

5220 PERSONNEL RECORDS AND FILES

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.

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Superintendent may elect not to place in the personnel file a letter of complaint that contains invalid, irrelevant, outdated, or false information, or a letter of complaint when there is no documentation that the complainant attempted to resolve the issue.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.
3. the superintendent or designee determines that disclosure to a court of law, or a state or federal administrative agency having a quasi-judicial function, is necessary to adequately defend against a claim filed by a current or former employee against the board or a school official or employee for any alleged act or omission arising during the course and scope of his or her official duties or employment. Such disclosures will be limited to those

confidential portions of the personnel file of the employee who filed the claim and only to the extent necessary for the defense of the board.

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.

INFORMATION AVAILABLE TO PARENTS OF STUDENTS ATTENDING TITLE I SCHOOLS

The following information about a student's teacher(s) or paraprofessional(s) providing services to a student must be provided upon request to the parent of a student attending a Title I school:

1. whether the teacher has met North Carolina qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction;
2. whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived;
3. whether the teacher is teaching in the field of discipline of his or her certification; and
4. the qualifications of any paraprofessional providing services to the student.

LEGAL REF: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 6312(e)(1)(A); G.S. 115C-36, -47(18), -209.1, -276 -288(g), -319 to -321, -325(b) and (o) (applicable to career status teachers), -325.2 and -325.9 (applicable to non-career status teachers); 143B-931; 16 N.C.A.C. 6C .0313

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