extraordinary circumstances and upon prior approval by the Superintendent or designee and the employee’s immediate supervisor. Violations of this policy may result in disciplinary action up to and including dismissal. Supervisors shall make every attempt to modify an employee’s schedule to avoid his/her working more than forty (40) hours in a given week.

Employees shall maintain accurate daily records of their hours worked on forms provided by the school system.

Any employee who falsifies work records will be terminated.

Compensatory Time:

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) at a rate of 1.5 hours for every one hour worked in lieu of receiving overtime pay for hours worked beyond forty (40) in a given work week. Comp time will be the first option for compensating an employee for overtime. Supervisors shall arrange for employees to take comp time within one pay period following the pay period in which it is earned if possible. Only with appropriate authorization will a nonexempt employee be compensated for overtime worked at a rate of one and one-half times their regular hourly rate.

A maximum of two hundred forty (240) comp time hours may be accumulated by an employee. Employees will receive time and a half payment for any overtime earned in excess of this amount.

Employees must obtain approval from their immediate supervisors before taking comp time.

An employee may be required to use earned compensatory time prior to taking other paid leave where consistent with law and Board policy.

The Superintendent or designee may exempt certain employees or categories of employees from this comp time provision when deemed necessary for the proper administration of the school system.

It is the practice and policy of the Edenton-Chowan Schools to substitute compensatory time for overtime. All employees, including new employees, shall be notified of this practice.

Community Groups:

When community groups use school facilities and the principal requires that a classified employee be present, the community group is required to pay the Board of Education at a rate of one and one-half times the employee’s regular hourly rate.

LEGAL REF: The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, *et seq*.

ADOPTED: February 7, 2005

AMENDED: November 2, 2009

**CLASSIFIED EMPLOYEE EVALUATIONS**  5440

1. When a new classified employee is hired, the evaluator should conduct a “probationary” evaluation within the employee’s first three months. The evaluator may conduct a probationary evaluation on an employee who transfers to a position. Employees retained after the probationary period should be evaluated on a yearly basis, unless performance or conduct concerns warrant more frequent review.

2. When an employee’s annual evaluation includes one or more needs improvement, below standard or unsatisfactory ratings and the employee is not recommended for dismissal at that time, the employee can be placed on a growth plan and then re-evaluated in 60-90 days. An additional evaluation also may be conducted at any time if an evaluator documents concerns about an employee’s conduct or performance. The employee must recognize that being placed on a growth plan means that his/her job is in jeopardy and that significant and sustained improvement must be demonstrated for this employee to be retained. The evaluator should consider whether to make a recommendation for dismissal following completion of the growth plan, unless more immediate action is warranted.

3. In completing the evaluation, the evaluator should include a comment to explain any needs improvement, below standard or unsatisfactory rating. If additional space is required, a separate sheet should be attached for comments. The evaluator is encouraged to add any pertinent comments for ratings of exceeds standard.

4. The evaluator should discuss the results of the evaluation and any recommended actions with the employee. The employee is encouraged to respond in writing to the evaluation.

5. All evaluations are to be signed by both the evaluator and the employee. A copy will be placed in the employee’s personnel file and a copy will be provided to the employee.

6. Classified employees are at-will employees who may be recommended to Human Resources for dismissal at any time for any lawful reason. This evaluation instrument form does not create any job rights or protections.

LEGAL REF:

ADOPTED: February 7, 2005

**DISMISSAL** 5450

Classified personnel are employees at will. All actions to dismiss a classified employee shall be conducted in accordance with law. The Superintendent is authorized to dismiss classified employees.

LEGAL REF: G.S. 115C-47, -276, -45(c)

ADOPTED: February 7, 2005

**SUPERINTENDENT**5500

All acts of the Edenton-Chowan Board of Education, not in conflict with state law, shall be binding on the Superintendent, and it shall be the Superintendent’s duty to carry out all rules, policies, and regulations of the Board.

The Superintendent shall function as the chief administrative officer of the Edenton-Chowan Schools and as chief executive officer to the Board of Education.

The Superintendent serves as the secretary to the Board of Education and is responsible for recording the minutes of the Board.

The Superintendent may delegate duties to subordinate employees as required for the effective administration of the schools except where specifically prohibited by the Board, and as such, shall perform such duties as the Board may direct or as necessary or as required by law. These duties shall include the assignment and transfer of employees in the best interest of the school system, while providing the Board with prior notice before transferring any principal or central office administrator.

LEGAL REF: G.S. 115C-276, -271

ADOPTED: February 7, 2005

**EVALUATION OF SUPERINTENDENT** 5510

It is the responsibility of the Edenton-Chowan Board of Education to elect, retain and/or dismiss the Superintendent. In order to effectively carry out this responsibility, the Board recognizes the need to establish a procedure to evaluate the Superintendent.

**The purpose of the Superintendent’s evaluation is as follows:**

1. To establish and maintain a good working relationship between the Board and the Superintendent

2. To refine the functions and the responsibilities of the Superintendent

3. To improve performance by suggesting areas that might be strengthened

4. To give encouragement and commendation for work well done

5. To record evidence of performance

6. To offer a guide for the Superintendent’s self-appraisal

7. To provide an opportunity for the Board and Superintendent to confer at periodic intervals regarding performance

8. To offer a procedure for comprehensive and objective appraisal in a setting other than during times of crisis

9. To establish reasonable standards for continued employment

The Superintendent shall be evaluated in accordance with the North Carolina Superintendent Evaluation Process established by the State Board of Education and such evaluation instruments as the Board shall adopt.

LEGAL REF: G.S. 115C-271, -274, -276, -333; State Board of Education Policy TCP-C-020

ADOPTED: February 7, 2005

**SCHOOL ADMINISTRATOR CONTRACTS** 5520

**A. Employment of School Administrator**

The Board will issue written contracts to those school administrators who are entitled to contracts under state law. In this policy, the term “school administrator” means any principal, assistant principal, supervisor or director whose major function includes the direct or indirect supervision of teaching or of any other part of the instructional program. This policy shall not create any right to continued employment beyond those rights granted by law.

The initial contract between a school administrator and the Board of Education shall be for two years. In the case of a subsequent contract with a principal or assistant principal, the contract shall be for a term of four years. In the case of an initial contract with a school administrator, the first year of the contract may be for a period of less than 12 months provided the contract becomes effective on or before September 1. Nothing in this section shall be construed to prohibit the filling of an administrative position on an interim or temporary basis.

**B. Notice of Superintendent’s Recommendation**

If the Superintendent decides not to recommend that the Board offer a school administrator a new, renewed, or extended school administrator contract, the Superintendent shall give the school administrator written notice of the decision no later than May 1 of the final year of the current contract. No further action by the Superintendent shall be necessary unless the school administrator requests a hearing as provided below.

If the Superintendent recommends that the Board offer a school administrator a new, renewed, or extended school administrator contract and the Board decides not to offer the school administrator a new, renewed or extended school administrator contract, the Board will notify the school administrator of its decision by June 1 of the final year of the current contract. The Board’s decision not to offer the school administrator a new, renewal, or extended contract may be for any cause that is not arbitrary, capricious, discriminatory, personal or political. The Board’s decision is subject to judicial review in accordance with Article 4 of Chapter 150 B of the North Carolina General Statutes.

**C. Hearing Procedure**

If a school administrator wishes to appeal the Superintendent’s decision not to recommend a new, renewed, or extended school administrator contract, the following procedures shall apply:

 1. The administrator must file a written request for a hearing with the Superintendent within 10 calendar days of receiving written notice of the Superintendent’s recommendation. The request for a hearing must state the specific reasons for challenging the Superintendent’s recommendation.

 2. The school administrator and Superintendent will be notified of the time, date and place of the hearing. At least two workdays before the day of the hearing, the school administrator and Superintendent will provide to the Board and to one another copies of all documents to be presented at the hearing. Documents not exchanged in advance of the hearing may not be used as evidence without the consent of both parties or by a majority vote of the Board.

 3. A record of the hearing shall be made and maintained by the Board.

 4. The hearing shall be informal. Formal rules of evidence will not apply. The school administrator and the Superintendent may be represented by legal counsel and may present witnesses. Unless otherwise modified by the Board, each side will be allowed forty-five minutes to make a presentation. The Superintendent shall make his/her presentation first, followed by the school administrator. Either party may reserve time for rebuttal. The Board may limit or exclude duplicative or irrelevant evidence.

 5. The Board may uphold the Superintendent’s recommendation if it finds that the reason(s) for the recommendation is not arbitrary, capricious, discriminatory, personal or political.

 6. The Board will notify the school administrator of a decision not to offer a new, renewed or extended school administrator contract no later than June 1 of the final year of the current contract. The notice shall be sent by certified mail.

**D. Dismissal**

Any action to demote or dismiss a school administrator during the term of the school administrator’s contract shall comply with G.S. 115C-325.

**E. Other Administrators**

This policy does not apply to the Superintendent, any Assistant Superintendent, or any administrator whose major function does not include the direct or indirect supervision of teaching or of any other part of the instructional program.

LEGAL REF: G.S. 115C-45, -47, -271, -276, -278, -284, -287.1, -325

ADOPTED: February 7, 2005