MONTGOMERY COUNTY SCHOOLS



2026 – 2027

Employee Handbook

July 2026

MONTGOMERY COUNTY SCHOOLS

MONTGOMERY COUNTY BOARD OF EDUCATION

Lynn Epps, Chairman
Anne Evans, Vice-Chairman
Brian Dozier
Angela Smith
Isai Robledo
Tommy Blake
Cindy Taylor

ADMINISTRATION
2026-2027

Mr. Wade Auman	Interim Superintendent
Dr. Jack Cagle	Assistant Superintendent of Administrative Services
Dr. Toni Warrick	Assistant Superintendent of Human Resources
Ms. Michelle Brady	Chief Financial Officer
Mr. Bill Mingin	Executive Director of Auxiliary Services
Dr. Joanna Perkins	Director of Elementary Ed/Curriculum Support
Vacant	Director of Secondary Education/CTE Programs
Dr. Jennifer Mason	Assistant Superintendent of Special Educational Services
Mr. Vance Thomas	Director of Pre-K and After School Programs
Dr. Darrick Pettiford	Director of Accountability and Quality
Mr. Donnie Lynthacum	Director of Child Nutrition
Mr. Jamie Smith	Director of Transportation
Mr. Brian Helms	Director of Technology
Ms. Tasha Medley	Clerk to the Board of Education/ Admin. Asst. to the Superintendent
Ms. Jordan Hamilton	Beginning Teacher Coordinator, ML, AIG,Title IX

OUR SCHOOLS

STATE CODE	SCHOOL	PRINCIPAL	GRADES
620-310	Montgomery Learning Academy	Mr. Kirk Watts	K-12
620-312	Candor Elementary	Dr. Maxine Brigman-Brown	K-5
620-314	East Middle	Dr. Marvin Smith	6-8
620-318	Green Ridge Elementary	Ms. Emily Dunn	PK-5
620-324	Mt. Gilead Elementary	Ms. Kesha Collins	PK-5
620-330	Page Street Elementary	Mr. Jon LaChance	3-5
620-334	Star Elementary	Mrs. Amanda Deaton	K-5
620-336	Troy Elementary	Mrs. Sabrena Moore	PK-2
620-339	West Middle	Mr. Enoc Robledo	6-8
620-350	Montgomery Co. Early College	Dr. Heather Seawell	9-12
620-356	Montgomery Central High	Mr. Rufus Samkin	9-12

Staffing Our Schools

Montgomery County School's employees are divided into two categories: classified and licensed. Licensed positions include teachers, counselors, media coordinators, principals, assistant principals, psychologists, social workers, central office administrators requiring teacher licensure, and other positions requiring licensure by the Department of Public Instruction. Classified positions include clerical personnel, teacher assistants, ISS instructors in grades 6-12, interpreters, custodians, occupational and physical therapists, central office administrators not requiring teacher licensure, child nutrition workers, facility services workers, transportation workers, bus drivers and any other positions not requiring licensure by the Department of Public Instruction.

NOTICE OF EQUAL OPPORTUNITY AND NON-DISCRIMINATION

In compliance with federal law, the Montgomery County Board of Education does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, military service, creed, marital status, or economic and social status in its policies, programs, activities, admissions or employment.

Inquiries or complaints should be made to the Assistant Superintendent of Administrative Services, Montgomery County Schools, 441 Page Street Troy, NC 27371; telephone (910) 576-1742. The Director of Accountability & Quality is the designated Title IX Coordinator. The designated Section 504 Coordinator is Mrs. Jordan Hamilton

Non-Retaliation - The Board prohibits retaliation against any student or employee in connection with any report of discrimination or harassment, or in their exercise of any rights under Board policies or under state or federal law.

ALLOTMENTS

Allotments of licensed personnel are determined largely by student enrollment, state regulations, and budget constraints.

Licensed personnel are assigned by the Human Resources Department to the respective schools, and every effort is made to assign personnel according to the principal's request and the individual's preference. It is the principal's responsibility to make assignments to grade and subject areas.

Other special positions may be allotted on an as-needed basis.

Application screening, interview screening, and interviews by principals and appropriate supervisors are conducted to assure selection of the best candidates for positions available in our school system.

Getting Started

SIGN-UP PROCEDURES

Sign-up procedures have been established to help new employees complete the necessary forms and gain needed employment information. The following items are covered at the sign-up appointment:

- General employment information and benefits
- Salary and pay periods
- Tax, immigration (I-9)
- Retirement, insurance, and health forms

An employee will not receive a paycheck unless he/she has completed the sign-up process and all necessary forms have been turned in.

CERTIFIED STAFF ORIENTATION

New certified staff orientation is held prior to the first day of each school year. At this meeting pertinent employment information is covered, and central office staff members meet with new employees to discuss various aspects of the school system including policies, employee benefits, and payroll.

WORK WEEK

Conformity to a definite minimum schedule is required of all licensed personnel. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, and extracurricular activities may require hours beyond the minimum. The workday schedule is posted in each school.

The work week for classified employees is Monday through Friday. Certain emergency situations may call for a change in the work schedule. The hours of the workday vary with positions and employees because of the school hours and the demands of certain jobs. Employees are scheduled to work no more than 40 hours per week. Some custodial positions require night work up to but no later than 10 p.m. during days that school is in session; however, during summer, day shift is scheduled.

EMPLOYEE HEALTH CERTIFICATE POLICY 7120

All new employees, as well as employees who have been separated from public school employment for more than a year or who have been absent for more than 40 successive school days because of a communicable disease, must provide a fully completed health certificate. Such certificate must be prepared by:

1. A physician licensed to practice in North Carolina;

2. A nurse practitioner approved pursuant to state law; or

3. A physician's assistant licensed to practice in North Carolina.

A new employee who has not previously been employed in a public school in North Carolina may provide a certificate prepared by a physician, nurse practitioner, or physician's assistant who holds a current unrestricted license or registration in another state, so long as evidence of that license or registration is on the certificate.

Such a certificate must certify that the employee does not have tuberculosis in the communicable form; any other communicable disease; or any disease, physical or mental, that would impair the ability of the individual to perform effectively in his or her duties. The board or superintendent may require any individual covered by this policy to take a physical examination when deemed necessary.

Health certificates shall be maintained in separate, confidential medical files in the human resources office, Salary could be withheld if the health certificate is not completed and turned in to the human resources department within 2 months of the hire date.

Promotions/Transfers/Resignations/Dismissals

PROMOTIONS/TRANSFERS

An employee interested in a promotion or transfer should submit a request in writing to the Assistant Superintendent. A copy will be sent to all appropriate supervisors/principals. The transfer request will be recorded and considered when appropriate vacancies occur.

The Superintendent or designee may initiate transfers in instances where the best interests of students, employees, and/or the school system dictate the transfer.

Employees in a classroom setting are not transferred during the school year except for unusual circumstances.

RESIGNATIONS

Classified:

A two-week notice is required for all classified resignations. Employees who wish to resign should:

1. Discuss resignation with immediate supervisor.
2. Submit a letter of resignation.

Licensed:

All licensed employees are required to give a 30-day notice of resignation.

A licensed employee who finds it necessary to resign should contact his/her principal and submit a letter of resignation. No teacher may resign without the consent of the Board of Education except upon a 30-day notice. Giving notice of resignation fewer than 30 days prior to the beginning of the school year constitutes grounds for revocation (at the discretion of the State Board of Education) of the teacher's license for the remainder of the school year. See G.S.115C-325(o).

Contracted:

All contract employees must adhere to the conditions for resignation as stated in the contract. All principals and central office staff members must give a 60-day notice.

PROFESSIONAL PERSONNEL REDUCTION IN FORCE Policy 7920

The purpose of this policy is to establish an orderly procedure for reducing the number of licensed, professional employees of the school system.

A. Grounds for Reduction in Force

A reduction in force may be implemented when the board determines that any of the following circumstances have resulted in the need to decrease the number of positions of professional personnel:

1. System Reorganization

   System reorganization is defined as (a) the closing, consolidation or reorganization of schools, school buildings or facilities (b) the elimination, curtailment or reorganization of a curriculum offering, program or school operation; or (c) the merger of two or more school systems.

2. Declining Enrollment

   Declining enrollment exists (a) 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 (b) when the enrollment or projected enrollment of a curriculum offering or program for the next succeeding school year is inadequate to justify continuation of the course or program.

3. Financial Exigency

   Financial exigency means (a) any significant decline in the board financial resources that compels a reduction in the school system's current operational budget; (b) any significant decrease or elimination in funding for a particular program; (c) 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.

2. If the superintendent decides to recommend a reduction in force, he or she shall first determine which licensed positions shall be subject to the reduction. In making that determination, the superintendent shall account for:

a. structural considerations, such as identifying positions, departments, courses, programs, operations and other areas where there are (1) less essential, duplicative or excess personnel; (2) job responsibility and/or position inefficiencies; (3) opportunities for combined work functions; and/or (4) decreased student or other demands for curriculum, programs, operations or other services; and

3. The superintendent shall then present a recommendation to the board. The recommendation must include:

   a. the grounds for reduction in force;

   b. the licensed positions to be reduced, categorized by area(s) of licensure and/or program responsibility; and

   c. the background information, data and rationale for the recommendation.

4. The board will review the superintendent's recommendation and will determine whether to reduce the number of licensed employees or to reduce their terms of employment.

5. If the board, after exploring, considering and discussing a variety of ways to avoid a reduction in force, determines that a reduction in force of licensed employees is necessary, 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.

C. CRITERIA

The primary consideration in any reduction in force will be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. The superintendent shall consider a variety of factors, including the following in determining which employees will be included in the reduction in force:

1. performance ratings;
2. areas of licensure;
3. highly qualified status;
4. program enrollment;
5. service in extra duty positions and ability to fill such positions;
6. length of service, with higher priority given to service in this school system; and
7. degree level.

The superintendent shall develop a system for using the above-mentioned factors to determine which employees will be recommended to the board for inclusion the reduction in force.

D. Procedure for Termination

The board will consider the superintendent's recommendation and may, by resolution, order dismissal or demotion of an individual or reduce an individual to part-time employment. 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 when any probationary teacher (as defined in G.S. 115C-325) is terminated, demoted or reduced to part-time employment during the term of the contract due to a reduction in force.

E. Termination/Reemployment of a Career Employee

When a career teacher is dismissed in accordance with this policy, his or her name will be placed on a list of available employees to be maintained by the board.

F. Nonrenewal of an Employee

The board, upon recommendation of the superintendent, may refuse to renew the contract of a probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient. The nonrenewal of a probationary teacher contract or non-reemployment of any teacher who is not under contract is not considered a "termination" under this policy. As a result, the procedures set forth in this policy will not be required to be followed before the board's decision not to renew or reemploy such employee.

DISMISSAL

Details on employee dismissal can be found in the Montgomery County Board of Education Policy Manual. Termination of teachers and principals will be handled according to G.S. 115C-325

PERFORMANCE EVALUATION

LICENSED EMPLOYEES. Each licensed employee will be evaluated at least twice a year and will receive a summative and will complete a PDP. Teachers with less than 3 years with MCS licensed employees receive a minimum of four formal observations, a summative every year and they must develop an individual growth plan. Teachers are required to complete an Individual Growth Plan Annually.

The principal/supervisor may require a Performance Improvement Plan whenever an individual's performance indicates that corrective action is needed to avoid a "below standard" rating.

CLASSIFIED EMPLOYEES. All classified employees will be evaluated at least once a year.

Copies of evaluation instruments are given to employees upon employment. Evaluations are conducted by the immediate supervisor with copies available for the employee and supervisor. A copy is kept in the employee's personnel file at the central office. Performance Improvement Plans are available and may be required for employees having difficulty in some areas of their job.

Personnel Records and Information

PERSONNEL RECORDS

All employees have a personnel file in the central office. Whenever any complaint, commendation, or suggestion is placed in the personnel file, the employee will be notified in writing. The following have access to personnel files: superintendent, immediate supervisor, appropriate director or coordinator, employees in the Human Resources Department, and Board of Education members if access relates to specific duties of the Board member.

An employee may review his/her personnel record during regular office hours with a member of the Human Resources Department present. Employees must schedule an appointment to review their records at least 48 hours in advance. Pre-employment records are not available to the employee. (Additional details concerning personnel files can be found in section 115C-325(b) of the North Carolina General Statutes.)

PERSONNEL DIRECTORY

The Human Resources Department compiles an annual personnel directory containing employees' names, addresses, phone numbers, positions, and work sites. The directory also contains names, addresses, and phone numbers of members of the Board of Education. Copies of the directory can be found in the principal's office, the central office, the transportation department, and the student support services department.

UPDATING PERSONAL INFORMATION

If your name or address changes for any reason, please notify the personnel department.

IMPORTANT: The name on your records should agree with the name on your social security card.

Name changes must be reflected on the teaching license. This must be completed within 30 days of official change.

Each spring, the NC State Retirement System provides all members with a report of their retirement contributions and years of service. If you have questions about the figures on this report, you should contact the retirement system at the address on your form.

North Carolina (NC-4) and Federal (W-4) tax forms may be changed at any time. Forms may be obtained from the school secretary or the Finance Department. The completed tax form is sent to the finance department for entry and is later filed in your personnel file. Your current federal and state exemptions are located in the top right corner of your check stub.

If you would like to update any other personal information, please contact the Finance Department. Any changes must be completed in 30 days.

Salary Determination

LICENSED PERSONNEL

Salaries of licensed personnel are determined by the State Salary Schedule and any legislative action pertaining to its implementation. Teachers (including social workers, counselors, media specialists, and school psychologists) are placed on the salary schedule according to the level of license and experience showing on the license. Principals and assistant principals have separate salary schedules, which are experience based. Other administrators will be paid on the central office pay schedule.

SUPPLEMENTS

A local supplement is paid to all teachers. This supplement is divided into two payments, one in November and one in June. Also, extracurricular activities such as coaching duties are supplemented locally.

DUAL EMPLOYMENT

Most classified employees are required to accept dual employment, which requires them to be licensed as bus drivers. Refusal to comply with dual employment policy will result in disciplinary action. Refer to policy 7401.

EMPLOYEE DRESS and APPEARANCE Policy 7340

The board believes that the appearance and the conduct of its employees are of supreme importance in establishing a positive climate for learning and for presenting a

good example for students. Therefore, the board affirms its expectations that all personnel should be cleanly, neatly, and appropriately attired for the work to be done. An employee's dress must not disrupt or distract from the educational process and must be in accordance with health and safety standards. The superintendent shall develop and communicate to employees' guidelines for appropriate dress and appearance. Such guidelines (1) must be gender-neutral; (2) may authorize the principal or department supervisors to develop specific dress or appearance requirements for each school or department; (3) may authorize exemptions from the guidelines for employees performing specialized duties that require a different form of dress; and (4) must provide a process for offering reasonable accommodations when required by law. Based on these factors, the following guidelines are established:
Administrative and supervisory personnel shall set a good example in personal appearance and good manners and shall encourage and expect employees to dress in accordance with the board's expectations. An employee's supervisor will make an initial determination of whether an employee's dress or appearance is inappropriate. In making this determination, the supervisor will consider the following factors:

1. the nature of the work;

2. whether the dress is consistent with a professional environment;

3. health and safety factors;

4. the nature of the employee's public contact and the normal expectations of outside parties with whom the employee will work;

5. the employee's interaction with students;

6. the prevailing practices of other workers in similar jobs; and

7. any properly established guidelines for dress or appearance.

If the supervisor determines that the employee's dress or appearance violates the established guidelines or is hazardous to the health or safety of the employee, fellow employees, or students, the supervisor shall counsel the employee regarding attire that is consistent with this policy and shall determine whether the employee is allowed to remain at work or must leave work to change his/her dress. Any failure to follow the supervisor's directive and/or blatant violation or repeated violations of this policy will subject the employee to disciplinary action, up to and including dismissal.

OVERTIME – Policy 7500

A. Work Schedules

The length of the school day for licensed and professional staff will be a minimum of seven hours and thirty minutes and will continue until professional

responsibilities to the student and school are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning and extracurricular activities may require hours beyond the stated minimum. Work schedules for other employees will be defined by the superintendent or his/her designee, consistent with the Fair Labor Standards Act and the provisions of this policy.

B. Workweek Defined

Working hours for all employees not exempted under the Fair Labor Standards Act, including secretaries, cafeteria, janitorial and maintenance personnel, will conform to federal and state regulations. The superintendent will ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors will make every effort to avoid circumstances which require non-exempt employees to work more than 40 hours each week. For purposes of Fair Labor Standards Act Compliance, the workweek for school district employees will be 12:00 a.m. Sunday until 11:59 p.m. Saturday. A copy of the Fair Labor Standards Act and any administrative procedures established by the superintendent will be available to employees in the personnel office.

C. Overtime and Compensatory Time

The board of education discourages overtime work by non-exempt employees. A non-exempt employee will not work overtime without the prior express approval of his/her supervisor. All overtime work must be approved by the superintendent or his/her designee. All supervisory personnel must monitor overtime use on a weekly basis and report such use to the superintendent or his/her designee. Principals and supervisors will monitor employees' work, will ensure that the overtime provisions of this policy and the FLSA are followed and will ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete time sheets of actual hours worked during the workweek will be signed by each employee and submitted to the finance officer. The finance officer will review work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half (1.5) hours for each one hour of overtime worked, if such compensatory time (1) is agreed to by the employee before the overtime work is performed and (2) is authorized by the immediate supervisor. Employees must be allowed to use compensatory time within a reasonable period after requesting such use (see policy 7510, Leave of Absence). Employees may accrue a maximum of 240 compensatory time hours before they must be provided overtime pay at the appropriate rate. In addition, upon leaving the school district, an employee must be paid for any unused

compensatory time at the rate of not less than the higher of (1) the average regular rate received by the employee during his/her last three years of employment or (2) the final regular rate received by the employee.

Non-exempt employees whose workweek is less than 40 hours will be paid at the regular rate of pay for time worked up to 40 hours. Such employees will be provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

Employees will be provided with a copy of this policy and will be required to sign this policy to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy will constitute the written agreement required in this section.

D. Attendance Expectations

All employees are expected to be present during all working hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

License Renewal

*****The definition of teacher includes instructional support personnel***

All licenses have a 5-year renewal cycle during which they must be renewed with 8.0 units of appropriate credit.

*As a condition of employment per NC State Board of Education Policy LICN-005 employing school systems reserve the right to assign literacy requirements for any educator.

*Renewal requirements are subject to change based on NC State Board of Education policy updates.

Credits Required for Licensure Renewal	
Grades K-5 • 3 Subject Area • 3 Literacy • 2 General	**Student Services Personnel** • 4 Professional Discipline • 4 General
Grades 6-12 • 4 Subject Area • 4 General	**Administrators** • 4 Executive's Role • 4 General

Credits Required for Licensure Renewal
North Carolina Retired Teachers A Lifetime License is issued to a teacher who holds a current license after 30 or more years of combined services as a licensed teacher, administrator, or student services personnel in one or more public school units in North Carolina. And completed 30or more years of credible service with the Teachers and State Employees Retirement System. Renewal of the Lifetime License is not required (per SL 2019 -71).

Renewal Criteria

- A unit of renewal credit (CEU) is equal to 10 clock hours of professional development
- 8 units of renewal credit are required to renew both a current and expired CPL
- For a CPL to remain current, all renewal credit must be earned by the expiration date of the license

Activities Accepted for Renewal Credit:

- College or university courses
    - Official transcripts are required as documentation; grade reports are not accepted.
- Local in-service courses or workshops
    - The administrative unit certifies credits.
- Classes and workshops approved by an LEA
    - Documentation of completion is provided by the agency sponsoring the activity

Documentation of completion is provided by the agency sponsoring the activity. Licenses are always dated to expire on June 30. Required renewal credits **MUST** be met prior to expiration date of license. Send all documentation to HR.
Access NCDPI Online System Licensure to print a copy of your license free of charge. Instructions and more information are available within the online licensure system. Renewal requirements are subject to change based on NC State Board of Education policy updates.

Locally-Planned Workshops

1. Please do not request prior approval for a Montgomery County locally-planned

workshop. It is not necessary.

2. When you complete a workshop, a Montgomery County School's Certificate of Credit will be issued.

THE SCHOOL SYSTEM RESERVES THE RIGHT TO DENY CREDIT FOR ANY ACTIVITY NOT DEEMED APPROPRIATE OR NOT HAVING SUFFICIENT DOCUMENTATION OF COMPLETION.

TRACKING RENEWAL PROGRESS

A year before your license is due to expire, the Licensure Specialist will send you a printout showing the courses credited toward your renewal. If there are discrepancies in the CEU printout log, please check with your onsite staff development facilitator at your school. Once you have completed requirements for renewal, you will be able to enter license renewal information to NCDPI online licensure system.

Keeping careful records of your renewal activities will enable you to know your renewal status. However, if you need to check on your renewal, you may do so by going to www.montgomery.k12.nc.us and the information is located under the HRMS link.

NEW LICENSURE TYPES

Residency License – replaced Lateral Entry effective July 1, 2019. Residency License allows qualified individuals to obtain a teaching position with Montgomery County Schools, while obtaining a professional educator's license as they teach. Residency License is a one-year license with an option to renew no more than twice within a 3-year period. Renewal is determined by the (EPP) Educator Preparation Program.
Employed or prospective teachers must meet the state requirements and have 18 hours to be eligible for a Residency License.

Emergency License – is a one year, nonrenewable license that provides an optional pathway to Residency License. The Emergency License allows qualified individuals to obtain employment while meeting all requirements to convert to a Residency License.
Employed or prospective teachers must meet the state requirements and have 18 hours to be eligible for a Residency License.

Permit to Teach License – replaces Emergency Permit License. Permit to Teach License is a one year, nonrenewable license. The Permit to Teach License allows qualified individuals to obtain employment while meeting all requirements to convert to an Emergency License or Residency License.
Employed or prospective teachers must meet the state requirements and have 18 hours to be eligible for a Residency License.

TUITION/PRAXIS REIMBURSEMENTS

(Contingent on the availability of funds)

Eligibility

Permit to Teach, Emergency, Residency and provisionally certified personnel who are seeking licensure in the area in which they are employed are eligible for tuition reimbursement for courses they have completed in an approved educational program at an accredited college or university.

Prior approval

Prior to registering for a course for which tuition reimbursement will be requested, the individual must present an approved plan detailing course work required by the certifying institution in order to make a recommendation for certification in the required area. The course for which reimbursement is requested must appear on the approved plan. If a course is substituted, documentation of approval must be provided to amend the plan. To receive prior approval, please schedule a meeting with the Assistant Superintendent of Human Resources.

Documentation

Following completion of the course, the individual must present a letter requesting reimbursement with the following attachments:

- a receipt for the paid tuition
- a copy of the college transcript or grade report verifying the completion of the course
- a copy of the prior approval form

Rate of reimbursement

50% reimbursement pending availability of funds; up to $500.00 each semester

Contract Agreement

Restitution for the amount of tuition reimbursement will be forgiven at a rate of 20% per year from the time of payment of the request. Should an individual voluntarily leave the employment of Montgomery County Schools in less than five (5) years following the date of reimbursement or should the individual request a transfer into another area of licensure within the restitution period, the balance of the restitution will be assessed and paid by the individual in a manner deemed appropriate by the human resources director.

Please note the tuition reimbursement program only covers tuition. It does not include testing, certifications, licensure add-on, or study materials.

BEGINNING TEACHER SUPPORT PROGRAM

Beginning Teachers are required to participate in a three-year induction process known as the Beginning Teacher Support Program. This program is designed to provide teachers with direction, support, and feedback during their first three years in the

classroom so that their experiences are positive and focused on the knowledge, skills, and dispositions associated with effective teaching.

The Coordinator of the Beginning Teacher Support Program and Lead Mentor will provide guidance and help during the transition into the profession. Observations and evaluations will be conducted on a specified schedule during this three-year period.

Beginning Teachers must show evidence of professional growth during the three-year period. CEUs obtained during this time are documented on the Professional Development Log, which is a part of the Beginning Teacher's file. When the license is converted to a Continuing Professional License, teachers begin the five-year renewal cycle during which time they must earn 8.0 CEUs

MENTORS

Montgomery County Schools offers the new Mentor Training approved by the Department of Public Instruction, Public Schools of North Carolina—Mentoring the Beginning Teacher. Teachers interested in becoming mentors should contact Jordan Hamilton.

CLASSIFIED PERSONNEL

Montgomery County Schools offers ongoing career development opportunities to all classified personnel. These opportunities are designed to aid in developing and maintaining skills required to succeed in current positions and to prepare for promotions to other levels of employment. All classified employees are encouraged to attend staff development sessions.

Classified employees submit their credit hours to their principal, assistant principal or supervisor, and once a year the principal, assistant principal or supervisor records the number of hours earned on the employee's evaluation form.

Information about classified career development courses offered system-wide will be publicized at each work site. Employees are encouraged to participate in career development activities at their school.

TERMS OF EMPLOYMENT

Employees who are employed for 10 months are to follow the 10-month school calendar. Employees in good standing in permanent positions and who are not given an "automatic non-reappointment" status, have reasonable assurance of returning to work each year in August.

A Look at Employee Benefits

HOLIDAYS

The State Personnel Commission determines whether 10 or 11 holidays will be observed during the year, depending on which day of the week Christmas falls. Ten-month employees are granted either 10 or 11 holidays yearly, while 12-month employees are granted 11 or 12 holidays. Local boards of education determine when holidays are scheduled.

VACATION (ANNUAL LEAVE)

Permanent school employees working at least half time earn vacation leave at the same rate as that provided to state employees. Part-time permanent employees working half time or more earn leave on a pro rata basis equated to their percentage of employment. State regulations and local school system policies govern when vacation leave may be taken. Ten annual leave days are built into the school calendar for 10-month employees.

- Unused vacation leave may be accumulated and on June 30, a maximum of 30 days may be carried to the next fiscal year. Days over 30 will be converted to sick leave.
- 10-month employees cannot opt to work an annual leave day that is listed an AL day on the calendar to bank the day or make up time.
- Vacation leave will be transferred when a school employee transfers to another school system, and it may be transferred to a state agency if the agency is willing to accept the leave. Otherwise, the employee leaving the public schools will be paid for up to 30 days accumulated leave.
- In case of death, the employee's estate will receive payment for any accumulated leave.
- The chart below shows the number of days of vacation earned each month BASED ON YEARS OF STATE SERVICE:

When You Have Worked	You Are Granted			
Years of State Service	Days per Month	10-Mo. Empl.	11-Mo. Empl.	12-Mo. Empl.
Less than 5 years	1.167	11.67	12.84	14.00
5 but less than 10 years	1.417	14.17	15.58	17.00
10 but less than 15 years	1.667	16.67	18.34	20.00
15 but less than 20 years	1.917	19.17	21.09	23.00
20 years or more	2.167	21.67	23.84	26.00

SICK LEAVE

Sick leave is earned by permanent employees at the rate of one day per month. Permanent part-time employees earn sick leave equated to their percentage of employment. Sick leave may be granted for:

1. personal illness or injury;
2. medical appointments and illnesses for employee or immediate family (spouse, children, parents, and other dependents living in the household);
3. death in immediate family (spouse, children, parents, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, and stepfather).

Sick leave must be taken in increments of half days or whole days. Sick leave may be accumulated indefinitely and is transferable among school systems.

Sick leave regulations provide for "Voluntary Shared Leave." For details concerning donating and receiving shared leave, contact the Benefits Specialist at the central office.

FMLA/ PAID PARENTAL LEAVE

Montgomery County Schools adheres to the Family Medical Leave Act of 1993 (FMLA). FMLA allows eligible employees to take up to 12 weeks of leave time to care for a newborn or adopted child within the first year of life or placement in the home. To qualify for FMLA, the employee must have worked with Montgomery County Schools for at least 1250 hours the preceding year. During the 12 weeks, an employee will continue to have insurance coverage paid by the employer (employee-only coverage-dependent coverage will still be maintained by the employee) and the employee will have job security. Forms to complete for maternity leave can be obtained from the finance office. Questions relative to maternity leave should be directed to the benefits office.

Montgomery County Schools adhere to the paid parental leave statute. Please contact finance for more additional information.

You should notify the Finance Department (Payroll) approximately 30 days prior to the projected leave date.

SICK LEAVE UPON SEPARATION

(a) In the event an employee separates from service before earning sick leave which has been advanced, a deduction will be made from the final salary check for the total unearned sick leave used.
(b) Pay for unused sick leave is not permitted, except when an employee has been approved for long-term disability.

(c) Accumulated sick leave counts as creditable service towards retirement. One month of credit is allowed for each 20 days of unused sick leave upon retirement. One more month is allowed for any part of 20 days left over. Sick leave converted from access annual vacation leave is also creditable.
(d) From the date an employee resigns or moves to a temporary position, the sick leave balance is retained for 60 months. If the person is re-employed in a full-time or part-time permanent position, or retires within this 60 months, the sick leave balance is reinstated. After 60 months, the sick leave balance cannot be reinstated.

TWENTY-DAY EXTENDED SICK LEAVE

The teaching staff in the public schools are provided 20 days each year of additional sick leave, less $50 daily deduction pay, for personal illness. This extended sick leave can be used when the teacher exhausts all accumulated sick leave. Extended sick leave cannot be accumulated.

LEAVE OF ABSENCE (Family, Medical, or Educational)

A public school employee, male or female, may be granted a leave of absence without pay for up to one calendar year for the birth or adoption of a child. Teachers may also use accumulated annual leave or personal leave to care for a newborn or a child placed through adoption or foster care during the first 12 months following the arrival of the new child.

Employees may be granted a medical or educational leave of absence without pay for periods determined by the local administrative unit. FMLA leave should be requested in advance. For information on applying for a leave of absence, contact the Benefits Specialist.

PARENTAL INVOLVEMENT LEAVE

Four hours of leave per year will be granted to any full-time employee who is a parent, guardian, or person standing in loco parentis of a school-age child in order that the employee may attend or otherwise be involved in that child's school. Part-time employees, four or more hours per day, will receive leave on a pro rata basis. (For details about parental involvement leave, consult the policy manual or the Benefits Specialist.)

PERSONAL LEAVE

Personal leave is earned by classroom teachers and school media coordinators who require substitutes. In order to be eligible, the teacher must be in a permanent full or part-time position. Personal leave is earned at the rate of .20 days for each full month of employment not to exceed two days per year. Part-time personal leave may be carried forward from one year to another and may be accumulated without limitation until June

30th. On June 30th, personal leave in excess of 5 days is converted to sick leave so that a maximum of 5 days of personal leave are carried forward to July 1st.

PROFESSIONAL LEAVE

Professional leave may be granted to public school employees who have professional responsibilities or who need to attend professional meetings or staff development activities. Professional leave must be approved in advance by the principal/supervisor. Detailed regulations can be found in *Employee Leave Policies*.

JURY DUTY

When a permanent employee is absent to serve on a jury, no deduction is made from the regular salary. The employee is entitled to regular compensation plus any compensation awarded for serving on jury duty.

COURT ATTENDANCE

When permanent employees are absent from work to attend court in connection with their official duty or because they were subpoenaed or directed by proper authority to appear as a witness for another individual, no salary deduction is made. Any fees received when serving in an official capacity as a witness must be returned to the local school system. If, however, an employee is a defendant or a plaintiff in a case not connected with official duties and must be absent from work, no salary is to be received unless that time is charged to accumulated leave.

MILITARY LEAVE

Leave with pay is granted to members of reserve components of the U.S. Armed Forces for certain periods of active-duty training and for state military duty. Leave with pay is extended to full- or part-time permanent school employees, normally not to exceed 96 hours (12 days) each calendar year for annual training and military maneuvers. Military leave without pay can be granted for one enlistment period of active service.

Insurance Benefits

HEALTH INSURANCE

Employees have Aetna of North Carolina Health Smart Choice PPO Plan as their insurance carrier. Montgomery County Schools pays for individual coverage for full-time employees wishing to enroll in the Aetna of N.C. Smart Choice PPO. Coverage for

dependents and part-time employees may be added at the employee's expense through payroll deduction.

Employees who work at least half of the workdays in the pay period in which they terminate will have their coverage continued for one calendar month after the month in which they terminate. If they work less than half of the workdays, their coverage will end on the last day of the month during which termination occurs.

Employees on approved leave of absence may continue their health insurance by paying the entire premium to Montgomery County Schools by the 1st of each month.

DENTAL INSURANCE

Dental insurance is offered for all full-time employees through Sun Life Financial. The employee must pay the full amount of the premium for this coverage. Eligible employees may also insure their dependents. Dental insurance must be applied for at the time of employment; it is not available at a later date unless the company grants a period of open enrollment.

Questions concerning health and dental insurance should be directed to the Benefits Specialist at the central office.

UNEMPLOYMENT INSURANCE

School employees are entitled to unemployment insurance. Eligibility is determined individually, and benefit amounts are based on a percentage of a person's earnings up to the allowable limit.

DISABILITY INCOME

A comprehensive short-term and long-term disability income plan is provided at the employer's expense for permanent employees who are members of the Teachers' and State Employees' Retirement System and who meet certain state service requirements. For more information, contact the Benefits Specialist.

WORKER'S COMPENSATION

All Montgomery County School employees are covered under the Workers' Compensation Act. As defined under the North Carolina Workers' Compensation Act "an injury is covered under workers' compensation if it was caused by an accident or incident, which arose out of and in the course of your employment."

When an incident occurs, school employees are responsible for notifying his/her principal **immediately**. Employees at the central office, transportation, and facility services notify their immediate supervisor. If medical treatment is necessary, the employer directs appropriate medical procedures. In regard to an occupational disease, an employee must give notice to the employer when the employee is first

informed by a competent medical authority of the nature and work-related cause of the illness. The safety coordinator, or the school office designee, at each school or department, will need to complete the necessary paperwork for worker's compensation claim. The principal and/or supervisor must sign and date, the MCS Employee Incident Report and Supervisor's Accident Investigation form. The completed form is then forwarded to the Human Resources Department.

If time away from work is necessary after the incident, the employee will continue to earn sick leave, annual vacation leave, and, if applicable, personal leave. The employee will continue to earn longevity credit if applicable. While on workers' compensation leave you do not receive retirement service credits. Teachers do not earn experience credit while on workers' compensation, except when they are using sick leave, extended sick leave, personal leave, or any other available paid leave. However, the employee will continue to earn longevity credit, if applicable.

EMPLOYEE'S PROCEDURES TO FOLLOW WHEN INJURED ON THE JOB

- If you are injured, you **must** tell your supervisor immediately, and no later than 30 days after the injury. If you need medical treatment other than first aid, your supervisor will direct you to an appropriate medical provider. If needed, the school/department designee will make an appointment with the appropriate medical provider.

- You must complete a written statement, *Montgomery County Schools Employee Incident Report,* detailing your injury that is included as part of your supervisor's Incident Investigation Report. (supervisors turn in the report to Felicia WArd-HR)

- On the day of your injury, you will not be charged leave for the time lost from work due to your injury. However, you are expected to return to work-related injury unless the initial medical provider (authorized treating physician) where you are referred for treatment says you must go home for the day.

- Your authorized treating physician will provide you with a written note for any time out of work or assigned work restrictions related to your work-related injury or illness. You must give all work notes to your supervisor or workers' compensation administrator as soon as possible upon receipt.

- Your ongoing medical treatment will be directed by the Third Party Administrator's assigned adjuster that is handling claims on behalf of Montgomery County Schools.

- If the injury results in more than one lost work day, you must go on workers' compensation leave. There is a seven-day waiting period where no compensation for time lost from work will be provided unless the injury results in disability for more than 21 days, then compensation will be allowed from the date of disability. You may use vacation or sick leave in lieu of taking workers' compensation leave during this seven-day waiting period.

- The NC Workers' Compensation Act provides medical benefits and compensation for your time lost from work and any permanent disability that results from your injury. Your weekly benefit is 66 2/3% of your average weekly wages up to a statutorily calculated annual maximum amount. You may also use Supplemental Leave while you are completely out of work due to your injury.

- Return To Work: Montgomery County Schools has a structured Return To Work program. Montgomery County Schools will use this program to provide you with modified/transitional duty employment that complies with the work restrictions indicated by your doctor during the healing period for your injury.

- **REMEMBER** it is the employee's responsibility to keep the employer informed of any work status reports, and all treatment(s) received. It is Montgomery County Schools' goal to make sure that every injured employee receives the relief and care that is required.

Retirement Benefits

RETIREMENT

Permanent full-time employees are covered by the North Carolina Teachers' and State Employees' Retirement System. Employees contribute 6% of their monthly salary; employers will contribute 24.04%, effective 07/01/2024.

Service Retirement (Unreduced) Benefits are available:

- at age 65 with 5 years

- at age 60 with 25 years of credible service, or

- at any age with 30 years of creditable service.

Early Retirement (Reduced) Benefits are available:

- at age 50 with 20 years of creditable service, or
- at age 60 with 5 years

Your early retirement benefit is determined by the same formula as a service retirement benefit multiplied by a reduction percentage based on your age and/or service at early retirement.

If You Leave the System Before Retirement, and you meet all eligibility requirements, you may still receive a deferred benefit at a later date, provided you do not withdraw your contributions. Your benefit is determined by the formula in effect on the effective date of your retirement. If you leave the System before you have 5 years of membership service, the only payment you can receive is a refund of your contributions.

For additional information on retirement records/change of beneficiary, see section on "Updating Personal Information."

DEATH BENEFIT

After one year of membership in the retirement system, employees are automatically covered by a death benefit. Upon death, the beneficiary will receive a lump sum equal to the employee's salary for the previous 12 highest months in a row during the last 24 months before the employee's death, with a minimum of $25,000 and a maximum of $50,000.

SOCIAL SECURITY

Employees are members of the Federal Social Security System, and contributions are made by both employee and employer. The current contribution rate is 7.65%.

Other Benefits

Employees may choose to participate in a flexible benefits plan whereby certain insurance, health care, and child care expenses can be paid for on a pre-tax basis. The Benefits Specialist can answer specific questions about this plan.

CREDIT UNION

Permanent public school employees are eligible for membership in the State Employees' Credit Union. In Troy, the State Employees' Credit Union location is 1058 Albemarle Road (across from Friendly Chevrolet). The Credit Union offers savings accounts, checking accounts, credit cards, loan services, and direct deposit of paychecks.

LIABILITY INSURANCE

Montgomery County Schools provides liability insurance (errors and omissions/general liability) protection to school employees. For further details, contact the Finance Director at the central office.

Policy Highlights

POLICY MANUAL

The Montgomery County Schools Policies and Procedures were developed by the school system and adopted by the Board of Education. These policies and procedures are the rules and regulations that govern the employees and students of the school system. The policy manual is placed at all schools and the Central Office.

Employees should be familiar with all policies dealing with personnel as contained in Section 7 of the policy manual. Particular attention should be given to the following:

Recruitment and Selection of Personnel – Policy 7100

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, military affiliation, genetic information, sex (including pregnancy, childbirth, sexual orientation, and gender identity), age, or disability, except when sex, age, or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions. All employment decisions will be consistent with the board's objective of providing students with the opportunity to receive a sound basic education, as required by state law.

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 human resources department 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 Assistant Superintendent 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 Assistant Superintendent 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.

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 is found to have been convicted of a criminal offense, other than a minor traffic 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.

The board has determined that every position with the school system, regardless of whether the position is located in a school or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, 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.

D. Selection

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:

1. application;
2. education and training;
3. licensure and certification (when applicable);
4. relevant experience;
5. personal interviews; and
6. references and/or background checks.

When several applicants for the same position are equally qualified and suitable for the position, employees within the school system will be given priority.

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.

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.

Grievance Procedure for Employees – Policy 1750/7220

It is the policy of the board, in keeping with the ultimate goal of serving the educational welfare of children, to develop and practice reasonable and effective methods of resolving difficulties which may arise among employees. The intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems which arise from time to time and affect employees.

A. Resolution

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. When informal procedures fail or are inappropriate or when the employee requests formal procedures, a grievance shall be processed pursuant to the steps set forth in this policy.

B. Definitions

1. Days

   Days are the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May l, 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 as thereafter as possible.

2. Final Administrative Decision

   A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

3. Grievance

   A grievance is a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations

   a. that there has been a violation, misapplication or misinterpretation of state or federal law or regulations, school board policy or administrative procedure;

b. that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or

c. that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act.

4. Grievant

The grievant is the employee(s) making the claim.

Parties in Interest

Parties in interest refer to the grievant and the person against whom the grievance is filed.

C. Timeliness of Process

Failure by a school system official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of any legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the appropriate school system official of a delay and the reason for the delay and the official has consented in writing to the delay.

D. General Requirements

1. At all times during the grievance process, all parties in interest and their representatives shall conduct themselves in a professional manner, including respecting the confidentiality of personnel matters.

2. The board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance files and decided pursuant to this policy.

3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.

4. All meetings and hearings conducted pursuant to this policy will be private.

5. The board and administration will consider requests to hear grievances from a group of grievants but have the discretion to respond to grievants individually.

6. The board and administration will cooperate with the grievant and representative in the investigation of any grievance and will furnish the grievant or representative information pertinent to the grievance without cost to the grievant or the employee against whom the grievance is filed.

7. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievance and/or representative from regular work assignments, such as absences will be excused without loss of pay or benefits.

E. Process for Reporting a Grievance

1. Filing a Grievance

   a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days that claims a violation, misapplication or misrepresentation of state or federal law, including discrimination, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations however; employees should recognize that delays in filing may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

   b. All grievances must be in writing, and the written statement of grievance must remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school system employee

or other individual whose decision or action is at issue; (2) the specific decision(s), action(s) or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation or State Board of Education policy or procedures that the grievant believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision action or physical condition at issue or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted or violated, then the procedure established in policy 1742/5060, Responding to Complaints, is appropriate and the principal or immediate supervisor shall address the concern following that board policy.

c. The employee(s) shall present the grievance in writing to his or her immediate supervisor or the supervisor's designee unless the grievance alleges that a state or federal law has been misapplied, misinterpreted or violate in which case the grievance may be presented to the executive director of human resources (or to the superintendent if the employee's supervisor is the assistant superintendent of human resources). The person receiving the grievance hereinafter will be referred to as "official." Any grievance against the superintendent should be filed directly with the board in accordance with subsection E.4, below.

2. Response by Official

a. The official shall arrange for a grievance file number to be assigned by the human resources office.

b. In the event the official determines at the outset that review by the official is inappropriate; the official shall forward the formal grievance to the superintendent who will investigate and respond as provided below in subsection E.3.

c. The official shall meet with the grievant at a mutually agreed-upon time within five days after receipt of the grievance.

d. The official shall conduct any investigation of the facts necessary before rendering a decision.

e. The official shall provide the grievant with a written response to the grievance within 10 days after the meeting.

3. Response by Superintendent

   a. If the grievant is dissatisfied with the official's response, the grievant may **appeal in writing the decision to the superintendent for review by the** superintendent or designee within five days or receipt of the official's response.

   b. The superintendent or designee shall arrange for a meeting with the grievant to take place within five days of the receipt of the appeal.

   c. The superintendent or designee shall conduct any investigation necessary before arriving at a decision. The superintendent or designee shall provide the grievant with a written decision within 10 days after the meeting with the grievant.

4. Appeal to the Board

   If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant shall have a right to appeal a final administrative decision to the board of education (see Mandatory Appeals below). If the grievant has not alleged such specific violations, he or she may request a hearing before the board, which the board may grant at its discretion (see Discretionary Appeals below).

   a. Mandatory Appeals

      1. If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the board within 10 days or receiving the superintendent's response.

      2. A hearing will be conducted pursuant to policy 2500, Hearings before the Board.

      3. The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time is

taken to respond.

b. Discretionary Appeals

1. If the grievant is not satisfied with the superintendent's response but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may submit the superintendent a written request for a hearing before the board of education within 10 days of receiving the superintendent's response.

2. If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing, otherwise, the board chairperson shall appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3. If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.

4. If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.

5. The board will provide a final written decision within 30 days of the decision to grant an appeal unless further investigation is necessary or the hearing necessitates that more time is taken to respond.

F. RECORDS

Appropriate records will be maintained in accordance with state and federal law.

Legal References: G.S 115C-45(c); 126-16

Cross Reference: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex

(policy 1720/4030/7235), Responding to Complaints (Policy 1742/5060), Hearings Before the Board (policy 2500)

Staff Responsibilities – Policy 7300

For students to succeed, all school employees must approach their responsibilities conscientiously, always remembering that the ultimate responsibility of the school system is to provide students with the opportunity to receive a sound basic education.

All school employees shall:

1. Be familiar with, support, comply with and, when appropriate, enforce board policies, administrative procedures, school rules and applicable laws;
2. Attend to the safety and welfare of students, including the need to provide appropriate supervision of students;
3. Demonstrate integrity, respect and commitment to the truth through attitudes, behavior and communications with others;
4. Address or appropriately direct any complaints concerning school employees, the school program or school operations; and
5. Support and encourage good school-community relations in all interactions with students, parents and members of the community.

Employees shall notify the Assistant Superintendent of human resources if they are arrested for, 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 shall be in writing, shall include all pertinent facts and shall be delivered to the director of human resources no later than the next scheduled business day following the arrest, charge or conviction, unless the employee is hospitalized or incarcerated, in which case the employee shall report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the employee must report the disposition and pertinent facts in writing to the director of human resources no later than the next business day following the adjudication.

Failure by an employee to provide timely notice as described above may lead to disciplinary action up to, and including dismissal.

Staff Use of Wireless Communication Devices – 7305

The board recognizes that cellular phones have become an important tool through which people communicate in the 21st century. Therefore, it is expected that a majority of staff members possess cellular phones and other wireless communication devices on school property. Wireless communication devices include, but are not limited to, cellular phones, paging devices, two-way radios, IPAD, IPOD and other similar devices.

A. General Guidelines

In accordance with policy code #3000, Goals and Objectives of the Educational Program, the use of wireless communication devices that impede an employee from performing the essential and secondary functions of his/her job is strictly forbidden.

Further, classroom teachers should ensure such devices are secured, in the off/silent position, and not in use during the instructional time. If a device is to be used for an instructional activity, prior approval should be obtained from the principal.

B. Consequences for Unauthorized Use

Violations of this policy will be handled according to established employee disciplinary procedures.

Staff –Student Relations – Policy 4040/7310

The relationship between staff and students should be one of cooperation, understanding and mutual respect. The staff has the responsibility to provide an atmosphere conducive to learning and to motivate each student to perform to his or her capacity. The staff is expected to model the behavior expected of students in staff-student relationships.

All employees are prohibited from dating, courting or entering into a romantic or sexual relationship with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct shall be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.7.

Any employee, who has reason to believe that another employee is inappropriately involved with a student, as described above, is required to report this information to the superintendent. An employee who fails to inform the superintendent of a suspected inappropriate relationship between an employee and a student may be subject to disciplinary action, up to and including dismissal.

For the purposes of this policy, the term “employees” includes independent contractors and school safety officer but does not include student employees.

Technology Acceptable Use Policy - Policy 3225/4312/7320

The board provides its student and staff access to a variety of technological resources, including laptop computers and tablets. These resources provide opportunities to

enhance learning, appeal to different learning styles, improve communication within the school community and with the larger global community, and achieve the educational goals established by the board. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The board intends that students and employees benefit from these resources while remaining within the bounds of safe, legal and responsible use. Accordingly, the board establishes this policy to govern student and employee use of school system technological resources. This policy applies regardless of whether such use occurs on or off school system property, and it applies to all school system technological resources, including but not limited to computer networks and connections, the resources, tools and learning environments made available by or on the networks, and all devices that connect to those networks.

A. Expectations for Use of School Technological Resources

The use of school system technological resources, including access to the Internet, is expected to be exercised in an appropriate and responsible manner. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette.

General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct and other regulations and school rules, apply to use of school technological resources, including access to the Internet.

In addition, anyone who uses school system computers or electronic devices accesses the school's electronic storage or network,or connects to the Internet using school system-provided access must comply with the additional rules for responsible use listed in Section B, below. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

All students must be trained about appropriate online behavior as provided in policy 3226/4205, Internet Safety.

Failure to adhere to the requirements of this policy will result in disciplinary action, including revocation of user privileges. Willful misuses may result in criminal prosecution under applicable state and federal law, disciplinary action for students, and/or adverse personnel action for employees.

B. Rules for Use of School Technological Resources

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited unless approved for special situations by the teacher or school administrator. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with the school system business and is not otherwise prohibited by board policy or procedure.

2. Unless authorized by law to do so, users may not make copies of software purchased by the school system. Under no circumstance may software purchased by the school system be copied for personal use.

3. Users must comply with all applicable laws, board policies, administrative regulations, and school standards and rules, including those relating to copyrights and trademarks, confidential information, and public records. Plagiarism of Internet
resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.

4. Users must follow any software, application, or subscription services terms and conditions of use

5. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages or other material that is obscene, defamatory, profane, pornographic, harassing, abusive or considered to be harmful to minors.

6. Users must not circumvent firewalls. The use of anonymous proxies to circumvent content filtering is prohibited.

7. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.

8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).

9. Users must respect the privacy of others.

a. Students must not reveal any personally identifying, private, or confidential information about themselves or fellow students when using e-mail, chat rooms, blogs or other forms of electronic communication Such information includes, for example, a person's home address or telephone number, credit or checking account information. For further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information.

b. School employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private or confidential information concerning students (including names, addresses or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records.

c. Users may not forward or post personal communications without the author's prior consent.

d. Students may not use school system technological resources to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor share such media in any way, without consent of the students and/or employees and the principal or designee. An exception will be made for settings where students and staff cannot be identified beyond the context of a sports performance or other public event or when otherwise approved by the principal.

10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks or data or any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance, including by streaming audio or video for non-instructional purposes. Users
may not disable antivirus programs installed on school system-owned or issued devices

11. Users may not create or introduce games, network communications programs or any foreign program or software onto any school system computer, electronic device or network without the express permission of the technology director or designee.

12. Users are prohibited from engaging in unauthorized or unlawful activities, such as “hacking” or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems or accounts.

13. Users are prohibited from using another individual’s ID or password for any technological resource or account without permission from the individual. Sharing of an individual’s ID or password is strongly discouraged. If an ID or password must be shared for a unique classroom situation, students must have permission from the teacher or other school official.

14. Users may not read, alter, change, block, execute or delete files or communications belonging to another user without the owner’s express prior permission.

15. Employees shall not use passwords or user IDs for any data system (e.g., Power School, CECAS, time-keeping software, etc.) for an unauthorized or improper use.

16. If a user identifies or encounters an instance of unauthorized access or another security concern, he or she must immediately notify a teacher, school system administrator, or the technology director or designee. Users must not share the problem with other users. Any user identified as a security risk will be denied access.

17. It’s the user’s responsibility to back up data and other important files.

18. Employees shall make reasonable efforts to supervise students’ use of the Internet during instructional time.

19. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

20. Users who are issued school system-owned and -maintained devices for home use (such as laptops, Chromebooks, etc.) must adhere to any other reasonable rules or guidelines issued by the superintendent or technology director for the use of such devices.

21. Without permission by the board, users may not connect any person technologies such as laptops, workstations and printers, wireless access points and routers, etc. to a district owned and maintained local, wide or metro area network. Connection of personal devices such as iPods, smartphones, PDAs and printers is permitted but not supported by Montgomery County Schools. The board is not responsible for the content

accessed by users who connect to the Internet via their personal mobile telephone technology (e.g., 3G, 4G service).

22. Those who use district owned and maintained laptops must also follow these guidelines:

    a. Keep the laptop secure and damage free
    b. Use the provided protective case at all times.
    c. Do not loan out the laptop, charger or cords.
    d. Do not leave the laptop in your vehicle.
    e. Do not leave the laptop unattended.
    f. Do not eat or drink while using the laptop or have food or drinks in close proximity to the laptop.
    g. Do not allow pets near the laptop.
    h. Do not place the laptop on the floor or on a sitting area such as a chair or couch.
    i. Do not leave the laptop near table or desk edges.
    j. Do not stack objects on top of the laptop.
    k. Do not leave the laptop outside.
    l. Do not use the laptop near water such as a pool.
    m. Do not check the laptop as luggage at the airport.
    n. Back up data and other important files regularly, Montgomery County Schools Technology Department will at times perform maintenance on the laptops by imaging. All files not backed up to server storage space or other storage devices will be deleted during this process.

C. Restricted Material on the Internet

The Internet and electronic communications offer fluid environments in which students may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless, school system personnel shall take reasonable precautions to prevent students from accessing materials and information that is obscene, pornographic or otherwise harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose. The superintendent shall ensure that technology protection measures are used as provided in policy 3226/4205, Internet Safety, and are disabled or minimized only when permitted by law and board policy. The board is not responsible for the content accessed by users who connect to the Internet via their personal mobile telephone technology (e.g., 3G, 4G service

D. Privacy

Students, employees, visitors, and other users have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers, the storage mediums of individual devices, or on school managed cloud services will be private. Under certain circumstances, school officials may be required to disclose such electronic information to law enforcement or other third parties, for example, as a
response to a document production request in a lawsuit against the board, in response to a public records request, or as evidence of illegal activity in a criminal investigation.

The school system may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes issued by the school system, and system outputs, such as printouts, at any time for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel shall monitor online activities of individuals who access the Internet via a school-owned device.

By using the school system's network, Internet access, electronic devices, email system, devices, or other technological resources, individuals consent to have that use monitored by authorized school system personnel as described in this policy.

E. Security/Care of Property

Security on any computer system is a high priority, especially when the system involves many users. Employees are responsible for reporting information security violations to appropriate personnel. Employees should not demonstrate the suspected security violation to other users. Unauthorized attempts to log onto any school system computer on the board's network as a system administrator may result in cancellation of user privileges and/or additional disciplinary action. Any user identified as

a security risk or having a history of problems with other systems may be denied access.

Users of school district technology resources are expected to respect school district property and be responsible in using the equipment. Users are to follow all instructions regarding maintenance or care of the equipment.

Users may be held fiscally responsible for any loss or damage caused by intentional or negligent acts in caring for computers while under their control. The school district is responsible for any routine maintenance or standard repairs to school system computers.

F. Personal Websites

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual school names, logos or trademarks without permission.

1. Students

   Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's on-line behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy to the extent consistent with the law (see the student behavior policies in the 4300 series).

2. Employees

   Employees' personal websites are subject to policy 7335, Employee Use of Social Media. Employees may not use their personal websites to communicate with students, as prohibited by policy 7335 and policy 4040/7310, Staff-Student Relations.

3. Volunteers

   Volunteers are to maintain an appropriate relationship with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or on-line networking profiles in order to prevent. The possibility that students could view materials that is not age-appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

Use of Personal Technology to Conduct School Business -Policy 3228/7323

The board recognizes that employees may use a variety of personal technology devices and accounts in their personal lives. At times, it may be convenient for employees to use their personal technology devices and accounts to conduct school business. Although such use of personal technology devices and accounts may be convenient, it is likely to produce a conflict between employees' interests and the school's obligations: employees ordinarily expect privacy in their personal technology devices and accounts, but the school is legally obligated to preserve certain school business-related electronically stored information ("ESI").
School business-related ESI (including text messages and e-mails) sent and/or received by an employee using a personal technology device or account may constitute public records or student education records, and as a result may require retention and disclosure by the school system. In the event of litigation, school business-related ESI located on a personal technology device or account may be subject to discovery and a litigation hold.

A. LIMITATIONS ON USE

Unless otherwise authorized by a BYOT (Bring Your Own Technology) initiative, employees are expected to use school-controlled technology devices and accounts for conducting school business and storing school business-related ESI when such devices and accounts are readily available. Any use of personal technology devices and accounts is subject to this policy and all other relevant board policies, including but not limited to policy 3225/4312/7320, Technology Responsible Use, and policy 7335, Employee Use of Social Media.

1. Personal Technology Devices

For purposes of this policy, "personal technology device" means a technology device that is not under the control of the school system and which the school system does not have the ability to access without the employee's assistance. This definition includes, but is not limited to, computers, phones, tablets, and other technological devices that are owned or leased by an employee.

Use of personal technology devices to conduct school business or to store school business-related ESI is authorized only when (1) done in accordance with an official BYOT program; (2) the use is occasional and incidental to the regular use of school-controlled technology devices; or (3) the superintendent or designee has pre-approved in writing the employee's regular use of personal technology for conducting school business and/or storing school business-related ESI.

For purposes of this policy, “personal external storage device” means a device that has a primary purpose of storing data, is not under the control of the school system, and which the school system does not have the ability to access without the employee’s assistance. Personal external storage devices constitute personal technology devices for purposes of this policy, but are subject to the following additional limitation: employees are prohibited from storing school business-related ESI on personal external storage devices, including, but not limited to, external hard drives, USB flash drives, flash memory cards, DVDs, compact discs, or magnetic tape, unless specifically authorized to do so by the superintendent or designee in writing.

2. Personal Accounts

For purposes of this policy, “personal account” means an account that is not under the control of the school system and which the school system does not have the ability to access without the employee’s assistance. This definition includes, but is not limited to, personal email accounts, social media sites, and online file storage services (e.g., file hosting services, cloud storage services, or online file storage providers that host user files via the Internet).

Employees are prohibited from using personal accounts to conduct school business or to store school business-related ESI unless specifically authorized to do so by the superintendent or designee in writing.

B. SCHOOL SYSTEM ACCESS TO SCHOOL BUSINESS-RELATED ESI ON EMPLOYEES’ PERSONAL TECHNOLOGY DEVICES AND ACCOUNTS

Any school business-related ESI stored on an employee’s personal technology devices or accounts is property of the school system. Employees shall transfer to an appropriate custodian all school business-related ESI upon request of the superintendent or designee and upon leaving employment. Employees shall cooperate with school officials in accessing any school business-related ESI stored on personal technology devices or accounts.

Employees are cautioned that using personal technology devices or accounts to conduct school business or to store school business-related ESI will significantly reduce their expectation of privacy in those devices or accounts. If an employee uses a personal technology device or account to conduct school business or to store school business-related ESI, an inspection of the employee’s device or account may be necessary to ensure that all public records and education records are preserved.

By using personal technology devices or accounts to conduct school business or to store school business-related ESI, employees are deemed to consent to the school system accessing and inspecting such devices or accounts to gather school business-related ESI and ensure that all public records and education records are preserved. If school officials have a reasonable basis to conclude that school business-related ESI is stored on an employee’s personal technology device or

account, a reasonable inspection of the employee's device or account may be performed in order to retain any public records or education records required to be retained by law and/or board policy. Such an inspection shall be made only after consultation with the board attorney.

C. REQUIRED NOTICES AND CONSENT

All employees must be informed annually of the terms of this policy and the methods by which they may obtain a copy of this policy. Employees must sign a statement indicating that they understand and will comply with the requirements of this policy.

Smoking and Tobacco Products – Policy 5026/7250

The board of education promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the school board or at school-related or school-sponsored events is detrimental to the health and safety of students, staff and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco - free policy that and prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, the term "tobacco product" means any product that contains or is made or derived from tobacco and is intended for human consumption, including all lighted and smokeless tobacco products as well as electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.

2. In addition, persons attending a school-sponsored event at a location not specified in subsection I above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) in an area where use of tobacco products is otherwise prohibited by law.

3. Nothing in this policy prohibits the use of tobacco products for an instructional or research activity conducted in a school building provided such activity is conducted or supervised by a faculty member and the activity does not include smoking, chewing or otherwise ingesting tobacco.

4. The administration will consult with the county health department and other appropriate organizations to provide employees with information and access to support systems and programs to encourage employees to abstain from the use of tobacco products. The school district may, from time to time, provide free non-smoking programs and services to be offered to employees in the schools, after the regular school day.

5. The principal of each school and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students, and visitors that the use of tobacco products by any person is prohibited at all times in or on school property.

6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel, and the public.

7. All school personnel are required to adhere to and enforce this policy and other policies, rules or regulations addressing the use of tobacco products.

   ***See Drug-Free and Alcohol-Free Workplace Environment Policy: Policy Code 7240**

Child Abuse and Related Threats to Child Safety – Policy 4240/7312

The board is concerned with the health, safety, and welfare of all children and recognizes the legal and ethical obligations that school employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has two separate systems that mandate reports to state authorities of suspected child abuse, neglect, dependency, or maltreatment and a third system for mandated reporting of certain crimes against juveniles to local law enforcement.

When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or dependent, this information must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude, and sexual servitude of a child and death of a child as a result of maltreatment are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a childcare facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE). When the source of the harm or threat of harm to the child is uncertain, a report should be made to both the county child welfare agency DCDEE.

In addition, state law mandates reports to local law enforcement when a child is a victim

of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

The board of education supports all employees who in good faith make a report under North Carolina's mandated reporting laws.

The superintendent shall develop any necessary procedures for making a report or otherwise implementing this policy.

A. DUTY TO REPORT CERTAIN CRIMES AGAINST CHILDREN TO LOCAL LAW ENFORCEMENT

A school employee, contractor, or volunteer is legally required to report to local law enforcement when the employee or volunteer knows or reasonably should know that a child has been a victim of any of the following crimes:

1. a sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to inappropriate conduct with or involving a child);

2. an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means;

3. an attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or

4. misdemeanor child abuse, which occurs when a parent or any other person providing care or supervision to a child who is under the age of sixteen (1) inflicts or allows to be inflicted physical injury to the child by nonaccidental means or (2) creates or allows a substantial risk of physical injury to the child by nonaccidental means.

Compliance with this reporting requirement does not relieve the employee or volunteer from his or her duty to report pursuant to Sections B and C of this policy. The employee, contractor, or volunteer also shall immediately report the case to the principal.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report maybe restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

B. DUTY TO REPORT CHILD ABUSE, NEGLECT, DEPENDENCY, OR DEATH AS A RESULT OF MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY

A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the director of social services. The employee, contractor, or volunteer also shall immediately report the case to the principal. Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately.

A school employee, contractor, or volunteer is immune by statute from any civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION

A school employee, contractor, or volunteer who has cause to suspect that a child in a childcare facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a childcare facility is legally required to report the case.

A “childcare facility” includes any DHHS-licensed classroom or program operated by the school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs, and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child’s care is being provided in a child care facility must be resolved in favor of reporting, and the report should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by board, the principal shall immediately notify the superintendent of the suspected maltreatment. No reprisals of any kind may be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed

classroom or program operated by the board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system.

D. COOPERATION WITH STATE AND LOCAL AGENCIES

1. The principal may establish a contact person in the school to act as a liaison with state and local agencies charged with investigating reports made pursuant to this policy.

2. Employees shall cooperate fully with agency personnel conducting an investigation.

3. In a case under the jurisdiction of local law enforcement in which the child's parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.

4. In a case under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.

5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.

6. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.

7. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly connected with carrying out the responsibilities of the school system or the employee.

E. SHARING INFORMATION WITH OTHER AGENCIES

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to(1) any assessment by the department of social services of a report of child abuse, neglect, dependency, or death as a result of maltreatment;(2) the provision or arrangement of protective services in a child abuse, neglect, or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court.

F. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM

In even numbered years, the school system will provide a child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals. The program will include at least two hours of training related to best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. Designated school personnel shall participate in such training as required by law and board policy.

The superintendent shall develop any necessary procedures for making a report pursuant to this policy, for sharing information with designated agencies, and for cooperating with agency investigations.

In addition to the requirements of this policy, any administrator who knows or has reason to believe that a licensed employee has engaged in conduct which involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction in accordance with subsection C.4 of policy 4040/7310, Staff-Student Relations.

Employee Use of Social Media – Policy 7335

The board recognizes the importance of incorporating current technology tools, including new methods of electronic communication, into the classroom to enhance student learning. It further recognizes the importance of employees, students and parents engaging, learning, collaborating and sharing in digital environments as part of 21st century learning. The board strives to ensure that electronic communication tools incorporated into the school curriculum are used responsibly and safely. As practicable, the board will provide access to secure social media tools and board approved technologies for use during instructional time and for school-sponsored activities in

accordance with policies 3220, Technology in the Educational Program, and 3225/4312/7320, Technology Responsible Use.

The board acknowledges that school employees may engage in the use of social media during their personal time. School employees who use social media for personal purposes must be mindful that they are responsible for their public conduct even when not acting in their capacities as school system employees. All school employees, including student teachers and independent contractors shall comply with the requirements of this policy when using electronic social media for personal purposes.

For the purposes of this policy, "social media" includes, but is not limited to: personal websites, web logs (blogs), wikis, social network sites, online forums, virtual worlds, video-sharing websites and any other social media generally available to the public or consumers that does not fall within the board's technologies network (e.g., Web 2.0 tools, MySpace, Facebook, Twitter, LinkedIn, Flickr, YouTube, Instagram, TikTok, Snapchat).

A. Social Media Communications Involving Students

Employees are to maintain professional relationships with students at all times in accordance with policies 4040/7310, Staff-Student Relations, and 7300, Staff Responsibilities. All electronic communications with students who are currently enrolled in the school system must be school-related and within the scope of the employees' professional responsibilities, unless otherwise authorized by this policy. School personnel may use only school-controlled technological resources and social media tools to communicate directly with students or to comment on student matters through use of the Internet. An employee seeking to utilize and/or establish a non-school-controlled social media website for instructional or other school-related purposes must have prior written approval from the superintendent or designee and principal and meet any applicable requirements of policies 3220, Technology in the Educational Program, 3225/4312/7320, Technology Responsible Use, and 3227/7322, Web Page Development.

The use of electronic media for communicating with students and parents is an extension of the employee's workplace responsibilities. Accordingly, the board expects employees to use professional judgment when using social media or other electronic communications.

Employees are prohibited from knowingly communicating with current students through a personal social network page. An internet posting on a personal social media website intended for a particular student will be considered a form of direct communication with that student in violation of this policy. However, an employee may communicate with a student using personal social media networks to the extent the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the

employee's child, or a member or participant in the same civic, social, recreational, sport or religious organization.

B. Employee Personal Use of Social Media

The board respects the right of employees to use social media as a medium of self-expression on their personal time. As role models for the school system's students, however, employees are responsible for their public conduct even when they are not performing their job duties as employees of the school system. Employees will be held to the same professional standards in their public use of social media and other electronic communications as they are for any other public conduct. Further, school employees remain subject to applicable state and federal laws, board policies, administrative regulations and the Code of Ethics for North Carolina Educators, even if communicating with others concerning personal and private matters. If an employee's use of social media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Employees are responsible for the content on their social media sites, including content added by the employee, the employee's friends or members of the public who can access the employee's site, and for Web links on the employee's site. Employees shall take reasonable precautions, such as using available security settings, to restrict students from viewing their personal information on social media websites and to prevent students from accessing materials that are not age-appropriate.

School employees are prohibited from accessing social networking websites for personal use during instructional time or with school system technological resources.

C. Posting to Social Media Sites

Employees who use social media for personal purposes must be aware that the content they post may be viewed by anyone, including students, parents and community members. Employees shall observe the following principles when communicating through social media:

1. Employees shall not post confidential information about students, employees or school system business.

2. Employees shall not accept current students as "friends" or "followers" or otherwise connect with students on their personal social media sites, unless the employee and the student have a family relationship or other type of appropriate relationship which originated outside of the school setting.

3. Employees shall not knowingly allow students access to their personal social media sites that discuss or portray sex, nudity, alcohol or drug use or other behaviors associated with the employees' private lives that would be inappropriate to discuss with a student at school.

4. Employees may not knowingly grant students access to any portions of their personal social media sites that are not accessible to the general public, unless the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting.

5. Employees shall be professional in all Internet postings related to or referencing the school system, students and other employees.

6. Employees shall not use profane, pornographic, obscene, indecent, lewd, vulgar or sexually offensive language, pictures or graphics or other communication that could reasonably be anticipated to cause a substantial disruption to the school environment.

7. Employees shall not use the school system's logo or other copyrighted material of the system without express, written consent from the board.

8. Employees shall not post identifiable images of a student or student's family without permission from the student and the student's parent or legal guardian.

9. Employees shall not use internet postings to libel or defame the board, individual board members, students or other school employees.

10. Employees shall not use internet postings to harass, bully or intimidate other employees or students in violation of policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, or state and federal laws.

11. Employees shall not post inappropriate content that negatively impacts their ability to perform their

12. Employees shall not use Internet postings to engage in any other conduct that violates board policy and administrative procedures or state and federal laws.

D. CONSEQUENCES

School system personnel shall monitor online activities of employees who access the Internet using school technological resources. Additionally, the superintendent or designee may periodically conduct public Internet searches to determine if an employee has engaged in conduct that violates this policy. Any employee who has been found by the superintendent to have violated this policy may be subject to disciplinary action, up to and including dismissal.

The superintendent shall establish and communicate to employees guidelines that are consistent with this policy.

Political Activities – Policy 7720

The employee's right of citizenship involving registering, discussing political issues, voting, campaigning for candidates or issues, running for or serving in public office, and participating on a committee or board that seeks to serve the welfare of the community, will not be infringed upon due to employment by the school system.

These political activities must not:

1. take place during school time;
2. involve school monies or materials; or
3. make use of an official school position to encourage or to coerce students or other employees of the system to support in any way a political party, candidate or issue.

This policy should not be construed as prohibiting the impartial study and discussion of political or other controversial issues in the classroom setting.

Employee Conflict of Interest– Policy 7730

Employees are expected to avoid engaging in any conduct that creates or gives the appearance to the public of creating a conflict of interest with their job responsibilities. Employees shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system. Although conflicts of interest are not limited to those described in this policy, at a minimum employees must comply with the board directives established below. In addition, employees engaged directly or indirectly in the school system's procurement, purchasing, and/or contracting process must comply with policy 6401/9100, Ethics and the Purchasing Function.

A. CONTRACTS WITH THE BOARD

An employee shall not do any of the following:

1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;

2. participate in the selection, award, or administration of a contract supported in whole or in part by federal funds if the employee has a real or apparent conflict of interest as described in policy 8305, Federal Grant Administration;

3. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the employee will obtain a direct benefit from the contract; or

4. solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the board.

An employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. An employee is involved in making a contract if he or she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract.

An employee derives a direct benefit from a contract if the employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board and the spouse of the superintendent if approved by the board in an open session meeting in accordance with the requirements of state law and subsection D.2 of policy 7100, Recruitment and Selection of Personnel.

B. MISUSE OF INFORMATION

An employee shall not do any of the following:

1. use information, which was learned in the employee's role as an employee and which has not been made public, to acquire a financial interest or gain a financial benefit, or to intentionally help another do so; or

2. acquire or gain, or intentionally help another person to acquire or gain, a financial interest or benefit in contemplation of official action by the employee or the school system.

C. NON-SCHOOL EMPLOYMENT

The board recognizes that some employees may pursue additional compensation on their own time. Any such employee shall not engage in the following:

1. non-school employment that adversely affects the employee's availability or effectiveness in fulfilling job responsibilities;

2. work of any type in which the sources of information concerning customer, client, or employer originate from any information obtained through the school system;

3. work of any type that materially and negatively affects the educational program of the school system;

4. any type of private business using system facilities, equipment, or materials, unless prior approval is provided by the superintendent; or

5. any type of private business during school time or on school property, unless prior approval is provided by the superintendent.

The superintendent may grant prior approval for work performed under subsections C.4 and C.5 above if such work enhances the employee's professional ability or professional growth for school-related work. The superintendent may establish reporting procedures that require employees to notify the school system of any non-school employment.

Except as otherwise provided in the superintendent's contract, the superintendent is subject to the provisions of this section on non-school employment and shall seek prior approval from the board before engaging in consulting or other employment activities outside the school system. The board expects the superintendent to comply with all sections of this policy and all state and federal laws regarding conflicts of interest in his or her position as superintendent.

D. RECEIPT OF GIFTS

No employee may solicit or accept any gifts from any potential or current provider of E-rate services or products in violation of federal E-rate program gifting rules.

No employee may solicit or accept trips, meals, favors, or other gifts or items of monetary value from any other person or group desiring to do or doing business with the school system, unless such gifts are of nominal value ($50 or less) and (1) are instructional products or advertising items that are widely distributed; (2) are honorariums for participating in a meeting; (3) are meals served at a banquet; or (4) are approved for receipt by the superintendent or designee. These exceptions for gifts of nominal value do not apply to employees involved in purchasing and procurement activities except as provided in policies 6401/9100, Ethics and the Purchasing Function, and 8305, Federal Grant Administration, and applicable state and federal law.

E. VIOLATIONS

The superintendent or designee shall ensure that all personnel are aware of the requirements of this policy and applicable conflict of interest laws. Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 6401/9100, Ethics and the Purchasing Function, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 6401/9100, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Authority of School Personnel Policy 4301

The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that if violated could result in short-term or long-term suspension or expulsion.

The teacher has the authority and responsibilities to manage student behavior in the classroom and while students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction

provided by the board and school. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds, or at any school-sponsored activity.

Teachers and other school employees have the authority to manage or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to quell a disturbance threatening injury to others;
2. to obtain possession of a weapon or other dangerous object on the person, or within the control, of a student;
3. for self-defense;
4. for the protection of persons or property; or
5. to maintain order on school property, in the classroom, or at a school-related activity on or off school property.

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions~~,~~ during any period of time when they are subject to the authority of such personnel.

Rules for Seclusion and Restraint in Schools Policy 4302-R

The following rules shall govern the use of seclusion and restraint by school personnel. As used in this regulation, "school personnel" means an employee of the board and any persons working on school grounds or at a school function (1) under a contract or written agreement with the public school system or (2) for another agency to provide educational or related services to students.

Seclusion and restraint will not be used on students with disabilities (1) for behavior(s) that would not result in seclusion or restraint for students without identified disabilities, unless the use if authorized by the student's IEP or Section 504 Plan for an educational or safety-related purpose, or (2) based on assumptions or stereotypes about disabilities or students with disabilities generally.

A. Physical Restraint

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student's body.

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

1. as reasonably needed to obtain possession of weapons or other dangerous objects on the person, or within the control of a student;
2. as reasonably needed to maintain order or to prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
5. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
6. as reasonably needed to escort a student safely from one area to another;
7. if used as provided for in an IEP, Section 504, or behavior intervention plan; or
8. as reasonably needed to prevent imminent destruction to school or another person's property.

Except as set forth above, physical restraint of students will not be considered a reasonable use of force and its use is prohibited. In addition, physical restraint will not be considered a reasonable use of force when used solely as a disciplinary consequence.

Prone restraint is a form of physical restraint in which a person is held in a face-down position on the floor or other surface. Prone restraint does not include placement in a face-down position as part of a necessary medical intervention. The use of prone restraint is prohibited.

B. MECHANICAL RESTRAINT

Mechanical restraint means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.

Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

1. when properly used as an assistive technology device included in the student's IEP, Section 504, behavior intervention plan, or as otherwise prescribed by a medical or related service provider;
2. when using seat belts or other safety restraints to secure a student during transportation;
3. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
4. as reasonably needed for self-defense; or
5. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying down, taping or strapping down of a student, will not be considered to be a reasonable use of force, and its use is prohibited.

C. Seclusion

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving or (b) incapable of leaving due to physical or intellectual capacity.

Seclusion of a student by school personnel may be used in the following circumstances:

1. as reasonably needed to respond to a person in control of a weapon or other dangerous object;
2. as reasonably needed to maintain order or prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or
5. when used as specified in the student's IEP, Section 504, or behavior intervention plan; and

    a. the student is constantly monitored by an adult in close proximity who is able to see and hear the student at all times;
    b. the student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP, Section 504, or behavior intervention plan;
    c. the confining space has been approved for such use by the school system
    d. the space is appropriately lighted, ventilated and heated or cooled; and
    e. the space is free from objects that unreasonably expose the student or others to harm.

Except as set forth above, the use of seclusion is not considered to be reasonable force and its use is prohibited. In addition, seclusion will not be considered a reasonable use of force when used solely as a disciplinary consequence.

D. Isolation

Isolation means a behavior management technique in which a student is placed alone in an enclosed space form which the student is not prevented from leaving.

Isolation is permitted as a behavior management technique provided that:

1. the isolation space is appropriately lighted, ventilated and heated or cooled;
2. the duration of the isolation is reasonable in light of the purpose for the isolation;
3. the student is reasonably monitored; while in isolation and
4. The isolation space is free from objects that unreasonably expose the student or other to harm.

E. Time-Out

Time-out means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

F. Aversive Procedures

Aversive procedure means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability that causes or reasonably may be expected to cause one or more of the following:

1. Significant physical harm, such as tissue damage, physical illness or death;
2. Serious and foreseeable long-term psychological impairment;
3. Obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:

    a. electric shock applied to the body;
    b. extremely loud auditory stimuli;
    c. forcible introduction of foul substances to the mouth, eyes, ear, nose, or skin;
    d. placement in a tub of cold water or shower;
    e. slapping, pinching, hitting or pulling hair;
    f. blindfolding or other forms of visual blocking;
    g. unreasonable withholding of meals;
    h. eating one's own vomit; or
    i. denial of reasonable access to toileting facilities.

The use of aversive procedures in public schools is prohibited.

G. Notice, Reporting and Documentation

1. School staff will promptly notify the principal or designee of any of the following:

   a. any use of aversive procedures;
   b. any prohibited use of mechanical restraint;
   c. any use of physical restraint resulting in observable physical injury to a student;
   d. any prohibited use of seclusion; or
   e. any seclusion exceeding ten minutes or beyond the amount of time specified on a student's behavior intervention plan.

2. Notice to Parents

   When a principal or designee has personal or actual knowledge of any of the incidents listed above, he or she shall promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident.

3. Written Report to Parents

   Within a reasonable period of time not to exceed 30 days after any incident listed in subsection G.1 of this regulations occurs, the principal or designee will also provide the parent or guardian with a written incident report. This report must include the following:

   a. the date, time of day, location, duration, and description of the incident and interventions;
   b. the events or events that led up to the incident;
   c. the nature and extent of any injury to the student; and
   d. the name of a school employee the parent or guardian can contact regarding the incident.

4. Reporting to State Board

   The board will maintain a record of incidents reported under the procedure described above and will provide this information annually to the State Board of Education.

5. Non-Retaliation for Reporting

   An employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion, or aversive procedure shall NOT be discharged, threatened, or retaliated against through compensation, terms, conditions, location, or privilege of employment by any local board

of education or any employee unless the employee knew or should have known that the report was false.

DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW Policy Code: 1710/4020/7230

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 prohibits discrimination on the basis of race, sex, color, national origin, religion, disability, or age (40 or older), and will provide equal access to the Boy Scouts and other designated youth groups as required by law.

The board will not tolerate any form of unlawful discrimination or harassment in any of its education activities or programs. All forms of prohibited discrimination and harassment are subject to this policy except the following, for which the board has established more specific policies.

- Discrimination and harassment on the basis of sex is addressed in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

- Discrimination and harassment in employment is addressed in policy 7232,

- Discrimination and Harassment in the Workplace.

In addition, the process set out in this policy for bringing complaints does not apply to the following.

- Complaints of sexual harassment will be brought in accordance with the processes established in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

- Employee allegations of discrimination or harassment will be addressed using the process established in policy 7232, Discrimination and Harassment in the Workplace.

- Allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

The board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The superintendent is responsible for providing effective notice of this policy to students, parents, and employees.

The board encourages students, visitors, and other non-employee individuals who believe that they may have been discriminated against or harassed in violation of this policy, (including on the basis of disability, as specified in policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities), to report such conduct as soon as possible through the process provided in Section B of this policy. Employees who believe that they may have been discriminated against or harassed should report through the process provided in policy 7232, Discrimination and Harassment in the Workplace. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination or harassment may report the conduct to an individual designated in Section B of this policy.

Any report made through the process established in this policy may be made anonymously, except mandatory employee reports.

A. Prohibited Behavior

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination and harassment as defined below by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

1. Discrimination

   Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a legally-protected class so as to interfere with or limit their ability to participate in or benefit from the services, activities, or privileges offered by the school system's education program. For purposes of this policy, the legally protected classes are race, color, national origin, religion, and disability.

2. Harassment

   Prohibited harassment is deliberate unwelcome conduct directed at another person or group of persons based on their membership in a legally protected class that creates a hostile environment. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person's ability to participate in or benefit from the services, activities, or opportunities offered by the school system.

Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Harassment may occur through electronic means, such as through the Internet, email, or text message. Legitimate age-appropriate pedagogical techniques are not considered harassment.

3. Application of the Policy

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

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

B. REPORTING DISCRIMINATION OR HARASSMENT

1. Any person who believes that he or she has been discriminated against or harassed in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination or harassment should inform a school official designated in Section C below. Reports also may be made anonymously through the anonymous tip line.

2. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that a student or other individual may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about whether particular conduct is possible discrimination or harassment under this policy or any other policy of the board must be resolved in favor of reporting the conduct.

Employees who observe an incident of harassment are expected to

intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

3. Preliminary Inquiry

School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. Complaints of Discrimination and Harassment

1. A student, visitor, or other non-employee individual who believes he or she is the victim of unlawful discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to unlawful discrimination or harassment under this policy, may make a formal written complaint to any of the following persons:

   a. the principal or assistant principal of the school at which either the alleged victim or alleged perpetrator attends or is employed;

   b. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or

   c. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

   If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the senior human resources official without delay.

2. A written complaint alleging that a student has been discriminated against or harassed will be addressed in accordance with this policy.

   A written complaint alleging that an employee has been discriminated against or harassed will be addressed in accordance with policy 7232, Discrimination and Harassment in the Workplace.

   A written complaint alleging that person who is not a student or employee has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in policy 1742/5060, Responding to Complaints, not this policy.

3. Time Period for Making a Complaint

Alleged discrimination or harassment should be reported 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.

D. School Officials' Response to Reports and Complaints of Discrimination or Harassment

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated at the discretion of school officials and may be investigated even if the alleged victim does not seek action by school officials.

a. The principal or designee or site supervisor will be the investigator when the alleged perpetrator is a student or third party. The senior human resources official or designee will be the investigator when the alleged perpetrator is an employee. The superintendent may determine that individual circumstances warrant the assignment of a different investigator.

   Notwithstanding the above designations, (1) if the alleged perpetrator is the senior human resources official, the superintendent will be the investigator, and (2) if the alleged perpetrator is the superintendent or a member of the board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. As applicable, the investigator shall immediately notify the Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may request assistance from the coordinator in conducting the investigation.

c. If the investigator, after interviewing the complaining party and/or the alleged victim and consulting with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and the process for addressing the complaint will be provided to the complaining party.

d. Any investigation conducted must be impartial, prompt, and thorough.

The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances, and in consultation with the board attorney as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

e. The complaint and investigation will be kept confidential to the extent possible and consistent with law. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information.

2. Investigator's Findings

a. If the investigator finds that discrimination occurred, the investigator shall take or recommend steps to address the discrimination.

b. If the investigator finds that harassment occurred and created a hostile environment, the investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the hostile environment and prevent its recurrence.

c. If the investigator finds that the conduct did not violate this policy but violated policy 4329/7311, Bullying and Harassing Behavior Prohibited, or another board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.

d. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.

e. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

a. The superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:

i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;

ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and

iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

b. Appropriate steps to end discrimination and harassment may include, but are not limited to, separating the parties, providing counseling for the parties, and/or taking disciplinary action against a perpetrator determined to have violated this policy. The superintendent may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The superintendent also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses such as additional staff training, harassment prevention programs, and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

c. The applicable civil rights coordinator shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. APPEALS

1. If the alleged victim is dissatisfied with the outcome of the investigation, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the superintendent, in which case the alleged victim may appeal directly to the board in accordance with the next paragraph). The appeal must be submitted in writing within three school business days of receiving the notice of the outcome of the investigation. 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. Student victims may appeal the superintendent's decision to the board in accordance with subsection E.5.a of policy 1740/4010, Student and Parent Grievance Procedure. Employees may appeal the superintendent's decision to the board in accordance with subsection E.4.a of policy 1750/7220, Grievance Procedure for Employees.

3. Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

F. Retaliation Prohibited

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual who makes a good faith report of discrimination or harassment. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

G. Training and Programs

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and complaint procedure in this policy and those in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process, must be included in the training plan.

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

H. Records

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination or harassment. 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(s) or other steps taken by the school system to provide an environment free of discrimination and harassment.

I. Contacts for Inquiries

The superintendent has appointed individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the designated civil rights coordinators is as follows.

a. Section 504 Coordinator: Dr. Jack Cagle
Office Address: 441 Page Street, Troy, NC 27371
Email Address: jack.cagle@montgomery.k12.nc.us
Phone Number: (910) 576-6511

b. ADA Coordinator: Dr. Toni Warrick
Office Address: 441 Page Street, Troy, NC 27371
Email Address: toni.warrick@montgomery.k12.nc.us
Phone Number: (910) 576-6511

c. Age Discrimination Coordinator: Dr. Toni Warrick
Office Address: 441 Page Street, Troy, NC 27371
Email Address: toni.warrick@montgomery.k12.nc.us
Phone Number: (910) 576-6511

d. Coordinator for Other Non-discrimination Laws: Dr. Toni Warrick
Office Address: 441 Page Street, Troy, NC 27371
Email Address: toni.warrick@montgomery.k12.nc.us
Phone Number: (910) 576-6511

E. IDEA Coordinator: Dr. Jennifer Mason
Office Address: 441 Page Street, Troy, NC 27371
Email Address: jennifer.mason@montgomery.k12.nc.us
Phone Number: (910) 576-6511

The contact information for the U.S. Department of Education Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020 TDD: 800-877-8339
FAX: 202-453-6021 Email: OCR.DC@ed.gov

Every attempt has been made to ensure the accuracy of the above Montgomery County Schools Employee Handbook; however, any applicable federal and state laws and the most up-to-date policies, as approved by the Montgomery County Board of Education, will always take precedence in the event of a discrepancy."

MONTGOMERY COUNTY SCHOOLS
TECHNOLOGY ACCEPTABLE USE AGREEMENT FOR STAFF – Policy Code 3225/4312/7320-E-1

Read carefully the Montgomery County Schools' *Technology Acceptable Use Policy* (policy 3225/4312/7320). Sign and return this page to the designated person at your work site.

EMPLOYEE AGREEMENT:

I have read, understand and will abide by the Rules and Regulations for Montgomery County Schools' *Technology Acceptable Use Policy* (policy 3225/4312/7320). I further understand that any violation may result in the loss of access privileges and/or in other legal or disciplinary actions.

I also understand that as a school employee it is my responsibility to remind students to adhere to the Technology Acceptable Use Policy.

Employee Name: (please print) _____

Employee Signature: _____Date:_____

STAFF-STUDENT RELATIONS

AGREEMENT TO ADHERE TO POLICY

I, _____, as an employee of
Printed Name

Montgomery County Schools, have read and fully understand Policy Code

4040/7310, and agree to abide by the guidelines prohibiting Staff-Student

Relations. I understand that any breach of this policy may result in disciplinary action, up to and including my dismissal.

Signature: _____Date:_____