

# **Policy Committee Meeting**

**Asheboro City Board of Education**

**December 9, 2021**

## **Agenda**

1. Call to Order
2. Policy 1720/4030/7235 - Title IX Nondiscrimination on the Basis of Sex
3. Policy 1725/4035/7236 - Title IX Sexual Harassment – Prohibited Conduct and Reporting Process
4. Policy 1726/4036/7237 - Title IX Sexual Harassment Grievance Process
5. Policy 2475 - School Rules
6. Policy 7100 - Recruitment and Selection of Personnel
7. Policy 7110 - Information Provided by Applicant or Employee
8. Policy 7130 - Licensure
9. Policy 7262 - Communicable Diseases – Employees
10. Policy 7400 - Job Descriptions
11. Policy 7520 - Family and Medical Leave
12. Policy 7530 - Military Leave
13. Policy 7820 - Personnel Files
14. Policy 8110 - Budget Resolution
15. Policy 9200 - Care and Maintenance of Facilities
16. Policy 9300 - Naming Facilities
17. Adjourn

## **TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX**

*Policy Code:* **1720/4030/7235**

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The school system does not discriminate on the basis of sex (including pregnancy, childbirth, sexual orientation, and gender identity) in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

### **A. INQUIRIES ABOUT TITLE IX**

The board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The contact information for the Asheboro City Schools Title IX Coordinator for students is:

Director of Support Services  
1126 South Park Street  
PO Box 1103  
Asheboro, NC 27204  
Office: (336) 625-5104

The contact information for the Asheboro City Schools Title IX Coordinator for staff is:

Executive Director of Human Resources  
1126 South Park Street  
PO Box 1103  
Asheboro, NC 27204  
Office: (336) 625-5104

The contact information for the Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW  
Washington, DC 20202-1475

Telephone: 202-453-6020 TDD: 800-877-8339  
FAX: 202-453-6021 Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

**B. RESOLUTION OF GRIEVANCES**

The board has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex (other than sexual harassment) in a program or activity of the school system occurring against a person in the United States. Students and parents or guardians may report such alleged discrimination through the process provided in policy 1740/4010, Student and Parent Grievance Procedure. Employees and applicants may use the process provided in policy 1750/7220, Grievance Procedure for Employees.

The board has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in the education program or activities of the school system occurring against a person in the United States in accordance with policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The board encourages students, employees, and applicants to first make a report of sexual harassment in accordance with policy 1725/4035/7236 before filing a formal complaint.

**C. RETALIATION PROHIBITED**

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to the grievance processes established in policies 1740/4010 and 1750/7220. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

**D. NOTICE OF THE BOARD'S POLICY OF NONDISCRIMINATION BASED ON SEX**

The superintendent is responsible for providing notice of the board's nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The superintendent shall also ensure that each principal or site supervisor makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board's policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that

Title IX inquiries may be referred to the Title IX coordinator or to the Assistant Secretary for Civil Rights.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*; 34 C.F.R. Part 106; *Grimm v. Gloucester County School Board*, 972 F.3d 586 (4<sup>th</sup> Cir. 2020)

Cross References: Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against Retaliation (policy 1760/7280), Staff-Student Relations (policy 4040/7310)

Other Resources: *Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County*, U.S. Department of Education, Office for Civil Rights (2021)

Adopted: March 11, 2021



## **Title IX Sexual Harassment – Prohibited Conduct and Reporting Process**

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*Policy Code: 1725/4035/7236*

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any education program or activity of the school system. The board takes seriously all reports and formal complaints of sexual harassment. The school system does not discriminate on the basis of sex in its education programs or activities, including admission and employment, in accordance with Title IX of the Education Amendments Act of 1972 and federal regulations.

Sexual harassment, as that term is defined under Title IX, is prohibited. All incidents of conduct that could constitute sexual harassment under this policy are to be reported and treated in accordance with this policy, whether or not the incidents may also constitute violations of other board policies or standards of conduct.

Individuals who believe they have been subjected to sexual harassment prohibited by this policy or who have witnessed or have reliable information that another person has been subjected to sexual harassment prohibited by this policy should use the process provided in Policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

The board has also established grievance procedures for those who believe they have been victims of sexual harassment. Those grievance procedures are designed to achieve prompt and equitable resolution of formal complaints of sexual harassment through a formal investigation and adjudication of the allegations in the complaint or through informal resolution processes. The grievance process is provided in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

### **A. INQUIRIES ABOUT TITLE IX**

The board has designated a Title IX Coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX Coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Asheboro City Schools Title IX Coordinator for students is:

Director of Support Services  
1126 South Park Street

PO Box 1103  
Asheboro, NC 27204  
Office: (336) 625-5104

The contact information for the Asheboro City Schools Title IX Coordinator for staff is:

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Telephone: 202-453-6020 TDD: 800-877-8339  
Fax: 202-453-6021  
Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

**B. NOTICE OF THE BOARD’S POLICY OF NONDISCRIMINATION ON THE BASIS OF SEX AND SEXUAL HARASSMENT REPORTING AND GRIEVANCE PROCESS**

The superintendent is responsible for providing notice of the board’s nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The superintendent shall also ensure that each principal or site supervisor makes a copy of this policy and policy 1726/4036/7237 available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board’s policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX Coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX Coordinator or to the Assistant Secretary for Civil Rights.

**C. PROHIBITED BEHAVIOR**

**1. Scope**

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

## 2. Definition of Sexual Harassment

Sexual harassment prohibited under Title IX and by this policy is conduct on the basis of sex occurring in a school system education program or activity that satisfies one or more of the following:

- a. an employee of the school system conditioning the provision of an aid, benefit, or service of the school system on an individual's participation in unwelcome sexual conduct;
- b. unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school system's education program or activities. This determination requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and the victim and the number of individuals involved and their authority;
- c. sexual assault including rape, statutory rape, fondling, and incest;
- d. dating violence;
- e. domestic violence; or stalking Sexual assault, dating violence, domestic violence, and stalking will be defined in accordance with applicable law and the definitions will be incorporated into an administrative regulation developed by the superintendent.

Conduct that satisfies this standard is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser and the context in which the harassment occurred. All references to "sexual harassment" in this policy mean sexual harassment that meets this definition.

Conduct that is determined not to meet the definition above may violate other board policies or established standards of conduct and will be treated accordingly. For example, conduct that does not meet the definition of Title IX sexual harassment above may nevertheless violate other board policies, including: policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying or policy 4040/7310, Staff-Student Relations.

Nothing in this policy is intended to limit discipline for violation of other board policies when appropriate and consistent with law.

**D. ADDITIONAL DEFINITIONS**

The following additional definitions apply in this policy and policy 1726/4036/7237, Title IX Sexual Discrimination and Harassment Reporting and Complaint Procedures.

**1. Report**

A report is an oral or written notification that an individual is an alleged or suspected perpetrator or victim of sexual harassment.

Making a report initiates the interactive process with the complainant described in Section E.1, below. No disciplinary action will be taken against a respondent for sexual harassment based on a report alone.

**2. Formal Complaint**

A formal complaint is a document signed and filed with the Title IX Coordinator by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that school officials investigate the allegation(s). Filing a formal complaint initiates the grievance process set forth in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activities of the school system.

**3. Complainant**

The complainant is the individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment, regardless of whether a formal complaint is filed.

**4. Respondent**

The respondent is the individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**5. Grievance Process**

Grievance process means the process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The sexual harassment grievance process is set out in policy 1726/4036/7237.

**6. Title IX Coordinator**

The Title IX Coordinator is a school official who is designated to coordinate the school system's response to sexual harassment and allegations of sexual harassment. Contact information for the Title IX Coordinator is posted on the school system's website and listed in policy 1725/4035/7236, Title IX Sexual Harassment– Prohibited Conduct and Reporting Process.

7. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment.

8. Days

Days are calendar days unless specified otherwise.

9. Student(s)

"Student(s)" means the student and/or the student's parent or legal guardian unless the context clearly indicates otherwise. When the complainant or respondent is a student, references to those terms also include the student's parent or legal guardian unless the context clearly indicates otherwise.

10. Actual Knowledge

"Actual knowledge" means a school employee has notice of sexual harassment or allegations of sexual harassment.

**E. REPORTING SEXUAL HARASSMENT**

1. Student Reports

Any student who believes he or she is a victim of sexual harassment occurring in the school system's education programs or activities is encouraged to report the matter to the student's principal or to the Title IX Coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school employee. Students may also report sexual harassment through

the anonymous tip line, but school officials may be limited in their ability to respond if the report does not identify the complainant.

2. Mandatory Reporting by School Employees and Board Members

Any employee or member of the board of education who has actual knowledge of sexual harassment or allegations of sexual harassment occurring in the education program or any activity of the school system must report that information immediately to the appropriate Title IX Coordinator:

- a. the Executive Director of Human Resources, if involving employees; and
- b. the Director of Support Services, if only involving students.

Any of the following confers “actual knowledge” and must be reported immediately:

- a. a report of sexual harassment from a student or other person;
- b. the employee or board member witnesses conduct that is or reasonably could be sexual harassment; or
- c. the employee or board member discovers evidence of sexual harassment, such as sexualized graffiti on school property, or otherwise has reliable information or reason to believe that a student, employee, or other individual may have been sexually harassed in violation of this policy, even if no one has reported the sexual harassment.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. An employee with actual knowledge of possible sexual harassment in violation of this policy who does not promptly report the conduct and/or take proper action as required by this subsection, or who knowingly provides false information about the incident, will be subject to disciplinary action, up to and including dismissal.

Any doubt about whether particular conduct is possible sexual harassment must be resolved in favor of reporting the conduct.

The mandatory reporting required by this section is in addition to required reporting under policies 4040/7310, Student-Staff Relations, and 4240/7312, Child Abuse and Related Threats to Child Safety, where the conduct at issue requires a report under either of those policies.

3. Reporting by Others

All other members of the school community are strongly encouraged to report any act that may constitute an incident of sexual harassment in violation of this policy to the school principal, the Title IX Coordinator, or the superintendent.

4. Content of the Report

To the extent possible, reports should be sufficient to put school officials on notice of conduct that could constitute sexual harassment. Employees making mandatory reports should provide as much detail about the alleged sexual harassment as is known, unless such disclosure would violate law or standards of professional ethics. Reports, other than mandatory reports by employees, may be made anonymously, but anonymous reports may limit the school system's ability to respond fully if the alleged victim is not identified.

5. Time Period for Making a Report

Reports by students and third parties can be made at any time. During non-business hours, reports can be made by using the contact information for the Title IX Coordinator provided on the school system's website, in this policy, and in policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying. A report should be made within 30 days after disclosure or discovery of the facts giving rise to the report. Delays in reporting may impair the ability of school officials to investigate and respond to any subsequent formal complaint.

School employees and board members with actual knowledge of sexual harassment must report that information immediately, as provided in subsection C.2 above.

**F. SCHOOL OFFICIALS' RESPONSE TO ACTUAL KNOWLEDGE OF SEXUAL HARASSMENT**

As required to meet the school system's obligations under Title IX, school officials shall respond promptly and impartially to actual knowledge of alleged sexual harassment in a manner that is not deliberately indifferent. A response that is not deliberately indifferent is one that is not clearly unreasonable in light of the known circumstances and includes, at a minimum, the provision of supportive measures to the complainant, as described in this section.

Consistent with this duty, school officials shall respond to all reports of conduct that could constitute sexual harassment in accordance with this section. However, a report alleging conduct that is not sexual harassment as defined in this policy is not subject to this policy but may be referred to appropriate school officials as a possible violation of other board policies.

1. Title IX Coordinator Initiates Interactive Process with Complainant

Upon receiving a report of alleged sexual harassment, the Title IX Coordinator shall promptly contact the complainant and the complainant's parent or guardian confidentially. This contact must occur within three school/business days, excluding weekends, absent extenuating circumstances. The Title IX Coordinator shall also notify the principal of the report and, if an employee is the complainant or respondent, the senior human resources official or designee.

When contacting the complainant and parent or guardian, the Title IX Coordinator shall do all of the following during the contact and shall document the same:

- a. offer supportive measures;
- b. consider the complainant's wishes with respect to supportive measures;
- c. explain that supportive measures are available with or without the filing of a formal complaint; and
- d. explain the process for filing a formal complaint with the Title IX Coordinator and the response required of the school system when a complaint is filed, including all the following:
  - i. that a formal complaint will initiate the grievance process described in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process;
  - ii. that a formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail;
  - iii. the major steps in the grievance process, including (1) a notice of the allegations that will be provided to the respondent that includes identification of the complainant and the allegations made; (2) an investigation of the allegations of sexual harassment in which both parties will have opportunity to have an advisor, present witnesses, review evidence, pose written questions of the other party, and receive a copy of the investigative report; (3) a decision on responsibility in which a decision-maker objectively evaluates all relevant evidence and determines whether the respondent engaged in the alleged sexual harassment in violation of this policy; and (4) the opportunity for either party to appeal the decision;



- iv. the approximate time frame for concluding the grievance process;
- v. that school officials will treat both parties equitably by (1) providing remedies to the complainant if the respondent is found responsible, and (2) by not imposing disciplinary sanctions on the respondent without first following the grievance process set forth in policy 1726/4036/7237;
- vi. the circumstances under which a formal complaint might be consolidated with other formal complaints or dismissed; and
- vii. that the Title IX coordinator may have an obligation to initiate the grievance process in the absence of a formal complaint filed by the complainant and the time frame in which that decision will be made.

2. Title IX Coordinator Arranges Implementation of Supportive Measures

After considering the complainant's wishes, the Title IX Coordinator shall arrange the effective implementation of appropriate supportive measures unless, in the exercise of good judgment, the Title IX Coordinator determines that supportive measures should not be provided. If supportive measures are not provided to the complainant, the Title IX Coordinator shall document why supportive measures were not provided and why not providing supportive measures is not deliberately indifferent to known sexual harassment.

The supportive measures available to the complainant and the respondent are set forth in Regulation 1725/4035/7236-R, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process.

If the complainant is a student with a disability, the Title IX Coordinator may need to consult with appropriate school personnel to determine whether adjustments to the student's IEP or Section 504 plan are needed to implement any supportive measures to be provided and/or whether the student's plan necessitates any adjustment to the proposed supportive measures.

3. Title IX Coordinator Determines Whether to Sign a Formal Complaint

If the complainant declined to file a formal complaint within the designated time period following the interactive process described above, the Title IX Coordinator shall determine on a case-by-case basis whether to sign, i.e., file, a formal complaint to initiate the grievance process.

The Title IX Coordinator should file a formal complaint (1) if the respondent is a school employee and the complainant is a student; and (2) in other cases where, in the exercise of good judgment and in consultation with the school attorney as appropriate, the Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment. Credibility or merit of the complaint shall not be considered in making the determination.

A decision by the Title IX Coordinator to sign a formal complaint is not to be construed as supportive of the complainant or in opposition to the respondent or as an indication of whether the allegations are credible or have merit, or whether there is evidence sufficient to determine responsibility. Signing a formal complaint does not make the Title IX Coordinator a complainant or party to the complaint nor relieve the Title IX Coordinator from any responsibilities under this policy.

The Title IX Coordinator shall document the decision of whether to sign a complaint and the reasons for that decision.

4. Presumption of Non-responsibility of Respondent and Bar on Disciplinary Sanctions without Due Process

The respondent identified in any report alleging sexual harassment under this policy will be presumed not responsible for the alleged conduct until the respondent's responsibility is conclusively established through the grievance process outlined in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

No disciplinary sanction or other action that is not a supportive measure, including but not limited to (1) short or long-term suspension, expulsion, or transfer to an alternative school or program for student-respondents and (2) suspension, demotion, or dismissal for employee-respondents, may be imposed for a violation of this policy unless the respondent agrees to a specific disciplinary sanction or action in an informal resolution or has been determined to be responsible for the sexual harassment at the conclusion of a grievance process that complies with the process in policy 1726/4036/7237. An employee-respondent, however, may be placed on administrative leave during the pendency of the grievance process if consistent with applicable state and federal laws.

Notwithstanding the limitation just described, respondents are subject to emergency removal as described in the next paragraph.

5. Emergency Removal of Respondent from School or Employment

Any respondent is subject to removal from the school system's education program and activities, or any part of the program or activities, on an emergency basis if a school-based threat assessment team conducts an individualized safety and risk analysis and determines that removal is justified because the person poses an immediate health or safety threat to any person arising from the allegations of sexual harassment. A removal under this subsection includes a transfer of a student to an alternative education program consistent with policy 3470/4305, Alternative Learning Programs/Schools. A schedule change, and/or removing a student from an extracurricular activity is also considered a removal under this subsection where such action would not otherwise constitute a supportive measure.

The emergency removal may take place regardless of whether a formal complaint has been filed. However, any such removal must be consistent with federal and state law, including any applicable law protecting the rights of individuals with disabilities. The respondent shall receive notice of the removal and an opportunity to challenge the decision in an informal hearing with the superintendent or designee immediately following the removal.

An employee may be placed on administrative leave with or without pay during the pendency of the grievance process set out in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, if consistent with state law and in accordance with any applicable requirements of state law.

The superintendent or designee shall document all emergency removal decisions under this subsection, including the immediate threat to health or safety that justified the removal.

#### 6. Supportive Measures

Supportive measures will be available to both the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures will remain confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### **G. RETALIATION PROHIBITED**

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way, including making a report of Title IX sexual harassment, is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sexual discrimination or sexual

harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to the grievance processes established in policies 1740/4010 and 1750/7220. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

#### **H. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

The grievance process for formal complaints of sexual harassment under this policy is set out in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process. The policy also provides an informal resolution process for complainants who seek an alternate means of resolution to their complaint.

As described in subsection F.3 above, the Title IX Coordinator may also initiate the grievance process, as needed.

#### **I. RECORDS**

The Title IX Coordinator shall create and maintain for a period of seven years records of all reports and formal complaints of sexual harassment. For each report or formal complaint, the Coordinator shall document the following:

1. any actions, including any supportive measures, taken in response to the report or formal complaint;
2. that school officials have taken measures that are designed to restore or preserve equal access to the school system's education program and activities;
3. why school officials believe their response to the report or complaint was not deliberately indifferent; and
4. if supportive measures were not provided to the complainant, why that was not clearly unreasonable in light of the known circumstances.

In conjunction with the superintendent, the Title IX Coordinator shall also maintain for seven years all materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681et seq., 34 C.F.R. pt. 106; Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998); G.S. 115C-335.5; Davis v. Monroe County Board of Education, 526 U.S. 629 (1999); Questions and Answers Regarding the Department's Final Title IX Rule, U.S. Department of Education, Office for Civil Rights (2020), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-20200904.pdf>

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7235), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Student and Parent Grievance Procedure (policy 1740/4010/5001), Prohibition Against Retaliation (policy 1760/7280), Grievance Procedure for Employees (policy 1750/7220), Alternative Learning Programs/Schools (policy 3470/4305), Staff-Student Relations (policy 4040/7310), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Discrimination and Harassment in the Workplace (policy 7232)

Other Resources: Questions and Answers on the Title IX Regulations on Sexual Harassment, U.S. Department of Education, Office for Civil Rights (July 2021), available at <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>

Adopted: March 11, 2021

The process provided in this policy is designed for those who believe that they have been sexually harassed in violation of policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and wish to file a formal complaint. School officials shall follow the grievance process established in this policy when responding to all formal complaints of sexual harassment.

The superintendent is responsible for notifying students and their parents or legal guardians, employees, and applicants for employment of this policy and ensuring that each principal or site supervisor provides a copy of this policy to these persons.

**A. DEFINITIONS**

All definitions in policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, are incorporated by reference and have the same meaning when used in this policy, including all references to “sexual harassment” in this policy.

The following additional definitions apply in this policy.

1. Investigator

The investigator is the school official responsible for investigating and responding to a formal complaint.

2. Decision-Maker

The decision-maker is the school official responsible for making a determination regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.

3. Investigative Report

The investigative report is a written account of the findings of the investigation conducted in response to a formal complaint.

4. Remedies

Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant’s equal access to the education program

and activities of the school system when a respondent is found responsible for sexual harassment.

Remedial measures available to a complainant following a determination of responsibility include counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other measures determined by school officials to be necessary to restore or preserve the complainant's equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary in nature.

5. Disciplinary Sanctions

Disciplinary sanctions are consequences imposed on a respondent when the respondent is found responsible for sexual harassment.

**B. FILING A FORMAL COMPLAINT TO INITIATE THE GRIEVANCE PROCESS**

A formal complaint initiates the grievance process.

1. Individuals Who May File a Formal Complaint

a. Eligible Complainants

Eligible individuals who believe that they have been sexually harassed in violation of policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, may initiate the grievance process for alleged sexual harassment by filing a formal written complaint with the Title IX Coordinator. To be eligible to file a formal written complaint, the complainant must be participating in or attempting to participate in the education program or activities of the school system at the time of filing.

b. The Title IX Coordinator

If the complainant does not wish to file a formal complaint and the matter has not been adequately resolved through the provision of supportive measures, the Title IX Coordinator may initiate the grievance process by signing a formal complaint. In accordance with law, only the complainant and the Title IX Coordinator may initiate the grievance process; no other individuals or school officials shall have authority to do so.

2. Time Period for Filing a Formal Complaint

There is no deadline for filing a complaint. A complaint should be filed as soon as possible after the conduct occurs, preferably within 30 days after the complainant becomes aware of the alleged sexual harassment, unless the conduct forming the basis for the complaint is ongoing. School officials will initiate the grievance process regardless of when the formal complaint is submitted, but delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

In addition, in some circumstances it may be necessary for the Title IX Coordinator to sign a formal complaint to initiate the grievance process in order to meet the school system's legal obligations when the Coordinator is aware of sexual harassment or alleged sexual harassment and the complainant has not yet filed a formal complaint. The Title IX Coordinator can do so at any time.

3. Contents of the Formal Complaint

The complaint should (1) contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student, (2) describe the alleged sexual harassment, (3) request an investigation of the matter, and (4) be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

4. How to File the Formal Complaint

The complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX Coordinator or on the school system website.

5. School System's Response to Receipt of the Formal Complaint

- a. Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator shall engage in an interactive process with the complainant, consider the provision of supportive measures in light of the complainant's wishes, provide supportive measures as appropriate, and otherwise fulfill the requirements of Section D of policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, unless the Title IX Coordinator has already done so in response to an initial report of the same allegation of sexual harassment.
- b. School officials reserve the right to consolidate formal complaints against more than one respondent, or by more than one complainant against



one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The Title IX Coordinator shall advise the complainant if the formal complaint will be consolidated with others.

- c. The formal complaint initiates the grievance process as described below.

**C. GENERAL PRINCIPLES OF THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

To ensure a complete, thorough, and fair grievance process for formal complaints of sexual harassment, school officials responsible for the investigation, adjudication, or appeal of a formal complaint of sexual harassment shall comply with the following requirements. Failure by any school official to comply with these requirements or other standards or procedures established in this policy is cause for disciplinary action.

**1. Equitable Treatment**

Complainants and respondents must be treated equitably throughout the grievance process. Relevant evidence collected in the investigation of a formal complaint must be evaluated objectively. No individual designated as a Title IX Coordinator, investigator, decision-maker, or appeal decision-maker will have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The complainant and respondent shall be provided an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney. If a party elects to be represented by an attorney, the party should notify school officials in advance so that an attorney for the school system may also be present. Any restrictions on advisor participation in any proceeding must be applied equally to both parties.

The complainant and respondent will both be provided a description of the range of supportive measures available to them.

**2. Adequate Training**

The Title IX Coordinator, and all persons serving as Title IX investigators, decision-makers, or appeal decision-makers shall receive training on what constitutes sexual harassment, the scope of the school system's education program and activities, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will be trained on any

technology to be used at a live hearing and on issues of relevance of questions and evidence.

Materials used to train Coordinators, investigators, decision-makers, and appeal decision-makers will not rely on sex stereotypes and shall promote impartial investigations and adjudications of sexual harassment. Copyright restrictions will be taken into consideration in selecting training materials in order to comply with the school system's legal obligation to make all training materials available on the school system's website.

3. Presumption of Non-Responsibility/Innocence

At all times prior to a determination regarding responsibility by the decision-maker, there will be a presumption that the respondent is not responsible for the alleged conduct.

4. Burden of Proof and Production of Evidence

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will at all times rest on the school system and not on the complainant or respondent. Formal rules of evidence shall not apply in the grievance process.

5. Written Notice of Meetings and Other Proceedings

Parties whose participation is invited or expected at any hearing, investigative interview, or other meeting will be provided written notice of the event's date, time, location, participants, and purpose with sufficient time for the party to prepare to participate.

6. Confidentiality and Privacy

The school system will keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment, any complainant, any respondent, and any witness, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. A violation of this provision may constitute retaliation.

All meetings, hearings, or other proceeding conducted pursuant to this policy will be private except to the extent that the parties are permitted to be accompanied by others as provided in subsection C.1 above.

School officials shall not access, consider, disclose, or otherwise use a party's medical, mental health, or other records that are made or maintained by a

professional or paraprofessional in connection with the provision of treatment to the party without the party's voluntary written consent.

7. No Disclosure of Privileged Information

No person acting on behalf of the school system shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

8. Timeliness of Process

School officials shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through the adjudication phase within 90 days after filing the formal complaint. The board reserves the right to extend this time frame or any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include but is not limited to the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

The Title IX Coordinator or other responsible school official shall make reasonable efforts to keep the complainant and respondent apprised of progress being made during any period of delay.

**D. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART I – INVESTIGATION**

1. Step 1 – Notice of Allegations

a. Upon the filing of a formal complaint, the Title IX Coordinator shall, within five school/business days, provide the known parties written notice of the allegations that includes:

i. notice of the allegations of sexual harassment in sufficient detail to permit the parties to prepare a response before any initial interview, including:

- a) the identities of the parties involved, if known;
- b) the conduct allegedly constituting sexual harassment; and
- c) the date and location of the alleged incident, if known;

- ii. a copy of this policy to give notice of the school system's grievance process, including the investigative and adjudication procedures, and any informal resolution process available;
  - ii. notice that the parties may have an advisor of their choice and that either party may inspect and review any evidence;
  - iii. notice of the provision in board policy 4340, School-Level Investigations, that prohibits students and employees from knowingly making false statements or knowingly submitting false information during the grievance process; and
  - iv. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.
- b. If during the investigation, the investigator decides to investigate allegations of sexual harassment not included in the initial notice provided above, notice of the additional allegations will be provided to the parties.

2. Step 2 – Review Grounds for Dismissal of the Formal Complaint

The Title IX Coordinator shall review the allegations and determine whether the formal complaint must be dismissed without further investigation because the conduct alleged in the formal complaint, even if assumed true, would not constitute sexual harassment as defined in this policy, did not occur in the school system's education program or activities, or did not occur against a person in the United States. Such a dismissal does not preclude action under another provision of the Code of Student Conduct, board policy, or expected standards of employee behavior. The complaint will not be dismissed at this stage on the basis that the allegations are frivolous, without merit, or otherwise unfounded.

Upon a dismissal, the Title IX Coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The Title IX Coordinator shall refer the matter that was the subject of the dismissed complaint to the principal for further action as warranted.

3. Step 3 – Initiating the Investigation

If the complaint may proceed, the Title IX Coordinator shall notify the appropriate investigator, who shall investigate the formal complaint.

- a. In order to provide a neutral and objective investigation, the investigator shall not be a party to the complaint under investigation. The investigator of a formal complaint is ordinarily determined as described below; however, the Title IX Coordinator, in consultation with the superintendent, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.
  - i. If the respondent is a student, the investigator is the principal or designee of the school with jurisdiction over the incident.
  - ii. If the respondent is an employee or applicant for employment, the investigator is the senior human resources official or designee.
  - iii. If the respondent is neither a student nor an employee/applicant for employment, the principal of the school/site supervisor at which the complainant is enrolled or employed shall be the investigator.
  - iv. Notwithstanding the above designations, (1) if the respondent is the senior human resources official, the superintendent shall investigate the complaint; (2) if the respondent is the superintendent or a member of the board, the Title IX Coordinator shall immediately notify the board chair who shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.
- b. The investigator may request assistance from the Title IX Coordinator to conduct the investigation.
- c. The Title IX Coordinator and the investigator shall jointly assess the need for supportive measures for either party, including assessing the effectiveness of any supportive measures currently being provided to the complainant, and, as necessary, will implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation and prior to a final determination regarding responsibility. Supportive measures provided to the complainant or respondent will be maintained as confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures.

- d. The investigator shall explain the process of the investigation to the complainant and respondent.

4. Step 4 – Conducting the Investigation

The investigator is responsible for gathering evidence sufficient to reach a determination of whether the allegations in the formal complaint are true and whether the facts as determined by the investigator establish that sexual harassment as defined in this policy occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.

- a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting in accordance with subsection C.5 above. The investigator shall provide the complainant and respondent an equal opportunity to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.
- b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.
- c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.
- d. The formal complaint and the investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for further confidentiality will be evaluated within the context of the legal responsibilities of the school system.

The investigator may, with approval of the Title IX Coordinator, dismiss the formal complaint or any allegations therein if at any time during the investigation or decision-making process: (1) the complainant notifies the Title IX Coordinator in writing that he or she would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the school system; or (3) specific circumstances prevent school

officials from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The investigator may consider the matter that was the subject of the dismissed complaint for action in accordance with board policy for violation of other expected standards of student or employee behavior.

5. Step 5 – Investigative Report and Opportunity to Review Evidence
  - a. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.
  - b. Before completing the final report, the investigator shall send to each party and the party’s advisor, if any, in hard copy or electronically, all the evidence collected which is directly related to the allegations raised in the formal complaint. The parties shall have 10 days to submit a written response for the investigator’s consideration before the investigator finalizes the investigative report.
  - c. Following the parties’ opportunity to respond to the written evidence, the investigator shall finalize the written investigative report, including a recommendation on the question of responsibility and any recommended discipline sanction.
  - d. The investigator shall provide a copy of the report to each party and the party’s advisor, if any, for their review and written response. The investigator shall also notify the parties of the opportunity to submit written questions to the other party and witnesses as provided in subsection E.2 below. The parties shall have 10 days to provide a written response to the investigative report, along with the party’s initial set of written questions.
  - e. The investigator shall provide to the decision-maker a copy of the investigative report, the relevant evidence, and the parties’ written responses to the report and initial sets of written questions.

The investigator shall also provide a description of the procedural steps taken, starting with the receipt of the formal complaint and continuing through the preparation of the investigative report, and including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

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**E. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART II – ADJUDICATION**

The superintendent or designee (hereinafter “superintendent”) shall serve as the decision-maker. In his or her role as decision-maker, the superintendent shall provide for the exchange of questions between the parties and a decision on responsibility in a manner consistent with state law and as provided below.

**1. Step 1 – Exchange of Questions and Answers**

Whether or not there will be a hearing and regardless of whether the respondent is a student, after the parties are sent the investigative report, the superintendent shall provide the parties an opportunity to submit written, relevant questions that the party wants asked of any other party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party in accordance with a reasonably prompt time frame established by the superintendent. The parties shall submit their initial set of written questions at the time they submit their response to the investigative report as described in subsection D.5.d above.

- a. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior will be considered not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s sexual behavior with respect to the respondent and is offered to prove consent.
- b. The superintendent must explain to the party proposing the questions any decision to exclude questions as not relevant.

**3. Step 2 – Decision on the Question Regarding Responsibility**

Following the exchange of questions and/or hearing as described above, the superintendent shall decide the question regarding responsibility, any disciplinary action, and any other measures the superintendent deems appropriate. The superintendent shall consider all the relevant evidence objectively, including evidence in the investigative report, any testimony of witnesses at the hearing, if one was held, and any additional information provided by the parties through the exchange of questions and responses as provided in subsection E.2 above.

Based on an objective evaluation of the evidence, the superintendent shall determine whether the preponderance of the evidence supports a finding that the respondent is responsible for sexual harassment in violation of board policy,



and if so, what disciplinary sanction will be imposed. Remedies will be provided to the complainant if the respondent is found responsible.

4. Step 3 – Written Determination Regarding Responsibility

The superintendent shall issue a written determination regarding responsibility simultaneously to both parties that includes:

- a. identification of the allegations potentially constituting sexual harassment under board policy;
- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of board policy and/or the Code of Student Conduct or expected standards of employee behavior to the facts including whether, the respondent engaged in prohibited sexual harassment or other proscribed conduct;
- e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent (which may be a recommendation to the board for discipline that is beyond the authority of the superintendent or other decision-maker), and whether remedies designed to restore or preserve equal access to the school system's education program and activities will be provided to the complainant;
- f. the procedures and permissible bases for the complainant and respondent to appeal; and
- g. any other notices that are required to accompany the decision under state law, such as when the superintendent imposes a long-term suspension or recommends dismissal of an employee.

**F. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART III – APPEAL**

The parties shall have the right to appeal to a panel composed of board of education members the determination regarding responsibility, the outcome of any disciplinary proceeding, and any dismissal of a formal complaint or any allegations therein. If a party appeals both the determination regarding responsibility and the outcome of a

disciplinary proceeding, both matters will be heard by the board at the same time. If both parties appeal, the appeals will be heard at the same time.

1. Deadline and Grounds for Appeal

Either party may appeal by submitting a request in writing to the superintendent within three school/business days of receiving the determination regarding responsibility, unless the party is entitled to a longer appeal period under state law or board policy. Any longer appeal period applicable to one party shall apply equally to the other party. The grounds for appeal may be any of the following:

- a. procedural irregularity that affected the outcome of the matter;
- b. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- d. the disciplinary sanction is inappropriate or unreasonable; or
- e. any other basis provided by law or board policy governing appeals to the board.

2. Notice of the Appeal

In all appeals, the other party will be notified in writing when an appeal is filed and be provided a copy of the appeal.

2. Appeal Procedures

- a. The board will hear the appeal. Unless otherwise required by law, the board may designate a panel of two or more board members to hear and act on behalf of the board.
- b. Appeal procedures will be implemented equally for both parties and will follow the procedures in policy 2500, Hearings Before the Board, modified as necessary to allow equal participation of the parties.
- c. If the appeal includes an appeal of a disciplinary sanction, the procedures in policy 4370, Student Discipline Hearing Procedures; policy 7940,

Classified Personnel: Suspension and Dismissal; or policy 7931, Renewal and Nonrenewal of Teacher Contracts, shall also apply as applicable.

- d. After the notice of appeal is provided, both parties will be given 10 days to submit a written statement in support of, or challenging, the outcome. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's written statement.
- e. The board will review the record and the written argument of the parties submitted on appeal, determine whether additional information is needed from any party, and take any other steps that the board determines to be appropriate in order to respond to the appeal.

3. Decision on Appeal

- a. After considering the record and written statements of the parties, the board will determine whether the grounds for the appeal have been substantiated.
- b. If substantiated, the board will determine the appropriate response, which may include a remand for a new investigation, a new decision, or both, or such other action as the board determines is needed to correct the error in the original proceedings.
- c. The board will provide a written decision describing the results of the appeal and rationale for the result within thirty days after receiving the appeal unless the decision is delayed for good cause. The written decision will be provided simultaneously to both parties.

4. When the Decision Becomes Final

If an appeal is timely filed, the determination regarding responsibility becomes final at the conclusion of the appeal process. However, if the decision on appeal is remand, the determination regarding responsibility does not become final until that process, including any appeal of the proceedings on remand, is concluded. If an appeal is not filed, the determination regarding responsibility becomes final after the three-day appeal period.

The superintendent shall ensure that a copy of the final decision is provided to the Title IX Coordinator and shall confer with the Title IX Coordinator regarding any remedies to be provided to the complainant, as described in subsection G.4 below.

**G. DISCIPLINARY CONSEQUENCES, REMEDIES, AND OTHER RESPONSES FOR SUBSTANTIATED SEXUAL HARASSMENT**

**1. Disciplinary Consequences for Students**

Disciplinary consequences for substantiated sexual harassment will be assigned in accordance with the Code of Student Conduct. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the conduct also may be reported to law enforcement, as appropriate.

A student recommended for a long-term suspension or expulsion will have all applicable rights accorded by board policy and state law. A student with disabilities will have all rights accorded by law, including the right to a manifestation hearing before the imposition of a suspension exceeding 10 cumulative days in a school year.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint. However, false or malicious complaints of sexual harassment and false statements made in bad faith in the course of any grievance proceeding conducted pursuant to this policy are subject to disciplinary action.

Nothing in this policy will preclude the school system from taking disciplinary action against a student when the evidence does not establish sexual harassment as defined in this policy but the conduct violates other board policy and/or the Code of Student Conduct.

**3. Disciplinary Consequences for Employees**

Substantiated sexual harassment by employees is subject to discipline up to and including dismissal. In addition, the conduct may also be reported to law enforcement, as appropriate.

An employee recommended for suspension, demotion, or dismissal shall have all applicable rights accorded by board policy and state law.

Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish sexual harassment as defined in this policy, but the conduct violates other board policy or expected standards of employee behavior.

3. Consequences for Other Perpetrators

Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate. Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law.

4. Remedies

At the conclusion of the grievance process, the superintendent or other decision-maker shall confer with the Title IX Coordinator to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX Coordinator shall consult with the complainant in determining appropriate remedies.

The Title IX Coordinator shall be responsible for the effective implementation of the remedies to be provided to the complainant.

5. Consideration of Need for More Extensive Response

If the superintendent determines that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances, the superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

**H. INFORMAL RESOLUTION**

The board provides informal resolution processes to resolve some formal complaints of sexual harassment without a full investigation and adjudication. Informal resolution is not available unless a formal complaint is filed and will not be used to resolve formal complaints alleging that an employee sexually harassed a student. Further, school officials shall never condition an individual's enrollment, employment, or other rights on an agreement to waive the individual's right to a formal investigation and adjudication of a formal complaint.

The Title IX Coordinator, or other school official in consultation with the Title IX Coordinator, may offer the parties an informal process to resolve a formal complaint at any time prior to reaching a final determination regarding responsibility. Before using an informal resolution process, school officials must ensure that both parties have given voluntary, informed, written consent to attempt informal resolution. Accordingly, the Title IX Coordinator, investigator, or decision-maker shall:

1. provide the parties (including the parent of a minor) a written notice disclosing:
  - a. the allegations;
  - b. the nature and requirements of the informal resolution process, including that if the parties agree to a resolution of the matter, the agreement precludes either party from resuming a formal complaint process arising from the same allegations; and
  - c. any consequences that could result from participating in the informal resolution process, including whether records will be maintained and could be shared; and
2. obtain the parties' voluntary, written consent to the informal resolution process.

Any agreement reached by the parties through informal resolution may include measures that are designed to restore or preserve the parties' equal access to the education program and activities, including measures that may be punitive or disciplinary in nature.

Any informal process should be completed within a reasonable period of time, not to exceed 60 days from filing the complaint unless special circumstances necessitate more time. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

#### **I. RETALIATION PROHIBITED**

Any act of retaliation or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or filed a formal complaint or testified, assisted, or participated or refused to participate in any investigation, proceeding, or hearing involving sexual harassment is prohibited. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

Complaints alleging retaliation are to be treated as claims of sex discrimination and may be filed in accordance with policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process.

**J. RECORDS**

The superintendent or designee shall maintain for a period of seven years records of the following:

1. each sexual harassment investigation including:
  - a. any determination regarding responsibility;
  - b. any audio or audiovisual recording or transcript from any live hearing;
  - c. any disciplinary sanctions imposed on the respondent; and
  - d. any remedies provided to the complainant designed to restore or preserve equal access to the school system's education program and activities;
2. any appeal and the result therefrom;
3. any informal resolution and the result therefrom; and
4. in conjunction with the Title IX Coordinator, all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681et seq., 34 C.F.R. pt. 106; Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998); Davis v. Monroe County Board of Education, 526 U.S. 629 (1999); Questions and Answers Regarding the Department's Final Title IX Rule, U.S. Department of Education, Office for Civil Rights (2020), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-20200904.pdf>.

Cross References: Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the Board (policy 2500), School-Level Investigations (policy 4340), Student Discipline Hearing Procedures (policy 4370), Visitors to the Schools (policy 5020), Discrimination and Harassment in the Workplace (policy 7232), Renewal and Nonrenewal of Teacher Contracts (policy 7931), Classified Personnel: Suspension and Dismissal (policy 7940)

Other Resources: Questions and Answers on the Title IX Regulations on Sexual Harassment, U.S. Department of Education, Office for Civil Rights (July 2021), available at <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>

Adopted: March 11, 2021



All principals and school personnel are encouraged to initiate improvements to the educational program and services for students through school rules, standards, and procedures. Unless specifically addressed by the board, the superintendent may determine what matters will be addressed through administrative procedures developed in accordance with policy 2470, Administrative Procedures, and what matters may be addressed through school rules, standards, or procedures established by the principal.

Principals are responsible for school rules, standards, and procedures and are encouraged to involve staff, parents, students, professionals, and citizens as appropriate to the issue.

At any time, the board or superintendent may review and direct the principal to modify, expand or omit a school rule, standard or procedure. All rules, standards or procedures must be consistent with applicable policies of the board, the administrative procedures of the superintendent, and any other applicable laws and regulations.

Legal References: G.S. 115C-36, -47

Cross References: Dissemination and Preservation of Policies (policy 2430), Administrative Procedures (policy 2470)

Adopted: April 9, 1998 to become effective July 1, 1998.

Reviewed by Policy Committee on August 9, 2012

**A. GENERAL PRINCIPLES**

It is the policy of the board to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion, and other benefits of employment without regard to race, color, religion, national origin, military affiliation, genetic information, sex (including pregnancy, childbirth, sexual orientation, and gender identity), age, or disability, except when sex, age, or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions. All employment decisions will be consistent with the board's objective of providing students with the opportunity to receive a sound basic education, as required by state law.

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

**B. RECRUITMENT**

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

All vacancies must be adequately publicized within the school system so that employees will be informed of opportunities for promotion or transfer to new jobs; however, the superintendent or designee may forgo publicizing a vacancy if the position will be filled through a lateral assignment, reassignment, or promotion of a current employee or if exigent circumstances necessitate that the position be filled immediately. Vacancies also may be publicized externally to attract qualified applicants.

**C. CRIMINAL HISTORY**

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

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy. Special requirements are described in Section D of this policy for criminal history checks of candidates for certain positions working with pre-school children or working in afterschool or developmental day programs.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted (including entering a plea of guilty or nolo contendere) of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. The requirements of this paragraph do not apply to a child care provider who is determined to be disqualified by the Division of Child Development and Early Education on the basis of a criminal history check conducted pursuant to G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43. (See Section D of this policy).

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

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

**D. CRIMINAL HISTORY CHECKS OF CHILD CARE PROVIDERS**

For purposes of this section, a “child care provider” is:

1. any person who works or is a final candidate seeking to work in a classroom or program licensed by the Department of Health and Human Services, Division of Child Development and Early Education (DCDEE); and
2. any person, including a volunteer, who has unsupervised contact with children enrolled in such classrooms or programs.

Before beginning initial employment or volunteer service and at least every three years thereafter, each child care provider must complete a criminal background check that meets the requirements of G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43 and present a letter issued by DCDEE indicating that the individual is qualified to have responsibility for the safety and well-being of children based on the individual’s criminal history.

After September 30, 2019, no person shall (1) be employed, continue to be employed, or be permitted to volunteer as a child care provider, or to otherwise have unsupervised contact with students enrolled in a licensed classroom or program operated by the school system or (2) be counted in the staff/child ratio of such classroom or program, unless the person holds a current valid qualification letter issued by DCDEE. However, a child care provider with provisional status may be employed pending final results of the criminal background check but shall be subject to the restrictions established by 10A N.C.A.C. 09 .2703(f).

The application fee and cost of fingerprinting associated with the DCDEE criminal history check process shall be borne by the board.

A child care provider who has incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by DCDEE shall notify the Executive director of human resources in writing of such charges no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. The executive director of human resources shall notify DCDEE within one business day of being notified.

The superintendent or designee shall include the criminal history mandatory reporting requirement in all new employee orientation information for child care providers. The superintendent shall also be responsible for establishing effective recordkeeping methods and other processes as necessary to ensure compliance with all legal requirements pertaining to criminal history record checks of child care providers.

**E. SELECTION****1. Qualifications**

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

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

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

**2. Nepotism**

- a. For purposes of this subsection, the following definitions apply.
  - i. “Immediate family” means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
  - ii. “Central office staff administrator” includes principals, directors, supervisors, specialists, assistant superintendents, and superintendent.
- b. Before any immediate family of any board of education member or central office staff administrator is employed by the board or engaged in any capacity as an employee, independent contractor, or otherwise, (1) the board member or central office staff administrator must disclose the familial relationship to the board and (2) the prospective employment or engagement must be approved by the board in a duly called open session meeting.

- i. An employee who knowingly fails to disclose a familial relationship to the board as required will be subject to disciplinary action up to and including dismissal.
- ii. Notification by the employee to human resources will be deemed disclosure to the board. The human resources department is responsible for conveying the disclosure to the board before the board takes action on the prospective employment or engagement.
- c. When making recommendations for the selection and assignment of personnel, the superintendent shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the employment status, including hiring, salary, and promotion, of another employee who is a member of the first employee's immediate family.
- d. No administrative or supervisory personnel may directly supervise a member of his or her immediate family.

### 3. Employment Procedures

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

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

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Equal Pay Act of 1963, 29 U.S.C. 206; Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*; Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Military Selective Service Act, 50 U.S.C. Appx. 453; Rehabilitation Act of 1973, 29 U.S.C. 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; 42 U.S.C. 9858f; 45 C.F.R. 98.43; Bostock v.

Clayton County, 590 U.S. , 140 S. Ct. 1731 (2020); Green v. Missouri Pacific Railroad, 523 F.2d 1290 (8<sup>th</sup> Cir. 1975); Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, U.S. Equal Employment Opportunity Commission (April 25, 2012), available at [http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm); G.S. 14-208.18; 15A-153; 110-90.2; 115C-12.2, -36, -47, -276(j), -332; 126-7.1(i), -16; 127A-202.1 *et seq.*; 127B-10, -12, -14; 143B-421.1, -931; Leandro v. State. 346 N.C. 336 (1997); 10A N.C.A.C. 09.0102, -.2701, -.2702, -.2703; 16 N.C.A.C. 6C .0313; State Board of Education Policy BENF-009

Cross References: Board Authority and Duties (policy 1010), Registered Sex Offenders (policy 5022)

Adopted: May 14, 1998 to become effective July 1, 1998

Administrative Procedure: Yes

Revised: April 8, 1998, August 14, 2008, June 14, 2012, February 13, 2015, March 11, 2016, October 5, 2017, August 16, 2018, August 8, 2019, March 12, 2020, August 12, 2021

Updated

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**INFORMATION PROVIDED BY APPLICANT OR EMPLOYEE**

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*Policy Code:*

**7110**

All information provided to the ~~personnel office~~ human resources department by an applicant for employment or by an employee must be true, accurate, and complete to the best of that applicant's or employee's knowledge. Presenting information to the human resources department which is intended to defraud, falsify, materially misrepresent or conceal the truth will be considered just cause for terminating the application process or, as a violation of board policy, grounds for dismissing an employee.

Legal References: G.S. 115C-47(18), -325(e)(1)(o) (applicable to career status teachers), -325.4(a)(14) (applicable to non-career status teachers)

Adopted: May 14, 1998 to become effective July 1, 1998

Updated: April 8, 1999, March 11, 2016



The board intends to comply fully with all licensure requirements of the Elementary and Secondary Education Act, state law, and State Board of Education policies.

**A. LICENSURE AND OTHER QUALIFICATION REQUIREMENTS**

1. Except as otherwise permitted by the State Board of Education or state law, a person employed in a professional educator position must hold at all times a valid North Carolina professional educator's license appropriate to his or her position.
2. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy. In addition, all professional teachers employed to teach core academic subjects must be "highly qualified" as required by the State Board of Education. Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.
3. The board encourages alternative pathways into the teaching profession by skilled individuals from the private sector who meet state licensing requirements.
4. In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a residency license are available to fill a position, the board may employ for up to one year an individual who holds a permit to teach or an emergency license to practice issued by the State Board of Education. A permit to teach or an emergency permit is not renewable.

**B. EXCEPTIONS TO LICENSURE REQUIREMENTS**

1. Adjunct CTE Instructors

An unlicensed individual who meets the adjunct hiring criteria established by the State Board of Education for a specific career and technical education (CTE) career cluster may be employed as an adjunct CTE instructor for up to 20 hours per week or up to five full consecutive months of employment, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by G.S. 115C-157.1.

2. Adjunct Instructors in Core Academic Subjects, Fine and Performing Arts, and Foreign Languages

In accordance with G.S. 115C-298.5, an unlicensed faculty member of a higher

education institution who meets the adjunct hiring criteria established by the State Board of Education may be employed as a temporary adjunct instructor for specific core academic subjects, fine and performing arts. And foreign language courses in grades kindergarten through twelve provided the individual first completes preservice training and meets all other statutory and State Board of Education requirements.

In addition, an individual with a related bachelor's or graduate degree may be employed as a temporary adjunct instructor to teach high-school level courses in core academic subjects, fine and performing arts, and foreign language in the individual's area of specialized knowledge or work experience provided the individual first completes preservice training required under G.S. 115C-298.5(a1).

3. Interim Principals

A retired former principal or assistant principal may be employed as an interim principal for the remainder of any school year, regardless of licensure status. Return to Work After Retirement rules in the Teachers' and State Employee's Retirement System Handbook must be followed.

**C. BEGINNING TEACHER SUPPORT PROGRAM**

The superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and the Department of Public Instruction and kept on file for review. The plan must be aligned to the State Board of Education's beginning teacher support program standards and, when monitored, must demonstrate proficiency. The school system will also participate in implementing a regionally-based annual peer review and support system.

Teachers with fewer than three years of teaching experience will be required to participate in the Beginning Teacher Support Program.

**D. LICENSE CONVERSION**

Teachers must meet all requirements of the State Board of Education in order to move from an initial professional license or residency license to a continuing professional license. Licensing is a state decision and cannot be appealed at the local level. The superintendent or designee shall ensure that teachers not qualifying for continuing professional licensure are informed of the process for appealing the state decision.

**E. LICENSE RENEWAL**

Licensure renewal is the responsibility of the individual, not of the school system. Any

employee who allows a license to expire must have it reinstated prior to the beginning of the next school year. A teacher whose license has expired is subject to dismissal.

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

Decisions regarding the employment of teachers who fail to meet the required proficiency standard for renewal of a continuing professional license will be made in accordance with state law G.S. 115C-270.30(b)(4) and applicable State Board of Education requirements. The superintendent or designee shall determine the professional development required of a teacher whose continuing license has reverted to an initial license and/or has expired due to performance issues. The superintendent or designee may authorize or direct principals to prescribe professional development to such employees in accordance with the employee's demonstrated deficiencies.

**F. PARENTAL NOTIFICATION**

At the beginning of each school year, the school system will notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC licensing requirements for the subject or grade level they are teaching; whether the teacher has had any licensure requirements waived; whether the teacher is teaching in the field of his or her certification; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

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

**G. EQUITABLE DISTRIBUTION OF TEACHERS**

The superintendent shall assess whether low income, minority, learning disabled, and/or English learners are being taught by inexperienced, ineffective, or out-of-field teachers ~~to~~ at higher rates than students who do not fall into these categories and shall develop a plan to address any such disparities. If DPI does not require such a plan of the LEA, the superintendent is not required to develop a plan under this subsection unless he or she determines that one is needed to address inequities within the school system.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R. 200.55-57, 200.61; G.S. 115C art. 17E; 115C-157.4, -270.15, -270.20, -270.21, -284, -295, -298.5, -325(e)(1)(m) (applicable to career status teachers), -325.4(a)(12) (applicable to non-career status teachers), -333, -333.1; State Board of Education Policies CTED-004, DRIV-003, DRIV-004, EVAL-004, EVAL-023, EVAL-034, LICN-001, LICN-005, LICN-021, LICN-022, TCED-016; *Beginning Teacher Support Program Handbook* (NCDPI) available at <https://sites.google.com/dpi.nc.gov/ncref/bt-support-program-resources>

Adopted: June 1997

Revised: January 22, 1999; December 20, 2006; June 30, 2008; September 30, 2011; March 28, 2013, September 12, 2013, June 12, 2014, June 8, 2017, February 8, 2018, August 8, 2019, March 12, 2020, January 14, 2021, August 12, 2021

It is the policy of the board to attempt to provide a safe and secure environment for all students and employees. In an effort to maintain a balance between the need to protect the rights of students and employees and to control the spread of serious communicable diseases and conditions, the superintendent will make decisions regarding the employment status of employees with communicable diseases or conditions on a case-by-case basis, in accordance with this policy. An employee suffering from a communicable disease or condition is encouraged to inform his or her principal so that appropriate accommodations may be made and appropriate precautions may be taken. This policy applies to all legally reportable communicable diseases, ~~including HIV and AIDS~~, as set forth in 15A N.C.A.C. 19A.0201. This policy shall be shared with school staff annually and with new employees as part of any initial orientation.

**A. COMMUNICABLE DISEASE DEFINED**

A “communicable disease” is defined as an illness due to an infectious agent (usually a virus or bacterium), or its toxic products, which is transmitted directly or indirectly to a person from an infected person or animal.

A “communicable condition” exists if a person is infected with the communicable agent but does not have symptoms.

A “reportable disease or condition” is defined as a communicable disease or condition declared to be dangerous to the public health and required by the N.C. Department of Health and Human Services to be reported after the disease or condition is reasonably suspected to exist.

**B. REPORTING AND CONFIDENTIALITY REQUIREMENTS**

1. Principal’s Report to Health Department

In accordance with G.S. 130A-136, principals are required to report suspected cases of reportable communicable diseases or conditions to the county health director for investigation, along with any information forming the basis for the suspicion. Confidentiality of such reports is protected by law. Principals are immune from liability under state law for making such reports in good faith.

2. Confidentiality

Employees who become aware of another employee’s reportable disease or condition may not share that information with anyone, including other school

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personnel, unless specifically permitted to do so by the health director, by written consent of the affected employee, or by other applicable state or federal laws or regulations. The release of confidential information or records relating to an employee's reportable disease or condition, except as permitted by law, is a misdemeanor and may subject the employee to discipline up to and including dismissal.

## **B. C. SAFETY CONTROL MEASURES**

### **1. Handling Bodily Fluids**

In order to prevent the spread of communicable disease and conditions, universal health and safety precautions, including precautions regarding the handling and cleanup of blood and other bodily fluids, must be distributed by the administration and will be followed by all school system employees. Employees are also required to follow the school system's bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials. The bloodborne pathogens exposure control plan will be made available at each school or department. All employees are required to review and be familiar with the plan within a reasonable time after assuming employment, but not to exceed 30 days. Faculty should not allow students to be involved in the handling, disposal and cleanup of potentially infectious materials unless the student has been specifically trained in the handling of such materials and is qualified to perform first aid services.

Failure to follow universal health and safety precautions or applicable provisions of the bloodborne pathogens exposure control plan may result in disciplinary action against the offending employee. All employees have a duty to report to the school principal or the executive director of the Human Resources office any failure by a staff member or a student to follow the universal precautions, including their own.

### **2. ~~Reporting Communicable Diseases~~**

~~In accordance with G.S. 130A 136, school principals are required to report suspected cases of reportable communicable diseases or conditions to the county health director for investigation. Principals must provide the health director with available factual information to substantiate the report. Such reports are to remain strictly confidential and may be shared only with other staff members as necessary to prepare and file a report. Information must be kept strictly confidential.~~

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### **3.2.** Following Health Control Measures for Communicable Diseases

Employees shall follow all measures to control the spread of communicable disease as directed by the state or local health department. If neither the state nor local health departments have provided direction to contain the spread of a particular communicable disease, such as in the case of an emerging illness, employees shall implement control measures recommended by the CDC, the school nurse, or other relevant medical authority to the extent such measures are not inconsistent with this policy or another board policy addressing control measures. Any employee suffering from a communicable disease or condition is required to follow all control measures given to him or her by the health director ~~and will take all necessary precautions to prevent the transmission of the disease or condition.~~

Any school district employee who has reason to believe that a fellow employee is failing to follow safe practices, including a failure to use the universal precautions, must report this to his or her principal or supervisor. Supervisory personnel shall report unsafe conduct to the health department when they have reasonable concern that such conduct may cause or may have caused the spread of a communicable disease.

### **4.3.** Cooperating with Health Officials

If the county health director notifies the superintendent or any other school district personnel that a school district employee with a communicable disease or condition may be posing a threat to the public health, these employees shall cooperate with the health director in eliminating the threat.

## **G.D.** EMPLOYMENT STATUS OF EMPLOYEE

The board will follow all applicable state and federal laws and regulations and this policy in determining when an employee with a communicable disease or condition will be required to take leave from his or her position or otherwise be restricted from continuing his or her employment.

### **1.** Requests to Alter Duties

Any employee may request that the superintendent or designee consider altering the employee's duties or other conditions of his or her employment if the employee:

- a. believes that he or she is unable to continue to perform the regular duties of the position due to a communicable disease or condition, or

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- b. believes that he or she may risk transmitting the communicable disease to others by continuing to perform assigned duties.

The employee seeking alteration in the conditions of employment must apprise the superintendent or designee of his or her condition, submit medical documentation regarding such condition, suggest possible accommodations known to him or her and cooperate in any ensuing discussion and evaluation regarding whether there are possible reasonable accommodations.

2. Interdisciplinary Committee

If the superintendent so requests, the employee must give the superintendent written permission either to consult with appropriate medical personnel or to convene an interdisciplinary committee to receive medical information regarding the employee in order to assist the superintendent in determining whether alternative employment opportunities reasonably can be provided to the affected employee. The committee may include appropriate school district personnel, appropriate medical personnel, including the employee's personal physician when possible, the health director or designee, and the employee.

3. Reasonable Accommodation Review

When addressing the issue of whether reasonable accommodation is possible, the superintendent will determine:

- a. to what degree the employee's presence in his or her current job exposes students or other staff to possible transmission of the disease; and/or
- b. whether the employee is able to continue in his or her current position with reasonable modifications.

The superintendent shall consult with the health director if there is any question as to the employee's risk of transmission on the job. If the superintendent determines that a significant risk of transmission exists in the employee's current position or that the employee is no longer able to continue in his or her current position for health reasons, the superintendent shall decide whether alternative employment opportunities are reasonably available within the school system and follow appropriate board policies for implementing or recommending a transfer.

If the employee requesting accommodation refuses to consent to the release of information to medical personnel or an interdisciplinary committee appointed by the superintendent, his or her request for an accommodation may be denied until the employee agrees to allow the superintendent to consult with the necessary parties.



#### 4. Confidentiality of Information

Information shared with the superintendent, medical personnel, or interdisciplinary committee personnel shall be kept confidential and separate from other personnel file information and may be shared with other school employees only with the written permission of the employee as necessary to explore, design, or implement possible accommodations or as otherwise allowed by law.

Nothing in this policy is intended to grant or confer any employment rights beyond those existing by law or contract.

Legal References: The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.* 29 C.F.R. § ~~pt.~~ 1630; G.S. 130A, ~~Article art.~~ 6; 10A N.C.A.C 41A .0101 *et seq.*

Cross Reference: Communicable Diseases – Students (policy 4230); Occupational Exposure to Bloodborne Pathogens (policy 7260)

Adopted: May 13, 1999

Revised: September 12, 2002, October 11, 2007, May 10, 2018

Updated

## **JOB DESCRIPTIONS**

*Policy Code:*

**7400**

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Job descriptions must be developed for all positions. A job description must identify the essential functions of the position and should stress expected working relationships with other employees and whatever duties are directly or indirectly related to student performance.

Job descriptions will be used as a criterion in screening applicants and evaluating employees. Job descriptions also will be used in organizational planning, budgeting, and personnel administration.

Job descriptions will be on file and available to employees and applicants in the Human Resources office.

Legal References: G.S. 115C-47(18), -308~~7~~

Adopted: May 14, 1998 to become effective July 1, 1998

Revised: March 11, 2016

All eligible employees will be provided leave as required by the federal Family and Medical Leave Act of 1993 (FMLA), as amended, and applicable state laws and State Board of Education policies. The FMLA allows eligible employees to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 work weeks (or 26 work weeks in certain cases) in any 12-month period for certain qualifying conditions or events. The employee may continue to participate in the school system's group insurance plan while on FMLA leave.

This policy is intended for guidance only and is not intended to alter or expand the school system's responsibilities beyond the requirements of law. If any provision of this policy is inconsistent with federal law or regulation, the federal rule must take precedence. The superintendent is authorized to develop additional regulations for FMLA leave consistent with the requirements of the law and this policy. Employees can find more information about FMLA leave in the North Carolina Public Schools *Benefits and Employment Policy Manual*.

The board strictly prohibits interfering with, restraining or denying the ability of any employee to exercise any right provided by the FMLA. The board also strictly prohibits any type of discrimination against or discharge of an employee who has filed a complaint in regard to the FMLA. A copy of this policy will be provided to each employee upon hiring.

#### **A. DEFINITIONS**

##### **1. Serious Health Condition**

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

##### **2. Continuing Treatment**

Subject to certain conditions, the continuing treatment requirement in the above definition of "serious health condition" may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy or a chronic condition. Other conditions may meet the definition of continuing treatment.

##### **3. Other Terms**

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Unless otherwise noted, all terms in this policy must be defined in accordance with 29 C.F.R. pt. 825.

**B. ELIGIBILITY**

Generally, employees are eligible for unpaid FMLA leave if they have:

1. been employed by the school system for at least 12 months (not necessarily consecutively); and
2. worked at least 1,250 hours during the previous 12 months.

Further information about these requirements can be found in the Code of Federal Regulations at 29 C.F.R. 825.110.

**C. QUALIFYING CONDITIONS**

Except in cases of leave to care for a covered servicemember with a serious illness or injury, an eligible employee is entitled to a total of 12 workweeks of FMLA leave during any 12-month period for any one or more of the following reasons:

1. the birth and first-year care of the employee's child;
2. adoption or foster placement of a child with the employee;
3. a serious health condition of the employee or the employee's spouse, child or parent;
4. a qualifying exigency (see Section F) arising out of the fact that the spouse or a son, daughter or parent of the employee has been deployed, or is on notice of an impending deployment to a foreign country as a member of the regular Armed Forces on active duty or as a member of the Reserve components of the Armed Forces under a federal call or order to active duty in support of a contingency operation; or
5. to care for a covered servicemember with a serious illness or injury ("covered servicemember" and "serious injury or illness" are defined in federal regulation 29 C.F.R. 825. An employee who is a spouse, son, daughter, parent or next of kin of the servicemember may take leave for a period of up to 26 workweeks under this provision.

**D. DETERMINING THE 12-MONTH LEAVE PERIOD**

The 12-month period during which an employee is eligible for FMLA leave will be a 12-

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month period, rolled forward from the date the employee's first FMLA leave begins. ~~Exception: Except that~~ the period for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later.

#### E. ENTITLEMENT TO LEAVE

Eligible employees may take leave as follows:

1. **Medical leave for serious health conditions:** A combined total of 12 workweeks during a 12-month period. The leave may be taken intermittently or on a reduced leave schedule as is medically necessary.
2. **Family leave for pregnancy, birth of a child, or placement of a child for foster care or adoption:** A combined total of 12 consecutive workweeks during a 12-month period. Eligibility for FMLA leave expires 12 months from the birth, foster care placement, or adoption of the child. Leave must be used in a single block of time unless the board agrees to another arrangement.
3. **Military service exigency:** A combined total of 12 workweeks during a 12-month period. The leave may be taken intermittently or on a reduced leave schedule.
4. **Leave to care for injured service member:** A combined total of no more than 26 workweeks during a single 12-month period. The leave may be taken intermittently or on a reduced leave schedule. If combined with other types of FMLA leave, the total leave taken in a single 12-month period still may not exceed 26 weeks.
5. **Spouses employed by the school system:** Spouses who are both employed by the school system and eligible for FMLA leave are limited in the amount of family leave they may take for the birth and care of a newborn child, for the placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered service member with a serious injury or illness is also used).

#### F. QUALIFIED MILITARY SERVICE EXIGENCIES

A military service exigency that qualifies for FMLA leave must be defined in accordance with federal regulations. Qualified exigencies may include:

1. short-notice deployment;
2. military events and related activities;

3. school and childcare activities;
4. financial and legal arrangements;
5. counseling;
6. rest and recuperation leave;
7. post-deployment activities;
8. parental care; and
9. additional activities agreed upon by the board and employee.

**G. INTERMITTENT OR REDUCED WORK SCHEDULE**

1. An employee may take FMLA leave on an intermittent or reduced leave schedule as required for the health of the employee or family member, due to a qualifying exigency, or as otherwise approved by the superintendent. The employee must make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the school. Whenever possible, the employee should discuss scheduling with his or her immediate supervisor prior to scheduling any medical treatment in order to accommodate the work schedule.
2. An employee who requests intermittent or reduced leave time for medical treatment of a serious health condition may be required to give the reasons for the intermittent or reduced leave schedule and the schedule for treatment.
3. To better accommodate an employee's need for intermittent or reduced leave for a serious health condition, the school system may require an employee to take an alternative position during the period of leave. The alternative position must have equal pay and benefits, but it does not have to have equivalent duties.
4. Employees may take intermittent leave in increments of one hour.
5. Instructional personnel are subject to special rules for taking intermittent or reduced leave. (See Section H.)

**H. INSTRUCTIONAL PERSONNEL**

The following special rules apply to instructional personnel only. For the purposes of this policy, instructional personnel are teachers, athletic coaches, driving instructors,

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special education assistants and any other employees whose principal function is to teach and instruct students.

1. Use of Intermittent or Reduced Schedule Leave

- a. Instructional employees may use intermittent or reduced schedule leave only when the employee and the school system have reached an agreement on how the leave will be used.
- b. If an instructional employee requests intermittent or reduced schedule leave for more than 20 percent of the workdays of the duration of a leave due to medical treatment, the school system may require the employee to take continuous leave for up to the entire duration of the scheduled leave or to transfer to an alternative position with equivalent pay and benefits for the period of leave.
- c. Instructional employees who take intermittent or reduced schedule leave that constitutes 20 percent or less of the workdays during the leave period are not subject to transfer to an alternative position.

2. Extension of FMLA Leave at School System Discretion

The school system may require instructional personnel to continue leave through the end of the school semester if any of the following conditions exist:

- a. the leave will begin more than five weeks before the end of the term; the leave will last at least three weeks; and the employee would return to work in the last three weeks of the academic term;
- b. the leave is for a purpose other than the employee's own serious health condition or for a military exigency; the leave will begin in the last five weeks of the term; the leave will last more than two weeks; and the employee would return to work during the last two weeks of the academic term; or
- c. the leave is for a purpose other than the employee's own serious health condition or for a military exigency; the leave will begin in the last three weeks of the term; and the leave will last at least five days.

If the school system requires an instructional employee to take leave until the end of the academic term, only the period of leave until the employee is ready and able to return to work will be charged against the employee's FMLA entitlement.

I. EMPLOYEE'S RESPONSIBILITY WHEN REQUESTING LEAVE

To ensure that employees receive proper notification of their rights and responsibilities and that leave is properly designated, all employees requesting any type of leave must make the request to the human resources officer or designee.

1. Employee's Responsibilities When Leave is Foreseeable

- a. The employee must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. If this amount of notice is not possible, then notice must be given as soon as practicable, taking into account all of the facts and circumstances.
- b. The employee must provide sufficient information for the school system reasonably to determine (1) whether the FMLA may apply to the leave request and (2) the anticipated timing and duration of the leave. This information would include, for example, notice that the employee is unable to perform job functions, notice that the family member is unable to perform daily activities, notice of the need for hospitalization or continuing treatment by a health care provider or notice of circumstances supporting the need for military family leave.
- c. If the employee does not provide 30 days' notice and there is no reasonable justification for the delay, the school system may delay the FMLA leave until at least 30 days after the employee provides notice of the need for FMLA leave.
- d. If an instructional employee fails to give the required notice of foreseeable leave for an intermittent or reduced leave schedule, the school system may require the employee to take continuous leave for the duration of his or her treatment or may temporarily transfer the employee to an alternative position for which the employee is qualified and that has the same benefits. (See Section H.)

2. Employee's Responsibilities When Leave is Not Foreseeable

- a. When leave is not foreseeable, the employee must comply with the usual school system procedures for notifying his or her supervisor of the absence and requesting leave, including any applicable requirements established by policy 7510, Leave. If the employee fails to do so, the leave may be delayed or denied.
- b. When giving notice of an absence, the employee must inform the supervisor if the requested leave is for a reason for which FMLA leave



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was previously taken or certified.

- c. The employee also must notify human resources officer or designee of the need for FMLA leave as soon as practicable.
- d. All employee responsibilities in the FMLA for notice, medical certification, fitness for duty certification and notice of intent to return to work apply as specified in this policy and policy 7510.

**J. SCHOOL SYSTEM'S DESIGNATION AND NOTICE TO EMPLOYEE**

- 1. Whether or not the employee specifically requests FMLA leave, the human resources officer or designee is responsible for asking any questions of the employee necessary to make a determination of whether the leave is FMLA-eligible, unless the employee has already requested and received FMLA leave or certification for the same condition or event. The human resources officer may require the employee to provide notice of the need and the reason for leave.
- 2. The human resources officer or designee shall provide all legally-required notices to the employee within five days of receiving this information or otherwise learning that an employee's leave may be for an FMLA-qualifying reason, unless there is a justifiable delay, such as a delay for documentation.

The required notices must indicate whether the employee is eligible under the FMLA. If the employee is eligible, the notice must specify any additional information required from the employee and must explain the employee's rights and responsibilities under the FMLA. If the employee is not eligible, the notice must provide a reason for the ineligibility. The required notices also must state whether the leave will be designated as FMLA-protected and, if so, the amount of leave that will be counted against the employee's leave entitlement.

- 3. Leave may be designated as both FMLA-eligible and as leave under the school system's paid leave policy if paid leave has been substituted. Such leave would be counted toward the employee's 12-week FMLA entitlement. In addition, the human resources officer may designate an absence (taken as paid or unpaid leave) that meets the criteria for an FMLA-qualifying absence as part of the employee's total FMLA entitlement, whether or not the employee has requested FMLA leave. (See Section M.)
- 4. Leave that has been taken for an FMLA-qualifying reason may be retroactively designated as FMLA leave with appropriate notice to the employee, provided that such designation does not cause harm or injury to the employee.

**K. CERTIFICATION**

The school system reserves the right to require employees to provide certification of any FMLA-qualifying event or condition of the employee or the employee's spouse, child, parent or next of kin, including certification for military exigency leave. The school system will not request more medical certification information than that allowed by the FMLA and the Americans with Disabilities Act. The human resource officer may request a second or third opinion at the school system's expense if reason to doubt the validity of a medical certification exists. The school system may require periodic recertification to support the leave, as permitted by law.

**L. RETURN TO WORK**

The school system may require an employee to periodically report on his or her status and intent to return to work. Any employee who is taking leave through the end of an academic semester must report on his or her intent to return to work no later than four weeks before the end of the academic semester. In addition, the school system may require the employee to report on his or her intent to return to work on a regular basis while on FMLA leave.

Before an employee returns to work from FMLA leave taken for the employee's own serious health condition, the employee must present a "fitness-for-duty" certification that states that the employee is able to return to work. This requirement does not apply to an employee taking intermittent leave unless the employee's condition presents a reasonable safety concern.

**M. SUBSTITUTION OF PAID LEAVE**

1. The school system will substitute appropriate paid leave, including sick leave, personal leave and vacation time for unpaid, FMLA leave to the extent allowed by law and policy, giving proper notice to the employee that the leave is designated as FMLA. If an employee has exhausted his or her accrued paid leave but an FMLA-qualifying reason for absence continues, the school system will designate resulting absences as protected FMLA leave until the employee has used all allowable FMLA leave. Such absences will be unpaid.
2. When an employee has an absence (taken as paid or unpaid leave) that meets the criteria for an FMLA-qualified absence, the school system may, with proper notice to the employee, designate the absence as part of the employee's total annual FMLA entitlement. If the absence continues for more than 10 days, all employee responsibilities in the FMLA to provide notice for foreseeable and unforeseeable leave, medical certification, fitness for duty certification and notice of intent to return to work apply as specified in this policy and policy 7510.
3. An employee must not be permitted to exhaust paid leave before beginning FMLA

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leave if it has been determined that the employee's reason for using paid leave meets the FMLA eligibility requirements.

**N. RESTORATION TO EQUIVALENT POSITION**

**1. Generally**

Employees, except "key" employees, will be restored to the same or an equivalent position upon return from FMLA leave.

The equivalent position will have virtually identical pay, benefits and working conditions, including privileges, perquisites and status, as the position the employee held prior to the leave. The position also must involve substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility and authority. All positions within the same job classification are considered "equivalent positions" for the purposes of this policy, so long as these conditions are met. For licensed employees, all positions with the same salary and licensure requirements also will be considered equivalent positions, so long as these conditions are met.

**2. Key Employees**

Key employees do not have the right to be restored to the same or an equivalent position upon their return from FMLA leave. Key employees are salaried FMLA-eligible employees who are among the highest paid 10 percent of all employees. If restoring a key employee would result in substantial and grievous economic injury to the school system, then the school system has no obligation to restore the employee to the same or an equivalent position.

An employee will be informed at the time leave is taken if he or she is considered a key employee and will be informed once a determination is made that the employee will not be restored to the same or an equivalent position upon return from FMLA leave. A key employee who has been informed that he or she will not be restored still has the right to health benefits for the full period in which he or she is eligible for FMLA leave.

**O. CONTINUATION OF HEALTH BENEFITS**

Health care coverage and benefits will be continued for the duration of an employee's FMLA leave on the same conditions as would have been provided if the employee had continued working. Employees do not have the right to the accrual of earned benefits during FMLA leave. If an employee takes intermittent or reduced leave, he or she has the right to maintain the same health care benefits, but earned benefits may be reduced in proportion to hours worked when such a reduction is normally based upon hours

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worked.

The school system may recover from the employee the cost of health insurance premiums paid on behalf of the employee while the employee was on unpaid FMLA leave if the employee does not return to work after the leave, so long as the reason for not returning does not relate to a serious health condition or to circumstances beyond his or her control.

**P. POSTING REQUIREMENT**

The superintendent or designee shall ensure that notices of FMLA provisions and information on procedures for filing complaints are posted in places that are readily accessible to employees and applicants.

**Q. RECORDKEEPING REQUIREMENT**

The ~~personnel department~~ human resources office shall maintain records of the following information for at least three years: basic payroll and identifying employee data, the dates (or hours) of FMLA leave taken by each employee, and premium payments of employee benefits. Medical information, such as that relating to medical certifications, also will be maintained in the ~~personnel department~~ human resources office in confidential medical records.

The human resources officer will maintain for at least three years copies of employee notices, including general and specific notices, any other documents describing employee benefits or policies and records of disputes between the school system and any employee regarding designation of FMLA leave.

**R. ENFORCEMENT**

An employee may file a complaint with the U.S. Department of Labor or bring a private lawsuit against the school system for violations of the FMLA.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law that provides greater family or medical leave rights.

**S. OUTSIDE EMPLOYMENT/FALSIFICATION OF RECORDS**

The school system may deny FMLA benefits to an employee who engages in self-employment or employment for any employer while on continuous leave if the employee fraudulently obtained FMLA leave. Falsification of records and failure to correct records known to be false are violations of this policy and will result in discipline, which may include termination from employment.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*; Family and Medical Leave Act of 1993, as amended, 29 U.S.C. 2601 *et seq.*; 29 C.F.R. pt. 825; National Defense Authorization Act for 2008, Pub. L. 110-181 sec. 585; *North Carolina Public Schools Benefits and Employment Policy Manual*, N.C. Department of Public Instruction (current version)

Cross References: Leave (policy 7510)

Adopted: May 13, 2010

Revised: June 30, 2009; September 30, 2010; March 28, 2013, September 12, 2013

An employee will be eligible for all considerations of military leave in accordance with State Board of Education policy, the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), and Article 16 of Chapter 127A of the North Carolina General Statutes.

Employees are encouraged to schedule short periods of required active duty during vacation periods so as not to interfere with regular duties of the individual's employment.

**A. NOTICE AND DOCUMENTATION REQUIREMENTS**

1. Employees must provide to the superintendent advance written or oral notice of any absences due to military obligations, except in cases of emergency assignment or other conditions that make notice impossible or unreasonable.
2. For leave periods exceeding 30 days, the employee must provide either written documentation evidencing performance of military duty or identify the military command in order for the school to verify the request.

**B. SHORT-TERM MILITARY LEAVE WITH PAY**

1. In accordance with State Board of Education policy, an employee who is a member of a reserve component of the U.S. Armed Forces may take up to 15 workdays of paid military leave for active duty training per federal fiscal year, which runs from October 1 through September 30. Members of the National Guard may take additional paid leave beyond these 15 days for special state activities when so authorized by the governor.
2. After an employee has used all of his or her paid military leave, the employee may choose to use any accumulated vacation leave, bonus leave, or comp time during the period of military service; however, no employee will be forced to use such paid leave during military service.

**C. UNPAID MILITARY LEAVE FOR EXTENDED ACTIVE DUTY**

1. Employees may take extended leaves of absence for state or federal military duty under honorable services status, for required training, or for special emergency management in accordance with state and federal law and State Board policy. Such leave is unpaid, except as described in paragraph C.2, below. The employee may use any available eligible paid leave prior to going on unpaid leave.
2. During periods of extended military leaves, which must not exceed five years

cumulatively plus any period of additional service imposed by law, the employee will be paid the difference in military base pay and state salary, including non-performance-based bonuses, when the military pay is less than the state salary. Differential pay will be paid from the same source of funds as the employee's public school salary. An employee may not receive differential pay while absent on any type of paid leave.

**D. REINSTATEMENT FROM MILITARY LEAVE**

1. If the individual applies for reinstatement following separation from military duty, his or her reemployment and related rights are governed by the provisions of the USERRA (for members of reserve components of the U.S. Armed Forces, including members of the North Carolina National Guard returning from active federal duty, from active state duty for a period of 14 days or more, and from active state duty in response to a national emergency or major disaster declared by the President) or Article 16 of G.S. 127A (for members of the North Carolina National Guard returning from all other active state duty).
2. Employees must meet all applicable state or federal deadlines for reporting back to work or applying for reinstatement.
3. Under certain circumstances, an employee may receive teaching experience credit and retirement credit for service in the military, in accordance with State Board regulations.

**E. EXPLANATION OF BENEFITS**

When an employee is determined to be eligible for unpaid military leave under this policy, the superintendent or designee shall provide the employee with an explanation of his or her rights and benefits, including those related to leave, salary increases, medical insurance options, retirement status, the possibility of differential pay, and reinstatement rights.

**F. COMPLIANCE WITH OTHER REQUIREMENTS**

The board will follow and apply all other applicable legal requirements when administering military leave under this policy.

Legal References: Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; G.S. 115C-47, -302.1(g), -302.1(g1); 127A art. 16; 16 N.C.A.C. 6C .0406; *North Carolina Public Schools Benefits and Employment Policy Manual*, §§ 9.6 – 10.4 (2008-2009)

Cross References: Leave (policy 7510)

Adopted: May 14, 1998 to become effective July 1, 1998

Revised: May 13, 2010, February 8, 2018



**PERSONNEL FILES**

Policy Code:

**7820**

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Personnel files, which may consist of paper or electronic records, will be maintained in the human resources office for all employees as provided by law. The superintendent and all supervisors are directed to ensure that all appropriate employment-related information is submitted to the files. Employees will be provided with all procedural protections as provided by law.

The superintendent has overall responsibility for granting or denying access to personnel records consistent with this policy.

**A. RECORDS MAINTAINED**

The following records must be maintained in the personnel file:

1. evaluation reports made by the administration;
2. commendations for and complaints against the employee (see Section C);
3. written suggestions for corrections and improvements made by the administration;
4. certificates;
5. employee's standard test scores;
6. employee's academic records;
7. application forms;
8. any request to the State Board of Education to revoke the employee's teaching license; and
9. other pertinent records or reports.

**B. CERTAIN EMPLOYEE RECORDS MAINTAINED SEPARATELY**

The following employee information must be kept separate from the employee's general personnel information, in accordance with legal and/or board requirements:

1. Pre-Employment Information

Letters of reference about an employee obtained before his or her employment and, for teachers, any other pre-employment information collected, must be filed separately from the employee's general personnel information and must not be made available to the employee.

2. Criminal Record Check

Data from a criminal history check must be maintained in a locked, secure location separate from the employee's personnel file. The superintendent shall designate which school officials have a need to know the results of the criminal history check. Only those officials so designated may obtain access to the records.

3. Medical Information

Employee medical information, including the following, must be kept in a separate confidential file and may be subject to special disclosure rules:

- a. health certificates (see policy 7120, Employee Health Certificate);
- b. drug test results, except that drug use or alcohol use contrary to board policy or law also may be documented in the employee's personnel file (see policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators);
- c. information related to an employee's communicable disease/condition or possible occupational exposure to bloodborne pathogens (see policies 7260, Occupational Exposure to Bloodborne Pathogens, and 7262, Communicable Diseases – Employees);
- d. medical information related to leave under the Family and Medical Leave Act (see policy 7520, Family and Medical Leave); and
- e. genetic information, as defined by the Genetic Information Nondiscrimination Act of 2008.

4. Complaints/Reports of Harassment or Discrimination

The superintendent or designee shall maintain records of all reports and complaints of harassment and discrimination and the resolution of such complaints. Allegations of harassment or discrimination must be kept confidential to the extent possible. Employees involved in the allegations will be identified only to individuals who need the information to investigate or resolve the matter, or to ensure that due process is provided to the accused employee (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law,

1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, and 7232, Discrimination and Harassment in the Workplace).

If the allegations are substantiated through investigation, the superintendent or designee shall ensure that the provisions of Section C, below, are followed to the extent that they do not conflict with the rights of any individual.

#### **C. PLACEMENT OF RECORDS IN PERSONNEL FILE**

All evaluations, commendations, complaints, or suggestions for correction or improvement must be placed in the employee's central office personnel file after the following requirements are met:

1. the comment is signed and dated by the person who made the evaluation, commendation, complaint, or suggestion;
2. if the comment is a complaint, the employee's supervisor has attempted to resolve the issue raised therein and documentation of such efforts is attached with the supervisor's recommendation to the superintendent as to whether the complaint contains any invalid, irrelevant, outdated, or false information; and
3. the employee has received a copy of the evaluation, commendation, complaint, or suggestion five days before it is placed in the file.

All written complaints that are signed and dated must be submitted regardless of whether the supervisor considers the complaint to be resolved.

The supervisor is expected to use good judgment in determining when a document should be submitted to the file immediately and when a delay is justified, such as when there exists a plan of improvement that is frequently revised. However, all evaluations, commendations, complaints, or suggestions for correction or improvement should be submitted by the end of the school year or in time to be considered in an evaluation process, whichever is sooner. The supervisor or principal should seek clarification from the associate superintendent of human resources as necessary to comply with this policy.

The employee may offer a denial or explanation of the evaluation, commendation, complaint, or suggestion, and any such denial or explanation will become part of his or her personnel file, provided that it is signed and dated.

The superintendent may exercise statutory authority not to place in an employee's file a letter of complaint that contains invalid, irrelevant, outdated, or false information, or a letter of complaint when there is no documentation of an attempt to resolve the issue.

As provided in policy 7900, Resignation, if a career employee who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; and (3) the employee shall be deemed to have consented to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education. For purposes of this provision, "career employee" means (1) a teacher or an administrator with career status, or (2) an administrator or a non-career status teacher during the term of his or her contract.

**D. ACCESS TO PERSONNEL FILE**

1. Every employee has the right to inspect his or her personnel file, including any portions of the file maintained in electronic format only, during regular working hours, provided that three days' notice is given to the human resources office.
2. The following persons may be permitted to access a personnel file without the consent of the employee about whom the file is maintained:
  - a. school officials involved in the screening, selection, or evaluation of the individual for employment or other personnel action;
  - b. members of the board of education, if the examination of the file relates to the duties and responsibilities of the board member;
  - c. the board attorney;
  - d. the superintendent and other supervisory personnel;
  - e. the hearing officer in a demotion or dismissal procedure regarding the employee; and
  - f. law enforcement and the District Attorney to assist in the investigation of a report made to law enforcement pursuant to G.S. 115C-288(g) or regarding an arson; an attempted arson; or the destruction of, theft from, theft of, embezzlement from, or embezzlement of any personal or real property owned by the board. Five days' written notice will be given to the employee prior to such disclosure.
3. No other person may have access to a personnel file except under the following circumstances:

- a. when an employee gives written consent to the release of his or her records, which specifies the records to be released and to whom they are to be released;
  - b. pursuant to a subpoena or court order; or
  - c. when the board has determined, and the superintendent has documented, that the release or inspection of information is essential to maintaining the integrity of the board or the quality of services provided by the board.
  - d. the superintendent or designee determines that disclosure to a court of law, or a state or federal administrative agency having a quasi-judicial function, is necessary to adequately defend against a claim filed by a current or former employee against the board or a school official or employee for any alleged act or omission arising during the course and scope of his or her official duties or employment. Such disclosures will be limited to those confidential portions of the personnel file of the employee who filed the claim and only to the extent necessary for the defense of the board.
4. Each request for consent to release records must be handled separately.
5. It is a criminal violation for an employee or board member to do either of the following:
  - a. knowingly, willfully, and with malice, permit any unauthorized person to have access to information contained in a personnel file; or
  - b. knowingly and willfully examine, remove, or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

**E. INFORMATION AVAILABLE TO PARENTS OF STUDENTS ATTENDING TITLE I SCHOOLS**

The following information about a student's teacher(s) or paraprofessional(s) providing services to a student must be provided upon request to the parent of a student attending a Title I school:

1. whether the teacher has met North Carolina qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction;
2. whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived;
3. whether the teacher is teaching in the field of discipline of his or her certification;

and

4. the qualifications of any paraprofessional providing services to the student.

**F. PUBLIC INFORMATION**

1. The following information contained in an employee's personnel file must be open to inspection upon request by members of the general public:
  - a. name;
  - b. age;
  - c. the date of original employment or appointment;
  - d. the terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession;
  - e. current position;
  - f. title;
  - g. current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee);
  - h. the date and amount of each increase or decrease in salary with the board;
  - i. the date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board;
  - j. the date and general description of the reasons for each promotion with the board;
  - k. the date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board, and if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal; and
  - l. the office or station to which the employee is currently assigned.

2. The name of a participant in the North Carolina Address Confidentiality Program is not a public record, is not open to inspection, and must be redacted from any records released.
3. Volunteer records are not considered public records.
- ~~4. Unless an employee submits a written objection to the human resources office, the board also may make the following information available about each employee as part of an employee directory:~~
  - ~~a. address;~~
  - ~~b. telephone number;~~
  - ~~c. photograph;~~
  - ~~d. participation in officially recognized activities and sports; and~~
  - ~~e. degrees and awards received.~~
- ~~5. Employees will be notified of their right to object before any such directory is compiled or revised.~~
- 6.4. Under no circumstances will the following be released pursuant to a public records request or as part of any employee directory:
  - a. personal identifying information, as defined in policy 4705/7825, Confidentiality of Personal Identifying Information; or
  - b. the name, address, or telephone number of a participant in the North Carolina Address Confidentiality Program.

#### **G. REMOVAL OF RECORDS**

An employee may petition the board to remove any information from his or her personnel file that the employee deems invalid, irrelevant, or outdated.

Legal References: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 6312(e)(1)(A); G.S. 114-19.2; 115C-36, -47(18), -209.1, -288(g), -319 to -321, -325(b) and (o) (applicable to career status teachers), -325.2 and -325.9 (applicable to non-career status teachers); 16 N.C.A.C. 6C .0313

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title

IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Confidential Information (policy 2125/7315), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Employee Health Certificate (policy 7120), Discrimination and Harassment in the Workplace (policy 7232), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262), Family and Medical Leave (policy 7520), Petition for Removal of Personnel Records (policy 7821), Resignation (policy 7900)

Adopted: March 8, 2012

Revised: February 12, 2015, June 8, 2017, May 13, 2021



Updated

## BUDGET RESOLUTION

Policy Code:

**8110**

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Through the budget resolution, the board appropriates sums it determines are sufficient and proper for the budget year. The board will provide maximum flexibility ~~to schools~~ in the use of funds to enable the schools to accomplish their student performance goals. The school ~~district~~ system will not expend any monies, regardless of their source, except in accordance with the budget resolution adopted by the board.

### ADOPTION OF RESOLUTION

Once the board of county commissioners has appropriated money to the local current expense fund and capital outlay fund, the board may determine whether such funds are sufficient. If the board determines that the appropriation is insufficient, the board may utilize the procedure provided by law for resolution of disputes between a board of education and a board of county commissioners.

After the board of county commissioners has appropriated funds and after the conclusion of any dispute regarding the appropriation, the board of education will adopt a budget resolution in conformance with all legal requirements. The budget resolution will be entered in the minutes of the board. Within five days after adoption, copies will be filed with the superintendent, the school finance officer, and the county finance officer.

Legal References: G.S. 115C-105.25, -425, -431, -432, -433

Adopted: May 14, 1998 to become effective July 1, 1998

Administrative Procedure: None

Reviewed by Policy Committee on August 8, 2013

The board strives to maintain the school system's facilities in good condition in order to:

1. continue to provide a safe, orderly and inviting educational environment;
2. protect financial investments in the facility;
3. reduce the need for major repair; and
4. facilitate the conservation of energy resources.

All staff, students and visitors to the school are expected to use reasonable care to prevent property damage. Principals and teachers are to instruct students in the proper care of public property. Anyone who willfully or carelessly damages school property may be held financially liable, as provided by law, including G.S. 115C-523.

Principals must inspect their school buildings for health, fire and safety hazards on a regular basis and as required by law. Principals shall notify the superintendent or designee immediately of unsanitary conditions or repairs needed to meet safety standards. Any employee who observes a potential hazard shall notify his or her supervisor or the principal immediately. Proper signs indicating potential hazards or recommended safety precautions must be posted.

The maintenance department shall make reasonable efforts to maintain the facilities in good condition and to make needed repairs.

The superintendent is directed to ensure that facilities are evaluated and inspected in accordance with the facilities inventory as provided in policy 9000, Planning to Address Facility Needs.

Legal References: G.S. 1-538.1; 115C-40, -47, -276(c), -288(f), -307(h), -523, -524

Cross References: School Safety (policy 1510/4200/7270), Planning to Address Facility Needs (policy 9000)

Adopted: July 11, 2013

The board considers naming facilities to be a significant endeavor since the name of a facility can reflect upon the students, staff, school ~~district~~ system, and community.

The superintendent will involve the staff and students assigned to the facility and the students' parents in the process of identifying possible names for a new school facility or facility being renamed. The superintendent ~~will~~ shall consider the following criteria as well as other factors the superintendent determines to be relevant in identifying potential names for the facility:

1. the name should not be so similar to the names of existing facilities as to cause confusion;
2. the name should include a designation of the type of school, such as elementary, middle, high or brief description of a school of a specialized kind of school;
3. the name may be in honor or memory of an individual who has helped students in this school ~~district~~ system succeed through financial contributions or educational leadership;
4. the name may be that of an educational leader of prominence and reputation beyond the school ~~district~~ system; however, priority will be given to the names of educational leaders who have directly or indirectly helped students in this school district to succeed; and
5. the name may specify the geographic locality of the school.

The superintendent will submit a recommended name or limited list of recommended names to the board for approval.

Legal References: G.S. 115C-36, -47

Adopted: May 14, 1998 to become effective July 1, 1998

Administrative Procedure: None

Reviewed by Policy Committee on August 8, 2013

**ASHEBORO CITY BOARD OF EDUCATION**  
**South Asheboro Middle School Media Center**  
**December 9, 2021**  
**7:00 p.m.**

**6:00 p.m. – Policy Committee**

**6:15 p.m. – Finance Committee**

**I. Opening**

- A. Call to Order
- B. Moment of Silence
- C. Pledge of Allegiance – Ms. Nikki Domally, Lindley Park Elementary Principal
- \* D. Approval of Agenda

**II. Swearing-in Ceremony**

Swearing-in of re-elected Board members Mr. Baxter Hammer and Dr. Beth Knott and newly elected Board member Ms. Hailey Lee – The Honorable Scott Etheridge, Chief District Court Judge

\*Newly elected Board member Adam Hurley will be sworn in at a later date.

**III. Special Recognition and Presentations**

- A. School Spotlight – Lindley Park Elementary, Nikki Domally, Principal
- B. Points of Pride – Ms. Leigh Anna Marbert, Public Information Officer
- C. Community Partner Spotlight - Ms. Leigh Anna Marbert, Public Information Officer
- D. Superintendent's Holiday Card Contest Recognition – Ms. Leigh Anna Marbert, Public Information Officer

**IV. Superintendent's Report - Dr. Aaron Woody, Superintendent**

Strategic Plan 2022-2026

**V. Public Comments**

Citizens who signed up to address the Board will be called on to make comments. Each individual speaker will be allowed three (3) minutes for remarks. Issues or concerns involving personnel matters are not appropriate for the public comment setting.

**VI.\* Consent Agenda - The following items are presented for Board approval:**

- A. Approval of Minutes: November 4, 2021
- B. Policies Recommended for Approval:
  - Policy 2100 – Board Member Legal Status
  - Policy 2113 – Board Member Resignation
  - Policy 2116 – Removal From Office
  - Policy 2122 – Role of Board Members In Handling Complaints
  - Policy 2200 – Election of Officers/Organization of Board

- Policy 2210 – Duties of Officers
  - Policy 2230 – Board Committees
  - Policy 2302 – Remote Participation In Board Meetings
  - Policy 2310 – Public Participation At Board Meetings
  - Policy 2335 – Advance Delivery of Meeting Materials
  - Policy 2340 – Parliamentary Procedures
  - Policy 2342 – Voting Methods
  - Policy 2650 – Liaison With School Boards Associations
  - Policy 5022 – Registered Sex Offenders
  - Policy 7232 – Discrimination And Harassment In The Workplace
  - Policy 1510/4200/7270 – School Safety (Temporary Waiver)
- C. Personnel Transactions
- D. Lease Agreement with Randolph Community Services, Inc. (Randolph County Head Start)

## **VII. Information, Reports, and Recommendations**

- A. Policies for 30-Day Review – Dr. Drew Maerz, Director of Student Services
- Policy 2125/7315 – Confidential Information
  - Policy 2325 – Board Meeting News Coverage
  - Policy 2410 – Policy Development
  - Policy 2420 – Adoption Of Policies
  - Policy 2430 – Dissemination And Preservation Of Policies
  - Policy 2450 – Suspension Of Board Policies
  - Policy 2460 – Administration In Policy Absence
  - Policy 2470 – Administrative Procedures
  - Policy 2600 – Consultants To The Board
  - Policy 3510 – Religious-Based Exemptions From School Programs
  - Policy 7120 – Employee Health Certificate
- B. Naming Facilities Request – Ms. Leigh Anna Marbert, Public Information officer
- C. Asheboro High School Phase III Renovation Update – Smith Sinnett Architecture
- D. Contracted Custodial Services Update – HES Facilities Management
- E. Substitute and Contracted Instructional Staffing Update – ESS Southeast

## **VIII. Closed Session**

Under NC General Statute 143-318.11.A1, to prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, the Board will enter closed session to discuss the district School Risk Management Plan (SRMP).

## **IX.\* Action Items**

- A. School Risk Management Plan (SRMP) – Dr. Aaron Woody, Superintendent
- B. AHS Course Additions – Ms. Sarah Beth Robbins, Director of Career & Technical Education
- C. Vote on Local Face Covering Policies - required by SL 2021-130 (Senate Bill 654).

**X. Board Operations** – Mr. Michael Smith, Chairman

- A.** Board Leadership Decision – Dr. Aaron Woody, Superintendent
- B.** Calendar Committee Representatives – Chairman Smith
- C.** Calendar of Events – Chairman Smith

**XI. Adjournment**

\*Item(s) requires action/approval by the Board of Education

**Asheboro City Board of Education meetings are paperless. All information for the board meetings may be viewed at <http://www.asheboro.k12.nc.us> under Board of Education the Friday following the board meeting.**

**ASHEBORO CITY BOARD OF EDUCATION**

**December 9, 2021**

**7:00 p.m.**

**South Asheboro Middle School  
Media Center**

**Addendum**

**6:00 Policy Committee**

**6:15 Finance Committee**

**I. Opening**

**II. Swearing-In Ceremony**

\*Newly elected Board member Adam Hurley will be sworn in at a later date.

**III. Special Recognition and Presentations**

A. School Spotlight Presentation – Lindley Park

B. Points of Pride Presentation

**IV. Superintendent's Report**

**V. Public Comments**

**VI. Consent Agenda**

C. Personnel (addendum added)

**VII. Information, Reports, and Recommendations**

B. Naming Facilities Presentation

C. Smith Sinnett Presentation

D. HES Presentation

E. ESS Presentation

**VIII. Closed Session**

**IX. Action Items**

**X. Board Operations**

**XI. Adjournment**

\*Item(s) requires action/approval by the Board of Education.

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# LINDLEY PARK ELEMENTARY

**Board Spotlight**  
**December 9th, 2021**



MAINTAINING FAMILY  
CONNECTIONS DURING  
A PANDEMIC

FOR OUR FAMILIES & WITH  
OUR FAMILIES



**THANKFUL PUMPKINS**





**THANKFUL PUMPKINS**

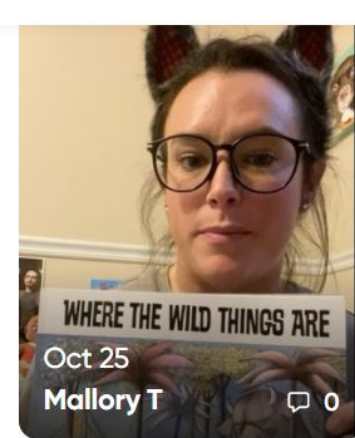
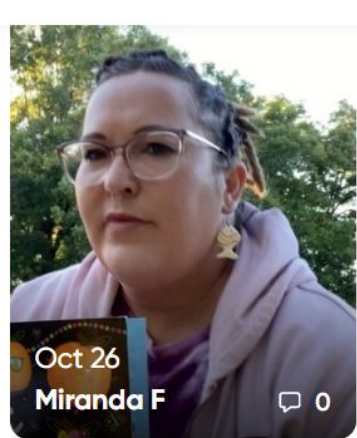


**LIVESTREAM READ ALOUDS**





**LIVESTREAM READ ALOUDS**



**READ TOGETHER, GROW TOGETHER**



**READ TOGETHER, GROW TOGETHER**





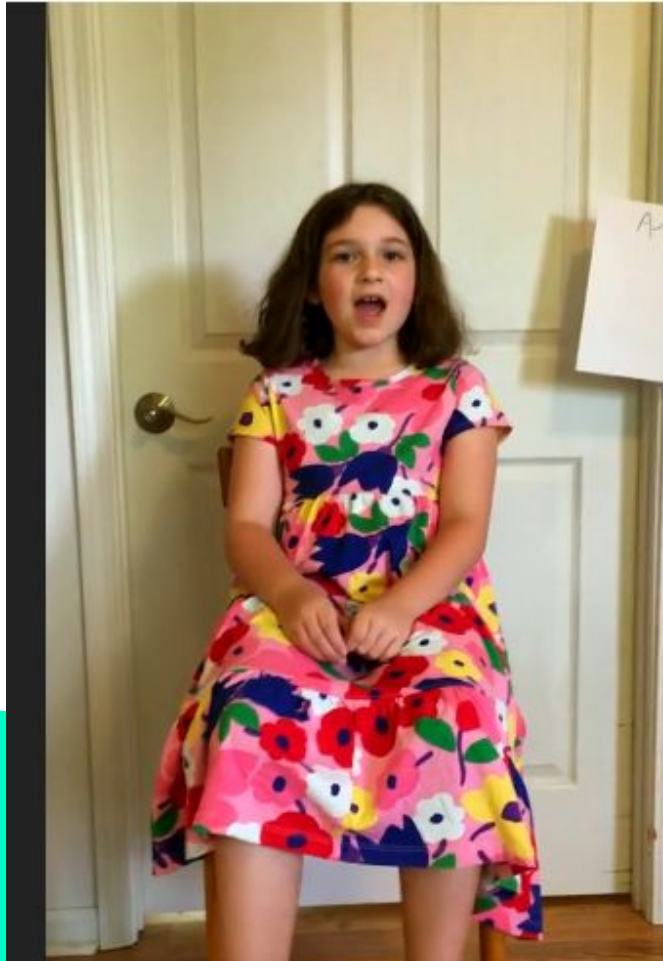
**FAMILY HOLIDAY SHOW**



## FAMILY HOLIDAY SHOW



## VIRTUAL TALENT SHOWS







**VIRTUAL TALENT SHOWS**



TEACHERS  
WE GET THE JOB DONE

HAMILTON PARODY





**HOLIDAYS AT LINDLEY**



**HOLIDAYS AT LINDLEY**



## **Points of Pride Update**

December 9, 2021

### **Veterans Day Celebrations**

Leading up to Veteran's Day, students across ACS participated in activities and discussions that shed light on the significance of this holiday and the important role the United States military plays in our country. Balfour Elementary School students engaged in lessons about the various branches of the US military and they learned about the Changing of the Guard ceremony at the Tomb of the Unknown Soldier in Washington, D.C. Asheboro High School Air Force JROTC instructor, Maj. Howie, who shared about his personal experiences serving in the US military, also visited fourth-grade students.

We had student-representation at the Veteran's Day parade with the Asheboro High School Marching Band and the Asheboro Zoo FFA Leadership team helped set up luminaries for the parade as well.

The district also had the pleasure once again this year of being able to host the Field of Honor at South Asheboro Middle School, in partnership with the Asheboro-Randolph Chamber of Commerce and the Asheboro Rotary Club.

### **Red Ribbon Week**

In late October, our schools recognized Red Ribbon Week, an annual campaign focusing on alcohol, tobacco, and other drug and violence prevention and awareness. We celebrate Red Ribbon Week to affirm commitment to live drug free lives.

### **NC Elementary Honors Chorus**

Four Charles W. McCrary Elementary students worked with the school's Music Teacher, Ms. Kathleen Gee, after school to prepare for a competitive audition for the North Carolina Elementary Honors Chorus. Students. Since the in-person event has been cancelled again this year, students had to record themselves singing, which will be compiled from videos of other students from across the state to make virtual performance.

### **Giving Thanks**

A number of students at Charles W. McCrary Elementary School sent hundreds of cards of appreciation to healthcare workers at Randolph Health for their service in November. In a social media post from Randolph Health, the author writes, "The best part of my day was rounding throughout the hospital passing out these cards and seeing staff reactions. Needless to say, staff were so happy and appreciative!"

### **Giving Back**

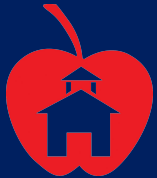
Officers with Asheboro High Schools Mu Alpha Theta National Math Honor Society and advisor, Ms. Kathy Kelley, volunteered their time on a Saturday to clean and organize freezers at Our Daily Bread Soup Kitchen of Asheboro. Student volunteers blessed those working at Our Daily Bread and those who frequent the soup kitchen often with their service.





# Points of Pride

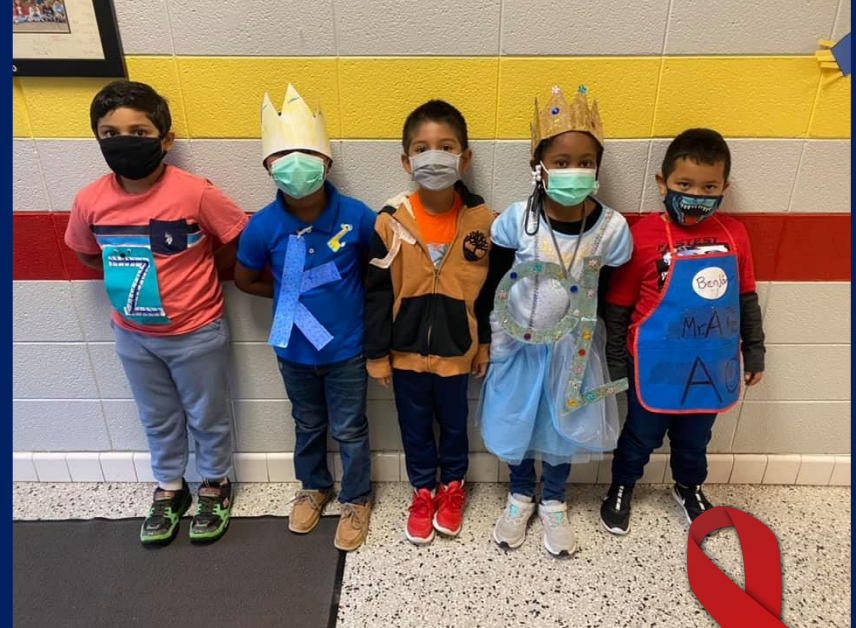
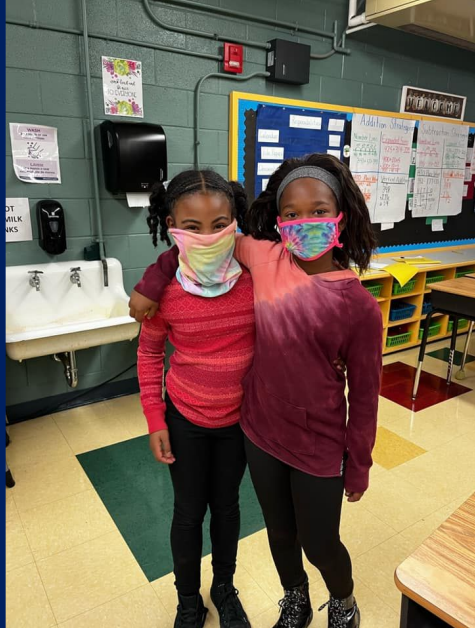
Thursday, December 9



# Veterans Day Celebrations



# Red Ribbon Week





# Special Recognitions



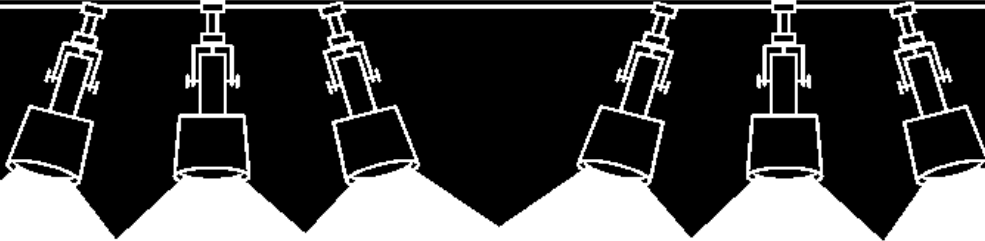
# Giving Thanks and Giving Back



# Questions



**December 9, 2021**



**Community Partner Spotlight:**

Tonight, we are pleased to recognize East Coast Lumber and company president, Mr. Ryan Hilsinger, for being an extraordinary community partner to the students, staff, and families at Lindley Park Elementary School.

**School Spotlight:**

Ms. Nikki Domally, Principal of Lindley Park Elementary School will present, "Family Engagement in a Pandemic." She will highlight how teachers and staff have continued to include and stay connected with families while managing COVI-19 restraints.

**Superintendent's Holiday Card Contest Winner:**

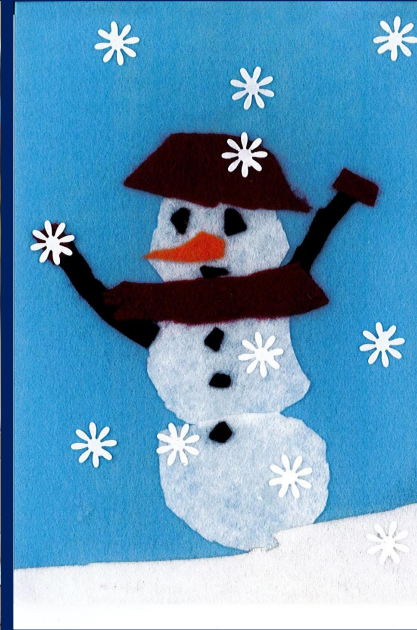
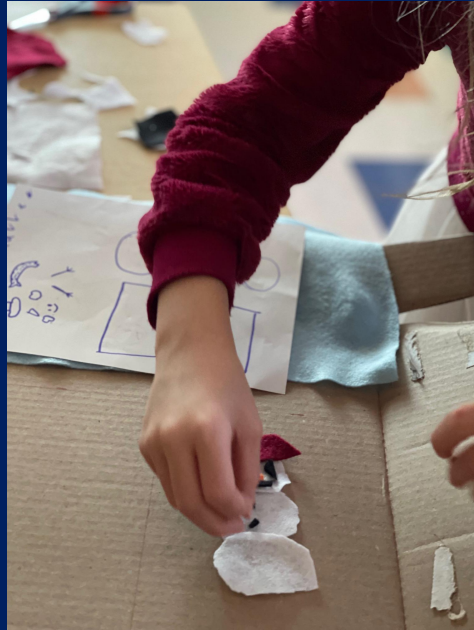
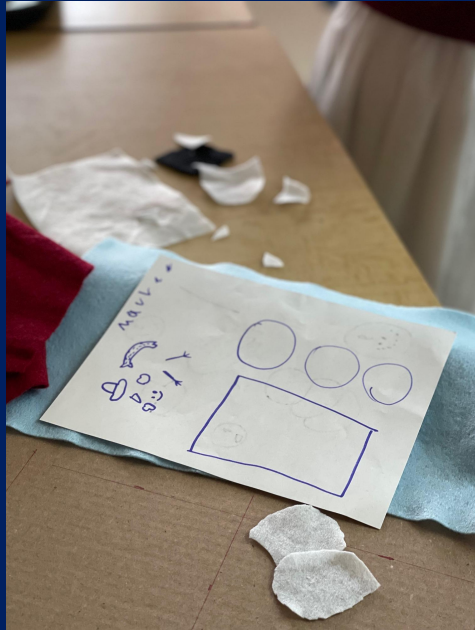
Ms. Leigh Anna Marbert will recognize the winner of the 2021 Superintendent's Holiday Card Contest. We look forward to sharing with the Board the winning piece of artwork.



# Superintendent's Holiday Card Contest

## MaeLee Voncannon, 3rd Grade

### Donna Lee Loflin Elementary School





# **ASHEBORO CITY BOARD OF EDUCATION MINUTES**

**November 4, 2021**

**7:30 p.m.**

**South Asheboro Middle School Media Center**

## **Policy Committee**

### **Policy Committee Members present:**

Ryan Patton	Vice Chairman Baxter Hammer	Gidget Kidd
Linda Cranford	Archie Smith, Jr.	Chairman Michael B. Smith

### **Staff Members present:**

Dr. Aaron Woody      Dr. Drew Maerz      Carla Freemyer      Anthony Woodyard

Meeting called to order at 6:01 p.m. and Dr. Maerz presented the following policy amendments:

**Question from policy 2200, Election of Officers/Organization of Board** - Board members need 12 hours of professional development over a two-year period. All current board members meet this criteria.

### **Policy 1510/4200/7270 - School Safety (Temporary Requirements)**

- Temporary Update due to COVID

### **Policy 2125/7315 - Confidential Information**

- Added sections on Student Records and Handling and Transmitting Personally Identifiable Information
- Updated policy name in Cross References
- Added Other Resources

### **Policy 2325 - Board Meeting News Coverage**

- Minor language updates
- Added Cross Referenced policies
- Gidget Kidd recommended striking the sentence from the policy related to charging a fee. Board members present agreed to this change.

### **Policy 2410 - Policy Development**

- Minor language edits and paragraph two

### **Policy 2420 - Adoption of Policies**

- Minor language edits

### **Policy 2430 - Dissemination and Preservation of Policies**

- Minor language edits

### **Policy 2450 - Suspension of Board Policies**

- Added a cross reference

### **Policy 2460 - Administration in Policy Absence**

- Minor language edits

**Policy 2470 - Administrative Procedures**

- Minor language edits

**Policy 2600 - Consultants to the Board**

- Minor language edits
- Updated cross references

**Policy 3510 - Religious-Based Exemptions from School Programs**

- Clarification of religious-based exemptions
- Minor language edits
- Updated cross references

**\*Policy 7120 - Employee Health Certificate**

- No changes, review only

**\*Policy 7805 - Superintendent Evaluation**

- Not reviewed since 2005
- New policy

**\*Policy 7812 - Evaluation of Superintendent**

- No longer supported

\*The policy committee requested additional time to review Policy 7805 and 7812 to see how it aligns with the Board's current practice. They asked for these policies to be shared with all board members and for the topic to be part of the Board's winter retreat.

There being no further business, the meeting was adjourned at 6:40 p.m.

**Finance Committee****The following board members were present:**

Chairman Michael B. Smith  
Dr. Beth Knott

Vice Chairman Baxter Hammer  
Phillip Cheek

Gwen Williams  
Gus Agudelo

**Staff members present:**

Dr. Aaron Woody

Sandra Spivey

Anthony Woodyard

Chairman Michael Smith called the meeting to order at 6:53 p.m. and referred to Sandra Spivey.

Ms. Spivey reviewed budget amendment CE-01 included in the consent agenda. This amendment is to appropriate fund balance to cover the proposed local supplement increase.

Ms. Spivey reviewed the 2020-2021 Budget Transfer Report included as information only in the Consent Agenda. This report reflects the budget transfers that have occurred in preparation for the 2020-2021 financial audit.

Ms. Spivey reviewed the staff retention and recruitment bonuses that will be recommended for approval. All employees including contracted employees (Sodexo, HES and ESS employees) will be eligible for the retention bonus. The bonus will be \$5,000 for full-time employees. Part

time employees will receive a prorated share based on hours worked. Asheboro City Schools employees will receive their bonus on November 9. Contract employees will receive one installment (half) on December 17 and a second installment on June 15. Substitutes will be eligible for a \$1,000 bonus if they work at least 20 days between November 1 and January 14. Any full time new hires will be eligible for a recruitment bonus of \$5,000 if hired by January 14 and remain with the district through June 13. Part-time new hires will be eligible for a prorated share of the recruitment bonus. In addition to these bonuses, there will also be a recommendation to increase the local supplement for all employees by 1%.

There being no further business, Chairman Michael Smith adjourned the meeting at 7:18 p.m.

### **Board of Education**

#### **Board Members present:**

Chairman Michael B. Smith  
Ryan Patton  
Archie Priest, Jr.  
Phillip Cheek

Vice Chairman Baxter Hammer  
Art Martinez  
Linda Cranford  
Dr. Beth Knott

Gus Agudelo  
Gwen Williams  
Gidget Kidd

#### **Staff Members attending:**

Dr. Aaron Woody  
Carla Freemyer  
Dr. Drew Maerz  
Chandra Manning  
Chris Burian  
Derek McCoy  
Robin Harris  
Christina Kinley  
Barbara Skelly

Sandra Spivey  
Leigh Anna Marbert  
Christopher Scott  
Lisa Hayes  
Dr. Penny Crooks  
Julie Brady  
Will Castro  
Tena Lester  
Ann Evans

Anthony Woodyard  
Dr. Wendy Rich  
Deanna Wiles  
Angel Etheridge  
Chris Tuft  
Nikki Domally  
Lee Clark  
Tracie Ross

#### **Opening**

Chairman Smith called the meeting to order at 7:30 p.m. and welcomed all in attendance. Mr. Smith opened the meeting with a moment of silence. He then asked Principal Ann Evans of Guy B. Teachey Elementary School to introduce our students who led the Pledge of Allegiance.

Upon motion by Gwen Williams and seconded by Phillip Cheek, the Board unanimously approved the meeting agenda.

#### **Special Recognitions & Presentations:**

**Ms. Leigh Anna Marbert, Public Information Officer, presented the following Points of Pride:**

The Points of Pride report was delivered by Leigh Anna Marbert, Public Information Officer, and featured a variety of student, staff, and district highlights. Most notably from Points of Pride was the recognition of two Asheboro High School students, [Yu Chen and Maggie Allred, who received the Randolph Sports Council's Unsung Hero Award](#). The presentation also lifted up Ms. Leslie McKinnon from South Asheboro Middle School who was selected for the FOX8

Educator of the Week recognition. And the final highlight shared with the Board was the announcement that the Asheboro City Schools Education Foundation had received the largest pledge in its history which will amount to anywhere from \$270,000 - \$500,000 as a bequest of the anonymous donor's estate.

**Ms. Leigh Anna Marbert, Public Information Officer, presented the following Community Partner Spotlight:**

Ms. Marbert recognized Sunset Slush for being an extraordinary community partner to the students and staff at Guy B. Teachey Elementary School. Owners Jonathan and Kara Newton were in attendance to receive the award.

**Ms. Ann Evans, Principal of Guy B. Teachey Elementary School, presented the School Spotlight:**

Ms. Evans presented "Words have Power," as the evening's School Spotlight. She shared information about how teachers in her school are helping students to build and expand their vocabulary school wide to help with reading comprehension and fluency. This initiative was started this school year as a way to demonstrate how words have the ability to shape our attitude, outlooks, and relationships. Each week one or two words are shared school wide and teachers then discuss the meaning of the word with their students and look for ways to use the words in context. The project is fun and engaging, and the school hopes to add 60+ new words to student's vocabulary throughout the school year.

**Dr. Aaron Woody, Superintendent, recognized the retiring Board members, Archie Priest, Jr. and Art Martinez:**

Mr. Martinez retires from the Board after serving from April 2020-November 2021 and Mr. Priest retires after serving since he was elected in 2003, nearly two decades ago. Both were presented with plaques for the years of service and books of their choosing were purchased by the district to be donated to the media center at Asheboro High School. The Board will welcome newly-elected board members, Adam Hurley and Hailey Trollinger Lee at the December meeting.

**Superintendent's Report**

During his report to the Board, Dr. Woody shared updates about the following:

**Dual Language Immersion:** Dr. Woody shared that a committee has been meeting to plan for the expansion of the Dual Language Immersion Program at our secondary schools. He explained a detailed plan for review and consideration would be presented at the January 2022 meeting. He also said an additional elementary school in ACS is exploring the possibility of implementing a third Dual Language Immersion program.

**Field of Honor:** The district will again partner with the Asheboro Randolph Chamber of Commerce and the Asheboro Rotary Club to host the annual Field of Honor at South Asheboro Middle School. This event, featuring 500 American flags, will be on display from Thursday, November 11-14. An opening ceremony will take place on Thursday (Nov. 11) at 12 p.m. and a closing will be held on Sunday (Nov. 14) at 3 p.m.

**American Education Week:** The district will recognize all staff the week prior to Thanksgiving (Nov. 15-19) for American Education Week. This weeklong celebration is a time to come together to lift up public education and every individual working to ensure that every student receives a quality education.

### **Public Comments**

One person requested to address the Board during Public Comment, Kristy Priest, wife of retiring board member Archie Priest, Jr. Mrs. Priest shared her heartfelt gratitude for each board member for their service and dedication to the students and staff of Asheboro City Schools.

### **Consent Agenda**

Upon motion by Ryan Patton and seconded by Gus Agudelo, the Board unanimously approved the following items.

- A. Approval of Minutes – October 14, 2021
- \* B. Policies Recommended for Approval:
  - Policy 2610- Board Attorney
  - Policy 3640/5130 – Student Voter Registration and Preregistration
  - Policy 4050 – Children of Military Families
  - Policy 4329/7311 – Bullying and Harassing Behavior Prohibited
  - Policy 4700 – Student Records
  - Policy 5000 – Schools and The Community
  - Policy 5020 – Visitors to the Schools
  - Policy 5030 – Community Use of Facilities
  - Policy 5210 – Distribution and Display of Non-School Material
  - Policy 6305 – Safety and Student Transportation Services
  - Policy 6315 – Drivers
  - Policy 6321 – Bus Routes
  - Policy 7510 – Leave - Temporary Update
- C. Personnel – See personnel list below.

**Asheboro City Schools  
Personnel Transactions  
November 4, 2021**

#### **\*A. RESIGNATIONS/RETIREMENTS/SEPARATIONS**

LAST	FIRST	SCHOOL	SUBJECT	EFFECTIVE
Dunn	Virginia	BAL	Reading	12/31/2021
Kidwell	Donna	ECDC	Instructional Assistant	12/31/2021

#### **\*B. APPOINTMENTS**

LAST	FIRST	SCHOOL	SUBJECT	EFFECTIVE
Grant	Cathie	GBT	Interventionist (part-time; temporary)	11/15/21 - 6/3/2022

Pope	Dara	CWM	After School Program Assistant	10/25/2021
Bainville	Scott	CO	Bus Driver	11/8/2021
Byers	Mason	AHS	Non-Faculty Coach (Wrestling)	11/1/2021
Shackleford	Carly	LP	2nd Grade	11/15/2021
Tucker	Ashley	DLL	Instructional Assistant	12/6/2021

**\*C. TRANSFERS**

LAST	FIRST	SCHOOL	SUBJECT	EFFECTIVE
Copelan	Wendy	CO to CO/BAL	Talent Development/AIG (PT to FT)	11/15/2021

**Information and Reports**

- A. Dr. Drew Maerz, Director of Support Services, presented policies for 30-Day Review:
- Policy 2100 – Board Member Legal Status
  - Policy 2113 – Board Member Resignation
  - Policy 2116 – Removal From Office
  - Policy 2122 – Role of Board Members In Handling Complaints
  - Policy 2200 – Election of Officers/Organization of Board
  - Policy 2210 – Duties of Officers
  - Policy 2230 – Board Committees
  - Policy 2302 – Remote Participation In Board Meetings
  - Policy 2310 – Public Participation At Board Meetings
  - Policy 2335 – Advance Delivery of Meeting Materials
  - Policy 2340 – Parliamentary Procedures
  - Policy 2342 – Voting Methods
  - Policy 2650 – Liaison With School Boards Associations
  - Policy 5022 – Registered Sec Offenders
  - Policy 7232 – Discrimination And Harassment In The Workplace
- B. Facilities and Phase III Construction Updates – Mr. Chris Scott, Director of Facilities & Maintenance, provided an update on facilities and the Asheboro High School Phase III renovations.
- C. Dr. Aaron Woody, Superintendent, presented the 2022-2026 Strategic Plan for 30-Day review. Highlights of the plan include draft Vision and Mission statements, strategic plan goals, and value statements including:

**Draft ACS Vision**

Every student will have equitable access to engaging learning that transforms life outcomes and prepares them to be collaborative, competitive, and successful in our global world.

### **Draft ACS Mission**

Asheboro City Schools engages students in educational opportunities and experiences that elevate lifelong learning, cultivates exceptional thinkers, and empowers students to design their own futures.

### **Draft Strategic Plan Goals**

- ACS will create a process of continuous improvement with clear, focused direction.
- ACS will cultivate the expertise of stakeholders to be focused on a collective purpose.
- ACS will improve the learning-teaching process by establishing clear learning goals, building precise pedagogies, and strengthening resources and academic programming.

### **Draft Values**

- Revolutionary Learning
- Inclusiveness
- Teamwork
- Wellness and Safety

### **Action Items:**

- A. Per Session Law 2021-130 (Senate Bill 654), the Board is required to conduct a monthly vote on Local Face Covering Policies. The Board conducted a roll call vote, which resulted in the continuation of the mask mandate inside school facilities. Those voting to continue the mask mandate included Chairman Smith, Vice Chairman Baxter Hammer, Linda Cranford, Gus Agudelo, Gwen Williams, Dr. Beth Knott, Art Martinez, Phillip Cheek, and Ryan Patton. Gidget Kidd and Archie Priest, Jr. voted for mask optional.
- B. Ms. Sandra Spivey presented a plan for a Staff Retention Bonus. Chairman Michael B. Smith, Vice Chairman Baxter Hammer, Phillip Cheek, Ryan Patton and Gus Agudelo recused themselves because of a conflict of interest. Archie Priest, Jr. was appointed Chairman Pro Tempore for the vote on this issue. Upon motion by Linda Cranford and seconded by Dr. Beth Knott, the plan was approved by the Board. After the vote, Chairman Michael Smith resumed his leadership role in the meeting.
- C. Ms. Tena Lester, Lead Social Worker, presented a plan for a partnership with Youth Haven Services for a day treatment program for eligible students to be housed at North Asheboro Middle School. The program will provide students with a number of supports including individual and group therapy, while also meeting our students' academic needs as well. Upon Motion by Gidget Kidd and seconded by Phillip Cheek, the plan was unanimously approved by the Board.

### **Board Operations:**

Chairman Smith reviewed dates and information regarding upcoming events. The next Board of Education meeting will be December 9, 2021.

The NCSBA Annual Conference for the Board will be held at the Koury Convention Center on November 11-12, 2021.

**Adjournment:**

There being no further business and upon motion by Gus Agudelo and seconded by Gwen Williams, the Board unanimously approved to adjourn at 9:56 p.m.

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Chairman

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Secretary



# Policies For Approval

The board of education is a body corporate. Members of the board have authority only when acting as a board legally in session. The board will not be bound in any way by any statement or action on the part of an individual member, except when such action is at the specific instruction of the board.

Legal References: G.S. 115C-40, -41

Cross References: Board Authority and Duties (policy 1010)

Adopted: April 9, 1998 to become effective July 1, 1998

Revised:

**FOR DELETION**

A board member will, upon deciding to submit his/her resignation, give the board chairperson a written notice of such resignation at least thirty (30) days in advance of the effective date of his/her termination of membership on the board. The board chairperson will submit the notice of resignation to board members as soon as possible and by no later than the next regular meeting of the board.

**Legal References:**

Adopted: April 9, 1998 to become effective July 1, 1998

Reviewed by Policy Committee on June 14, 2012

Deleted:

## **REMOVAL FROM OFFICE**

*Policy Code: 2116*

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A person who has been impeached from any office or adjudged guilty of a felony, corruption, or malpractice in any office and who has not been restored to the rights of citizenship is disqualified for office.

A board member who changes residence such that he or she is no longer entitled to vote in an election for the office he or she holds is disqualified from continuing to hold the office.

A board member who becomes disqualified for office may be subject to removal under G.S. 1-515.

In addition, as provided by G.S. 14-230, a board member who willfully and corruptly omits, neglects or refuses to discharge any of the duties of office or who willfully and corruptly violates the oath of office is subject to removal from office by a court.

A member of the local board of education who becomes disqualified for office may be subject to removal under G.S. 1-515.

Legal References: N.C. Const. art. VI; G.S. 1-514 to -532, 14-228 to -234.1

Adopted: April 9, 1998 to become effective July 1, 1998

Revised: January 10, 2008, August 9, 2012

**A. ROLE OF BOARD MEMBERS IN HANDLING COMPLAINTS**

An individual board member who receives a complaint or inquiry from a parent or interested citizen concerning a school matter will refer the complainant to the appropriate school administrator and will, when appropriate, advise the complainant of the procedures in place for making such complaints.

The board member also may refer the complainant to the superintendent who will determine an appropriate means of responding to the complaint. The board attorney also may be notified of the complaint in accordance with board policy 2610, Board Attorney.

Individual board members will refrain from taking individual action with regard to such complaints other than referring them to the proper administrative employee.

**B. ROLE OF BOARD MEMBERS IN VISITS TO SCHOOLS**

Members of the board of education are encouraged to visit schools in order to inform themselves and to gain a clearer understanding of the daily operation of the system. Members of the board of education wishing to visit a school in the district in their official capacity as board members should generally inform the superintendent or his designee of the desire to visit. Policy questions arising from such visits should be directed to the superintendent.

In matters relating to the education of their own children, members of the board of education shall act as parents rather than board members and have the same rights and responsibilities as other parents.

Board members should confer, in the same manner as other parents, with the individual teacher or principal about matters growing out of their children's participation in the public schools.

**C. ROLE OF BOARD MEMBERS IN INFORMAL MEETINGS WITH INDIVIDUAL OR GROUPS OF PATRONS CONCERNING SCHOOL MATTERS**

The board of education encourages citizen participation in the public schools. Board policies provide guidance for such citizen participation. Individual board members should inform any citizen or group of citizens, with whom they meet, that in such meetings they act only as individuals and not for or on behalf of the board of education unless they have been so authorized by official board action. In addition, board members should attempt

to avoid situations in which their presence could be inferred by the citizens as being officially representative of the board.

Individual members of the board of education should refrain from meeting with groups of school employees to discuss matters relating to employment or conditions of work without specific authorization by board action.

When a request is received by a board member to meet with any informal citizen group about school matters, the individual board member should inform the board chairman and the superintendent of the request.

Legal References: G.S. 115C-36

Cross References: Board Attorney (policy 2610), Responding to Complaints (policy 1742/5060)

Adopted: April 9, 1998 to become effective July 1, 1998

Revised: August 9, 2012

The board will elect a chairperson and a vice-chairperson to serve for a term of one year or until his or her successor is elected and qualified by taking the oath of office prescribed in Article VI, Sec. 7 of the North Carolina Constitution (see board policy 2110, Board Member Elections). To be eligible to be elected as chairperson or vice-chairperson, board members must fulfill the legal requirement of a minimum of 12 hours of training annually as of the most recently completed board development cycle, as verified by North Carolina School Board Association documentation (board policy 2123, Board Member Opportunities for Development).

An organizational meeting for the election and qualification of officers will be held at the regularly scheduled December meeting of the board and as often thereafter as the board will determine appropriate. The officers will be elected in the following order: chairperson, vice-chairperson.

The chairperson may serve a maximum of four successive years and then be eligible again after someone else served as chairperson.

If the chairperson resigns from office, the position will be filled by the vice-chairperson for the remainder of the term.

If the vice-chairperson resigns from office or becomes chairperson, the position will be filled at the next regular meeting of the board. The individual elected must have the majority vote of all members present.

If necessary at any meeting held to elect officers, the secretary to the board will serve as chairperson of the board for the purpose of conducting the election of the chairperson.

Legal References: G.S. 115C-37(d), -41

Cross References: Board Member Elections (policy 2110), Board Member Opportunities for Development (policy 2123)

Adopted: April 9, 1998 to become effective July 1, 1998

Revised: March 13, 2014

The designated officers of the board will be chairperson, vice-chairperson, chairperson pro tempore and secretary.

The officers of the board will perform all duties and exercise the authority imposed or conferred upon them by the statutes of the State of North Carolina and by the State Board of Education.

**A. DUTIES OF THE CHAIRPERSON**

1. The chairperson has the following duties:

- a. preside at all meetings of the board;
- b. preserve order at all times;
- c. appoint committee members and chairpersons;
- d. serve as ex-officio member of all committees;
- e. call special meetings; and
- f. sign official district documents.

The chairperson will perform all duties required of the office by law and execute all documents on behalf of the board.

2. In order to address the board, a member must be recognized by the chairperson. The chairperson will have the following powers:

- a. to rule motions in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes;
- b. to determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks;
- c. to entertain and rule on questions of parliamentary procedure;
- d. to call a brief recess at any time; and
- e. to adjourn in an emergency.



3. The chairperson may vote on all matters for which a motion is made and will serve as spokesperson of the board for communicating the board's position to the public.

**B. DUTIES OF THE VICE-CHAIRPERSON**

In the absence of the chairperson, the vice-chairperson of the board will assume all the rights and responsibilities of the chairperson and will perform other duties assigned by the chairperson.

**C. DUTIES OF THE CHAIRPERSON PRO TEMPORE**

In the absence of both the chairperson and vice-chairperson, the board may elect a chairperson pro tempore for that meeting only, and the appointment of such temporary officer will be noted in the minutes. While so serving, a chairperson pro tempore performs the regular duties of the chairperson.

**D. DUTIES OF BOARD SECRETARY**

The superintendent will serve as ex-officio secretary to the board. The superintendent shall keep the minutes of the meetings of the board but shall have no vote. In the event of a vacancy in the superintendency, or if the superintendent is excluded for a closed-session, the board may elect one of its members to serve temporarily as secretary to the board.

As secretary to the board, the superintendent shall:

1. record all proceedings of the board;
2. issue all notices and orders that may be made by the board;
3. ensure that the minutes of the meetings of the board are promptly and accurately recorded in the minutes book which will be kept in the office of the superintendent and be open to public inspection during regular business hours;
4. manage all correspondence on behalf of the board, unless the board directs otherwise;
5. prepare and distribute copies of the agenda as required by law and board policy;
6. maintain board members' manuals of policies and administrative regulations in

current status;

7. advise the board of policies previously adopted which affect items on the agenda requiring policy consideration;
8. in the absence of the chairperson and vice-chairperson, call the board meeting to order and conduct the election of a chairperson pro tempore; and
9. perform other duties as required by state law or board policy.

Legal References: G.S. 115C-41(a), -276(b)

Adopted: April 9, 1998 to become effective July 1, 1998

Revised:

**A. STANDING COMMITTEES**

The board will organize standing committees for the purpose of conducting thorough deliberations and investigations of issues and informing and recommending action to the board as appropriate.

Standing committees of the board are: Finance and Policies.

The chairperson of each standing committee and the members of that committee will be named by the chairperson of the board on an annual basis. The assignment of individual board members to these committees will be published each year.

The committee chairperson will preside at all committee meetings and be responsible for reporting to the board on the activities of the committee. The committee chairperson will call meetings and establish an agenda for each committee meeting that ~~will~~ includes any item suggested by the superintendent, committee member or board member.

The board chairperson will be an ex-officio member of each committee. The superintendent or designee shall assist the chairperson of each standing committee in the preparation of the agenda and in ensuring that information is available to the committee during its deliberation of issues.

A standing committee may only make recommendations to the board and has no authority to act on behalf of the board unless specifically authorized by law, board policy or the board.

**B. AD HOC COMMITTEES**

As time and situations demand, ad hoc committees may be appointed by the chairperson with the approval of the board. Ad hoc committees have no final authority and are subordinate and advisory to the board.

**C. OPEN MEETINGS LAW**

All committees of the board are public bodies within the meaning of the North Carolina Open Meetings Law and are subject to all requirements of that law pertaining to notice, closed sessions, minutes, voting and penalties (see policy 2320, Compliance with the Open Meetings Law).

Legal References: G.S. 115C-36; 143-318.9 *et seq.*

Cross References: Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321)

Adopted: April 9, 1998 to become effective July 1, 1998

Revised:

The board acknowledges that attendance at board meetings is essential for its members to perform their official duties and to add to the diversity of thought and opinion in the board's deliberations. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent one or more members from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing, have made it possible for members to communicate and deliberate with each other from remote locations. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, G.S. 143-318.9 *et seq.*, the board authorizes remote participation in board meetings subject existing board operational policies, state law, and to the following procedures and requirements.

**A. DEFINITIONS**

The following definitions apply in this policy:

**1. Official Meeting of the Board**

An official meeting of the board is an official meeting as defined by G.S. 143-318.10 and policy 2300, Board Meetings, and includes a board meeting, board committee meeting, public hearing, quasi-judicial hearing, or any other gathering that constitutes an official meeting subject to the open meetings law. References to "meeting" in this policy mean an official meeting of the board.

**2. Remote Participation**

Remote participation occurs when a member participates in an official meeting of the board or any part thereof via electronic means from a place other than the physical location of the meeting designated in the public notice for the meeting.

**3. Wholly Remote Meeting**

A wholly remote meeting is an official meeting of the board or any part thereof in which all members participate remotely by simultaneous communication via conference telephone, conference video, or other electronic means. A wholly remote meeting has no physical location.

**4. State-Declared Emergency**

A state-declared emergency exists when there has been a declaration of a state of emergency by the Governor or resolution of the General Assembly pursuant to G.S. 166A-19.20 that is applicable to the area under the board's jurisdiction.

5. Locally-Declared Emergency

A locally-declared emergency exists when there has been a declaration of a local state of emergency by the governing body of a municipality or county in accordance with G.S. 166A-19.22 that is applicable to area under the board's jurisdiction.

**B. AUTHORIZED CIRCUMSTANCES FOR REMOTE PARTICIPATION**

1. Meetings During a Declared Emergency

The board acknowledges that in-person meetings are strongly preferred and that a quorum of the board should be physically present for the meeting when reasonably possible. However, in times of emergency, including natural disasters and health emergencies, the board may find it necessary to have some or all of its members participate in meetings remotely.

a. State-Declared Emergency

During a state-declared emergency, wholly remote meetings or meetings with remote participation by individual member(s) will comply with G.S. 166A-19.24 and the requirements of this policy, including the special rules for meetings held during emergencies described in Section E, below.

b. Locally-Declared Emergency

During a locally-declared emergency, wholly remote meetings and meetings with remote participation by individual member(s) will comply with the requirements of the open meetings law, Sections C and D below, and to the extent not inconsistent with G.S. 143-318.13, the procedures established by G.S. 166A-19.24 as described in Section E, below.

2. Meetings Not During a Declared Emergency

a. Wholly Remote Meetings.

The board will not hold wholly remote meetings in the absence of a state- or locally-declared emergency.

b. Remote Participation by Individual Members

The board authorizes remote participation by individual members consistent with the requirements of this policy in any meeting of the board that is not a hearing as described in policy 2500, Hearings Before the Board, or other quasi-judicial proceeding.

**C. CONDITIONS AND REQUIREMENTS FOR REMOTE PARTICIPATION**

1. A member may attend a meeting and participate in board deliberations and decisions by remote participation if the member is prevented from physically attending the meeting due to:
  - a. personal illness, disability, order of quarantine or isolation, or government-issued “stay-at-home” mandate, or recommendation of medical provider or public health officials to limit public interaction;
  - b. out-of-town travel;
  - c. unexpected lack of child-care;
  - d. family member illness or emergency;
  - e. weather conditions;
  - f. military service;
  - g. employment obligations; ~~or~~
  - h. a scheduling conflict; or
  - i. a state or local declaration of a state of emergency that makes in-person attendance at a meeting a violation of an order to reduce social contact or to stay at home for reasons of public health.
2. Remote participation is not to be used solely for a board member’s convenience or to avoid attending a particular meeting in person.
3. No board member may participate remotely more than three times during a calendar year for a reason other than order of quarantine or isolation, “stay-at-home” mandate, or recommendation to limit public interaction, as described in subsection C.1, above; however, in other justifiable circumstances, the board may, by two-thirds vote, agree to waive this limitation.

4. Acceptable means of remote participation include telephone-, Internet-, or satellite-enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email, and web chat without audio are not acceptable means of remote participation.
5. A board member participating in a meeting remotely shall use his or her best efforts to participate in all or as much of the meeting as circumstances permit and not merely for the closed session portion of the meeting or a limited number of agenda items.
6. A board member participating remotely will be considered present at the meeting for purposes of establishing and maintaining a meeting quorum and will be entitled to participate in open session deliberations at the meeting if, and while:
  - a. the member is able to hear other members of the board and any individuals addressing the board, including members of the public who are recognized by the board during public comment;
  - b. all persons present at the meeting location are able to hear the board member who is participating remotely; and
  - c. when video technology is used, the remote participant is visible to all persons present at the meeting location.
7. A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:
  - a. any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and
  - b. any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such as a few seconds, will not disqualify the member from voting on the matter under discussion.

**D. PROCEDURE FOR REMOTE PARTICIPATION**

1. A member of the board who desires to participate in a meeting remotely shall notify the board chair and the superintendent at least six (6) hours in advance of the meeting so that necessary arrangements can be made. If the member has not already received all documents to be considered at the meeting, the



superintendent shall arrange for delivery of the materials in a manner that is practicable under the circumstances.

2. The chair or designee at the meeting location shall initiate contact with the member prior to the start of the meeting to secure participation.
3. The chair shall announce the remote participant and the means of remote participation at the beginning of the meeting.
4. The chair shall remind all members that all chats, instant messages, texts, or other written communications between members of the board regarding the transaction of board business during the meeting, including such communications between or among members participating remotely, are a public record.
5. If the remote participant cannot be physically seen by other members of the board and members of the public present at the meeting, the remote participant must identify himself or herself in each of the following situations:
  - a. when the meeting begins or the roll is taken;
  - b. prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order; and
  - c. prior to voting
6. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.
7. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.
8. All votes taken will be by voice vote (rather than by a show of hands).
9. The minutes of the meeting will reflect that the meeting was conducted by use of simultaneous electronic communication, which members were in attendance by simultaneous communication, and when such member(s) joined or left the meeting. Any interruption to or discontinuation of a member's participation will also be noted in the minutes.

10. Any costs associated with remote participation other than normal telephone or Internet connection shall be borne by the remote participant.

**E. SPECIAL RULES FOR REMOTE MEETINGS DURING A DECLARED EMERGENCY**

The following modifications and additions to the requirements of this policy apply to meetings held during a declared emergency.

1. Quasi-judicial hearings may be held remotely with consent of the parties and in conformance with the requirements of G.S. 166A-19.24(f)25 and this section.
2. Notice of meetings will be provided as required by G.S. 143-318.12 (and 166A-19.24(b1), if the original meeting notice did not specify a remote meeting), and will specify (1) the means by which the public can access the simultaneous live stream of the meeting and (2) any other means by which the public can access the meeting as it occurs.
3. The board need not provide a location for members of the public to listen to the meeting; however, in accordance with G.S. 143-318.13(d), this provision applies only to meetings conducted in accordance with G.S. 166A-19.24 when a state-declared emergency exists.
4. All documents to be considered during the meeting shall be provided to each member.
5. The means for simultaneous communication specified in subsection C.4 of the policy must allow for any member to do all of the following:
  - a. hear what is said by the other members;
  - b. hear what is said by any individual addressing the board; and
  - c. to be heard by the other members when speaking to the public body.
6. A member participating by simultaneous communication will be counted as present for quorum purposes only during the period that simultaneous communication is maintained for that member in accordance with subsection C.5, above.
7. The board will refrain from acting by reference to a document or other materials so as to conceal from public understanding what is being deliberated, voted, or acted upon at the meeting.

8. Except when the board is meeting in closed session, the meeting will be simultaneously streamed live online to the public, or if the meeting is conducted by conference call, the public will be provided an opportunity to dial in or stream the audio live and listen to the meeting.
9. If the meeting is a public hearing, the board will allow for written comments on the subject of the hearing to be submitted up to 24 hours prior to the scheduled time for the beginning of the public hearing; however, in accordance with G.S. 143-318.13(d), this flexibility applies only to meetings conducted in accordance with G.S. 166A-19.24 when a state-declared emergency exists.
10. Subsection C.3 of this policy will not apply to remote meetings held during a state or local emergency.

The superintendent is directed to provide the technology sufficient to implement this policy in accordance with all applicable laws.

Legal References: G.S. 166A-19.20, -19.22, -19.24; G.S. ch. 143, art. 33C; N.C. Attorney General Advisory Letter to McLeod, (March 26, 2020), copy available at <https://www.ncsba.org/wp-content/uploads/2020/04/Open-Meetings-advisory-letter.pdf>

Cross References: Board Meetings (policy 2300), Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321), Board Meeting News Coverage (policy 2325), Quorum (policy 2341), Hearings Before the Board (policy 2500), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted: November 10, 2016

Revised: July 9, 2020

Board meetings are conducted for the purpose of carrying on the official business of the school district. The public is cordially invited to attend board meetings to observe the board as it conducts its official business.

The board of education, as an elected representative body of the school district, also wishes to provide a forum for citizens to express interests and concerns related to the school district. In order that the board may conduct an orderly meeting while providing an opportunity for input, individuals or groups may be heard by the board in accordance with this policy or subsection D.3 of policy 2300, Board Meetings, which addresses public hearings.

**A. REQUESTS TO PLACE ITEM ON THE AGENDA**

In order that the board may fairly and adequately discharge its overall responsibility, citizens desiring an item to be placed on the agenda for a specific board meeting should direct written requests to the superintendent at least six working days prior to the meeting.

The request should include: (1) the name and address of the person or persons making the request; (2) the organization or group, if any, represented; and (3) a brief explanation of the nature of the item. Questions and/or materials to be presented to the board are to be submitted along with the request.

The superintendent will confer with the chairperson of the board concerning whether to approve placing the requested item on the agenda and to determine the appropriate meeting for such discussion. The superintendent, with the consent of the board chairperson, shall accept or deny a request for inclusion on the agenda for any reason determined appropriate by the superintendent and chairperson.

The superintendent will notify the requesting party of the response to the request. If the request is denied, the superintendent shall explain any other processes available for addressing the concerns. (See Section C, Reports of Complaints, below.) At the meeting, the board may, by majority vote and notwithstanding prior denial by the superintendent, add an item to the agenda before the agenda is adopted. After the agenda has been adopted, a two-thirds vote is required to add a new the item to the agenda.

The chairperson will establish the amount of time for individual or group presentations.

**B. PUBLIC COMMENT**

Each month, a part of at least one regularly scheduled board meeting will be set aside for citizens to address the board through public comment. Each speaker will receive three minutes to present comments; however, the public comment session will not exceed 30 minutes total except by majority vote of the board. A sign-up sheet will be available 30 minutes before the meeting begins for any individual or group to indicate their desire to address the board. During the public comment period, the board chair will recognize speakers in the order in which they signed in. Substitute speakers will not be permitted and speakers may not donate any portion of their time to another speaker. If a speaker is unable to present all of his or her information within the specified time limit, the speaker may provide the board with the additional information in written form. If an unusually large number of people request to speak, a majority of the board may decide to reduce the time for each individual or to require the designation of a spokesperson for each group of persons supporting or opposing the same positions. At any time, the board may establish additional procedures to ensure that public comment sessions proceed in an efficient and orderly manner.

Board members will not respond to individuals who address the board except to request clarification of points made by the presenter.

Except in cases of emergency, information received during presentations will not be acted upon at the time it is received. It will take unanimous vote of the board members present to take action on a presentation considered to be of an unusual or emergency nature at the time it is presented.

Disruptions by any person or persons of a public meeting will be subject to action in accordance with G.S. 143-318.17.

If the board does not hold a regular meeting during a month, the board will not provide a time for public comment at any other meeting held during that month, unless a majority of the board votes to allow public comment at the meeting or unless the purpose of the meeting is a public hearing.

**C. REPORTS OF COMPLAINTS**

Complaints about the performance of school personnel, implementation of board policy, the quality of the educational program, or school facilities should be submitted initially for a response to the school district official responsible for the program or facility or to the superintendent. The superintendent or designee shall make available this board

policy and other relevant grievance procedures to any individual or group submitting a complaint.

Legal References: G.S. 115C-36, -51, 143-318.10, -318.17

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Role of Board Members in Handling Complaints (policy 2122), Board Meetings (policy 2300), Board Meeting Agenda (policy 2330),

Adopted: April 9, 1998 to become effective July 1, 1998

Revised: September 13, 2012, February 9, 2017, January 11, 2018

At least four work days prior to each regular or special board meeting, the superintendent shall provide the following materials to each board member:

1. the proposed agenda;
2. minutes of previous meetings which have not been approved; and
3. any supporting information or materials that would assist board members to become informed of the issues proposed for board consideration.

Legal References: G.S. 115C-36

Cross References: Board Meeting Agenda (policy 2330)

Adopted: April 9, 1998 to become effective July 1, 1998

Revised:

Except as otherwise provided by law or by the policies of the board, meetings of the board will be conducted in accordance with Robert's Rules of Order, Newly Revised.

The chairperson is authorized to entertain and rule on questions concerning parliamentary procedure and to seek counsel of the board attorney when necessary to clarify or construe any relevant procedural provision.

Legal References: G.S. 143-318.12

Adopted: April 9, 1998 to become effective July 1, 1998

Revised:



Voting will normally be by voice vote on all matters coming before the board for action. However, any member may call for a division, in which case the vote will be by show of hands. In either event, the minutes will reflect the vote of each member voting and the abstention of any member present but not voting, unless the vote is unanimous.

A board member, except the chair, must vote on all issues unless the member has a conflict of interest or is unable to remain impartial in a judicial matter before the board. (See Policy 2210 – Duties of Officers) If a board member recuses himself or herself from a vote, the member will state the reason before the vote is taken and the reason will be recorded in the minutes.

No secret ballots are permitted. If the board decides, by majority vote, to vote by written ballot, each member must sign his or her ballot, and the ballots must be available for public inspection in the superintendent's office immediately following the meeting and until the minutes are approved. The minutes of the meeting must specify the vote of each member's written ballot. The ballots may be destroyed after the minutes of the meeting have been approved.

Legal References: G.S. 143-318.13; *Crump v. Board of Education*, 93 N.C. App. 168, *aff'd*, 326 N.C. 603 (1990); N.C. Attorney General Advisory Opinion, 54 Op. Att'y. Gen. 86 (1985)

Cross References: Board Member Conflict of Interest (policy 2121), Duties of Officers (policy 2210)

Adopted: April 9, 1998 to become effective July 1, 1998

Revised: May 10, 2012

The board instructs the superintendent to keep it fully informed of the affairs of the state and national school boards associations and to keep these organizations informed as directed regarding the board's concerns and official positions on matters of common concern. The superintendent shall include in the budget each year the cost of membership in the North Carolina School Boards Association.

All board members are encouraged to attend meetings, conferences and seminars of the state and national organizations in order to familiarize themselves with the latest developments in school affairs.

The board also will attempt to be officially represented in association affairs through the election of delegates and/or observers to the governing assemblies of those organizations.

Legal References: G.S. 115C-36

Adopted: April 9, 1998 to become effective July 1, 1998.

Revised: October 11, 2012

The board is committed to the safety of students and other persons on school property. In order to maintain a safe school environment, the superintendent and all school personnel shall enforce the provisions of this policy at all times.

**A. DEFINITIONS**

For the purposes of this policy, the following definitions apply.

**1. Registered Sex Offender**

A registered sex offender is a person who (1) is required to register under the Sex Offender and Public Protection Registration Program and (2) has committed any of the following: an offense in G.S. 14, art. 7B; a federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in G.S. 14, art. 7B; an offense in which the victim was under the age of 18 years at the time of the offense; or an offense in violation of G.S. 14-190.16, 14-190.17, or 14-190.17A or any federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in violation of G.S. 14-190.16, 14-190.17, or 14-190.17A.1

**2. School Property**

School property is defined as any school grounds or any property owned or operated by the school system where minors frequently congregate.

**B. REGISTERED SEX OFFENDERS BANNED FROM ALL SCHOOL PROPERTY**

In accordance with G.S. 14-208.18, registered sex offenders are expressly forbidden to knowingly be present on any school property, whether before, during, or after school hours. In addition, registered sex offenders may not attend or be present at any student function or field trip on or off school property that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This policy applies to all covered sex offenders regardless of their relationship to or affiliation with a student in the school system.

**C. ENFORCEMENT**

All school personnel must immediately report to a school administrator the presence or suspected presence of a known or suspected registered sex offender on school property. School administrators and other supervisory personnel shall report to the superintendent

and law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event.

School administrators also shall notify the superintendent or designee of any known student or parent or guardian of a student at their school who is suspected to be a registered sex offender.

**D. EXCEPTIONS**

A person who is banned from school property under G.S. 14-208.18 may be on school property only under the following circumstances.

**1. Students**

Students, who are subject to registered sex offenders, may be on school property only in accordance with policy 4260, Student Sex Offenders.

**2. Voters**

Registered sex offenders who are eligible to vote may be present on school property for the sole purpose of voting if the school property is being used as a voting place. The voter must not be outside the voting enclosure other than for the purpose of entering and exiting the voting place. If the voting place is a school, the voter must notify the principal of the school that he or she is registered under the Sex Offender and Public Protections Registration Program. The voter must leave school property immediately after voting.

**3. Parents or Guardians**

a. A registered sex offender who is the parent or guardian of a student enrolled in school may be on school property only for the following reasons:

- 1) to attend a scheduled conference with school personnel to discuss the student's academic or social progress; or
- 2) at the request of the principal or designee, for any reason relating to the welfare or transportation of the student.

b. In order to visit school property for one of the reasons authorized by subsection (a) above the parent or guardian must notify the principal of his or her registration under the Sex Offender and Public Protection Registration Program and of his or her presence at school. Notice of his or her presence at school includes the nature and specific times of the visit.

- c. For each visit authorized by subsection (a) above, the parent or guardian must arrange to meet a staff member at the edge of school property, check in at the principal's office upon arrival and departure, and remain under the direct supervision of school personnel at all times. If school personnel are not available to supervise the parent or guardian during any visit, then the parent or guardian will not be permitted to enter or remain on school property.
- d. For each visit authorized by subsection (a) above, the parent or guardian must comply with all reasonable rules and restrictions placed upon him or her by the principal, including restrictions on the date, time, location, and length of meeting.

#### **E. CONTRACTUAL PERSONNEL**

Each contract executed by the board must include a provision requiring the other party to the contract to conduct an annual check of the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program and the National Sex Offender Registry ~~on~~ for all contracted employees whose contractual job with the board requires or may result in direct interaction with students, including but not limited to any employee whose contractual job duties include: (1) delivering services directly to students; or (2) performing tasks on or delivering products to school property.

The contract must specify that no contractor or employee of a contractor registered with the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, or the National Sex Offender Registry may have direct interaction with children. This provision applies to contracts with a single individual.

Legal References: G.S. ch. 14, art. 7B, 14-190.16, -190.17, -190.17A, -208.18, -208.19; 115C-332, -332.1

Cross References: School Safety (policy 1510/4200/7270), Student Sex Offenders (policy 4260), Visitors to the Schools (policy 5020), Recruitment and Selection of Personnel (policy 7100)

Adopted: January 8, 2009

Updated: April 10, 2014, September 10, 2015, July 14, 2016, June 8, 2017

The board prohibits unlawful discrimination in employment based on race, color, religion, national origin, military affiliation, genetic information, sex (including pregnancy, childbirth, sexual orientation, and gender identity), age (40 or older), disability, or other unlawful grounds. Harassment is a form of unlawful employment discrimination. The board recognizes that all forms of harassment of employees or applicants is harmful behavior that negatively impacts the workplace environment.

Any employee who engages in discrimination or harassment prohibited by this policy or who contributes to the development of a hostile work environment is subject to discipline, up to and including dismissal.

**A. DISCRIMINATION PROHIBITED**

Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on their membership or that of an associate in a legally-protected class.

Discrimination in employment based on the characteristics listed above is prohibited in all employment-related practices, including hiring, compensation, terms, conditions, and other privileges of employment, except when sex, age, or physical requirements are essential occupational qualifications.

**B. HARASSMENT PROHIBITED**

Harassment prohibited by this policy is unwelcome conduct based on race, color, religion, national origin, military affiliation, genetic information, age (40 or older), sex (including pregnancy, childbirth, sexual orientation, and gender identity), or disability where:

1. enduring the offensive conduct becomes a condition of continued employment; or
2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive, even if the complaining individual is not the intended target.

A single incident of harassment, if physically threatening or humiliating, can create a hostile work environment. The complaining individual need not be the target of the harassment.

Examples of unwelcome conduct that may violate this policy include, but are not limited

to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Petty slights, annoyances, simple teasing, offhand comments, or isolated incidents (unless extremely serious) are not harassment under this policy, nor are reasonable performance management actions taken to direct and control how work is performed or to monitor and give feedback on work performance. The exercise of legitimate authority administered in a professional and constructive manner is not harassment under this policy.

### **C. SEXUAL HARASSMENT PROHIBITED**

Sexual harassment is a particular type of workplace harassment. Sexual harassment prohibited by this policy may also violate policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and in such cases school officials must proceed in accordance with the requirements of that policy.

Prohibited sexual harassment is unwelcome conduct which is either of a sexual nature, or is directed at a person because of the person's sex (including pregnancy, childbirth, sexual orientation, and gender identity), when:

1. submission to the conduct is made either explicitly or implicitly a term or condition of a person's employment;
2. submission to or rejection of such conduct is made the basis for decisions affecting a person's employment; or
3. the conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal, or physical aggression, intimidation, or hostility that is based on actual or perceived gender and sexual stereotypes, sexual orientation, or gender identity. Consensual conduct between adults that is not directed at a third party is not sexual harassment.

### **D. REPORTING DISCRIMINATION AND HARASSMENT**

Applicants and employees should promptly report orally or in writing any instance of alleged or potential discrimination, including harassment, to their principal or supervisor or the senior human resources official. Upon receiving a written complaint, the principal, supervisor, or senior human resources official shall promptly investigate the written

complaint and cause or recommend appropriate corrective action if the written complaint is substantiated. Oral reports of violations may be investigated at the discretion of the school officials designated above. All reports and complaints of harassment under this policy will be investigated in a manner that protects the employee or applicant and maintains confidentiality to the greatest extent possible as permitted by law.

**E. RETALIATION PROHIBITED**

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title II of the Genetic Information Nondiscrimination Act of 2008; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; *Bostock v. Clayton County*, 590 U.S. , 140 S. Ct. 1731 (2020); G.S. 143-422.2

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Prohibition Against Retaliation (policy 1760/7280), Recruitment and Selection of Personnel (policy 7100)

Adopted: May 13, 2021

Revised:



**TEMPORARY REQUIREMENTS TO PREVENT COVID-19 SPREAD**

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic, the school system will implement the strategies that the North Carolina Department of Health and Human Services (DHHS) advises be implemented by all schools to lower the risk of COVID-19 exposure and spread. The superintendent or designee, in conjunction with appropriate health officials, shall develop protocols where necessary to implement strategies recommended by DHHS. These temporary rules shall remain in effect until repealed by the board or until the applicable guidance from DHHS is rescinded, whichever occurs first.

Safe schools are critical to creating a learning environment in which students can succeed. Staff and students share the responsibility for taking reasonable precautions and following established safety measures to create and maintain safe schools. The following safety measures must be implemented at each school.

**A. SUPERVISION OF STUDENTS**

Students must be reasonably supervised while in the care and custody of the school system. This supervision must occur throughout school hours, including during class, between classes, on the playground, and during recess or lunch periods; during authorized school field trips; and on school buses. Reasonable precautions should be taken to protect the safety of students on school grounds and on buses before, during and after school.

Students who are subject to policy 4260, Student Sex Offenders, and are receiving educational services on school property must be supervised by school personnel at all times.

**B. SUPERVISION OF VISITORS**

School administrators shall strictly enforce policies 5015, School Volunteers, and 5020, Visitors to the Schools.

**C. SAFETY OF SCHOOL BUILDINGS AND GROUNDS**

The superintendent and each building principal shall comply with all duties set out for their respective positions in G.S. 115C-288(d) and G.S. 115C-525 to minimize fire hazards. The principal is required to inspect school buildings, playgrounds, and equipment for health, fire, and safety hazards on a regular basis, as required by law, and to notify the superintendent immediately of unsanitary conditions or repairs needed to meet safety standards.

Any employee who observes any potential hazards must notify the principal or the employee's supervisor immediately.

All warning systems must meet building and equipment codes required by law and must be properly maintained. When necessary, proper signs indicating potential hazards or recommended safety precautions must be posted.

**D. ESTABLISHING PROCESSES TO ADDRESS POTENTIAL SAFETY CONCERNS AND EMERGENCIES**

**1. Responding to Student Altercations and Other Threats to Safety**

All school system employees have a duty to be alert at all times to situations that may pose a threat to the safety of students, employees, or visitors on school property, at school events, or in other situations in which the students are under the authority of school employees. Even an employee who does not have responsibility for supervising students is expected to make an immediate report if the employee observes or has reason to suspect that a situation poses a threat to safety and no administrator, teacher, or other supervisory employee is present and aware of the potential threat.

Teachers, teacher assistants, coaches, and other employees with responsibility for supervising students will use appropriate student behavior management techniques to maintain order and discipline on school property, at school events, and anywhere that students are under the employees' authority. Such employees must enforce the Code of Student Conduct and address student behavior in accordance with the school plan for management of student behavior (see policy 4302, School Plan for Management of Student Behavior).

When employees with responsibility for supervising students have personal knowledge or actual notice of a student altercation or other situation that poses an immediate threat to safety, they shall use their professional judgment to determine how best to address the situation to protect the safety of everyone in the vicinity. Emergency procedures identified in a student's Behavior Intervention Plan shall be followed to the maximum extent possible under the circumstances. For minor threats or altercations or altercations involving young children, the employee shall intervene directly to end the fight or address the safety threat if the employee can do so safely. An employee who encounters a situation that cannot be managed safely and effectively by that employee immediately shall request assistance from other employees or administrative staff and shall take steps to remove bystanders from the area. Only the degree of force or physical control reasonably necessary shall be used to re-establish a safe environment.

Employees should take further action as appropriate in accordance with any response protocols established by the principal or superintendent. All employees are responsible for knowing and following such protocols to the fullest extent reasonable

under the circumstances at the time.

2. School Rules

The principal or designee shall develop rules to help prevent accidents in school buildings, on school buses, and on school grounds.

3. Training for Staff and Students

Staff training must include detailed instruction on how to respond to a variety of emergency situations. Staff should also be able to recognize and respond to behavior, information, and related indicators that warn of impending problems. In addition, middle and high school employees must receive adequate training on the operation of the school's anonymous safety tip line.

School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety. Middle and high school students must also be informed of the anonymous safety tip line and its purpose and function.

4. Safety Equipment

School employees shall provide students and visitors with safety equipment as required by law and shall enforce school rules pertaining to wearing safety equipment. School employees shall wear and use appropriate safety equipment as required for the safe performance of their specific job assignments.

5. Planning for Emergencies and Conducting Fire Drills and Other Emergency Drills

The board, in coordination with local law enforcement and emergency management agencies, will adopt a school risk management plan relating to incidents of school violence for each school in the school system. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the school risk management plan and updated emergency response information when such updates are made. The superintendent must also provide the Division and local law enforcement schematic diagrams, including digital schematic diagrams, of all school facilities and updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams must meet any standards established by the Department of Public Instruction for the preparation and content of the diagrams. In addition, the superintendent shall provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when

changes are made to the locks of the main entrances or to the key storage devices.

At least one school-wide tabletop exercise and drill that meets the requirements of state law and is based on the procedures documented in the school risk management plan will be held annually at each school. Principals shall also conduct fire drills as required by law.

#### 6. Reporting Risks to the School Population

Students should notify any staff member of any acts of violence, harassment, or bullying or any other unusual or suspicious behavior that may endanger safety. Middle and high school students may also use the anonymous safety tip line to report any risks to the school population or buildings. Ongoing student education efforts will aim at minimizing any fear, peer pressure, embarrassment, or other impediments to students reporting potential problems.

Maintaining a safe school environment that is conducive to learning requires staff to be proactive in dealing with violence, harassment, and bullying. Staff members must report immediately to the principal any information regarding unusual or suspicious behavior or acts of violence, harassment, or bullying.

School officials shall investigate and act upon any report of such behavior, including, when appropriate, reporting criminal activities to law enforcement, the State Board, the State Superintendent of Public Instruction, and the superintendent or designee (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, 4040/7310, Staff-Student Relations, 4329/7311, Bullying and Harassing Behavior Prohibited, 4335, Criminal Behavior, and 7232, Discrimination and Harassment in the Workplace).

#### 7. Potential Threats of Registered Sex Offenders

The principal of each school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the school.

#### 8. Student Behavior Standards

Students are expected to meet behavior standards set forth in board policies.

Legal References: G.S. 14-208.18; 115C-36, -47, -105.49, -105.53, -105.54, -166, -167, -288, -289.1, -307, -390.3, -391.1, -521, -524, -525; State Board of Education Policies SSCH-000, SCFC-005

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), School Improvement Plan (policy 3430), Staff-Student Relations (policy 4040/7310), Student Sex Offenders (policy 4260), Student Behavior Policies (4300 series), Bullying and Harassing Behavior Prohibited (policy 4329/7311), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Public Records – Retention, Release, and Disposition (policy 5070/7350), Relationship with Law Enforcement (policy 5120), Discrimination and Harassment in the Workplace (policy 7232), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)

Other Resources: *Practical Information on Crisis Planning: A Guide for Schools and Communities*, U.S. Department of Education Office of Safe and Drug-Free Schools (January 2007), available at <http://www2.ed.gov/admins/lead/safety/crisisplanning.html>

Adopted: July 14, 2011

Revised: June 13, 2013; April 10, 2014; May 14, 2015, July 14, 2016, September 14, 2017, January 11, 2018, June 13, 2019, May 13, 2021

**Asheboro City Schools  
Personnel Transactions  
December 9, 2021**

**\*A. RESIGNATIONS/RETIREMENTS/SEPARATIONS**

<b>LAST</b>	<b>FIRST</b>	<b>SCHOOL</b>	<b>SUBJECT</b>	<b>EFFECTIVE</b>
Blanchard	Karen	AHS	Instructional Assistant/ISS	12/31/2021
Moser	Jennifter	AHS	Exceptional Children's Teacher	12/9/2021

**\*B. APPOINTMENTS**

<b>LAST</b>	<b>FIRST</b>	<b>SCHOOL</b>	<b>SUBJECT</b>	<b>EFFECTIVE</b>
Brooks	Tammy	AHS	Testing Coordinator/Office Support	11/22/2021
Smith	Ashley	BAL	Reading Specialist	12/15/2021
Tonkin	Sarah	BAL	Math Tutor (part-time; temporary)	12/13/21-6/8/22

**\*C. LEAVES OF ABSENCE**

<b>LAST</b>	<b>FIRST</b>	<b>SCHOOL</b>	<b>SUBJECT</b>	<b>EFFECTIVE</b>
Ball	Shaylyn	SAMS	Instructional Assistant/ISS	11/18/21-1/10/22

**D. TRANSFERS**

Freeman	Tiffany	AHS to BAL	Custodian to Head Custodian	11/22/2021
McLeod	Matthew	BAL to SAMS	Head Custodian to Custodian	11/22/2021
Wilson	Judy	ECDC to CO/Zoo School	Head Custodian to Custodian	11/22/2021

**ASHEBORO CITY SCHOOLS  
CERTIFIED APPOINTMENTS  
December 9, 2021**

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Smith, Ashley	Southern Wesleyan University B: Early Childhood/Elementary Education High Point University M: Elementary Education; Concentration: Reading	K-5 K-12 Reading

Ms. Ashley Smith is recommended to serve as the Reading Specialist at Balfour Elementary School for the 2021-2022 school year. Ms. Smith currently teaches at Uwharrie Charter Academy as the third grade math specialist. Prior to moving to Uwharrie Charter Academy, Ms. Smith taught at Donna Lee Loflin Elementary School for nine years. During her time at Loflin, she was selected as their school level Teacher of the Year during the 2012-2013 school year. Additionally, she has served as a mentor for beginning teachers, grade level chair and participated in Asheboro City Schools Teacher Leadership Academy. We are pleased to welcome home Ms. Smith!

**Asheboro City Schools  
Personnel Transactions - ADDENDUM  
December 9, 2021**

**\*A. RESIGNATIONS/RETIREMENTS/SEPARATIONS**

<b>LAST</b>	<b>FIRST</b>	<b>SCHOOL</b>	<b>SUBJECT</b>	<b>EFFECTIVE</b>
Baker	Jamie	AHS	Treasurer	12/31/2021
Loflin	Veronica	GBT/ECDC	School Nurse	1/3/2022
Taylor	Ryan	NAMS/SAMS	School Social Worker	1/2/2022

**\*B. APPOINTMENTS**

<b>LAST</b>	<b>FIRST</b>	<b>SCHOOL</b>	<b>SUBJECT</b>	<b>EFFECTIVE</b>
Duncan	Adam	AHS	School Counselor	12/13/2021
Johnson	Tari	CO	Transporation Coordinator	12/20/2021
Lambeth	Savannah	GBT	Kindergarten	1/3/2022
McBride	Julia "Katherine"	NAMS	English as a Second Language	12/15/2021
McCain	Onica	GBT	Certified Nurse Assistant/EC	1/3/2022
McNair	Willard "Deneal"	AHS	Non-Faculty Coach; Track and Football	12/10/2021

**\*C. LEAVES OF ABSENCE**

<b>LAST</b>	<b>FIRST</b>	<b>SCHOOL</b>	<b>SUBJECT</b>	<b>EFFECTIVE</b>
York	Rhiannon	ECDC	Instructional Assistant	1/17/22 - 5/16/22

**D. TRANSFERS**

<b>LAST</b>	<b>FIRST</b>	<b>SCHOOL</b>	<b>SUBJECT</b>	<b>EFFECTIVE</b>
Vickery	Marsha	CO to AHS	Child Nutrition Bookkeeper to Treasurer	1/3/2022



**Asheboro City Schools**  
**Certified Appointments - Personnel Addendum**  
**December 9, 2021**

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Duncan, Adam	High Point University B: Mathematics North Carolina A&T University M: School Counselor	Mathematics, 6-12 School Counselor

Mr. Adam Duncan is recommended to serve as a school counselor at Asheboro High School for the 2021-2022 school year. Mr. Duncan is a veteran educator, teaching middle school and high school mathematics for Randolph and Guilford County Schools. As a school counselor, he served Liberty Elementary and Randleman Middle School. In addition to teaching, Mr. Duncan has coached high school soccer and tennis. Most recently, Mr. Duncan was a Resident Director for High Point University. He is known for building strong relationships with students and is looking forward to joining the Blue Comet team! Welcome Mr. Duncan!

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Lambeth, Savannah	Pfeiffer University B: Elementary Education	Elementary, K-6

Ms. Savannah Lambeth is recommended to teach kindergarten at Guy B. Teachey Elementary School for the 2021-2022 school year. Ms. Lambeth is completing her student teaching at Lindley Park Elementary School where she is working in first grade with Ms. Heather Hopkins. Prior to her student teaching, Ms. Lambeth worked as a teacher assistant at Central United Methodist Preschool. Ms. Lambeth is excited to begin her teaching career in Asheboro City Schools. She loves watching young minds grow, and making students feel comfortable and safe in her classroom. Welcome Ms. Lambeth!

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
McBride, Julia "Katherine"	East Carolina University B: Hospitality Management Greensboro College Elementary Certification Program	Elementary, K-6 ESL, K-12

Ms. Julia "Katherine" McBride is recommended to teach English as a Second Language at North Asheboro Middle School for the 2021-2022 school year. Ms. McBride is a veteran teacher who worked at Guy B. Teachey Elementary School for 16 years before moving to Davie County Schools. Ms. McBride started as an instructional assistant before transitioning into the classroom teacher role. After four years teaching third and fourth grades, Ms. McBride moved into English as a Second Language where she spent eight years. Ms. McBride is a graduate of Asheboro City Schools Teacher Leadership Academy and served on various school level and district teams over the years. We are pleased to welcome home Ms. McBride!

STATE OF NORTH CAROLINA  
COUNTY OF RANDOLPH

THIS LEASE made and entered into this the 9<sup>th</sup> day of December, 2021, by and between ASHEBORO CITY BOARD OF EDUCATION, a governmental unit with its administrative offices in Randolph County, North Carolina (the “Lessor”) and RANDOLPH COMMUNITY SERVICES, INC., a private, non-profit corporation with its office and place of business in Randolph County, North Carolina (the “Lessee”):

WITNESSETH:

That subject to the terms and conditions hereinafter set forth, Lessor does let and lease to Lessee, and Lessee accepts as tenant of Lessor the following described property (the “Premises”) located in Asheboro, Randolph County, North Carolina, more particularly described as:

The western one-half, more or less, of an existing playing field at the northeast corner of Lessor’s real property, located at 1738 North Fayetteville Street, Asheboro, North Carolina, and known as the Early Childhood Development Center (the “ECDC”).

TO HAVE AND TO HOLD the same with the privileges and appurtenances thereunto belonging to the Lessee and its successors and assigns upon the following terms and conditions:

1. TERM: The term of this lease shall be for a period of five (5) years, commencing on the 1<sup>st</sup> day of July, 2021, and expiring on the 30<sup>th</sup> day of June, 2026, unless sooner terminated or extended as hereinafter provided.

2. RENTAL: As rent for Premises, Lessee shall pay the Lessor the sum of One Dollar (\$1.00) per year, in advance, on the first day of the lease term.

3. PERMITTED USE: Lessee shall use and occupy the Premises for the exclusive purpose of operating the Randolph Community Services Inc. Head Start Program (the “Program”) and the Premises shall be utilized for no other purpose without the prior written consent of Lessor. In connection with the operation of the Program on the Premises, the parties agree, without limitation, that the Lessee:

(a) may construct/install a modular building, as well as a playground, parking area and appropriate fencing on the Premises, after approval of a “site plan” by Lessor: and

(b) shall structure its calendar and daily operating schedule to conform with Lessor’s operation of the ECDC, specifically the coordination of the Lessee’s and the Lessor’s teacher workdays; and

(c) shall provide bus transportation for children who qualify under the Program’s transportation guidelines and who are served by the Lessor in its pre-kindergarten program at the ECDC.

4. FOOD SERVICES: Lessor will permit negotiation between Lessee and Lessor's child nutrition staff, for providing meals to students participating in the Program.

5. ALTERATIONS AND IMPROVEMENTS: after initial installation of its facility, Lessee may make such alterations and improvements as may be necessary for operation of the Program; provided, however, that the Lessee shall obtain the prior written consent of the Lessor. Such work shall be performed in a first-class, workmanlike manner, and all work shall be accomplished according to plans and specifications which shall be first submitted to and approved by the Lessor. Prior to the commencement of such alterations or improvements, the Lessee shall be responsible for and shall secure all governmental and utility permits, if any.

6. BUILDINGS, TRADE FIXTURES AND EQUIPMENT: Lessor agrees that all buildings, trade fixtures, equipment, furniture or other property of whatever kind and nature kept or installed on the Premises by Lessee shall not become the property of Lessor or a part of the realty, no matter how affixed to the Premises, and may be removed by the Lessee in its discretion, at any time, and from time to time during the entire term of this lease. In the event the Lessee shall elect to remove such buildings, trade fixtures or equipment, the Lessee shall do so, at its own cost and expense.

7. MAINTENANCE: Lessee covenants that, during the lease term, it shall be solely responsible for and keep in good order and repair the building, including the exterior walls, the roof, the plumbing, the heating and cooling system, the interior, all glass and painted surfaces and any and all alterations and improvements installed by Lessee as provided in Paragraph 4 hereinabove. Lessee will provide initial landscaping, in accordance with plans approved by Lessor, and Lessor shall provide continuing landscaping maintenance thereafter.

Upon the termination of the lease, Lessee shall be obligated to return the Premises to the Lessor, in the same condition existing as of the commencement of the term, except for ordinary wear and tear and damages caused by the elements; provided, that any paved areas installed by Lessee may remain intact.

8. ASSIGNMENT AND SUBLETTING: The Lessee covenants that it may not assign nor sublet the Premises or any part thereof without the prior written consent of the Lessor.

9. DAMAGE BY FIRE OR OTHER CASUALTY: If the Lessee's building shall be destroyed by fire or other casualty, this lease shall be automatically terminated and the parties shall be released from further liability on account of the making of this lease.

10. INSURANCE: During the term hereof, the Lessee shall be solely responsible for and shall keep all its property, including without limitation buildings, improvements, trade fixtures and equipment insured against loss or damage from fire and/or other casualty with all standard extended coverage, in such companies as the Lessee shall select.

The Lessee shall provide and keep in force, in such form as is acceptable to the Lessor, comprehensive liability insurance protecting the Lessor against any and all claims, actions and

liabilities, in a face amount of not less than \$1,000,000.00, with respect to each accident or disaster and in a face amount of not less than \$1,000,000.00, with respect to bodily injury to each person.

11. INDEMNITY: The Lessee assumes all risk of injury, loss, damage or death to any person or property from or arising out of its use and occupancy of the Premises and it shall indemnify and hold harmless the Lessor against and with respect to any and all damages, costs, claims, liabilities, actions, losses and expenses, including without limitation attorney fees, arising therefrom.

12. TAXES: Lessee shall pay all applicable *ad valorem* taxes, if any, upon the Premises, in a timely fashion.

13. UTILITIES/INTERIOR REQUIREMENTS: Lessee shall install and pay the costs of separate connection and metering of all utilities it may choose to utilize at the Premises and shall timely pay all costs levied or charged for such utility services. The Lessee shall also furnish all interior requirements of the Premises, including janitorial services, overhead fluorescent tubes and all other electrical light bulbs to be furnished and installed.

14. CONDEMNATION: If at any time during the term hereof, the Premises shall be taken by any public authority or by the right of eminent domain, then and in such event, when possession is taken by the condemning authority, the lease and all rights of the Lessee hereunder shall immediately cease and terminate. The Lessor shall be entitled to any award in condemnation for land and the Lessee shall have the right to prosecute its claim for an award based upon its leasehold interest.

15. RIGHT OF ENTRY: The Lessor, its agents, and representatives shall have the right to enter into and upon the Premises or any part thereof, at all reasonable hours, for the purpose of examining the same or making such repairs or alterations therein as may be necessary for safety or preservation of the Premises. Nothing herein contained, however, shall be deemed or construed to impose upon the Lessor any obligation, responsibility or liability whatsoever, for the care, supervision, or repair of the building or any other improvement on the Premises.

16. DEFAULT: The occurrence of any one or more of the following events shall constitute a material default and breach of this lease by Lessee:

(a) The abandonment of the Premises by the Lessee [absence from the Premises for ten (10) days after default in payment of rent shall constitute an event of abandonment];

(b) The failure by Lessee to observe or perform any of the covenants, conditions or provisions of this lease, where such failure shall continue for a period of fifteen (15) days after written notice thereof from Lessor to Lessee, provided, however, that if the nature of Lessee's default is such that it cannot be cured solely by payment of money and that more than fifteen (15) days are reasonably required for its cure, then Lessee shall not be deemed to be in default if Lessee shall commence such cure within said fifteen (15) day period and thereafter diligently prosecutes such cure to completion;

(c) (i) The making by Lessee of an assignment for the benefit of creditors or of any general arrangement for the benefit of creditors;

(ii) The filing by or against Lessee of a Petition to have Lessee adjudged bankrupt or a Petition for reorganization or arrangement under any law relating to bankruptcy (unless in the case of a Petition filed against Lessee, the same is dismissed within sixty (60) days);

(iii) The appointment of a trustee or receiver to take possession of substantially all of Lessee's assets;

(iv) The attachment, execution or other judicial seizure of substantially all of Lessee's assets.

(d) The dissolution of Lessee, as a corporate entity.

17. REMEDIES UPON DEFAULT: In the event of default or any material breach of this lease by Lessee, Lessor, in addition to all other rights or remedies it may have, shall have the immediate right to terminate this lease, upon fifteen (15) days written notice to Lessee, and also the immediate right, with or without termination of this lease, of re-entry upon and taking possession of the Premises and Lessor may remove all persons and property from the Premises.

18. QUIET ENJOYMENT: Lessor covenants that, if and so long as Lessee keeps and performs each and every covenant, agreement, term, provision and condition herein contained, on the part and on behalf of Lessee to be kept and performed. Lessee shall quietly enjoy the Premises without hindrance or molestation by Lessor or by any other person lawfully claiming the same, subject to the covenants, agreements, terms, provisions and conditions of this lease as hereinbefore set forth.

19. HAZARDOUS SUBSTANCES: Lessee hereby certifies, to Lessor that it will fully comply with all federal, state and local laws and/or regulations, with respect to the manufacture, storage, removal, discharge or use, of any pollutant, toxic or hazardous substance, or other substance of similar nature, and will hold Lessor harmless therefore.

20. NOTICES: All notices shall be sent by certified mail, return receipt requested, to the following addresses:

If to the Lessor: Superintendent of Asheboro City Schools  
1126 South Park Street  
Asheboro, North Carolina 27203

If to Lessee: Executive Director of Randolph Community Services, Inc.  
109 N Main Street  
Randleman, North Carolina 27317

21. TERMINATION: Notwithstanding any contrary term or provision of this lease, either party hereto may terminate this lease upon ninety (90) days written notice to the other party.

IN WITNESS WHEREOF, upon authority duly granted, Lessor and Lessee have caused this lease to be executed as of the day and year first above written.

Lessor:

ATTEST:

ASHEBORO CITY BOARD OF EDUCATION

\_\_\_\_\_  
Finance Officer

By: \_\_\_\_\_  
Superintendent

Lessee:

ATTEST:

RANDOLPH COMMUNITY SERVICES, INC.

\_\_\_\_\_  
Deputy Director

By: \_\_\_\_\_  
Executive Director

(CORPORATE SEAL)

# Policies For 30-Day Review

Employees and board members have an absolute duty to maintain the confidentiality of records as required by law. Employees and board members, by the nature of their positions, are exposed to confidential information that should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee or board member who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or executive director of human resources (for employees) or from the superintendent or board attorney (for board members). Where violations occur, appropriate disciplinary action will be taken.

**A. PERSONNEL FILES**

It is a criminal violation for an employee or board member to do either of the following:

1. knowingly, willfully and with malice permit any unauthorized person to have access to information contained in a personnel file; or
2. knowingly and willfully examine, remove or copy a personnel file that he/she is not specifically authorized to access pursuant to G.S. 115C-321.

**B. STUDENT RECORDS**

Employees and board members shall safeguard the confidentiality of student records as provided in policy 4700, Student Records.

**C. HANDLING AND TRANSMITTING PERSONALLY IDENTIFIABLE INFORMATION**

The superintendent or designee is directed to establish and enforce processes and protocols for the secure handling and electronic transmission of personally identifiable information of students and employees.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; G.S. 115C-47(18), -321, -402

Cross References: Communicable Diseases - Students (policy 4230), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Other Resources: Transmitting Private Information Electronically: Best Practices Guide for Communicating Personally Identifiable Information by E-mail, Fax, or Other Electronic Means, available at <https://www.dpi.nc.gov/best-practices-guide-pii-and-email/download?attachment>



Adopted: May 14, 1998 to become effective July 1, 1998

Reviewed by Policy Committee on June 14, 2012

Revised: May 11, 2006, March 11, 2016

All meetings of the board of education, except closed sessions, will be open to representatives of the news media. Mechanical devices may be used during meetings to record, broadcast or photograph board meetings, if they do not interfere with the ability of the board to conduct its business.

The placement and use of any equipment necessary to broadcast, film, or record a meeting may be regulated by the board to prevent undue interference with the meeting, but not in such a way as to frustrate the coverage of the meeting.

If a meeting room is too small to accommodate all of the personnel and equipment necessary to broadcast, film or record a meeting, the board may require equipment to be pooled. If the news media requests an alternate meeting place in order to facilitate news coverage and the board grants the request, the news media making the request are responsible for paying any additional costs ~~which~~ that may be involved in securing an alternate site. The board must act in good faith in carrying out these provisions.

If the board holds a remote meeting (see policy 2302, Remote Participation in Board Meetings), it will provide a means for members of the public to listen to the meeting. Notice of a virtual meeting must specify how public access will be provided.

Legal References: G.S. 143-318.11, -318.13, -318.14

Cross References: Remote Participation in Board Meetings (policy 2302), Closed Sessions (policy 2321), News Media Relations (policy 5040)

Adopted: April 9, 1998 to become effective July 1, 1998

Reviewed by Policy Committee on July 12, 2012

Any board member, individual, group of citizens, student, or employee may initiate proposals for new policies, or changes to existing policies. The initiator will refer the suggestions to the superintendent for study prior to public discussion of the proposal and board action.

As appropriate in the development of proposed policies, the superintendent will seek input from the board attorney, other professionals, school system personnel, parents, students and citizens.

Legal References G.S. 115C-36

Adopted: April 9, 1998 to become effective July 1, 1998

Reviewed by Policy Committee on August 9, 2012

Policies may be proposed for adoption, amendment or repeal at any board meeting by any member of the board or by the superintendent. A request to place the proposed policy on the agenda must be made in accordance with board policy.

Policies introduced and recommended to the board will not be adopted until a subsequent meeting. Thus, time will be given to permit further study and also to present an opportunity for interested parties to react. However, temporary approval may be granted by the board in lieu of formal policy to meet emergency conditions or special events that will take place before formal action can be taken.

During discussion of a policy proposal, the views of the public, parents, students and staff will be considered. Board members may propose amendments. An amendment will not require that the policy go through an additional reading except as the board determines that the amendment needs further study and that an additional reading would be desirable. The board must adopt by majority vote, and the superintendent must record the policy in the minutes of the board meeting in order for the policy to be considered official board policy.

Unless otherwise specified by the board, a policy is effective as of the date it is adopted by the board.

No policy formally adopted by the board of education may be revised or rescinded except by majority vote in accordance with policy 2342, Voting Methods.

Legal References: G.S. 115C-36

Cross References: Board Meetings Agenda (policy 2330), Voting Methods (policy 2342), Policy Review and Evaluation (policy 2440)

Adopted: April 9, 1998 to become effective July 1, 1998.

Reviewed by Policy Committee on August 9, 2012

The superintendent shall establish and maintain an orderly plan for preserving and making accessible the policies adopted by the board of education and any accompanying administrative procedures or memoranda.

All policies adopted by the board of education will be maintained in both electronic and physical form. The electronic form shall be accessible through the school system website. The physical form shall be kept in a policy manual that will constitute a public record that will be open for inspection at the board of education offices during regular office hours. The board will endeavor to keep both the electronic policies on the website and the physical policy manual updated with the most recent policies adopted by the board. Any discrepancies between the policies on the website and in the physical manual shall be resolved in accordance with the board's most recent action on the policy.

The superintendent shall ensure that all board members and employees have convenient access to copies of the board's policies.

All physical policy manuals distributed remain the property of the board, will be deemed to be "on loan" to any person or organization, and are subject to recall at any time deemed necessary for purpose of amendment, rescission or recodification.

Legal References: G.S. 115C-36

Adopted: April 11, 2013

The operation of any section or sections of board policies not established by law or contract may be suspended temporarily by a majority vote of board members present at a board meeting held in compliance with law and board policy.

Legal References: G.S. 115C-36

Cross Reference: Board Meetings (policy 2300)

Adopted: April 9, 1998 to become effective July 1, 1998.

Reviewed by Policy Committee on August 9, 2012

The board of education delegates to the superintendent of the schools the power to act in cases in which the board has not provided policy statements to guide administrative action. The superintendent shall inform the board promptly of such action and of the need for policy.

Legal References: G.S. 115C-36, -47, -276

Adopted: April 9, 1998 to become effective July 1, 1998.

Reviewed by Policy Committee on August 9, 2012

The superintendent is responsible for developing administrative procedures necessary to implement board policies.

In developing procedures, the superintendent should consult, as appropriate, with principals and other school district personnel, parents, students, the board attorney, and other professionals and citizens. The superintendent may establish formal administrative procedures or use less formal documents, such as memoranda, so long as the documents are preserved and disseminated in accordance with board policy. The board may review an administrative procedure at any time and direct the superintendent to modify, expand or omit the procedure.

Legal References: G.S. 115C-36, -47

Cross References: Dissemination and Preservation of Policies (policy 2430)

Adopted: April 9, 1998 to become effective July 1, 1998.

Reviewed by Policy Committee on August 9, 2012



As situations demand, the board may utilize consultants from various fields, including architects, personal consultants and instructional/educational consultants. In each case, the board will advertise for proposals as required by law or as deemed necessary by the board and will enter into a written contract with the consultant selected, outlining the tasks to be performed, the dates for completion, evaluation procedures and any other relevant terms.

Legal References: G.S. 115C-47

Cross References: Planning for Facility Needs (policy 9000), Site Selection (policy 9010), Facility Design (policy 9020), Supervision of Construction Contracts (policy 9130), Sale, Disposal and Lease of Board-Owned Real Property (policy 9400)

Adopted: April 9, 1998 to become effective July 1, 1998.

Reviewed by Policy Committee on August 9, 2012

## **RELIGIOUS-BASED EXEMPTIONS FROM SCHOOL PROGRAMS**

*Policy Code:*

**3510**

---

The curriculum of the school district will be based on the current statewide instructional standards. The board and the school administrators will exercise their authority to select appropriate materials and teach the curriculum in an effective manner. The board supports the free exercise of religion and prohibits discrimination on the basis of religion. While students are expected to participate in all required courses and school activities. The board recognizes that at times parents may object to a specific school course or activity. This policy is designed to provide parents with a process for seeking a religious-based exemption for their child from a required school course of activity.

If parents have religious-based objections to certain programs, they may petition to exempt their child from participation. Any request for exemption should be submitted to the superintendent or designee in accordance with the following guidelines:

1. The request must be in writing.
2. The request must specify the activities or studies that violate their religious beliefs and explain how their religious beliefs are violated by the activity.
3. The request may suggest a proposed alternate activity or study.

The superintendent or designee will review the request in accordance with any constitutional or statutory standards and shall accommodate the request when required to do so by law. If the accommodation is not required by law, the superintendent or designee may choose to accommodate such a request after weighing factors, such as the interest of the child, the impact on other students, and the availability of alternative activities or materials. An appeal of the superintendent's decision may be made to the board through the student grievance procedure.

Legal References: U.S. Const. amend. I; N.C. Const. art. I, § 14; G.S. 115C-36, -47

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100)

Adopted: May 14, 1998 to become effective July 1, 1998

Revised: June 13, 2013

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

1. A physician licensed to practice in North Carolina;
2. A nurse practitioner approved pursuant to state law; or
3. A physician's assistant licensed to practice in North Carolina.

A new employee who has not previously been employed in a public school in North Carolina may provide a certificate prepared by a physician, nurse practitioner, or physician's assistant who holds a current unrestricted license or registration in another state, so long as evidence of that license or registration is on the certificate. Such certificate must certify that the employee does not have tuberculosis in the communicable form; any other communicable disease; or any disease, physical or mental, that would impair the ability of the individual to perform effectively in his or her duties. The board or superintendent may require any individual covered by this policy to have a physical examination when deemed necessary.

Health certificates will be maintained in separate, confidential medical files in the human resources office.

Legal References: G.S. 115C-323

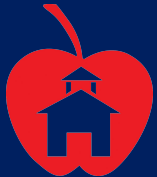
Adopted: May 9, 2013



# Naming Facilities Request

Leigh Anna Marbert

December 9, 2021



# Naming Request

On Friday, September 24, Dr. Aaron Woody received a request from Asheboro High School teacher, Kristen Faircloth, to name the scoreboard at the Asheboro High School softball field after retired educator and softball coach, Ms. Lisa Robertson.

Per Board Policy 9300, Naming Facilities, Dr. Woody appointed a Naming Facilities Committee that consisted of the following individuals:

Dr. Tim Allgood

Mrs. Julie Brady

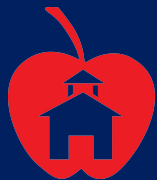
Mr. David Cross

Mr. Steve Luck

Mrs. Leigh Anna Marbert

Mr. Christopher Scott

Ms. Sandra Spivey

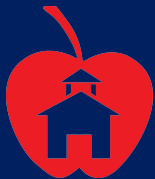


# Naming Facilities Committee Meets

**Wednesday, October 13** - The purpose of this meeting to was to explain the process and procedure as outlined in Board Policy 9300, Naming Facilities.

## **Board Policy 9300, Naming Facilities, says:**

- the name may be in honor or memory of an individual who has helped students in this school district succeed through financial contributions or educational leadership.
- the name may be that of an education leader of prominence and reputation beyond the school district; however priority will be given to names of educational leaders who have directly or indirectly helped students in this school district succeed.
- requests shall be considered on a case-by-case basis only when supported by ***extraordinary justification*** for the naming.
- proposals made be made: a.) two years after the retirement or other separation from the district or elected or appointed office; or b.) two years after the person's death.
- the Board will not take action on the request for a minimum of 20 days for a period of public review.

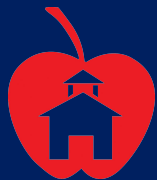


# Naming Facilities Hears Proposal

**Tuesday, October 26** - The team met for a second time for a formal request and presentation of Ms. Faircloth to name the scoreboard after Ms. Robertson.

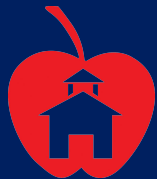
Ms. Faircloth noted Ms. Robertson was not only a coach, but a well-respected educator for her entire career in the Asheboro City Schools district. Ms. Faircloth also noted Ms. Robertson:

- Taught at SAMS for 20 years.
- Taught at AHS for an additional eight years.
- Was a National Board Certified teacher.
- Served as SAMS Athletic Director.
- Was the President of the NC Association of Athletics, Health, Physical Education, Recreation and Dance in 2011.
- Was instrumental in developing the softball program and bringing fast-pitch to AHS and Randolph County.



# Committee Recommendation

**Upon conclusion of Ms. Faircloth's presentation and after healthy discussion, the Naming Facilities Committee voted to recommend to the Superintendent the request to name the scoreboard at the Asheboro High School softball field after Ms. Lisa Robertson.**





# Scoreboard Proposal and Funding


- Ms. Faircloth has worked with Ms. Robertson's family, friends, and Beane Signs to develop a proposal for the design of the scoreboard.
- Ms. Faircloth has also secured funding for the scoreboard.
- Mr. Chris Scott, Director of Facilities and Maintenance, feels confident we will be able to maintain the scoreboard for years to come.



# Questions







# ASHEBORO HIGH SCHOOL PHASE III - BOARD OF EDUCATION UPDATE

December 9, 2021

## **PROJECT TEAM**

### **ARCHITECTURE:**

Smith Sinnett Architecture  
4600 Lake Boone Trail, Suite 205  
Raleigh, NC 27607

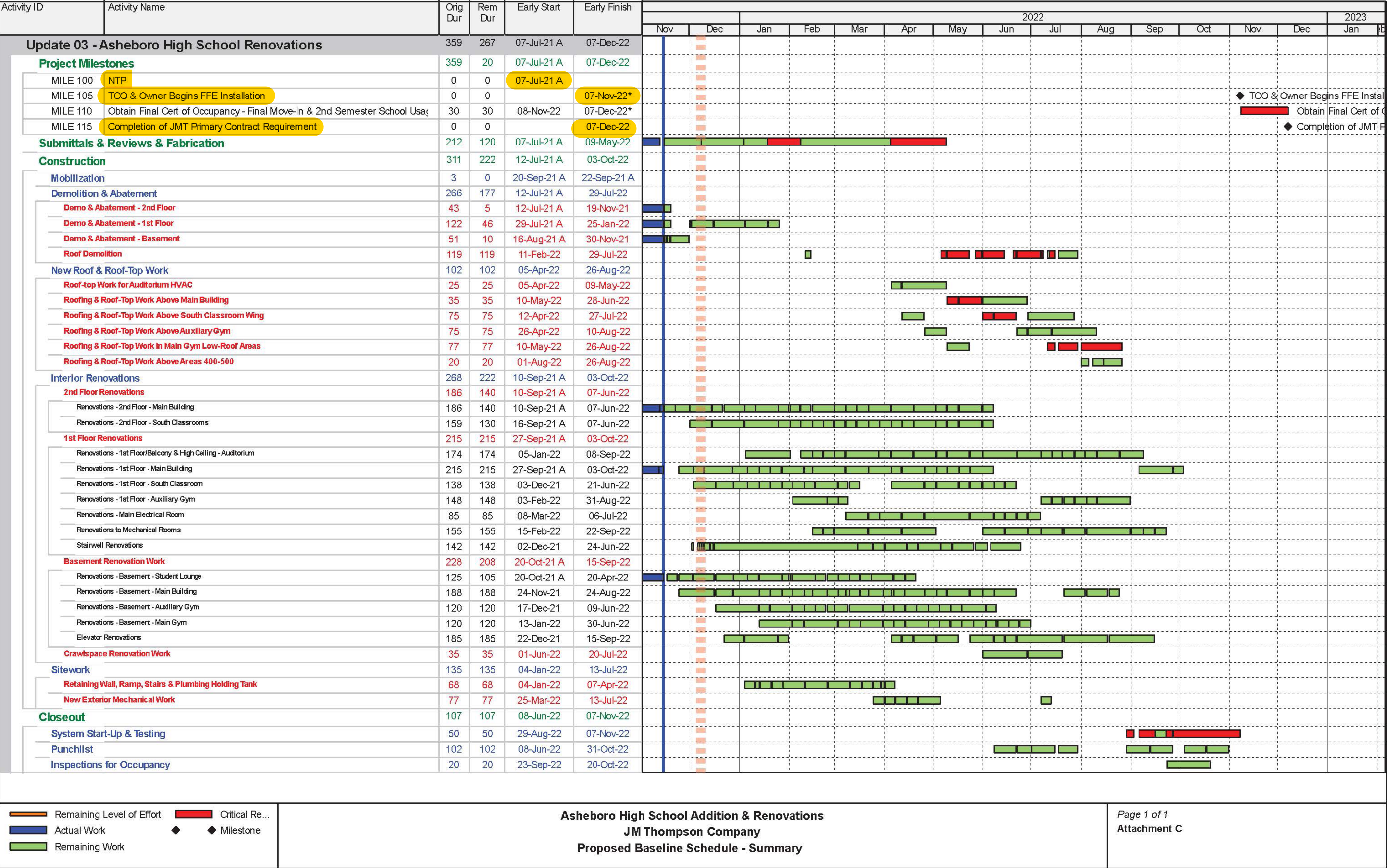
### **MECHANICAL, ELECTRICAL, PLUMBING, & FIRE PROTECTION ENGINEERING:**

Progressive Design Collaborative, LTD  
3101 Poplarwood Court, Suite 320  
Raleigh, NC 27604

**smithsinnett**  
ARCHITECTURE

**pdc**





NOTE: 30% of Contract time has passed, 31% of Contract billed



◆ **Amendment One:**

The following amendments apply to the Asheboro High School Addition and Renovation Project.

**Section 02 01013 – Summary of the Work, Scope of Work, Page 02-01013-3**

Amend to include the following additional hazardous material:

<b>Building Component-Mercury Rubberized Flooring Material</b>		<b>Approximate Quantity</b>
<b>1</b>	• The rubberized flooring material within the Weight Room and nearby Classroom	2,400 SF
<b>Building Component-Asbestos Containing Materials</b>		<b>Approximate Quantity</b>
<b>2</b>	• Two Boilers -Insulation and Gasket Material (Basement Boiler Room)	>160 SF
	• 2-inch Header Piping (Basement Boiler Room)	20 LF
	• 1.5-Foot Piping and Fittings (Basement Boiler Room)	40 LF
	• Ten 10-inch Piping and Fittings (Basement Boiler Room)	60 LF
	• 8-inch and Small Piping (Basement Boiler Room)	120 LF
<b>3</b>	• Flooring Mastic (Various locations including the hallway between the gymnasiums)	>160 SF

(See the Attached Laboratory Reports for the above referenced materials)

**Section 02 01092 – Codes, Regulations, and Standards**

Amend with the following regulatory requirements associated with the removal and disposal of hazardous materials (mercury flooring) to include the following regulations:

A. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

- |                     |   |
|---------------------|---|
| 1. 29 CFR 1910.120  | Hazardous Waste Operations and Emergency Response |
| 2. 29 CFR 1910.134  | Respiratory Protection                            |
| 3. 29 CFR 1910.1000 | Toxic and Hazardous Substances                    |
| 4. 29 CFR 1926.59   | Hazard Communication                              |
| 5. 29 CFR 1926      | Safety and Health for Construction                |

B. ENVIRONMENTAL PROTECTION ADMINISTRATION (EPA)

- |                      |   |
|----------------------|---|
| 1. 40 CFR 257        | Criteria for Classification of Solid Waste Disposal Facilities and Practices  |
| 2. 40 CFR 260 to 264 | Resource Conservation Recovery Act – Hazardous Waste General, Identification, Generators, Transporters, Owner and Operators |
| 3. 40 CFR 268        | Land Disposal Restrictions  |

- Hazardous materials identified in the initial S&ME report have been cleared from the building (awaiting final clearance report)
- Three concealed conditions requiring abatement were not identified in the initial report

**1. Rubberized athletic flooring**

**2. Boiler components (boiler active at time of testing)**

**3. Concealed floor tile**

- Abatement of Item 1 and Item 2 has been scheduled. Item 3 abatement completed.

- Contract contains contingency funds to cover these items.



# Basement and Administration Demolition



Demolition underway - New Sewer service partially installed



Administration Demolition is complete

**PROGRESS PHOTOS**



# 1st Floor Demolition



1st Floor Classroom - Demolition underway



1st Floor Corridor - Demolition underway



# 2nd Floor Demolition



2nd Floor Demolition at 300 wing approximately 100% complete



2nd Floor Demolition approximately 100% complete - Note structural shoring





# Business Value Review

Asheboro City Schools  
December 9<sup>th</sup>, 2021



# Operational Transition



- ▶ Meet district representatives, principals and/or POC designees ☒
- ▶ Onboard employees via job fairs ☒
- ▶ Perform initial training with vendors ☒
- ▶ Startup team toured facilities to identify immediate areas of need or concern ☒
- ▶ Introduce Regional and Account Manager to principals ☒
- ▶ Stage equipment, audit existing dispensers, install dilution centers ☒
- ▶ Initiate Quality Assurance Program via Compu-Clean ☒
- ▶ Initiate Report Card Program and Employee Incentive Programs ☒

# Operational Challenges

- ▶ Low applicant turnout due to COVID-19
- ▶ Low applicant turnout due to unemployment benefits
- ▶ Understaffed workforce
- ▶ Undertrained workforce
- ▶ Quick turnaround for startup during Summer Cleanup
- ▶ School flooring in poor shape in some areas due to short timeline over Summer Break

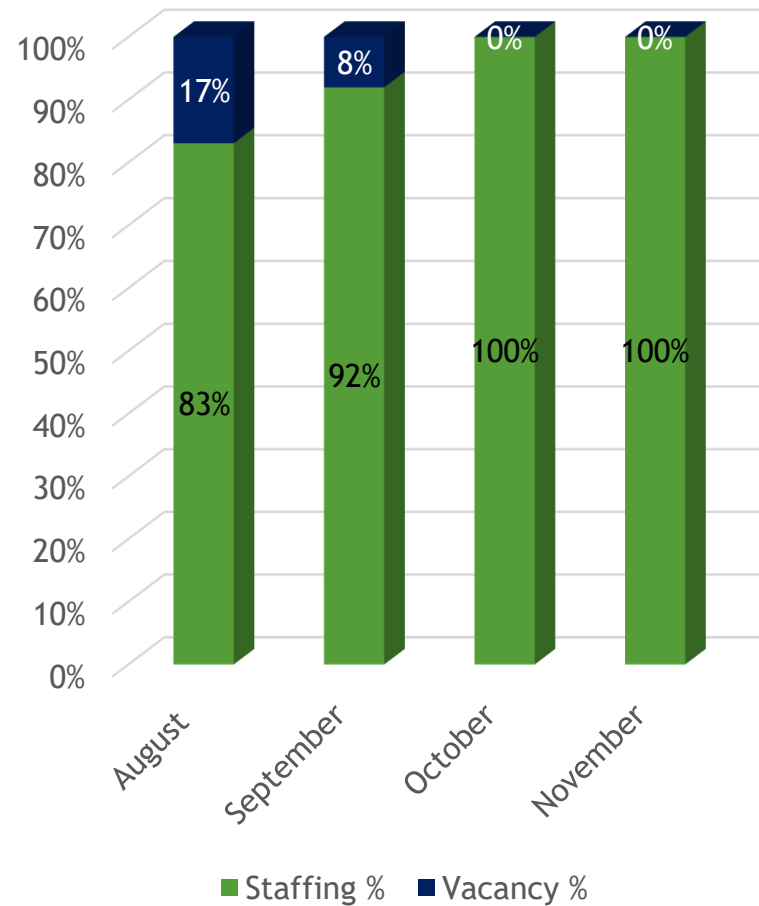
# HES Responses

- ▶ Increased support from HR and recruiting
- ▶ Initiated HES referral program and incentive programs
- ▶ Implemented OTJ training for all employees
- ▶ Implemented training with partnered vendors
- ▶ Continuous communication with Sandra Spivey, Chris Scott and Principals
- ▶ Winter Cleanup to occur over Christmas Break

# HES Training and Development

- ▶ HES Introductory Training for District and HES Employees
  - ▶ Cleaning vs. Disinfecting
  - ▶ Continuous OTJ Training
  - ▶ Equipment Training
    - ▶ Carpet Cleaning
    - ▶ Auto-scrubbing
    - ▶ Burnishing
    - ▶ KAIVAC





# HES Staffing Update

- ▶ HES continuing recruitment efforts
- ▶ Hiring Statistics
  - ▶ Initial Vacancies = 6
  - ▶ New Hires YTD = 11.5
- ▶ All positions are filled!





## Employee Retention and Incentives

- ▶ Employee of the month
- ▶ Employee referral program
- ▶ Advancement Opportunities
- ▶ Team of the Month



1.



2.



3.

# Enhancing the Partnership

1. Onyx Auto Scrubber
2. Renown Carpet Extractor
3. Onyx High Speed Burnisher

# Enhancing The Partnership

Before HES



After HES



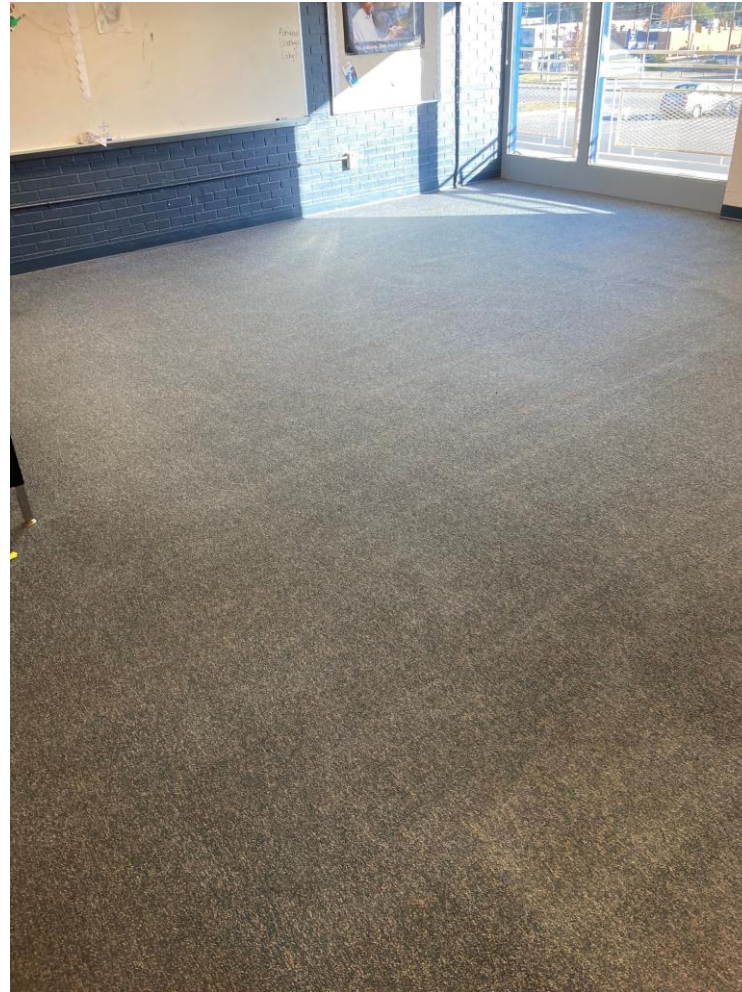


# Enhancing The Partnership

Before HES



After HES





# Winter Cleanup Plans

- ▶ Complete all floor work requirements
- ▶ Receive additional OTJ training and familiarization with new equipment
- ▶ Reinforce touch point cleaning
- ▶ Complete floor work carefully with attention to detail
- ▶ Deep clean classrooms & restrooms





Report Card for Custodial Services  
Month Being Surveyed 10/21/21, Year 2021  
Please Return by \_\_\_\_\_  
(Please rate - A, B, C, D)

School Name Charles W. McCrary

Entrance and Lobby

How would you rate the general appearance of your entrance and lobby?

A

Hallways Clean (Vacuumed if Applicable) and Floors Shiny

Components - General appearance, shine, corners, and edges swept, and free of debris

A

Cafeteria Clean

Components - Café floors clean and free of debris in the morning

A

Classrooms Cleaned

Components- Trash emptied, floor appearance, sinks cleaned, carpet cleaned, areas dusted

B

Restrooms Cleaned

Components- Floors cleaned, bright work cleaned, walls cleaned, sinks cleaned, toilets cleaned, high touch areas disinfected

A

Management Responsiveness to Issues

Components- When you have an issue/request, does the Area Manager respond quickly and provide a resolution to your need?

A

School Overall

How would you rate the overall general appearance of the school?

A

Comments:

Mr. Summy does a great job being his team to make sure CWM  
is clean/safe for staff + students

Signature of Principal / District Representative

Date

10/25/21

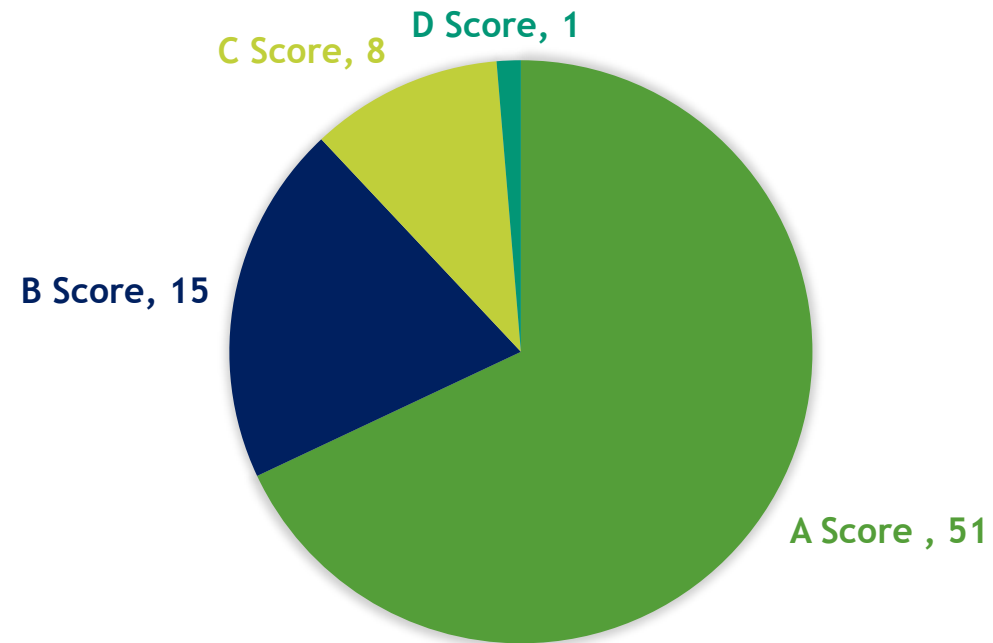
# Customer Feedback

- ▶ Constructive feedback we receive:
  - ▶ Restroom Cleaning
  - ▶ Attention to Detail
- ▶ Victories
  - ▶ Improving Report Card Return Rate
  - ▶ Positive Report Cards and Constructive Feedback
  - ▶ Positive meetings with Principals
  - ▶ Relationship building with Principal and staff
  - ▶ Response by Management Team

# Report Cards

August 2021 – October 2021

## REPORT CARD OVERALL GRADE DISTRIBUTION



# Compu-Clean Inspection Data

## Account: HES Facilities

Building: Asheboro City Schools -  
Asheboro High School

### Area Type: Classroom

Room ID	Inspection Date	Grade	Employee
Classroom - FL. 1	9/14/2021	78.00%	
Classroom - FL. 1	9/14/2021	80.00%	
Classroom - FL. 1	9/14/2021	70.00%	
Classroom - FL. 1	9/14/2021	76.00%	
Classroom - FL. 1	9/14/2021	70.00%	
Classroom - FL. 1	9/14/2021	68.00%	
Classroom - FL. 1	11/29/2021	66.00%	
Classroom - FL. 1	11/29/2021	72.00%	
Classroom - FL. 1	11/29/2021	72.00%	
Classroom - FL. 1	11/29/2021	72.00%	
Classroom - FL. 1	11/29/2021	74.00%	
Classroom - FL. 1	11/29/2021	72.00%	
Classroom - FL. 1	11/29/2021	70.00%	
Classroom - FL. 1	11/29/2021	68.00%	
Classroom - FL. 1	11/29/2021	72.00%	
Classroom - FL. 1	11/29/2021	74.00%	
Classroom Average		72.13%	

### Area Type: Hallway

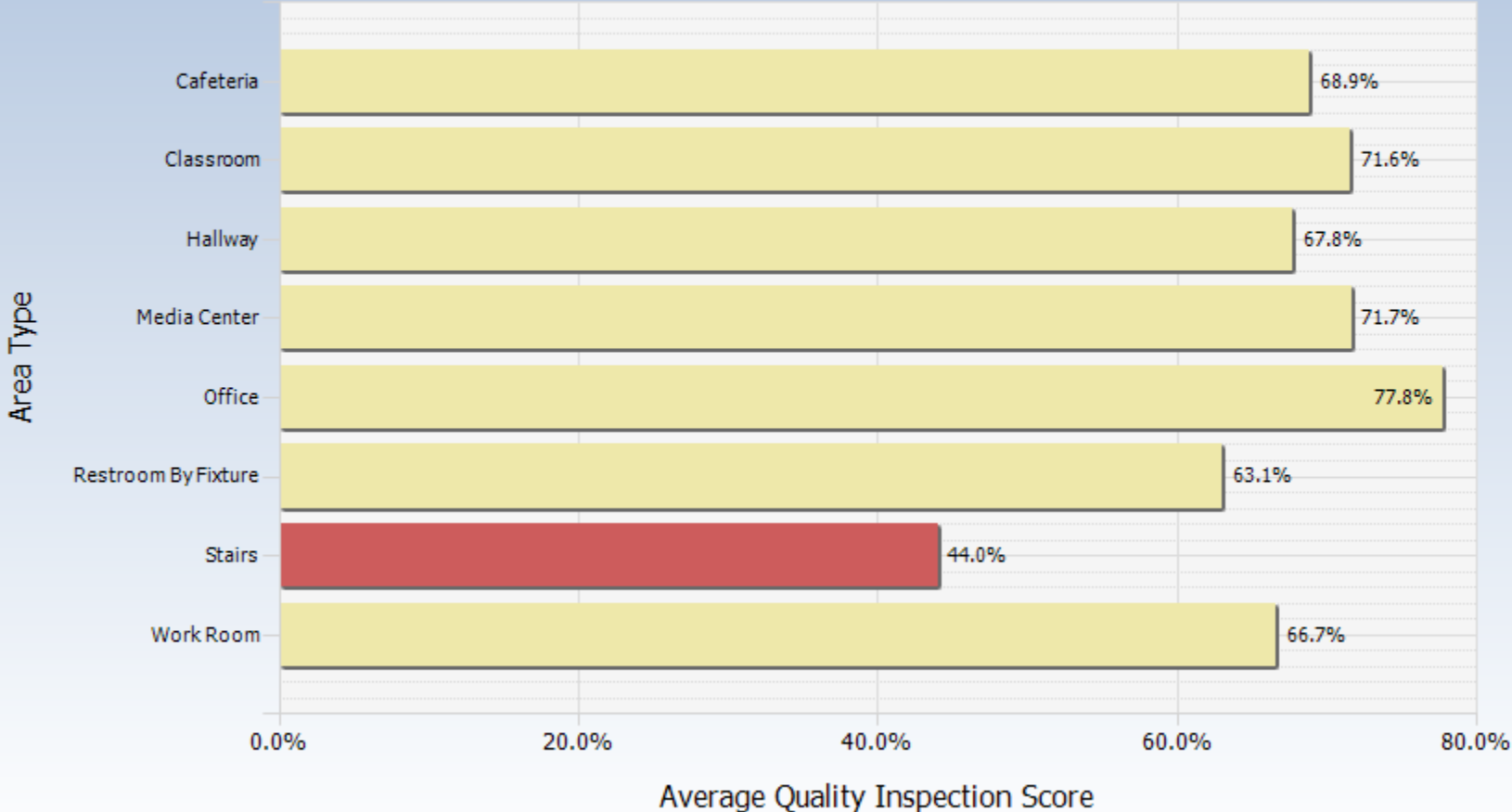
Room ID	Inspection Date	Grade	Employee
Hallway - FL. 1	9/14/2021	73.33%	
Hallway Average		73.33%	

### Area Type: Media Center

Room ID	Inspection Date	Grade	Employee
Media Center - FL. 1	11/29/2021	71.67%	
Media Center Average		71.67%	

- ▶ Initial reporting began in September
- ▶ Reporting will continue to be downloaded into dashboard
- ▶ Management will continue to perform inspections on weekly basis, with follow up from regional manager
- ▶ Averages will become more accurate as data continues to be collected

Quality Average Score by Area Type



# Question and Answer



Thank You!

[www.hesfacilities.com](http://www.hesfacilities.com)



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## 2021 Review



# Partnership Overview

## INVOLVEMENT

- Daily updates with school leadership teams with fill rates and strategies
- Daily newsletters to sub pool with short and long term positions available, expectations and any relevant additional information
- Monthly giveaways/incentives to subs for appreciation and motivation
- Doughnut drop to school admin
- Monthly visitation to school(s) to check-in collaborate on improvement
- Sponsor a local family in need for the holidays on behalf of Asheboro City Schools Substitutes and Paraprofessionals

## ACHEIVEMENTS

- 1,600+ absence fills
- Current sub pool at 88 (pre-partnership 22)
- Hired 66 additional ESS Substitutes since start of partnership
- 64 orientations/training classes offered to meet flexibility demand

## Future Goals

- Principal Breakfast Sponsorship – TBD by district
- Monthly report card(s) to schools
- Arrange partnership with RCC to recruit

# Then vs. Now

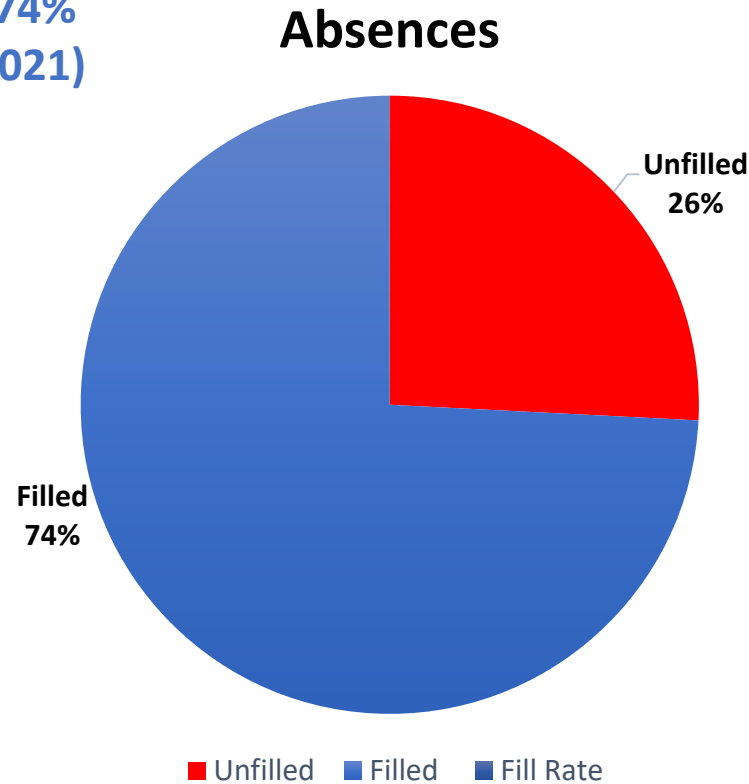
	THEN (08/23-09/17)	NOW (09/20-12/02)
Absences Per Week	122	132
Fills per Week	65	112
Fill Percentage	53%	85%
Sub Pool	22	82

# Overall Fill Rate

**Total Absences 1,867**

**Total Filled 1,385**

**YTD Fill Rate 74%**  
**(08/24 – 12/02/2021)**



# Fill Rate by lead time

## Fill Rate by Lead Time

Lead Time	District Name	School	Service	
			Teacher	Support
			Fill Rate	Fill Rate
⊕ 24+ hour lead			87.9%	82.2%
⊕ 12-24 hour lead			61.0%	63.9%
⊕ 0-12 hour lead			38.5%	40.7%
⊕ * After Absence Start			52.8%	43.3%

# Recruitment Strategy

## DIGITAL

- Landing Pages specific to Asheboro City Schools jobs
- Job Postings on Indeed, Glassdoor, Career Builder, Facebook
- Active on ESS - North Carolina Social media

## LOCAL

- Distribution of recruiting materials and relationship building with community partners, including; libraries, laundry mats and restaurants where Door drivers are present

## HIRING EVENTS

- Conduct new hire orientations and training events (4 to 6 opportunities per week)

## GRASSROOTS

- Advertise ESS flyers and lawn signs at local businesses and community events/gatherings

# Our Future Partnership

## ACTION PLAN/DISCUSSION TOPICS

- Increase the sub pool to 120
- Participate in person Job/Career Fairs and Community Events
- Substitute appreciation: Parties, email, text, trainings, school pop-ins, Incentives and giveaways
- Engage in Asheboro/ESS co-branding community events
- Facebook: “Post a Job Get a job”, ESS NC Page and Asheboro District Page
- Recruit! Recruit! Recruit!

## **CTE Honors Course Request**

**December 2021**

Asheboro City Schools Career & Technical Education would like to present to following Asheboro High School course additions for approval by the Asheboro City Schools Board of Education:

### **AA23 Animal Science II: Companion Animals**

**Recommended Maximum Enrollment:** 25

**Prerequisite:** AA21 Animal Science I

**Aligned Career Technical Student Organization:** North Carolina FFA Association and National FFA

**Organization Aligned Industry Credential:** Canine Care and Training Program (CCTP)

**Animal Science II: Companion Animal:** This course focuses on animal welfare, safe handling practices, nutrition, digestion, breeding, grooming, care, classification, and the history of the companion animal industry. Leadership development and employability skills are integral to the course and are delivered through authentic experiences. English language arts, mathematics, and science are reinforced in this class.

**Honors Animal Science II: Companion Animal:** This course focuses on animal welfare, safe handling practices, nutrition, digestion, breeding, grooming, care, classification, and the history of the companion animal industry. Leadership development and employability skills are integral to the course and are delivered through authentic experiences. English language arts, mathematics, and science are reinforced in this class.

### **II42 Adobe Visual Design II**

**Recommended Maximum Enrollment:** 25

**Prerequisite:** II41 Adobe Visual Design I

**Aligned Industry Credential:** Adobe Certified Associate InDesign

**Adobe Visual Design II:** This course builds on student design and development skills by focusing on longer print production projects as well as more in-depth content and advanced techniques for graphics and layout development. Students continue to produce rich print communications as they focus on effective graphic design, project management, design specifications, and iterative development. Students develop graphic design and print production skills that solve specific communication challenges to meet client and audience needs. This course is aligned to

the Adobe Certified Associate InDesign certification, and also integrates Adobe Photoshop and Adobe Illustrator skills. English language arts are reinforced.

**Honors Adobe Visual Design II:** This course builds on student design and development skills by focusing on longer print production projects as well as more in-depth content and advanced techniques for graphics and layout development. Students continue to produce rich print communications as they focus on effective graphic design, project management, design specifications, and iterative development. Students develop graphic design and print production skills that solve specific communication challenges to meet client and audience needs. This course is aligned to the Adobe Certified Associate InDesign certification, and also integrates Adobe Photoshop and Adobe Illustrator skills. English language arts are reinforced.

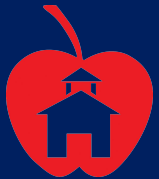




# Asheboro City Schools Career & Technical Education Course Requests for 2022-2023

Sarah Beth Robbins

December 9, 2021



# Animal Science II:

## Companion Animal (Standard and Honors)

**Prerequisite:** AA21 Animal Science I

**Aligned Industry Credential:** Canine Care and Training Program (CCTP)

**Incorporates:**

- Career exploration
- Authentic learning experiences
- Employability skills
- English language arts, Mathematics and Science standards are reinforced



**Course focus:**

- History of the companion animal industry
- Classification
- Nutrition and digestion
- Breeding
- Grooming and care
- Animal welfare
- Safe handling practices

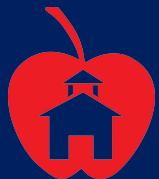
# Adobe Visual Design II(Standard and Honors)

**Prerequisite:** Adobe Visual Design I

**Aligned Industry Credential:** Adobe  
Certified Associate InDesign

**Incorporates:**

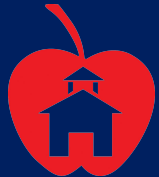
- Career exploration
- Authentic client experiences
- Integrates Adobe Photoshop and Adobe Illustrator skills
- Employability skills
- English language arts standards are reinforced



**Course focus:**

- Longer print production projects
- Advanced graphic design techniques
- Project management
- Design specifications
- Iterative development
- Problem solving

Questions?



## Calendar of Upcoming Events

December 9, 2021

Day	Date	Time	Event	Location
Monday	December 13	4:00-5:00 p.m.	Tour of Youth Haven Day Treatment Center	NAMS
Tuesday	December 14	7:30 p.m.	AHS Winter Jazz Concert	SAMS auditorium
Thursday	December 16	12:00-1:00 p.m. (Floating)	Superintendent's Holiday Luncheon (Chick-fil-a boxed lunch)	Central Office
Thursday	December 16	7:30 p.m.	AHS Winter Band Concert	Journey Church, Asheboro
Friday	December 17	10:00-11:30 a.m. (Floating)	Central Office Holiday Brunch	Central Office
Tuesday-Wednesday	December 20-22	All Day	Schools Closed for Winter Break (Vacation/Annual Leave)	N/A
Thursday, Friday, Monday	December 23, 24 & 27	All Day	Schools Closed for Winter Break Holidays	N/A
Tuesday-Thursday	December 28-30	All Day	Schools Closed for Winter Break (Vacation/Annual Leave)	N/A
Friday	December 31	All Day	Schools Closed for Winter Break Holiday	N/A
Monday	January 3	6:00 p.m.	Randolph County Commissioners Meeting	Randolph County Historic Courthouse Meeting Room
Tuesday	January 11	1:00 p.m.	Teachey Spelling Bee	Teachey Elementary School
Thursday	January 13	9:30 a.m.	NAMS Spelling Bee	NAMS
Thursday	January 13	1:45 p.m.	SAMS Spelling Bee	SAMS
Thursday	January 13	1:00 p.m.	McCrary Spelling Bee	McCrary Elementary School
Thursday	January 13	7:30 p.m.	Board of Education Meeting	SAMS Media Center

Friday	January 14	1:00 p.m.	Lindley Park Spelling Bee	Lindley Park Elementary School
Friday	January 14	1:15 p.m.	Balfour Spelling Bee	Balfour Elementary School
Monday	January 17	All Day	HOLIDAY	N/A
Tuesday	January 18	5:15 p.m.	Black Advisory Council Meeting	Central Office Boardroom
Tuesday	January 18	All Day	Optional Teacher Workday	All Schools
Wednesday	January 19	All Day	Required Professional Development Day	All Schools
Friday	January 21	1:00 p.m.	Donna Lee Loflin Elementary Schools	Donna Lee Loflin
Tuesday	January 25	11:30 a.m.	Faith-Based Advisory Council Meeting	Central Office Boardroom
Tuesday	January 25	5:15 p.m.	Latino Advisory Council Meeting	Central Office Boardroom
Friday-Saturday	January 28-29	TBD	Board Retreat	RCC Corporate Training Center