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TO: Board of Education

FROM: Kevin Lancaster

DATE: February 5, 2018

SUBJ: Agenda Items – Policies for Approval

Attached you will find the attached policies for your consideration.

I will be available to answer any questions or concerns you may have.

The board recognizes the importance of establishing a clear contractual relationship with teachers employed by the school system. All teacher employment contracts entered into by the board will meet the requirements of state law and State Board of Education policy. Nothing in this policy is intended to grant or confer any employment rights beyond those existing in law.

For the purposes of this policy, the term “teacher” is defined as a person who meets the requirements of G.S. 115C-325.1(6). An individual who is employed under a part-time teacher contract (less than 100%) or employed under a temporary teacher contract does not meet this definition of teacher; however, the board’s performance expectations established in this policy apply to such individuals.

A. TEACHER PERFORMANCE EXPECTATIONS

Teachers are responsible for facilitating student learning in a safe and orderly environment in which students become college and career ready. Teachers must be familiar with the current statewide instructional standards for their teaching assignment and able to teach the curriculum effectively. The board expects teachers to meet all performance standards established by the board, the superintendent or designee, state law, and State Board of Education policy, and pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Employment contracts for teaching will be granted or renewed only for individuals of proven ability who strive for excellence.

B. SUPERINTENDENT’S RECOMMENDATION

The board will employ teachers upon the recommendation of the superintendent. The superintendent is expected to be able to substantiate with supporting information any recommendation for a new or renewed contract for an applicant or current teacher. The superintendent’s recommendation for a new or renewed contract must include the length of the term of the contract, which must be consistent with state law and board requirements as described in Section C, below. The board will follow a recommendation of the superintendent regarding the length of the contract that is consistent with law and this policy unless specific circumstances justify offering the teacher a contract of a different term. In considering the superintendent’s recommendation, the board may review any information that was in the teacher’s personnel file at the time of the superintendent’s recommendation.

C. DETERMINATION OF CONTRACT LENGTH

This section applies when the superintendent has decided to recommend that the board offer a teacher a new or renewed contract. For information regarding a decision by the superintendent not to recommend that the board offer a teacher a renewed contract, see policy 7950, Non-Career Status Teachers: Nonrenewal.

A teacher that is within their first three years of employment by Montgomery County Schools will receive a one-year contract based on principal recommendation.

A teacher who has worked previously for Montgomery County Schools for three or more years and has returned to our school system, must be successfully employed on a one-year contract with Montgomery County Schools before they can qualify for a two or four year contract. This contract will be based on principal recommendation.

1. To be recommended for an additional one year contract after three years, a teacher must:
 - a. have received a rating of at least “proficient” in four of five categories of last summative evaluation;
 - b. not be on a growth, improvement, or corrective action plan currently and not have been on any such plan at any time during the current school year;
 - c. not have other relevant performance information or letters of reprimand in his or her personnel file that would support a decision to disqualify the teacher for another contract.
2. To be recommended for a two-year contract, a teacher must:
 - a. have received a rating of at least “proficient” in all five categories and “accomplished” in standard four of last summative evaluation;
 - b. not be on a growth, improvement, or corrective action plan currently and not have been on any such plan at any time during the current or previous school year;
 - c. not have received a reprimand, demotion, suspension without pay, or other disciplinary consequence during the current or previous school year;
 - d. not have other relevant performance information in his or her personnel file that would support a decision to disqualify the teacher from a multi-year contract; and
3. To be recommended for a four-year contract, a teacher must:
 - a. meet the criteria for a two-year contract; and

- b. have received a rating of at least “accomplished” or higher on three of the five standards (two of these must be standards one and four) on the evaluation instrument in the most recent summative evaluation;
 - c. not be on a growth, improvement, or corrective action plan currently and not have been on any such plan at any time during the current or previous school year;
 - d. not have received a reprimand, demotion, suspension without pay, or other disciplinary consequence during the current or previous school year;
 - e. not have other relevant performance information in his or her personnel file that would support a decision to disqualify the teacher from a multi-year contract; and
4. The Board recognizes that multi-year contracts are necessary to attract and retain only the very best teachers. Pursuant to this goal, only the finest educators are eligible for multi-year contracts. The Superintendent and a committee, consisting of the executive leadership team, will convene to personally review every principal recommendation for a multi-year contract, prior to presentation to the Board for ultimate approval.

D. DISMISSAL AND NONRENEWAL

Any teacher that only receives three “proficient” ratings in their last summative evaluation, after being employed for three years, will be non-renewed. This policy is not intended to limit the superintendent’s discretion to recommend dismissal, demotion, a shorter contract length, or nonrenewal of any teacher for any basis allowed by law including but not limited to reduction in force due to school system reorganization, decreased enrollment, reduced funding, or other budgetary issues as described in board policy 7920, Reduction in Force” Teachers and School Administrators.

Any employee who does not meet the performance or other standards of the board, the standards of state law or the State Board of Education, or the terms of the employment contract may be subject to demotion or dismissal, as provided in policy 7930, Professional Employees: Demotion and Dismissal, or to nonrenewal, as provided in policy 7950, Non-Career Status Teachers: Nonrenewal.

Legal References: G.S. 115C-36, -47(18), -325.1, -325.3 through -325.13; S.L. 2013-360; State Board of Education Policy BENF-009

Cross References: Professional and Staff Development (policy 1610/7800), Hearings Before the Board (policy 2500), Recruitment and Selection of Personnel (policy 7100), Evaluation of Licensed Employees (policy 7810), Professional Employees: Demotion and Dismissal (policy

7930), Non-Career Status Teachers: Nonrenewal (policy 7950)

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The board recognizes that students may need to take medication during school hours. School personnel may administer ~~drugs or~~ medication prescribed by a ~~doctor~~ health care practitioner upon the written request of ~~the a student's~~ parents. In limited circumstances, a student may be authorized to self-administer medications. To minimize disruptions to the school day, students should take ~~medicines—medications should be taken~~ at home rather than at school whenever feasible. School ~~officials~~ personnel may deny a request to ~~should not agree to~~ administer any medication that could be taken at home or when, in the opinion of the superintendent or designee in consultation with school nursing personnel, the administration of the medication by school personnel would pose a substantial risk of harm to the student or others.

For purposes of this policy, all references to “parent” include parents, legal guardians, and legal custodians. In addition, for purposes of this policy, the term “health care practitioner” is limited to licensed medical professionals who are legally authorized to prescribe medications under North Carolina law, such as doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners.

A. ~~STANDARDS FOR ADMINISTERING MEDICINES~~ **MEDICATION ADMINISTRATION BY SCHOOL EMPLOYEES**

1. Conditions for Administering Medication

Authorized ~~S~~school employees ~~are authorized to may~~ administer ~~drugs or~~ medication to students when all of the following conditions ~~have been~~ are met. These conditions apply to all medications, including those available over-the-counter without a prescription.

- a. Parental Consent: The student's parent must make ~~or legal custodian has made a signed,~~ written request that authorizes ~~that~~ school personnel to administer the ~~drug or~~ medication to the student, ~~and has given explicit written instructions describing the manner in which the drug or medication is to be administered.~~
- b. Medication Authorization/Order: A ~~physician~~ health care practitioner must prescribe ~~has prescribed~~ the ~~drug or~~ medication for use by the student and provide explicit written instructions for administering the medication. ~~(for over-the-counter medications as well as medications available only by a physician's prescription).~~
- c. Certification of Necessity: ~~A~~ The student's ~~health care practitioner~~ physician ~~has~~ must ~~certified~~ that administration of the ~~drug or~~ medication to the student during the school day is necessary to maintain and support the student's continued presence in school. ~~(for over-the-~~

~~counter medications as well as medications available only by a physician prescription).~~

d. Proper Container/Labeling: If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with directions for how and when the medicine is to be given. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student's name.

~~d.e.~~ Proper Administration: The employee must administer the drug or medication pursuant to the health care practitioner's written instructions provided to the school by the student's parent, or legal custodian and in accordance with professional standards.

The board of education and its employees assume no liability for complications or side effects of medication when administered in accordance with the instructions provided by the parent and health care practitioner.

2. Procedures for Administering Medications

The superintendent shall develop procedures for the implementation of this policy. The ~~procedures~~ ~~se rules~~ and a copy of this policy must be made available to all students and parents each school year. The superintendent's procedures should be developed according to the guidelines listed below.

a. The health and welfare of the student must be of paramount concern in all decisions regarding the administration of ~~medicine~~ medication.

b. Procedures for medication administration must be consistent with recommendations of the School Health Unit of the Children & Youth Branch of the N.C. Division of Public Health, as described in the North Carolina School Health Program Manual.

~~b.c.~~ Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also are to be afforded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

~~e.d.~~ No student may possess, use, or transmit any drug or counterfeit drug prohibited by policy 4325, Drugs and Alcohol.

~~d.e.~~ The board generally encourages school personnel to administer ~~medicine~~ medication from a centralized location. However, in all instances,

whether administered from a centralized location or multiple locations, any ~~medicines~~medications kept at school for a student must be kept in a locked and secure place. An exception to the requirement for locked storage may be made for emergency medications that must be immediately accessible.

e.f. All school personnel who will be administering ~~medicines~~medications must receive appropriate training.

f.g. Only ~~drugs~~medications clearly prescribed ~~or intended~~ for the student may be administered by school personnel. At the time a parent brings a ~~drug~~medication to school for administration, if school personnel have concerns regarding the appropriateness of ~~the medication~~a drug or dosage for a student, a confirmation should be obtained from the student's ~~doctor~~health care practitioner or another ~~doctor~~health care practitioner prior to administering the ~~medicine~~medication or allowing a student to self-administer ~~a the medicine~~medication.

g.h. Although efforts should be made not to disrupt instructional time, a parent has the right to administer ~~medicines~~medication to his or her child at any time while the child is on school property.

h.i. Written information maintained by school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.

B. OVER THE COUNTER MEDICATION

~~Consistent with the above requirements, over the counter medications will only be given during school hours by school personnel if they are labeled by a pharmacist, complete with instructions (like a prescription drug). Parents who want school personnel to administer over the counter medication must provide the medication to school personnel pursuant to the requirements of this policy.~~

C.B. EMERGENCY MEDICATION

Students who are at risk for medical emergencies, such as those with diabetes, asthma, or severe allergies, must have an emergency health care plan developed for them to address emergency administration of ~~medicine~~medication. Students must meet the requirements of subsection A.1, above, including providing authorization and instructions from the health care practitioner and written consent of the parent, in order for emergency medication to be administered by school personnel while the student is at school, at a school sponsored activity, and/or while in transit to or from school or a school-sponsored event.

D.C. STUDENT SELF-ADMINISTERING ~~ASTHMA~~-MEDICATIONS

The board recognizes that students with certain health conditions like diabetes or asthma₂ ~~and/or an allergy that could result in~~ subject to an anaphylactic reactions₂, may need to possess and self-administer ~~asthma~~-medication on school property in accordance with their individualized health care plan or emergency health care plan. As used in this section of the policy, "~~asthma~~-medication" ~~means-refers to~~ a medicine prescribed for the treatment of diabetes, asthma₂ or anaphylactic reactions and includes insulin or a source of glucose, a prescribed asthma inhaler₂ or a prescribed epinephrine auto-injector. The superintendent shall develop procedures for the possession and self-administration of ~~asthma-such~~ medication by students on school property, during the school day, at school-sponsored activities, and/or while in transit to or from school or school-sponsored events.

1. Authorization to Self-Administer Medication

Before a student will be allowed to self-administer ~~medicine~~-medication pursuant to this section, the student's parent ~~or guardian~~ must provide to the principal or designee all of the documents listed below:-

- a. written authorization from the student's parent ~~or guardian~~ for the student to possess and self-administer the asthma-medication;
- b. a written statement from the student's health care practitioner verifying that:
 - 1) ~~that~~ the student has diabetes or asthma₂ ~~and/or~~ an allergy that could result in anaphylactic reaction;
 - 2) ~~that he or she~~ the health care practitioner prescribed the medication for use on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events; and
 - 3) ~~that~~ the student understands, has been instructed in self-administration of the ~~asthma~~-medication, and has demonstrated the skill level necessary to use the medication and any accompanying device;
- c. a written treatment plan and written emergency protocol formulated by the prescribing health care practitioner for managing the student's diabetes, asthma₂ or anaphylaxis episodes and for medication use by the student;
- d. a statement provided by the school system and signed by the student's parent ~~or guardian~~ acknowledging that the board of education and its

agents are not liable for injury arising from the student's possession and self-administration of ~~asthma-the~~ medication; and

- e. any other documents or items necessary to comply with state and federal laws.

2. Prior to being permitted to self-administer ~~medicine-medication~~ at school, the student also must demonstrate to the school nurse, or the nurse's designee, the skill level necessary to use the ~~asthma~~-medication and any accompanying device.

3. ~~Finally, the~~ The student's parent ~~or guardian~~ must provide to the school backup ~~asthma~~-medication that school personnel are to keep in a location to which the student has immediate access in the event the student does not have the required medication of an emergency.

All information provided to the school by the student's parent ~~or guardian~~ must be reviewed by the school nurse and kept on file at the school in an easily accessible location. Any permission granted by the principal or designee for a student to possess and self-administer ~~asthma~~-medication will be effective only for the same school for 365 calendar days. Such permission must be reviewed annually/renewed each school year.

2. Responsibilities of the Student

A student who is authorized in accordance with this policy to carry medication for self-administration must carry the medication in the original labeled container with the student's name on the label.

3. Consequences for Improper Use

A student who uses his or her ~~prescribed asthma~~-medication in a manner other than as prescribed or who permits another person to use the medication may be subject to disciplinary action pursuant to the school disciplinary policy. However, school officials shall not ~~No one may~~ impose disciplinary action on the student that limits or restricts the student's immediate access to the ~~diabetes, asthma, or anaphylactic~~ medication.

The board does not assume any responsibility for the administration of ~~drugs or~~ medication to a student by the student, the student's parent, ~~or legal custodian~~ or any other person who is not authorized by this policy to administer medications to students.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. -705(20), -794, 34 C.F.R. pt. 104; G.S. 115C-36, -307(c), -375.1, -375.2, -375.2A, -375.3; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: Parental Involvement (policy 1310/4002), Drugs and Alcohol (policy 4325),
[Emergency Epinephrine Auto-Injector Devices \(policy 5024/6127/7266\)](#)

Other References: [North Carolina School Health Program Manual](#) (N.C. Dept. of Health and Human Services, Div. of Public Health, School Health Unit, 6th ed. 2014), available at <https://www2.ncdhhs.gov/dph/wch/lhd/manuals.htm>

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