A. GENERAL PRINCIPLES

It is the policy of the board to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion and other benefits of employment without regard to race, color, religion, national origin, sex, age or handicap, except when sex, age or physical requirements are essential occupational qualifications. All candidates shall be evaluated on their merits and qualifications for positions.

The board also is committed to diversity throughout the programs and practices of the school district. To further this goal, the recruitment and employment program should be designed to encourage a diverse pool of qualified applicants.

B. RECRUITMENT

Recruitment for a specific vacancy shall be undertaken only after the need and qualifications for the position are established and proper authorization is obtained.

All vacancies must be adequately publicized within the school system so that employees will be informed of opportunities for promotion or transfer to new jobs. Vacancies also may be publicized externally to attract qualified applicants.

C. CRIMINAL HISTORY

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

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

shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board Policy.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity.

If a final candidate ~~for employment or hiring as~~ ~~an independent contractor~~ is found to have been convicted of a criminal offense ~~history~~, other than ~~for~~ a minor traffic ~~offenses~~ violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. If the superintendent recommends to the board ~~such~~ a candidate for employment or for hiring as an independent contractor and the candidate has been convicted of a criminal offense, other than a minor traffic violation, ~~to the board for employment,~~ the board must be notified of the criminal history and the basis for the superintendent's determination.

The board has determined that every position with the school system potentially entails contact with students, either on a regular, occasional or emergency basis, and regardless of whether the position is located in a school or elsewhere. For that reason ~~No~~ no individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school system.

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

D. SELECTION

1. Qualifications

Candidates for employment will be selected based upon their likely ability to fulfill duties identified in the job description as well as performance standards established by the board. In making the determination, the following information will be considered:

a. application;
b. education and training;
c. licensure and certification (when applicable);
d. relevant experience;
e. personal interviews; and
f. references and/or background checks.

2. Nepotism

When making recommendations for the selection and assignment of personnel, the superintendent shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the employment status, including hiring, salary and promotion, of another employee who is a member of the first employee's family. No administrative or supervisory personnel may directly supervise a member of his or her immediate family, defined as spouse, children, sibling or parents.

3. Employment Procedures

All applicants selected for employment must be recommended by the superintendent and approved by the board. In situations in which the employee must be hired between board meetings, the superintendent is authorized to approve hiring such personnel, contingent upon approval by the board at its next scheduled board meeting.

State guidelines must be followed in selection and employment procedures. The superintendent shall develop any other procedures necessary to implement this policy.

The superintendent shall develop procedures for verifying new employees' legal status or authorization to work in the United States as required by law.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq,*; Americans with Disabilities Act of 1990, 42 U.S. C. 12102 *et seq*.; Equal Educational Opportunities Act of 1974, 20 U.S.C. -1703; Equal Pay Act of 1963, 29 U.S.C. -206; Fair Credit Reporting Act, 15 U.S.C.-1681, *et seq.*; Military Selective Service Act, 550 U.S.C. approx. 453; Rehabilitation Act of 1973, 29 U.S.C.794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; *Green v. Missouri Pacific Railroad (8th Cir. 1975); Enforcement Under Title VII of the Civil Rights Act of 1964,* U.S. Equal Employment Opportunity Commission (April 25, 2012); G.S. 14-208.18; 114-19.2; 115C-36, -47, -332; 126-7.1(f), -16; 127A-202.1; 127B-10, -12, -14; 16 N.C.A.C. 6C.0313

Cross Reference: Registered Sex Offenders (policy 5022)

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: August 3, 2009
Updated:

The board intends to fully comply with all licensure requirements of the No Child Left Behind Act of 2001 (NCLB), state law and state board of education policies. Except as provided below, a professional employee must hold at all times a valid North Carolina license appropriate to the position in which he or she is employed. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy. In addition, all professional teachers employed to teach core academic subjects must be "highly qualified" as required by NCLB. Core academic subjects include English, reading, or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography.

The board encourages lateral entry into the teaching profession by skilled individuals from the private sector.

A. BEGINNING TEACHER SUPPORT

The superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and kept on file for review. The superintendent or designee shall submit an annual report on the Beginning Teacher Support Program to the Department of Public Instruction (DPI) by October 1 of each year. The report must include evidence of demonstrated proficiency on the Beginning Teachers Support Program Standards and evidence of mentor success in meeting Mentor Standards. The school system will also participate in implementing a regionally-based annual peer review and support system.

B. LICENSE CONVERSION

The superintendent or designee shall designate a school official in the Beginning Teacher Support Program plan to be responsible for approving the acceptance of all continuing (Standard Professional 2) licenses automatically converted from the initial (Standard 1) license. The designated official shall reject an automatic conversion license and immediately notify DPI if (1) the teacher has not taught three years; or (2) the official has knowledge of any reason related to conduct or character to deny the individual teacher a continuing license.

Beginning teachers must be rated "Proficient" on North Carolina Professional Teaching Standards I through V on the most recent Teacher Summary rating Form in order to be eligible for the Standard Professional 2 License.

Licensing is a state decision and cannot be appealed at the local level. The superintendent or designee shall ensure that teachers not qualifying for continuing licensure are informed of the process for appealing the state decision.

~~B.~~C LICENSE RENEWAL

Licensure renewal is the responsibility of the individual, not of the school system. Any employee who allows a license to expire must have it reinstated prior to the beginning of the next school year. A teacher whose license has expired is subject to dismissal.

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

The school system may offer courses, workshops and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered must be consistent with State Board of Education policy. In addition, appropriateness of any credit offered in advance of renewal activities

~~C.~~D PARENTAL NOTIFICATION

At the beginning of each school year, the school system shall notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC licensing requirements; whether the teacher has had any licensure requirements waived; what the teacher's bachelors degree major(s) is/are; what, other degrees and teaching license area(s) the teacher holds; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

The school system shall give notice within 10 school days to the parents of children who, after four consecutive weeks, have been taught a core academic subject by a teacher who is not highly qualified.

~~D.~~E EQUITABLE DISTRIBUTION OF HIGHLY QUALIFIED TEACHERS

The superintendent shall develop a plan in accordance with DPI requirements to ensure that low-wealth, minority, learning disabled and/or English language learners are taught by experienced and highly qualified teachers to the same extent as are students who do not fall into these categories. If DPI does not require such plan of the LEA, the superintendent is not required to develop a plan under this subsection unless he or she determines that one is needed to address

inequities within the school system.

Legal References: No Child Left Behind Act, 20 U.S.C. 6301 *et se1.;* 34 C.F.R. 200.55-57, 200.61; 20 U.S.C. 6319; 20 U.S.C. 7801(11);G.S. 115C-296,-333, -333.1, -325(e)(1)(m); State Board of Education TCP-A-000, -001, -004, -016, -018, 021

Cross References:
Adopted: May 1, 2000 Updated: April 6, 2009 Updated: December 6, 2011

Updated: April 3, 2012
Updated:

The board of education recognizes that reducing drug and alcohol abuse in the workplace improves the safety, health and productivity of employees. It is the policy of the board of education that a drug-free and alcohol-free workplace must be maintained.

A. PROHIBITED ACTIVITIES

The board prohibits employees from engaging in the unlawful manufacture, sale, distribution, dispensing, possession, or use of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids, alcohol, stimulants, synthetic cannabinoids, counterfeit substances or any other controlled substance as defined in (1) schedules I through VI of the North Carolina Controlled Substances Act or in (2) schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. §812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04. Employees must not be under the influence of alcohol or be impaired by the excessive use of prescription or nonprescription drugs at any time this policy is applicable. This policy is not violated by an individual's proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

~~Employees are prohibited from using or being under the influence of alcohol while acting in the course and scope of employment duties, while at school-sponsored activities or while on school property. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.~~

~~The school system reserves the right to test employees whose duty it is to drive a vehicle, repair vehicles or equipment, provides armed security and other persons in similar safety positions any time prior to or during employment. The system reserves the right to test any employee upon reasonable suspicion of drug or alcohol use.~~

~~Employees specified above who refuse to submit to any diagnostic test to detect alcohol and/or drug use or refuses to submit to search procedures after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment~~

B. APPLICABILITY

This policy governs each employee before, during ~~or~~ and after school hours while the employee is on any property owned or leased by the board of education; at anytime during which the employee is acting in the course and scope of his or her employment with the board of education; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

C. REASONABLE SUSPICION TO SEARCH

An employee may be subjected to a search of his or her person or belongings or school property under the employee's control if there is reasonable suspicion that the employee has violated this policy. An employee also may be required to submit to a drug or alcohol test when there is reasonable suspicion of drug or alcohol use by the employee in violation of this policy. Reasonable suspicion shall be based on specific, contemporaneous observations concerning the physical, behavioral, speech and/or performance indicators of drug or alcohol use. The observations must be made by a trained supervisor.

All drug and alcohol testing will be done with procedures that ensure the confidentiality and privacy interests of the employee and in accordance with law. Employees who refuse to submit to a search or a test to detect alcohol or drug use after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment.

In addition, any employee, volunteer or independent contractor who operates a commercial motor vehicle in the course of duties for the board may be subject to drug testing in accordance with policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators.

The board will cover the cost of any required employee testing.

~~C.~~D DUTY TO REPORT

An employee must notify his or her supervisor in writing of any conviction under any criminal drug statute for a violation occurring within the scope of ~~paragraph two~~ Section B of this policy. Notification must be given not later than the next scheduled business day after such conviction, in accordance with policy 7300,

Staff Responsibilities. Within 10 days of receiving a notice of conviction by an employee whose position is funded in any part by a federal grant, the director of human resources or designee shall notify the funding agency of the conviction. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere,* no contest or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.

~~D.~~E. CONSEQUENCES

Violation of this policy will subject an individual to disciplinary action by the board of education that could result in non-renewal or termination of employment with the school district or the requirement that the employee participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved by the board of education or federal, state or local health, law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation and re-entry programs will be provided to employees.

All employees receive a copy of this policy.

Legal References: 21 U.S.C. 812; 41 U.S.C. 701 et seq.; 21 C.F.R. 1300.01 04; G.S. 20-138.2B; 115C-36; *O'Connor v. Ortega,* 480 U.S. 709 (1987)

Cross References: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Staff Responsibilities (policy 7300)

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: August 3, 2009
Updated: March 5, 2010
Updated: December 5, 2011
Updated:

A. GENERAL EMPLOYMENT OF SUBSTITUTES

The school system shall employ substitute teachers as deemed appropriate by the administration and in accordance with State Board policies. Effective August 1, 2009 substitutes, including those who are currently employed as substitutes, in Montgomery County Schools will be required to take Effective Teacher Training. Effective Teacher Training will be offered by Montgomery County Schools, free of charge. All substitutes must be twenty-one years of age.

The director of human resources may waive the requirement for retired and former teachers and teacher assistants by giving them credit for previous classroom experience.

A criminal history check will be conducted on applicants for substitute teaching positions in accordance with board policy 7100, Recruitment and Selection of Personnel, and administrative procedures.

B. TEACHER ASSISTANTS AS SUBSTITUTES

A teacher assistant may serve as a substitute teacher in the classroom(s) in which the assistant is regularly assigned and will be paid additional compensation according to state policies.

C. PARENTAL NOTIFICATION

In accordance with policy ~~1310/4002, Parental Involvement~~, 1320/3560, Title I Parent Involvement, school principals shall notify the parent of any child who receives instruction in a core academic subject for four or more consecutive weeks from a substitute teacher who does not meet the definition of "highly qualified" under the No Child Left Behind Act.

Legal References: No Child Left Behind Act, 20 U.S.C 6311 (h)(6)(ii); G.S. 115C-12, -36, -47, -332, 16 NCAC 6C.0313, 16 NCAC 6C.0403; State Board of Education Policy QP-A-001, QP-D-005

Cross References: Title I Parental Involvement (policy 1320/3560, Recruitment and Selection of Personnel (policy 7100)

Adopted: May 1, 2000 Updated: December 7, 2009 Updated:
Updated: April 6, 2009 Updated: December 7, 2010