

CHATHAM CHARTER SCHOOL BOARD POLICY SERIES 200 PERSONNEL

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Lex-is School Law Services

David R. Hostetler
1289 Fordham Blvd., #251
Chapel Hill, NC 27514

Phone: (919) 442-8593
Email: Services@Lex-is.com
www.Lex-is.com

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200. PERSONNEL – POLICIES AND PROCEDURES

201. OVERVIEW

The hiring, developing, and retention of outstanding faculty and staff is the most effective way for the School to insure educational excellence. The following policies shall be interpreted and implemented to uphold this objective.

202. LEGAL COMPLIANCE

The Board and its employees shall strive to comply with and to enforce all policies, procedures, and practices consistent with all laws and regulations governing the School.

202.1. Equal Employment Opportunity

The School shall provide equal opportunities for employment and compensation for all persons without regard to race, color, sex, age, religion, national origin, disability, veteran status or other protected legal classifications. All applicants for employment and employees will be evaluated, respectively, based on their qualifications and performance.

202.2. Reasonable Accommodation

The School shall comply with federal and state duties not to discriminate against qualified individuals with a disability or because of a sincerely held religious belief. The School shall strive to reasonably accommodate any individual applicant for employment or employee who is entitled to such accommodation, provided such accommodation does not impose an undue burden or risk to the safety or health of any other person in the School community.

202.3. Fair Labor Standards Act Compliance

The School shall comply with the wage and hour requirements of Fair Labor Standards laws, including minimum wage and overtime requirements for covered non-professional staff.

202.3.1. Workweek

For purposes of such compliance the employee workweek shall be from 12:00 a.m. Sunday to 11:59 p.m. the following Saturday.

202.3.2. Time and a Half for Overtime

Covered employees (typically non-professional and support staff) shall be entitled to time and a half pay for all hours worked beyond forty in a given work week except as provided in this policy regarding compensatory time. No covered employee shall engage in overtime except when approved in writing by an authorized supervisor or in emergency or other extraordinary circumstances when it is necessary for safety or other compelling reasons; in such instances the employee shall promptly notify the authorized supervisor. Violations of this policy may result in disciplinary action, including dismissal. Supervisors shall make every attempt to modify employee schedules to avoid their working more than forty hours in a given week. All overtime shall be in accordance with the U.S. Department of Labor's Fair Labor Standards Act (FLSA).

202.3.3. Record-Keeping

Covered employees shall maintain specific and accurate daily records of their hours worked on forms provided by the School. Such records shall use specific, not approximate, times worked.

202.3.4. Volunteer Work

Non-exempt employees may volunteer to work at School-related activities, subject to their supervisors' written approval, provided the work is entirely voluntary, is without coercion, and is in an entirely different capacity from the employee's regularly assigned duties. Employees may not volunteer to perform the same or similar types of services that they are employed to perform for the School. Such work will be treated as regular work and be subject to hourly compensation and overtime rules. In instances where volunteer work should be approved or constitutes similar work, the supervisor should consult with the School attorney or other informed persons.

202.4. State and Federal Employee Rights Notices

The School provides notice herein and in a prominent place at the School to employees of their various rights under state and federal law. Copies of these notices may be found online at <http://www.nclabor.com/posters/posters.htm>. They include the following:

- a. N.C. Labor Laws Notice
- b. Workers' Compensation Notice
- c. Equal Opportunity is the Law Notice
- d. Fair Labor Standards Act Minimum Wage Notice
- e. Employee Polygraph Protection Act (EPPA)
- f. Family Medical Leave Act (FMLA)
- g. Workers With Disabilities Paid at a Special Minimum Wage
- h. Employees Working on Government Contracts
- i. Uniformed Services Employment and Re-employment Rights Act (USERRA)

203. EMPLOYEE CLASSIFICATIONS, TERMS, AND DISTINCTIONS

203.1. Classifications and Distinctions

The Board employs various types of employees, each with a unique and important role that helps fulfill the School's mission. Students benefit when each employee performs his role well and in coordination with others.

Employee classification depends on such factors as job responsibilities, extent and term of employment, contractual considerations, and extent of work performed.

The various classifications and combinations of classifications may dictate the legal or contractual rights and duties of each individual employee. Classifications and distinctions include the following:

- a. Instructional, administrative, and support staff
- b. Full-time, part-time, permanent, and temporary staff
- c. Salaried, hourly, contractor, and volunteer staff
- d. At-will and specific-term contracted staff

203.2. Instructional, Administrative, and Support Staff

Instructional and administrative employees are sometimes referred to, collectively, as professional staff because they often require and possess specialized professional training, experience, and skill. Such employees are typically (but not necessarily) paid as salaried employees exempt from overtime laws.

203.2.1. Instructional Staff Members

Instructional staff members are those whose primary function directly or indirectly involves classroom teaching or the supervision thereof.

203.2.2. Administrative Staff Members

Administrative staff members oversee and manage the various operations of the School and/or supervision of instruction and are typically involved in School-wide decision-making. Such staff members have discretionary authority to make decisions. Administrative employees include the School Head of School(s), Assistant Head of School(s), and other appointed for similar oversight and discretionary roles.

203.2.3. Support Staff Members

Support staff members support and enable the instructional and administrative functions and are essential to effective delivery of instruction and to School operations. Such employees do not typically require advanced education to perform their work and are typically (though not always) paid as hourly employees subject to overtime laws.

When circumstances require, the Head of School or designee shall, with necessary assistance from legal counsel or other qualified professional, formally designate an employee as instructional, administrative, or support staff and identify which of these employees are exempt and covered employees by wage and hour laws.

203.3. Full-Time, Part-Time, Permanent or Temporary Employment

203.3.1. Full-Time Employment

Full-time Employment involves a regular workweek of thirty or more hours of work.

203.3.2. Part-Time Employment

Part-time Employment involves a regular or occasional workweek of less than thirty hours of work.

These employees are not eligible for any leave, but may qualify for retirement benefits when they meet the special eligibility requirements outlined in the School's retirement plan.

203.3.3. Temporary Employment

Temporary Employment staff members are employed for an interim, short-term, or occasional period of time.

203.4. Salaried, Hourly, Contractor, and Volunteer Staff

Typically, full-time professional staff members are paid a regular salary, while full-time and part-time support staff members are paid an hourly wage usually subject to overtime laws. The Board or the Head of School may pay professional staff as salaried or as hourly employees, depending on whether they are part-time or temporary employees. Contractor staff members are self-employed or employed by another organization and provide services as required by the School; they are paid pursuant to the contract terms with the contracting agent or organization.

203.5. At-Will and Specific-Term Contracted Staff

The type of employment contracts under which staff members are hired, shall be primarily distinguished either as at-will or by specific-term contracts that determine the rights and duration of staff employment. At-will and specific-term employees may be part-time or full-time, permanent or temporary, and professional or support staff employees, depending on the terms of their respective contracts.

Staff members who are employed at will serve at the pleasure of the Board and have no guaranteed duration of employment. Generally, support staff and in some cases interim, temporary or part-time instructional and administrative staff members are employed at will. Permanent, full-time professional staff may be employed pursuant to specific-term employment contracts that specify the duration of employment and/or the grounds and process by which the employment is to be carried out, modified, and/or terminated.

The rights, duties, and procedures by which the School binds itself contractually are contained strictly in the employment contracts. No School policies are considered part of the School's contractual obligations unless they are incorporated explicitly within specific employment contracts.

203.6 Family and Medical Leave (FMLA)

The Family and Medical Leave Act (FMLA) allows eligible employees to take 12 of unpaid, job-protected leave for personal and family medical conditions, and for the birth of or placement of a child (e.g., adoption or foster care), while receiving regular employee health care coverage. Such FMLA leave will first involve an employee's paid leave, and may also apply retroactively.

Eligibility. Eligible employees must have worked for 12 months consecutive or non-consecutive for at least 1,250 hours during the 12-month period immediately preceding the FMLA leave.

Coverage. FMLA leave for eligible employees is available for up to 12 weeks per 12-month period for

- to care for the employee's spouse, son, daughter, or parent with a serious health condition,
- the employee's own serious health condition that makes the employee unable to perform the functions of his/her job, or
- the birth and care of a newborn child,
- the placement with the employee of a child for adoption or foster care,
- a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on active duty in the armed forces (or has been notified of an impending call or order to active duty).

The period of leave begins from the first day of FMLA leave and may occur taken continuously, intermittently, or on a reduced schedule when medically necessary or related to a qualifying exigency arising out of active duty service.

Spousal Limitation. Spouses who are both FMLA eligible school employees may share FMLA leave; together, such spouses are entitled to a combined total of 12 weeks during any 12-month period exception of leave needed to care for a child with a serious health condition.

Service Member Care. An eligible employee may take up to 26 weeks of FMLA leave during a single 12-month period to care for a spouse, son, daughter, parent or next of kin who is a military service member suffering from serious injury or illness incurred while on active duty.

Exhausting Other Leave. An FMLA eligible employee must, to the extent legally permissible, exhaust other available earned compensatory and non-compensatory accrued personal leave as part of their FMLA leave (applied concurrently), with accrued compensatory time used first.

30-day Advanced Notice. An eligible employee, whenever feasible, shall notify the Head of School (or his or her designee) of the employee's intent to take such leave at least 30-days before FMLA leave may begin. In instances when such 30-day notice is not feasible, the employee shall give notice as soon as feasible in advance of the intended beginning of the leave. The employee shall indicate the nature and timing of the leave, including its purpose and whether the desired leave will be continuous, intermittent, or on a reduced schedule. Failure to provide proper notice may preclude or delay the allowance for the leave. When planning intermittent or reduced schedule leave, the employee shall coordinate with the employee's supervisor to establish a schedule leave that minimally affects school operation.

Medical Certification. In cases of leave based on a serious health condition, the eligible employee shall provide credible and verifiable medical certification of such condition from a licensed health care provider. The school may require recertification every 30 days during the FMLA leave. In appropriate and necessary circumstances, the school may require an employee to report periodically on his or her condition status and intent to return to work, as well as to medically certify his or her fitness to return to work.

Return from Leave. At the conclusion of the FMLA leave, provided the employee is fit to return to work, the employee will return to his or her regular or an equivalent position, with the similar pay, benefits, and terms of employment that existed prior to the leave. School teaching employees, to the extent legally permitted, near the end of an academic term may be required to extend their leave until the end of the school term to avoid classroom disruption or discontinuity.

Reimbursement for Benefits Received. If an employee fails to return to work following approved FMLA leave for any reason that is not protected by the FMLA or other law, the school may require the employee to reimburse the school for the cost of health care premiums paid by the school during the employee's FMLA leave.

204. EMPLOYMENT PROCEDURES: HIRING, EVALUATION, AND SEPARATION

204.1. Hiring of Employees

The Board is responsible for hiring or approving the hiring of competent and well-qualified staff based on the School's greatest needs. It shall do so, normally, upon the recommendation of and in coordination with the Head of School. The Board may also delegate to the Head of School the authority to make final employment decisions and to inform the Board of such decisions. In all instances, staff involved in hiring and supervision shall make every reasonable effort to conduct their duties in a responsible manner, to act only in the best interests of the School, to be able to explain and justify their decisions, and to document their efforts.

204.1.1. Job Postings

All permanent job positions should normally be posted at least two weeks before filling such

positions except in extraordinary circumstances necessitating a shorter period or no posting, as determined by the Head of School.

204.1.2. Employment Applications and Files

The School shall maintain a separate file for all pre-employment job applications. Such files are confidential and shall not be disclosed to employees or past employees.

204.1.3. Review and Interview Process

Staff responsible for processing applications and conducting interviews shall do so in a fair and expeditious manner, keeping a reasonable documented record of their efforts, interview questions, and related efforts that help to demonstrate how and why specific employment decisions are made.

204.1.4. Candidate Evaluation

The following components will be considered, as applicable, when evaluating candidates for employment:

- a. Application
- b. Academic qualifications
- c. Skill-based qualifications
- d. Record of experience, including background information, performance reviews, and references
- e. State licensure (for teaching positions for which licensure is required or desirable). Professional instructional employees normally must hold or be eligible to hold North Carolina licensure in the area of employment for which application is sought. In such instances establishing and maintain licensure with the North Carolina Department of Public Instruction is the responsibility of the individual employee. If a provisional or expired licensure is held, the employee must meet all requirements for certificate extension or renewal. Failure to establish or maintain a current licensure may be grounds for dismissal.
- f. Student teaching experience for teaching positions
- g. Criminal background check
- h. Personal interviews
- i. Other relevant information

204.1.5. Reference Check

When a person is considered a viable finalist for a position, the Head of School or designee shall check prior employment references. A reasonable number of such references should be completed before offering a job to an applicant. References may (and for some key positions should be) contacted beyond those provided by the applicant. The Head of School or designee should normally communicate to such applicants the possibility of such reference checks. Information obtained from such reference checks should be reasonably documented in the confidential pre-employment file. The applicant may also be required to sign an acknowledgment and release of liability for obtaining such information.

204.1.6. Criminal Background Check

All prospective employees, including substitutes, must successfully pass criminal records checks. Applicants shall answer completely and accurately all questions on their employment application with regard to previous criminal history. Failure to do so may preclude the applicant from being hired and subject a current employee to dismissal. Applicants shall consent in writing to a preliminary criminal record check and post-employment criminal record check and to

provide fingerprints and other identifying information required to complete such checks. Failure to consent or to provide relevant information may result in rejection of an applicant or dismissal of current employee.

A. **State Rules.** The following state rules shall apply with respect to criminal record checks:

1. Federal and state record checks will be performed for all applicants or conditional employees, in all states where the applicant or conditional employee has resided and worked.
2. The applicant or conditional employee will not be permanently employed if the criminal record check and supporting records, upon confirmation, reveal a “criminal history,” defined as the conviction of a crime, whether a misdemeanor or felony, that indicates the employee (1) poses a threat to the physical safety of students or personnel, or (2) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as a School employee.
3. Conviction of a crime, as used in this policy, includes the entry of (1) a plea of guilty, no contest, or the equivalent, (2) a verdict or finding of guilt in a court of law or military tribunal or (3) a prayer for judgment.
4. The School shall consult with legal counsel or obtain a certified copy of an applicant’s or conditional employee’s conviction notice prior to making any final employment decision based on the criminal history.
5. If the School considers criminal history in rejecting an applicant or dismissing a conditional employee, the Head of School or designee shall prepare written findings with regard to how such information was used.
6. The Head of School or designee shall provide to the State Board of Education information on where to obtain the record of conviction, including the person’s name, criminal case number, and the county of conviction for a person who is certified or licensed by the State Board of Education.
7. If a criminal record check reveals that an applicant or conditional employee was charged with but not convicted of a crime, whether misdemeanor or felony, and such charge indicates that the employee may not meet the Board’s employment standards, the Head of School may conduct further investigations into the person’s conduct and the circumstances surrounding the charge.
8. Applicants and current employees shall notify the School if they are charged with or convicted of a criminal offense (including entering a plea of guilt or no contest) except for minor traffic violations.
9. Information obtained as a result of a criminal record check shall be kept confidential as required by state law and regulations. The School shall retain only hard copy records from a criminal history check conducted through the North Carolina Department of Justice. These records shall be kept in a locked, secure place, separate from the individual’s personnel file.
10. If the School conducts criminal record checks that are subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.

B. Local School District Policy. State law requires the School to adhere to the criminal record check policy adopted by the LEA in which the school is located. At the time this policy was adopted, the Chatham Charter School’s criminal background check policy was as follows, as adapted for the School.

Application Of Policy. A criminal history check will be conducted on all final candidates who will be recommended to the board for employment, including independent

contractors who are being considered for performing the duties of a school personnel position.

Required Criminal History Check. The Head of School or designee is authorized to utilize local, state or national repositories of records as necessary to conduct a reasonable review.

The final candidates or contractors may be required to be fingerprinted and to provide any other information necessary to conduct the criminal history check. The criminal history check will be conducted at the LEA's expense. Any applicant who refuses to consent, including independent contractors, will not be considered for a school personnel position.

Employment Decisions. Any offer of employment is conditional on a favorable review of the criminal history. All newly-hired employees in school personnel positions will be considered temporary pending the review of the criminal records check. If a final candidate or contractor has a criminal history, the employment decision will include written documentation of how the criminal history information was used, including a determination of whether the final candidate/independent contractor (1) poses a threat to the physical safety of students or personnel or (2) has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position.

A final candidate or contractor will not be denied a position based upon the criminal history check by the Justice Department without confirmation of the criminal history by certified copy of the conviction or other means permitted by State Board rules.

False information on an employment application or contract, which is intended to defraud, falsify, materially misrepresent or conceal the truth regarding criminal history will be a basis for denying employment or immediate dismissal.

Maintenance of Records. Records obtained through criminal records checks will be maintained in a locked, secure place, separate from the individual's application or personnel file. The records will be accessible only to the Head of School /designee(s) involved in reviewing the criminal history or other personnel who have obtained prior permission from the Head of School.

Reporting Requirement. The Head of School will forward to the State Board, in accordance with State Board rules, the criminal history of any applicant who is licensed, certificated or certified by the State Board.

Contractors. If the School contracts with an outside person or entity to perform a job on a school campus or at a school-sponsored program, the contract must require the provider, and sub-contractors, to conduct annual checks of contract personnel on the State Sex Offender and Public Protection Registry, the State Sexually Violent Predator Registry, and the National Sex Offender Registry. Such contracts also must require providers and sub-contractors to conduct a comprehensive criminal history check on contract personnel. The contract with the outside person or entity shall provide that no individual who is on the State Sex Offender and Public Protection Registry, the State Sexually Violent Predator Registry, or the National Sex Offender

Registry, or who has any conviction or pending criminal matter that reflects a potential threat to students, school employees, or school property, may be used to deliver goods or services on school system property under the contract. Individuals who are carrying out duties that are customarily performed by school personnel, such as custodians, bus drivers or substitute teachers shall receive criminal history checks before starting work.

204.1.7. Nepotism

Purpose. The purpose of this nepotism policy is to protect the interests of the School when it is contemplating entering into an arrangement with an immediate family member of a member of the Board of Directors (the “**Board**”) or an employee of the School. This policy is intended to supplement but not replace any applicable state laws governing nepotism applicable to nonprofit and charitable corporations.

Policy. The Policy shall be as follows:

1. Before any immediate family, as defined in G.S. §115C-12.2, of any member of the Board or a charter school employee with supervisory authority shall be employed or engaged as an employee, independent contractor, or otherwise by the Board in any capacity, such proposed employment or engagement shall be:
 - (i) disclosed to the Board and
 - (ii) approved by the Board in a duly called open-session meeting.

The burden of disclosure of such a conflict of interest shall be on the applicable Board member or employee with supervisory authority. If the requirements of this subsection are complied with, the School may employ the immediate family of any member of the Board or a School employee with supervisory authority.

2. No teacher or staff member that is within the immediate family of the School’s chief administrator shall be hired without the Board evaluating that person’s credentials, establishing a structure to prevent conflicts of interest, and notifying the NC Department of Public Instruction, with evidence, that this process has occurred.

The term “immediate family member” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

204.1.8. Applicant Selection

Applicants recommended for hire by the Board may be notified of such recommendations. Such persons should be informed that recommendations require the approval of the Board (or its designee) and shall be followed by formal job offers and terms of agreement. Employment agreements shall normally be in writing and shall specify the basic terms and conditions of employment, including whether the employment relationship is at-will or, instead, governed by specific terms of duration and job security. All such agreements shall be approved by the Board, signed by the Head of School (or designee) and the applicant, and filed in the applicant’s personnel file. A person recommended for hire may, on the discretion of the Board or its designee, begin employment on a conditional basis pending the outcome of a criminal history check and final approval by the Board or its designee.

204.1.9. Contracts for Employment

Contracts for Employment are from July 1 to June 30. Instructional staff is typically on 10-month school year contracts. However, they are paid on a 12-month, pro-rated basis. The first payroll check is issued at the end of the first month of the school year. Unless otherwise stated by agreement, employees must sign and return their employment agreements to the office of the Head of School within three working days from the date the agreements are presented, or their offers are deemed withdrawn.

Agreements requiring licensure will be valid only after such licensure has been secured or as dictated by the respective employment contract. It is the responsibility of employees to provide any documentation or licensure to the appropriate division of the North Carolina Department of Public Instruction or licensing agency.

204.1.10. Extra Duty Contracts

Instructional staff members assigned extra duty responsibilities who have an extra duty clause in the "special conditions" section of their employment agreements may be required to continue to fulfill such duties and responsibilities as a condition of continued employment. Failure to do so may be considered grounds for dismissal.

204.1.11. Health Certificate

New employees and reinstated employees separated for more than one year must file a completed health certificate with the Head of School upon initial employment or re-employment. The certificate must indicate that the employee does not have any physical or mental condition, including a communicable disease, which unavoidably threatens the safety or health of any person in the School community

Employees who have one of the above mentioned conditions must take a leave of absence. Before returning to work, such employees must file a physician's certificate with the Head of School indicating that they are free from any such condition or disease that unavoidably threatens the safety or health of any person in the School community. The Board may require employees to take a physical examination when necessary.

204.1.12. New Employee Orientation

The School will normally provide all new permanent professional employees with initial training regarding the School's mission, objectives, performance standards and expectations, policies, procedures, and best practices. Such training should also be made available and tailored to support staff and other employees as feasible.

204.1.13. Student Teachers

The Board authorizes the Head of School or a designee to enter into agreements with accredited colleges and universities that establish student teaching opportunities.

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204.1.14. Substitute Teachers

Substitute teachers are employed to take the place of teachers who are temporarily absent or unable to fulfill their responsibilities.

Individuals seeking employment as substitute teachers must apply to the School. All substitute teachers shall be approved by the Head of School and shall be assigned by the Head of School or designee.

204.1.15. Personnel Files

The Head of School shall keep a personnel file for each employee. Separate sub-files shall be maintained, including the following:

- a. Pre-employment file: containing application documents, references, background information, interviewing and hiring notes, and other similar data.
- b. Informal Anecdotal file(s): containing informal notes and records including performance and attendance notes, and other data collected by an employee's supervisor or other administrator.
- c. Primary Personnel file: containing most formal employee information and data, including, but not limited to, attendance, leave, dates of employment, formal performance evaluations, complaints, commendations, employment status, salary, and benefits data.
- d. Medical and Health file: containing any employee information pertaining to medical and health matters.

Personnel information available for public disclosure, upon request, includes the following: employee name, age (not date of birth), date of original employment, current classification title, current salary, date and amount of most recent change in salary, and date of most recent promotion, demotion, transfer, suspension, separation, or other changes in position classification.

204.2. Professional Development

Professional development is important for employee growth and effectiveness. The goal of professional development is to improve the skills and knowledge needed by all staff to carry out their duties related to instruction and all School programs. The Head of School will promote opportunities for staff development.

Licensed personnel seeking to sustain their licenses shall request of the Head of School or designee, in advance, approval for credit to be received and applied towards meeting licensure renewal requirements.

204.3. Evaluation and Advancement

204.3.1. Overview

Effective personnel evaluation is essential to foster effective professional growth, performance, and operations. All employees will normally be evaluated and supported in their work based on a process developed and implemented by the Head of School. The Head of School or designee is responsible for clearly communicating the process to all employees.

Exceptional employee performance may warrant the award of performance bonuses and salary increases based on the Head of School's recommendations. The Board will make similar determinations for the Head of School based on a performance review process adopted by the Board.

204.3.2. Performance Evaluation

The goals for evaluation are:

- a. to assure understanding of effective performance and professional expectations;
- b. to assure effective and efficient operation of the School;
- c. to support professional improvement and advancement; and
- d. to determine continued employment, promotion, and compensation.

The evaluation provides a written record of the employee's service to the School, and provides a tool for growth and improvement of the employee. The evaluation must be fair and equitable and be conducted in a confidential manner.

A copy of the evaluation will be placed in the employee's personnel file.

The evaluation shall be done in cooperation with the employee's immediate supervisor. Upon completion of the evaluation process the supervisor will review the evaluation with the employee. Written assessment will be completed and provided to the employee at least twenty-four hours prior to such meeting.

Both parties will sign the evaluation, a copy will be given to the employee, and the original shall be placed in the employee's personnel file. Employees may attach written comments to the original signed evaluation. An employee's signature is not meant to indicate agreement with the evaluation, but to show the he has seen and reviewed the evaluation with the evaluator.

Staff requiring special oversight and support may be subject to action plans.

204.3.3. Action Plans

An employee who receives unsatisfactory ratings on an evaluation may be placed on an action plan to improve the employee's performance, unless the employee is recommended for dismissal, demotion or nonrenewal. An action plan may also be used whenever appropriate to address performance concerns.

- a. The action plan will contain a statement of the employee's performance concern(s) and list specific expectations for improvement. The Head of School or designee may consider input from the employee in developing the plan.
- b. While on the action plan, the employee's performance will be periodically reviewed to determine compliance with the objectives of the action plan.
- c. If the employee's performance fails to meet expectations stated in the plan, the Head of School will decide whether to recommend that the employee be dismissed or demoted. An action plan constitutes a warning to the employee that the employee must improve his performance in order to continue working for the School.
- d. This policy does not limit the Head of School's authority to recommend dismissal for any reason allowed by law.

204.3.4. Head of School Evaluation

The Board will establish a process and evaluate the Head of School(s) on an annual basis. The evaluation results will be discussed in a closed session of a board meeting. The Board will note areas for improvement and areas of strength in the Head of School's performance. This policy does not create any independent contractual obligation or right on behalf of the Head of School.

204.4. Employment Separation and Procedures

These provisions apply when an employee's relationship to the School is terminated for any reason, including retirement, resignation, disability, long-term leave, reduction in force, nonrenewal, or dismissal.

204.4.1. Resignation

An employee who wishes to voluntarily resign a position should provide advanced written notice of such resignation, particularly as required by the employee's contract. State ethics rules require licensed educators to provide at least 30 days advanced notice. The Head of School is authorized by the Board to negotiate and accept resignations and such acceptance shall be final and binding. The Head of School may waive the requirement for advanced notice of resignation. The requirement of advanced notice of resignation does not negate any contractual obligation owed by an employee to complete the term of his employment contract.

204.4.2. Disability

The School is committed to complying with all disability laws and regulations and to reasonably accommodate any disabled employees to enable them to perform their essential job functions. In accordance with the law, employees may need to be placed on a non-active status and/or be separated for reasons of disability when they are unable to perform their essential functions with or without an accommodation. Employees and job applicants who are or become disabled and require a reasonable accommodation are encouraged to communicate their needs and discuss options with an appropriate School supervisor to address issues related to the need for accommodation or a necessary change in job or application status. Disabled employees, by law, may be held to the same performance standards as non-disabled employees.

204.4.3. Retirement

Eligible employees receive retirement benefits offered by the School, which may be subject to change from time to time. The School will make available any necessary information to such employees regarding the type and nature of the School's retirement plan and benefits and other information to enable eligible employees to participate fully and in an informed manner. Chatham Charter School DOES NOT participate in the North Carolina Retirement system.

204.4.4. Reduction in the Force (RIF)

A RIF is any employee reduction in pay, suspension, or termination based on unavoidable financial contingencies.

204.4.5. Grounds for RIF

The following may necessitate a reduction in force:

- a. *School Reorganization*: closure, suspension, elimination, curtailment, or reorganization of the School, facilities, programs or curriculum offerings.
- b. *Decreased Enrollment*: a substantial decline in actual or projected enrollment for the next succeeding year at the School or for a particular School offering which requires a decrease in personnel positions funded by the School.
- c. *Decreased Funding*: any substantial decline in the availability of the School's financial resources available for its operation or for a particular program.

204.4.6. Preliminary Determination

When the Head of School believes that grounds exist for a RIF, he shall present written recommendations to the Board. The recommendations shall include:

- a. The grounds for the RIF;
- b. The number or estimated number and type of positions to be reduced; and
- c. Other information the Head of School deems helpful to the Board in deciding upon his recommendation.

The Board shall review the Head of School's recommendations and information and shall determine whether to authorize a RIF and whether to do so according to the Head of School's recommendations or otherwise.

204.4.7. Criteria and Procedures

The primary consideration in any RIF of specific employees shall be the maintenance of a sound and balanced educational program that is consistent with the purposes and priorities of the School. If the Board authorizes a RIF, the Head of School shall recommend to the Board the specific employees to be suspended, demoted, or dismissed, considering the criteria set forth below.

- a. The impact on the instruction program and effectiveness of the School;
- b. The individual's job performance and attendance history;
- c. The financial impact or benefit to the School;
- d. Type of employee (e.g., term-contract, at-will, part-time, permanent)
- e. The employee's service and performance history regarding extra duties and his or her continued commitment to fulfill such duties;
- f. Other factor the Head of School or Board deem important under the circumstances.

Prior to submitting to the Board the recommendations regarding specific employees subject to a RIF, the Head of School shall notify each affected employee of the Head of School's recommendation, subject to any employee grievance proceeding available to the employee. The Board reserves the right to carry out a RIF prior to hearing any employee grievance when the Board determines that circumstances require such action. Any employee who is reinstated following and because of such a hearing shall be entitled to any loss of pay caused by the RIF prior to the Board hearing.

204.4.8. Nonrenewal

The Board acknowledges that an important aspect of attaining excellence in education is the quality of the teaching and administrative staff. The Board strives for excellence and to employ only those employees who exhibit the necessary skills and commitment to excellence in their work. Separation may result when the Board, upon the Head of School's recommendation, chooses not to renew the contract of an employee at the end of the contract term.

204.4.9. Termination

Separation may result when an employee is dismissed for any reason allowed by law or contract. Unless otherwise required, the Head of School may, in his discretion, provide reasonable advanced notice to an employee when the Head of School becomes aware that he is likely to recommend such dismissal. The dismissal process shall be governed by any applicable contract terms.

204.4.10. Separation Procedures

When an employee separation occurs, the employee shall promptly turn in to the Head of School or designee all keys, employee identification, and other School property or records, including any

files or other information of a confidential nature belonging to the School. The employee shall receive, in a timely fashion, all compensation and other benefits to which he is entitled at the time of separation. The Head of School or designee may establish other procedures for employee separation.

204.4.11. Exit Conferences

Employees who leave employment with the Board may request an exit conference in order to ask questions and discuss procedures for separation. Exit conferences may be conducted with all employees leaving the School in order to identify practices or policies that may affect the planning and future achievement of the School and the employee.

205. COMPENSATION, BENEFITS, AND LEAVE

The School shall compensate employees according to the terms of their respective employment contracts and in compliance with governing laws and state benefits. The School offers certain benefits to all of its eligible employees pertaining to leave, health care, and retirement. The School's personnel staff will provide information and assistance regarding these benefits to employees and applicants to enable them to be properly informed and to receive such benefits. Employees should contact the personnel staff regarding any questions they have or assistance they require.

205.1. Compensation

The School shall compensate employees in accordance with the law and its contractual obligations for salaried, contract, and hourly employees. The School reserves the right to award special compensation such as bonuses and incentive pay as it deems appropriate. Hourly employees shall be strictly paid according to precisely kept hourly time sheets that must be completed in an accurate and timely fashion by such employees. Employees will be paid on a regular schedule as established by the School.

205.2. Benefits

Eligible employees shall be entitled to health care and retirement benefits as established from time to time by the School. In addition, the School may provide other benefits such as supplemental health, dental, vision, and disability coverage or insurance as dictated by Board decision and procedures. The School's personnel staff shall provide all necessary information regarding such benefits so that employees are properly informed regarding these benefits.

205.3. Leave

205.3.1. Annual Leave – School Days

The School shall establish employee leave benefits and shall communicate the availability of these benefits to School employees.

Should an employee use all leave, any subsequent time off shall be without compensation. An employee entitled to and requiring the use of leave shall notify a supervisor reasonably in advance whenever possible. When advance notice is not feasible the employee shall provide prompt notice as soon as possible.

205.3.2. Other Unpaid Extended Leave

The Board authorizes the Head of School to grant leave without pay for the following circumstances:

- a. Military service;

- b. Birth or adoption of a child;
- c. Professional advancement for instructional personnel;
- d. Personal illness in excess of regular sick leave; and
- e. Family and Medical Leave (FMLA)

Such leave may be approved by the Head of School for a period for up to one calendar year and, where required by law, for periods exceeding one year. Any leave to which an employee is entitled under state or federal law may be counted toward the leave authorized by this section. Leave taken for birth or adoption of a child may be extended to the remainder of the School year when the leave would otherwise end in the latter half of the School year. Leave will normally not be granted to take vacation trips, engage in non-School related business, or to accept other employment.

Whenever possible, an employee shall notify his immediate supervisor thirty calendar days in advance of the time for which leave is sought.

The following procedures shall normally apply in such instances:

- a. The employee's immediate supervisor and the Head of School shall, with the employee, decide on the specific details of a request for leave.
- b. For any request for leave up to and including thirty days, the Head of School shall have the authority to grant the request.
- c. If the leave is more than thirty days, the Head of School, may approve the leave but shall notify the Board at its next meeting. In such cases, the terms of the leave shall be contained in a written agreement between the employee and the School.
- d. The employee shall use all available leave benefits (i.e., sick leave and annual leave) as appropriate and in compliance with the State Board Policy before taking any leave without pay.
- e. In instances when an employee's return to work is uncertain, the employee shall provide advanced written notice at the earliest possible time to the Head of School of the intent to return to work.
- f. In granting any leave of absence, consideration shall be given to the welfare of the School, students, and the employee.

Upon returning to service, the employee shall be assigned, to the extent feasible, to duties similar to those performed prior to the beginning of the leave. The School is not required, however, to guarantee reinstatement to the same position or duties held before leave is taken if such position or duties are no longer needed and not contractually required.

205.3.3. Religious Leave

Employees may take leave for up to two days each School year for a personal religious holiday that is not a vacation day or holiday recognized on the School calendar. Leave for such religious holidays under this provision must be approved in writing in advance by the Head of School or a designee. Religious leave must be made up at a mutually agreed upon time or the employee may use earned annual leave.

205.3.4. Parental Leave

Permanent employees who are parents or guardians of a School-aged child may take up to four hours of paid leave per calendar year to attend or be involved with their child's School. Leave not taken within the calendar year is forfeited. Leave must be approved by an employee's immediate supervisor and, barring exceptional circumstances, must be requested at least one day prior to the

date of the leave.

205.3.5. Military Leave

Employees are granted military leave in accordance with state and federal regulations. Employees seeking military leave are responsible for requesting such leave at the earliest possible time and must provide a copy of military orders or appropriate documentation evidencing performance of required (not voluntary) military duty to the Board.

205.3.6. Jury Duty – Court Appearance

Employees are granted paid leave for mandatory jury duty, attendance in court for an official duty, or attendance under subpoena or court order. Paid leave is not granted for other court appearances.

205.3.7. Voluntary Shared Leave

Voluntary shared leave provides economic relief for any permanent full-time employee who is likely to suffer financial hardship because of a prolonged absence resulting from a serious medical condition.

A request to donate leave by an employee shall be made in writing to the Head of School and dated by the donating employee.

Participation in this policy is strictly voluntary. The donating employee may not receive compensation in any form for the donation of leave. Leave days may only be donated to full time employees who have used all their leave days and have an immediate need for additional leave days.

205.3.8. Temporary Disability and Reinstatement

Employees may be authorized to take a temporary leave of absence due to temporary disability. At the termination of the period of temporary disability, the employee shall be reinstated in his position whenever feasible. Where the period of temporary disability exceeds thirty working days, the employee's immediate supervisor and Head of School shall confer with the employee. The Head of School shall determine when the employee is to be reinstated, taking into consideration the welfare of students and the continuity of instruction.

205.4. Workers Compensation

All employees are protected from workplace injuries under the North Carolina's Workers' Compensation laws. Employees seeking Workers' Compensation benefits must immediately report the workplace injury to the immediate supervisor or Head of School; and complete, as soon as feasible, an Employee Statement, describing the injury, causes and related details.

206. DUTIES, SCHEDULES, AND RESPONSIBILITIES

206.1. General Job Duties

All employees are protected from workplace injuries under the North Carolina's Workers' Compensation laws. Employees seeking Workers' Compensation benefits must immediately report the workplace injury to the immediate supervisor or Head of School; and complete, as soon as feasible, an Employee Statement, describing the injury, causes and related details.

All employees shall familiarize themselves and comply with the policies and procedures of the School. Employees shall serve as positive role models for students and shall be responsible to support and assist, to the extent feasible, with:

- a. The safe and efficient operation of the School;
- b. The growth and development of students;
- c. Compliance with applicable state and federal laws; and
- d. All efforts necessary to promote an excellent education.

206.2. Extra Duties for Professional Staff

Instructional and Administrative staff members are expected to perform certain non-curricular and extra-curricular duties as assigned by their supervisor(s). These may include, but are not limited to, attending parent or other after-School meetings, supervising extra-curricular activities, attending workshops or planning sessions, supervising carpool lines or other student activities. Such duties, depending on their scope, may involve additional compensation. No employee, however, has any legal right to perform such compensated extra duties unless otherwise provided for in an employment contract.

206.3. Job Descriptions

Employees shall be responsible for carrying out all of the stated responsibilities as outlined in the job description for the position for which they were hired, as well as any additional implied and assigned duties for their positions.

206.4. Work Schedule

206.4.1. Instructional Staff

The regular workday for instructional staff will normally be seven and a half hours as specified by the Head of School. The workday may be altered at the discretion of the Board or Head of School provided that the workday shall continue until the teacher has completed professional responsibilities to the students and the School. Examples of the kinds of activities which might require the continuation of professional service beyond the normal School day, defined by the time of the departure of students, include, but are not limited to, program development, professional development activities, faculty meetings, bus duty, parent conferences, additional help for individual students, and care of School property and equipment.

206.4.2. Non-Instructional Staff

The normal workday for most full-time support staff employees will be eight hours with exceptions made for particular job assignments on a case-by-case basis.

206.5. Arrival and Punctuality

All staff members shall be punctual in arriving for work and attending to their job duties. Hourly employees shall keep detailed and specific time sheets, recording their exact time of arrival and departure (e.g., rounding off minutes is not permitted). Instructional staff members are normally required to be at School at least thirty minutes before the beginning of the instructional day and at least thirty minutes after the end of the instructional day for the benefit of planning, meeting and working with pupils or parents, or engaging in other collaborative work. Other arrival and departure times may apply depending on particular needs of the day.

Professional staff will work a regular workday and be present during hours established by the Head of School.

206.6. Lesson Plans

Teachers are required to prepare daily lesson plans and to have detailed plans available for their substitutes.

The likelihood of improved instruction is enhanced when all teachers are given a reasonable amount of time during each day of instruction to plan lessons. Instructional staff shall normally be given time for planning during most regular school days.

206.7. Teacher Workdays

All instructional and other required staff members are expected to report for work on non-instructional days, including teacher workdays, unless they have been granted advance approval not to attend on such days. In such a situation, a leave day will be used for a workday absence. If a leave day is unavailable, leave will be granted without compensation.

206.8. Travel

Employees must submit a written request for travel prior to undertaking job-related reimbursable travel not part of the employee's regular responsibilities. Reimbursement for approved travel expenses shall be at established rates approved by the School. The Head of School must approve excess per diem expenses in advance and in writing.

207. PRACTICES, CONDUCT, AND DISCIPLINE

207.1. General Standards of Conduct

School employees, especially professional staff, are privileged to hold positions of influence with students and in the School community. They must conduct themselves as role models, upholding high standards of integrity, trust, and professionalism. Employees must always aspire to perform their job duties, written and unwritten, in a highly competent, respectful, ethical and legal manner, regardless of whether there is a specific governing policy or rule.

All professional educators licensed in North Carolina are also duty-bound to know, comply with, and report violations of the state's Standards of Professional Conduct for North Carolina Educators. Other professional staff should also be familiar with and strive to uphold the Code's values. The Code is available [online](#) and contained in Addendum II of these policies.

A staff that models such behaviors and attitudes can profoundly shape students' behavior for good, thus promoting a long-term impact that benefits our students, our School community, School families, and other communities in which students eventually live.

207.2. Honor Code Policy

All employees shall conduct themselves truthfully; consistent with high standards of academic integrity. This precludes making any false or misleading statements in applying for or during employment; plagiarism; or other acts of academic dishonesty.

207.3. Outside Employment

Employees shall not accept any other employment while they are employed at the School, regardless of the time of year, including summer months, when such employment:

- a. Conflicts with the effective performance of employee School duties;
- b. Disrupts, discredits, or otherwise undermines the Schools' educational program or reputation;

- c. Involves work that, actually or is likely, to compete with the educational offerings or financial development of the School;
- d. Conflicts with the employee's duty to be a role model to students.

207.4. Dress Code

All employees shall dress and groom themselves in a professional manner consistent with their job duties. The Head of School or designee may establish specific rules and procedures consistent with this policy in order to promote a professional environment. Any employee in violation of this policy may be asked by his supervisor to change his grooming practices.

207.5. Confidential Information and Nondisclosure

Employees shall protect all confidential and sensitive information regarding students, personnel, and other School information from improper disclosure. All student and employee performance information shall be communicated only with and to, respectively, employees or parents who have a legal right and need to know such information.

207.6. Political and Other Controversial Expression

impartial teaching of political or controversial issues, where such teaching or information reasonably and directly relates to course or curriculum content, is acceptable, subject to proper discretion and applicable approval from a supervisor. The Head of School may establish guidelines and procedures for such instruction. However, employees are prohibited from expressing support of or opposition to political candidates or positions during class time or at other times in their capacity as a teacher or employee. They are not to encourage students to take a particular position in political, religious, or other matters of a personal nature.

207.7. Conflict of Interest and Undue Influence

Employees shall not use their positions to act in a manner that compromises the School's integrity or conflicts with their duties. This includes, but is not limited to the following:

- a. Employees shall not enter into business negotiations or transactions with the School on their own behalf or on behalf of another. Specifically, employees or their family members may not derive any monetary benefit in providing merchandise or services to the School unless such benefit has been fully disclosed in advance and approved by the Board.
- b. Employees shall not use their positions or assignments to unfairly or unduly influence students by:
 - Receiving fees from educational institutions for the recruitment of students;
 - Recruiting students to participate in private business activities that benefit employees or their family, colleagues, business associates, or friends;
 - Requiring or requesting students to participate in activities or events which require more than nominal costs;
 - Receiving fees or other remuneration of more than a nominal amount for the recruitment, enlistment, or chaperoning of students for private promotions.Employees may, with the Head of School's permission, announce educational trips for which the employee may receive remuneration if it does not interfere with class time for such announcements.

207.8. Relationships with Students

Employees are prohibited from dating, courting, or entering into a romantic or sexual relationship with

any student enrolled in the School, regardless of the student's age. Any employee who has reason to believe that another employee is inappropriately involved with a student, as described above, shall report this information to the Head of School. An employee who violates this policy may be subject to disciplinary, civil and/or criminal sanction.

207.9. Gifts

School employees may not accept gifts of more than nominal value from students, parents, vendors, and other patrons of the School community. Students are encouraged to express gratitude to employees by letter or other appropriate form. This policy may be waived by the Head of School or Board in special circumstances (e.g., special gifts from students or parents for retiring teacher).

207.10. Tutoring

The School strives to offer a flexible, varied instructional program in order to minimize the need for students to obtain private tutoring. In cases where private tutoring is recommended or necessary, employees may provide this service under the following conditions:

- a. The Head of School must approve tutoring by an employee for a fee;
- b. Teachers are not permitted to tutor for pay any students currently enrolled in one of their classes;
- c. Use of expendable School supplies is prohibited except as approved; and
- d. An employee is prohibited from receiving compensation for referring a student to another tutor or agency.

207.11. Facility and Property Use

Employees shall use and support the use of School property in a safe and effective manner, consistent with the intended purposes of such property. Personal use of School facilities or property is generally prohibited except for insubstantial, non-disruptive personal uses of telephones, computers, and other small equipment when such use does not impose more than a nominal cost to the School and has not otherwise been prohibited or restricted by policy or directive.

207.12. Harassment

The School is committed to providing an environment that is conducive to learning, free from harassment and bullying based on race, religion, gender, ethnicity, national origin, disability, or any other illegal conduct. Other forms of harassment and bullying are also prohibited, including those based on other distinguishing characteristics such as, but not limited to, physical, social, academic or emotional and socio-economic status, or simply based on personal differences or conflicts. All conduct prohibited by this policy includes behavior that occurs directly or indirectly, by personal or electronic communication or action.

Harassment is an unwelcomed offensive verbal, nonverbal or physical conduct that is sufficiently severe, persistent or pervasive as to significantly affect the conditions of one's employment or a student's learning. Harassment includes, but is not limited to, abusive jokes, insults, slurs, name-calling, threats, bullying or intimidation, unwelcome sexual advances, or the exchange of benefits for performance of sexual or other favors.

Harassment is prohibited at all levels: between students, between employees and students, between coworkers, between supervisors and subordinates, between nonemployees and employees and/or students, and between any other School representatives or members of the School community while at the School or involved in School activities.

In addition, no student or staff member shall retaliate against anyone who reports or seeks remedies against harassment or bullying or otherwise aids or supports someone who aids in the enforcement of this policy.

All staff members are required to report instances or reasonable suspicions of harassment and bullying to a supervisor and to aid in investigations under, and the enforcement of, this policy. Any report of alleged harassment or bullying shall be taken seriously and responded to fully and promptly by appropriate School staff. Students are urged to also report and assist in carrying out this policy.

207.13. Sexual Harassment

Because of its particular pervasiveness in the workplace, the School establishes this particular policy regarding sexual harassment. No employee shall engage in sexual harassment against any student, other employee, or another person in the School community.

Sexual harassment includes any unwelcome sexual advance, request for sexual favors, or sexually suggestive comments when:

- a. Submission to the conduct is made either explicitly or implicitly as a term or condition of an individual's employment or education.
- b. Submission to or rejection of such conduct by an individual is used as a basis for student or employment decisions affecting such individuals.
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working or educational environment.

Examples of sexual harassment include, but are not limited to: deliberate, unwelcome touching; suggestions or demands for sexual involvement accompanied by implied or overt promises or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward or in the presence of an individual or to describe an individual; or the display of sexually suggestive objects, signals, or pictures.

A hostile environment exists if the conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit a person's ability to participate in or benefit from the educational program or creates a hostile or abusive educational or work environment.

Romantic or sexual advances toward students by employees or romantic or sexual relationships between School system employees and students are always prohibited in all circumstances. Employees engaging in inappropriate relationships with students or employees who fail to report such relationships by others to the Head of School shall be subject to disciplinary action, up to and including dismissal.

207.14. Reporting Harassment Charges

All complaints of harassment shall be promptly and thoroughly investigated, documented, and monitored, with appropriate follow-up and disciplinary action taken to remedy any act of harassment. The following process shall apply:

- a. All complaints, investigations and follow-up action shall be confidential. Only individuals and employees in a need-to-know position are entitled to receive, report, or provide such information.
- b. Any person who is subject to or aware of any harassing behavior may report the matter orally or in writing to a supervisor. Any employee who knows of such behavior shall

immediately report such information to a supervisor and the supervisor shall promptly inform the Head of School. If a supervisor is involved, a report may be made directly to the Head of School. If the Head of School is involved, the report may be made to the Board chairperson or vice-chairperson.

- c. Any disciplinary action taken should be reasonably calculated to end any harassment.
- d. No employee or student shall be subject to negative or retaliatory action for reporting or assisting in the investigation of an allegation of harassment.
- e. The Head of School or designee shall coordinate compliance with all applicable laws with respect to sexual harassment, particularly Title IX of the Education Amendments of 1972.
- f. The Head of School or designee shall coordinate compliance with all applicable laws with respect to sexual harassment, particularly Title IX of the Education Amendments of 1972.
- g. Nothing in this or any other School policy shall be construed to prevent any person from pursuing any other remedies available under state or federal law.

207.15. Substances

The School is committed to being a community, free of unhealthy substances, including illegal controlled substances, tobacco, and alcohol.

207.15.1. Tobacco

Tobacco products are defined to include cigarettes (to include e-cigarettes or electronic cigarettes), cigars, pipe tobacco, chewing tobacco, snuff, smokeless tobacco, and any other items containing or reasonably resembling tobacco. Tobacco use includes smoking, chewing, dipping, or any other similar use.

The use of tobacco products on School property will be monitored as follows:

- a. School employees may not, except for legitimate educational purposes, display or use any tobacco product in the presence of or visibility of students on School premises or at School-sponsored events.
- b. To the extent legally permitted, the Head of School or designee may permit a time and an area in which employees may smoke or otherwise use tobacco provided the area is not inside a School-owned or leased building utilized for provision of educational services to children and the area is not generally visible to students.

207.15.2. Controlled Substances and Alcohol

The use of illegal controlled substances and alcohol while on any School property, at any School-related activity, or in any other venue where the conduct in question is likely to negatively impact or undermine the operation or well-being of the School or its members, is prohibited. Employees are subject to the following requirements:

- a. Employees shall not engage in the unlawful manufacture, distribution, possession or use of any controlled substance or unauthorized, excessive alcohol use.
- b. Employees shall not engage in excessive use of prescription or nonprescription drugs or use that impairs their ability to carry out their job duties. (The proper use of a drug authorized by a valid medical prescription from a legally authorized health care provider shall not be considered a violation of this policy if it does not interfere with the performance of job duties.)

- c. Employees may be subjected to a search by school administration of their person, locker, desk or other School property under their control in the workplace based on reasonable suspicion of an employee's selling, distributing, possessing or using a controlled substance or alcohol in the workplace.
- d. Employees may be subjected to testing for the use of alcohol or controlled substances affecting job performance based on a supervisor's reasonable suspicion of such activity.
- e. Any illegal drug activity shall be reported to the appropriate law enforcement authority.
- f. Employees who refuse a drug or alcohol-screening test may be disciplined or terminated. Cost of the screening will be borne by the School.
- g. Employees will be provided information concerning available counseling, rehabilitation, re-entry programs and potential discipline for controlled substance violations.
- h. Employees shall notify their supervisor of any criminal charge, conviction, guilty plea, or no contest plea pertaining to any drug- or alcohol-related offense immediately following such action.

207.16. Weapons

The School strives to maintain an environment free of all weapons not legally possessed by law enforcement officials or otherwise authorized by the Head of School or the Board. No student, employee or other agent of the School shall carry or encourage another person to carry, whether openly or concealed, a weapon as defined below, onto School property at any time.

A "Weapon" includes a gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, powerful explosive, knife, BB gun, air rifle, air pistol, sling shot, blackjack, metal knuckles, bludgeon, bowie knife, switchblade, dirk, dagger, leaded cane, stun gun or other electronic shock weapon, any sharp-pointed or edged instrument except for the following: instructional supplies, unaltered nail files and clips and tools used solely for preparing food, instruction, and maintenance of School property or otherwise authorized or necessary to support the operations of the School.

Any person who is aware that an unauthorized weapon has been carried onto School property or possessed at a School function shall immediately notify a teacher or the Head of School.

207.17. Communicable Diseases

The Board aims to provide a safe and secure environment for all students and employees. To balance the need to protect the rights of students and employees and to control the spread of communicable diseases and conditions, decisions regarding the employment status of employees with communicable diseases or conditions shall be made on a case-by-case basis in accordance with this policy, sound judgment, and applicable legal requirements.

A communicable disease or condition is defined as an illness due to an infectious agent, or its toxic products, which is transmitted directly or indirectly to a person from an infected person or animal.

This policy applies to all legally reportable communicable diseases, including HIV and AIDS, as set forth in state regulations.

- a. In order to preventing the spread of communicable diseases, universal health and safety precautions, which include regulations regarding the cleanup of all bodily fluids (including blood), shall be distributed by the Head of School or designee and shall be followed by all School employees. Instances of an employee's failure to follow the universal precautions shall be reported to the Head of School.

- b. In accordance with North Carolina General Statute section 130A-136, the Head of School or other supervisors shall report suspected cases of reportable communicable diseases or conditions to the county health Head of School for investigation and shall provide available factual information to substantiate the report. Such reports shall remain strictly confidential and may be shared only with other staff members as necessary to prepare and file a report. All staff members who are made aware of any such report shall keep the information strictly confidential. Without releasing any information that would identify the affected employee when not required, the Head of School or supervisor shall report suspected cases of reportable communicable diseases or conditions to the Board Chairperson.
- c. Any employee suffering from a communicable disease or condition shall follow all control measures issued by the county health director and shall take all necessary precautions to prevent the transmission of the disease or condition. Any School employee who has reason to believe that a fellow employee is suffering from a reportable communicable disease and that the fellow employee is failing to follow safe practices shall report this to the Head of School, supervisor or health director. Failure to follow control measures may result in sanctions or termination against the offending employee. An employee suffering from a communicable disease is encouraged to inform the Head of School so that appropriate accommodations and precautions can be put in place.
- d. If the county health director notifies the Head of School that an employee with a communicable disease or condition may be posing a threat to public health, this employee shall cooperate with the health director in eliminating the threat.
- e. The Board shall follow all applicable state and federal laws and regulations and this policy in determining when an employee with a communicable disease or condition shall be required to take leave from his position or otherwise be restricted from continuing his employment.
- f. If an employee diagnosed with a communicable disease or condition believes he or she is unable to perform his or her regular duties or risks the transmission of the disease to other members of the School community, he or she may request that his or her duties be altered. The employee seeking alteration in the conditions of employment must apprise the Head of School of his or her condition, submit medical documentation, and suggest and discuss possible workplace accommodations.

207.18. Blood-Borne Pathogens

The Head of School shall designate a blood-borne pathogens compliance officer who shall develop a plan in accordance with the regulations established by the United States Department of Labor pursuant to the Occupational Safety and Health Act and the North Carolina Occupational Safety and Health Blood-borne Pathogens Standards. The plan shall be designed to eliminate or minimize employee exposure to infectious bodily fluids and secretions and shall include appropriate training and specific precautions that all employees must take when dealing with blood and bodily fluids.

For employees with occupational exposure to blood and bodily fluids, the plan shall include appropriate training, provision of Hepatitis B vaccinations, and specific work practice precautions to minimize contact with potentially infectious bodily fluids. Employees with "occupational exposure" are those employees who can reasonably anticipate coming into contact with blood and bodily fluids in the normal performance of their assigned work duties.

A copy of the Blood-borne Pathogens Exposure Control Plan shall be updated as required by state and federal law and made accessible to all employees. A copy shall be maintained in the School office.

It shall be the duty of each employee to familiarize himself with the provisions of the Blood-borne Pathogens Exposure Control Plan and to comply with all stated provisions. Failure to comply shall be cause for disciplinary action.

The North Carolina Department of Labor’s “A Guide to Blood-borne Pathogens in the Workplace” is available at, <http://www.nclabor.com/osha/etta/indguide/ig7.pdf>.

207.19. Legal Defense

Employees charged with a criminal or civil offense arising directly from good faith performance of their duties with the School may request of the Board legal representation at the School’s expense. In such instances, the Board shall first determine, when feasible, whether a requesting employee has acted in good faith in the performance of his or her duties. The Board shall also communicate with its insurance carrier regarding the matter. The employee must notify the Board of current or potential litigation at the earliest feasible moment.

The Board is not obligated to provide any representation. The Board shall not provide representation if it determines either of the following:

- a. The employee actions or omissions upon which the civil or criminal action is based were not within the scope and course of his or her duties; or

207.20. Reporting Information to Outside Agencies

207.20.1. Reports to the State Superintendent of Public Instruction

If the Head of School “knows or has substantial reason to believe” that a licensed employee has engaged in conduct involving physical or sexual abuse of a student, he shall report such information to the Superintendent of Public Instruction or designee pursuant to state regulation. Failure to report such information may be grounds for certificate revocation or suspension. For purposes of this requirement, physical abuse means the infliction of serious physical injury other than by accidental means and other than self-defense. The term sexual abuse means the commission of any sexual act upon a student or causing a student to commit a sexual act regardless of the age of the student and regardless of the presence or absence of consent.

207.20.2. Reports to Law Enforcement

The Head of School or other supervising administrator who reasonably suspects that an act has occurred on School property involving intentional conduct resulting in serious personal injury to another or the threat thereof, sexual assault or other sexual offense, kidnapping, possession of a firearm or other weapon in violation of the law, or possession of a controlled substance in violation of the law, shall immediately report the act to the appropriate law enforcement agency.

207.20.3. Reports to the Department of Social Services

Pursuant to state law, any person who has “cause to suspect” that a child has been abused or neglected by a caretaker must promptly report such suspicion to the local Department of Social Services. Employees are encouraged to confer promptly with the Head of School in determining what measures to take before or following any such report. Under state law, any person who makes such a report in good faith is immune from liability.

At the time this policy was adopted, the law provided, in part, as follows:

§ 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment. "Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the Head of School of the department of social services in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the department's investigation of the alleged abuse, neglect, dependency, or death as a result of maltreatment."

207.20.4. Reports to the Department of Health

The Head of School shall report suspected cases of reportable communicable diseases or conditions to the County Health Department for investigation. Without releasing information that would identify the employee, the Head of School shall also report suspected cases of reportable communicable diseases or conditions to the Board Chairperson. Any employee who has reason to believe that a fellow employee or a student has a reportable communicable disease and is not following safe practices shall report the situation to the Head of School or a supervisor. The Head of School or supervisor shall report such unsafe conduct to the County Health Department. In the absence of the Head of School or supervisor, the employee must report the situation to the County Health Director. Confidentiality of reports is protected by law and School officials are immune from liability for such reports when made in good faith.

208. EMPLOYEE GRIEVANCES, INVESTIGATIONS, AND DISCIPLINE

208.1. Employee Grievances

The School seeks to promote harmony and job satisfaction among employees and to promote equitable solutions to problems affecting employees. Employees are encouraged to communicate and resolve concerns and differences between themselves in an informal, respectful, and civil manner. This often requires communicating directly, promptly, openly, and constructively with others to resolve issues.

Employee Grievances shall be guided by School-wide grievance procedures in effect at the time the grievance arises. These are attached as Addendum I to this Policy Series.

208.2. Disciplinary Measures and Procedures

Employees may be subject to disciplinary measures for any violation of School policies, practices, directives, or legal requirements. This policy does not preclude the School's right to discipline or terminate an at-will or other employee for any other basis permitted by law or contract.

The Head of School may subject an employee to any appropriate discipline including, but not limited to, the following:

- a. Informal reprimand;
- b. Formal, written reprimand filed in the employee's personnel file;
- c. Suspension with pay;

- d. Disciplinary suspension without pay;
- e. Demotion in position or salary;
- f. Reduction or deduction in pay;
- g. Suspension without pay preceding dismissal;
- h. Dismissal; or
- i. Other discipline as deemed appropriate by the Head of School

An employee may request a Board hearing to appeal a disciplinary action or recommendation by the Head of School under Level Three of the employee grievance procedures in Section 208.1.

209. EMERGENCY PROCEDURES

209.1. Overview and Notification

The Head of School may delay the opening of or may close the School when there is a threat or potential safety threat due to inclement weather, mechanical failure, or other circumstance. In such instances, the School will notify members of the School community as promptly as possible via such outlets as the local news media, electronic mail, rapid communication system, social media and the School website.

209.2. Delayed Openings

In cases of delayed School opening, employees normally are expected to report to work in advance of such opening in the same intervals that apply during regular hours, unless they receive notice to the contrary.

If an employee does not believe he can report at the appointed time, he should notify the Head of School as soon as possible. In such instances, the staff member shall be required to make up the time missed unless otherwise accepted by the Head of School.

Addendum I: Grievance Process and Appeals of Administrative Decisions

A. Introduction and Objectives. The School seeks to provide a process by which students, parents, and staff can resolve concerns in a timely and effective manner while balancing this with the need for efficient and effective School operations. Toward this end, this policy establishes mechanisms by which grievances should be addressed through informal and, if appropriate, formal means. All references herein to the Head of School include any person assigned as the Head of School's designee.

B. Informal Grievance Procedure. All concerns should first be addressed directly and informally with the persons involved. This includes reasonably notifying those causing and involved in the grievance, allowing them to reasonably respond, and an opportunity to make good faith efforts toward resolution. If necessary, individuals involved are encouraged to seek the assistance of an objective party to assist with informal resolution.

C. Formal Grievance Procedure. Persons must seek informal, timely resolution before filing a formal grievance, unless doing so is not reasonably feasible, would be futile, or if formal grievance procedures are legally required. The grievant may then file a formal grievance with the Head of School within ten School days after the last informal attempt at resolution; if informal resolution is not required, the employee shall file the grievance within ten School days of the last instance causing the grievance.

The formal procedure shall be initiated by submitting to the Head of School a written request for redress that succinctly states the specific grievance(s), the supporting facts, the basis in Board policy or law (citing specific policies or laws), the requested relief, and the efforts made to resolve the matter informally. The Head of School may require submission of an approved form for such grievance filing.

The Head of School shall determine whether informal resolution requirements have been satisfied or are not required. If the Head of School determines that the grievant is entitled to a formal grievance process, he shall provide a copy of the formal grievance to all other persons implicated by the grievance. The Head of School shall reasonably investigate and consider the matter (which may include meeting with the parties involved and holding an informal hearing) and issue a decision within ten School days from the date of the grievance is filed; additional time for the Head of School's decision shall be allowed when reasonably required by circumstances. All deliberations shall be held in confidence where feasible and shall involve only persons in a need-to-know position. A decision by the Head of School under these grievance procedures shall be considered a "final administrative decision."

D. Appeals of Right to the School Board. A person has the right to appeal any final administrative decision affecting a constitutional or other legal interest, and/or an interest of the type listed below:

- a. Suspension or expulsion of a student for more than 10 days (per School suspension and expulsion procedures required by Chapter 115C, Article 27 of the North Carolina General Statutes);
- b. An alleged violation of a specified federal or state law, State Board of Education rule, or local Board policy;
- c. The loss or reduction of salary of a School employee under a specific-term contract who is not employed at will; or
- d. Any other decision that, by law, provides for a right of appeal to the School Board and for which there is no other statutory appeal procedure.

Any person seeking a hearing under this section, within ten School days after the final administrative decision by the Head of School, may request a Board hearing by submitting to the Board Chairperson a request in writing by certified mail or personal delivery. The person making such request shall also promptly deliver a copy of the hearing request to the Head of School.

E. Discretionary Appeals to the Board. Any person aggrieved by a decision not involving a matter addressed in Section D above may, within 10 school days after the final administrative decision by the Head of School, request a Board hearing, by submitting to the Board Chairperson a request in writing by certified mail or personal delivery. The person making such request shall also promptly deliver a copy of the hearing request to the Head of School. In such cases, the Board has the discretion to deny or grant a hearing. The Board shall notify the person making the request and the Head of School of its decision, and if a hearing is granted, the time, place, and manner of such hearing.

F. Board Hearing Procedures. In all appeals to the Board, the Board shall provide adequate notice of hearing rights and procedures to all parties concerned and keep a record of any hearing conducted. In the case of hearings required by right under Section D, all parties have the right to appear before the entire Board, to be represented by counsel or other representatives, to submit documentation, and to reasonably examine and cross-examine witnesses. In the case of an employee grievance concerning a loss or reduction of salary, the employee may request and shall be entitled to receive written notice as to the reasons for the final administrative decision; the notice shall be provided to the employee at a time reasonably in advance of any Board hearing.

For all discretionary hearings allowed under Section E above, the hearing may be based on the written record or, instead, by personal appearance of the parties. The Board may designate a hearing officer or panel comprised of one or more Board members to act upon such hearing requests on behalf of the Board. The Board reserves the discretion to determine the manner by which it shall conduct such hearing.

Board hearings (by right and by discretion under sections D and E, respectively) shall be conducted within ten school days from the date the hearing is requested, unless circumstances reasonably require additional time. A final Board decision shall be rendered and delivered in writing to the respective parties within five school days of concluding the hearing. The decision of the Board shall be final.

Addendum II: Standards of Professional Conduct for North Carolina Licensed Educators

16 NCAC 06C .0602 STANDARDS OF PROFESSIONAL CONDUCT

(a) The standards listed in this Section shall be generally accepted for the education profession and shall be the basis for State Board review of performance of professional educators. These standards shall establish mandatory prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and disciplinary action by the SBE or LEA.

(b) Professional educators shall adhere to the standards of professional conduct contained in this Rule. Any intentional act or omission that violates these standards is prohibited.

(1) Generally recognized professional standards. The educator shall practice the professional standards of federal, state, and local governing bodies.

(2) Personal conduct. The educator shall serve as a positive role model for students, parents, and the community. Because the educator is entrusted with the care and education of small children and adolescents, the educator shall demonstrate a high standard of personal character and conduct.

(3) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties including the following:

- (A) statement of professional qualifications;
- (B) application or recommendation for professional employment, promotion, or licensure;
- (C) application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit;
- (D) representation of completion of college or staff development credit;
- (E) evaluation or grading of students or personnel;
- (F) submission of financial or program compliance reports submitted to state, federal, or other governmental agencies;
- (G) submission of information in the course of an official inquiry by the employing LEA or the SBE related to facts of unprofessional conduct, provided, however, that an educator shall be given adequate notice of the allegations and may be represented by legal counsel; and
- (H) submission of information in the course of an investigation by a law enforcement agency, child protective services, or any other agency with the right to investigate, regarding school related criminal activity; provided, however, that an educator shall be entitled to decline to give evidence to law enforcement if such evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment to the U.S. Constitution.

(4) Proper remunerative conduct. The educator shall not solicit current students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the

course and scope of the educator's employment. This Rule shall not restrict performance of any overtime or supplemental services at the request of the LEA; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service.

(5) Conduct with students. The educator shall treat all students with respect. The educator shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that educator, as defined below:

- (A) any use of language that is considered profane, vulgar, or demeaning;
- (B) any sexual act;
- (C) any solicitation of a sexual act, whether written, verbal, or physical;
- (D) any act of child abuse, as defined by law;
- (E) any act of sexual harassment, as defined by law; and
- (F) any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term "romantic relationship" shall include dating any student.

(6) Confidential information. The educator shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the student or others.

(7) Rights of others. The educator shall not willfully or maliciously violate the constitutional or civil rights of a student, parent/legal guardian, or colleague.

(8) Required reports. The educator shall make all reports required by G.S. 115C.

(9) Alcohol or controlled substance abuse. The educator shall not:

- (A) be under the influence of, possess, use, or consume on school premises or at a school-sponsored activity a controlled substance as defined by G.S. 90-95, the Controlled Substances Act, without a prescription authorizing such use;
- (B) be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on school premises or at a school-sponsored activity involving students; or
- (C) furnish alcohol or a controlled substance to any student except as indicated in the professional duties of administering legally prescribed medications.

(10) Compliance with criminal laws. The educator shall not commit any act referred to in G.S. 115C-332 and any felony under the laws of the United States or of any state.

(11) Public funds and property. The educator shall not misuse public funds or property, funds of a school-related organization, or colleague's funds. The educator shall account for funds collected from students, colleagues, or parents/legal guardians. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

(12) Scope of professional practice. The educator shall not perform any act as an employee in a position for which licensure is required by the rules of the SBE or by G.S. 115C or the North Carolina General Statutes during any period in which the educator's license has been suspended or revoked.

(13) Conduct related to ethical violations. The educator shall not directly or indirectly use or threaten to use any official authority or influence in any manner that tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any licensee who in good faith reports, discloses, divulges, or otherwise brings to the attention of an LEA, the SBE, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these Rules.

History Note: Authority G.S. 115C-295.3; Effective May 1, 1998.