

PERSONNEL FILE

In accordance with [NCGS § 15C-325\(b\)](#), the New Hanover County Board of Education requires the Superintendent to maintain in the administrative offices of the school system under the control and supervision of the Assistant Superintendent of Human Resources, a personnel file for each employee of the Board.

Pre-Employment Information

The pre-employment file may contain, but is not limited to, the following types of pre-employment information:

- Application for employment;
- References;
- Evaluations from prior employers;
- Academic records; and
- Other pre-employment information.

Post-Employment Information

The post-employment file may contain but is not limited to the following types of post-employment information:

- Evaluations;
- License and license renewal documentation;
- Payroll records;
- Record of work history;
- Insurance records;
- Personal data (address, telephone number, dependents, social security number);
- Complaints, commendations, and suggestions for correction or improvement about the employee;
- Health records;
- Retirement Information; and
- Other post-employment information.

Employees are required to provide basic demographic information, including their home address,

home or cellular telephone number, and emergency contact information. In the event such information changes, employees are required to update such information with the Division of Human Resources within a reasonable time of the amended information.

Placement of Complaints, Commendations, and Suggestions

Before any complaint, commendation or suggestion for improvement may be placed in an employee's file, a copy of such document and five (5) business days notice shall be provided to the employee.

If provided within five (5) business days of receipt of a complaint, commendation or suggestion, the employee shall have the right to place in the file any explanation or denial relating to such complaint, commendation or suggestion.

In accordance with [NCGS §115C-325\(b\)](#), the Superintendent may elect not to place in or may exclude from an employee's personnel file any information which is deemed to be false, invalid, irrelevant, outdated, or when there is no documentation of an attempt to resolve the issue.

Employees may petition to remove any information from their personnel file that they deem false, invalid, irrelevant, or outdated.

Release of Information

The following information contained in an employee's personnel file may be released to members of the general public upon request:

- Name;
- Age;
- Date of original employment or appointment;
- The terms of any contract by which the employee is employed, whether written or oral, past and current, to the extent the Board has the written contract or a record of the oral contract in its possession;
- Current position and title;
- Current salary;
- Date and amount of each increase or decrease in salary;
- Date and type of promotion, demotion, transfer, suspension, separation or other change in position classification; and
- Office or station to which the employee is currently assigned.

No Child Left Behind Requirements

The parents or legal guardians of students assigned to or enrolled in a school designated as a Title

I school will be provided, upon request, the following information regarding the professional qualifications of each classroom teacher.

- Whether each teacher met State qualification and licensing criteria for the grade levels and subject area(s) in which each teacher provides instruction;
- Whether each teacher is teaching pursuant to an emergency or other provisional status through the State qualification or licensing criteria have been waived;
- The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher and the field of discipline of the certification or degree; and
- The qualifications of each paraprofessional providing services to the parent's child.

The parents or legal guardians of students assigned to or enrolled in a school designated as a Title I school may request information on the level of academic achievement of students as measured by state assessments.

The parents or legal guardians of students assigned to or enrolled in a school designated as a Title I school shall receive timely notice that a teacher who is not highly qualified has been assigned or has been teaching at the school for four (4) or more consecutive weeks.

Access to Confidential Information

The following information when contained in an employee's pre-employment and post-employment file shall be deemed confidential and shall not be released to the public:

- References;
- Evaluations;
- Insurance Records;
- Complaints and suggestions for correction or improvement;
- Health records; and
- Records of administrative disciplinary actions.

All other information contained in a personnel file is confidential and shall not be open for inspection except as provided below:

Employees, applicants for employment, former employees or their authorized agents shall have the right to inspect and make a copy of any post-employment information in their personnel file at any reasonable time. Employees shall not have the right to inspect the pre-employment personnel files.

Members of the Board, the Superintendent, the Board Attorney, members of the Superintendent's administrative staff, members of Division of Human Resources, employees involved in the evaluation, screening and selection of personnel for employment or promotion, an employee's supervisors, and a lawfully appointed hearing panel, any other employee with a legitimate purpose

shall have the right to inspect an employee's entire personnel records.

The employee's address and telephone number may be released in an emergency situation.

Personnel records shall be released pursuant to a lawfully issued court order or subpoena.

Information contained in an employee's personnel file relevant to possible criminal misconduct may be made available to law enforcement and the district attorney to assist in the investigation of a report made to law enforcement pursuant to [NCGS §115C-288\(g\)](#) or of a report made to law enforcement regarding an arson, attempted arson, destruction of theft from, theft of, embezzlement from, embezzlement of any personal or real property owned by the Board. Such information shall not be disclosed pursuant to this subsection until the employee has been provided five (5) business days prior written notice of the proposed disclosure to allow the employee to apply to the district court for review prior to the date of disclosure to determine if the information is relevant to the possible criminal misconduct.

The Superintendent or designee may, in his discretion at the direction of the Board, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or non-employment of any applicant, employee or former employee employed by or assigned to the Board or whose personnel file is maintained by the Board and the reasons therefore and may allow the personnel file of the person or any portion to be inspected and examined by any person or corporation provided the Board has determined that the release of the information or the inspection and examination of the file or any portion is essential to maintaining the integrity of the Board or to maintaining the level or quality of services provided by the Board. Prior to releasing the information or making the file or any portion available as provided herein, the Superintendent shall prepare a memorandum setting forth the circumstances which he or she and the Board deem to require the disclosure and the information to be disclosed. The memorandum shall be retained in the files of the Superintendent and shall be a public record.

In compliance with federal laws, New Hanover County Schools administers all educational programs, employment activities and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability or gender, except where exemption is appropriate and allowed by law.

LEGAL REFS: NCGS §115C-325(b), NCGS §115C-288(g)

Adopted: 10/02/84

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