

Employee Policies

Series 200

[This template is one section of a five-part *Charter School Policy Series*.
For general instructions, refer to the [Series Introductory Notes](#)]

EMPLOYEE POLICIES

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200. EMPLOYEE POLICIES

These policies are established to ensure legal, effective, and efficient personnel practices.

201. OVERVIEW

Hiring, developing, and retaining outstanding faculty and staff is the most effective way for the School to ensure educational excellence. The following policies should be interpreted and applied consistent with this objective.

202. LEGAL COMPLIANCE

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

202.1. Equal Employment Opportunity

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

202.2. Reasonable Accommodation

The School shall comply with federal and state duties not to discriminate against qualified individuals with a disability or because of sincerely held religious beliefs. The School shall strive to reasonably accommodate any individual employment applicant or employee entitled to and discloses the need for such accommodation, provided such accommodation does not impose an undue burden or risk to the safety or health of any other person in the School community. The School shall determine what reasonable accommodation to provide if any are available.

202.3. Fair Labor Standards Act Compliance

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

202.3.1. Workweek

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

202.3.2. Time-and-a-Half Pay for Overtime

Non-exempt employees (typically non-professional and support staff with no substantial supervisory duties, hourly or salaried) shall be entitled to time-and-a-half pay for all hours worked beyond forty hours in a given work week, subject to this policy. No non-exempt non-exempt

employee shall work overtime except when such work is approved in writing, in advance, by an authorized supervisor. In case of emergency or other extraordinary circumstances when overtime is necessary for safety or other compelling reasons, an employee may perform overtime work if advanced written authorization is not feasible, and the employee promptly notifies the authorized supervisor afterward supervisor, afterward. Violations of this policy may result in disciplinary action, including dismissal. Supervisors shall make every attempt to modify non-exempt employee schedules to avoid such employees working more than forty hours in a given week.

202.3.3. Record-Keeping

Non-exempt employees shall maintain specific and accurate daily records of their hours worked via a format provided by the School. Such records shall use specific, not approximate, times worked.

202.3.4. Compensatory Time

Discretionary and Voluntary Agreement. The School may, at its discretion, allow some non-exempt employees to accrue and use compensatory time off (“Comp Time”) in lieu of payment for overtime. An employee must voluntarily agree to receive Comp Time, and may not be forced to do so.

Advanced Written Agreement. To allow Com Time, the School must enter into a written agreement with an employee who wishes to receive Comp Time, prior to any overtime worked.

Other Requirements. If Comp Time is allowed, it shall

1. be credited at a rate of time-and-one-half for any completed overtime;
2. not exceed 240 hours (for 160 hours of actual overtime);
3. shall be *paid* at the overtime rate for any Comp Time exceeding 240 hours;
4. shall be paid at the overtime rate for any outstanding overtime worked to an employee who separates from employment.

202.3.5. Volunteer Work by Non-exempt Employees

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

202.4. State and Federal Employee Rights Notices

The School shall provide notice herein and in a prominent place at the School to employees of their various rights under state and federal law. Copies of these notices may be found [online](#).¹ They include the following:

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

203. EMPLOYEE CLASSIFICATIONS, TERMS, AND DISTINCTIONS

203.1. Classifications and Distinctions

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

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

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

- Instructional, administrative, and support staff
- Full-time, part-time, permanent, and temporary staff
- Salaried, hourly, and volunteer staff
- At-will and specific-term contracted staff

203.2. Instructional, Administrative, and Support Staff

Instructional and administrative employees are sometimes referred to, collectively, as professional staff because they often require and possess specialized professional training, experience, and skill.

¹ <https://www.labor.nc.gov/workplace-rights/employer-responsibilities/all-state-and-federal-workplace-posters>
(1/30/22)

Such employees are typically (but not necessarily) paid as salaried employees exempt from overtime laws.

203.2.1. Instructional Staff Members

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

203.2.2. Administrative Staff Members

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

203.2.3. Support Staff Members

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

When circumstances require, the Director (or designee) or his or her designee shall, with necessary assistance from legal counsel or other qualified professionals, formally designate an employee as instructional, administrative, or support staff and identify which of these employees are exempt and which are covered employees regarding wage and hour laws.

203.3. Types of Employment Duration and Status

203.3.1. Full-Time Employment

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

203.3.2. Part-Time Employment

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

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

203.3.3. Permanent Employment

Permanent Employment staff members are employed to work on an ongoing basis.

203.3.4. Temporary or Interim Employment

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

203.4. *Types of Employee Compensation: Salaried, Hourly, Contractor, and Volunteer Staff*

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

203.5. *Types of Employment Protection: At-Will and Specific-Term Contracted Staff*

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

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

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

204. EMPLOYMENT PROCEDURES: HIRING, EVALUATION, AND SEPARATION

204.1. *Hiring Employees*

The Board is responsible for hiring or approving the hiring of competent and well-qualified staff based on the School's greatest needs. It shall do so, normally, upon the recommendation of and in coordination with the Director. The Board may also delegate to the Director, by official board action or resolution, the authority to make final employment decisions and to inform the Board of

such decisions. In all instances, staff involved in hiring and supervision shall make every reasonable effort to conduct their duties in a responsible manner, to act only in the School's best interests, to be able to explain and justify their decisions, and to document their efforts, in accordance with the law.

204.2. Job Postings

All permanent job positions should normally be posted at least two weeks before filling such positions except in extraordinary circumstances necessitating a shorter period or no posting, as determined by the Director (or designee).

204.3. Employment Applications and Files

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

204.4. Review and Interview Process

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

204.5. Candidate Evaluation

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

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

State law requires that at least 50% of teachers at North Carolina charter schools be -certified. The Board or Director (or designee) must determine whether to require or seek to hire more than 50% of instructional staff to be certified as stated herein. modify accordingly. However, the Board has set high expectations for staff and students and look to hire as many certified teachers as possible.

All prospective employees, including substitutes and volunteers, with substantial contact with students, must successfully pass criminal records checks as required by the Board.

Applicants shall answer completely and accurately all questions on their employment application with regard to previous criminal history. Failure to do so may preclude the applicant from being hired and subject a current employee to dismissal. Applicants shall consent in writing to a preliminary criminal record check and post-employment criminal record check and to provide fingerprints and other identifying information required to complete such checks. Failure to consent or to provide relevant information may result in an applicant's rejection or current employee's dismissal.'

Federal and state record checks will be performed for all applicants or conditional employees in all states where the applicant or conditional employee has resided and worked.

204.6. Employee Reference Checks

General Principles. Performing employee reference checks is one of the most of most critical steps in effective hiring. The Board considers it vital that extensive reference checks be made, especially for key employees. When a person is considered a viable finalist for a position, the hiring personnel should check prior employment references thoroughly using a reference check rubric established by the Director (or designee) or Board.. A reasonable number of such references should be completed before offering an applicant a job. References key positions, including instruction and leadership personnel, should be contacted beyond those provided by the applicant. The hiring staff should normally communicate to such finalist applicants the possibility of such reference checks; if a candidate objects to or questions such actions, that should be taken into consideration in the hiring process.. Information obtained from such reference checks should be reasonably documented in a candidate's confidential pre-employment file. The applicant may also be required to sign an acknowledgment and release of liability for obtaining such information.

Supervisors seeking or asked to provide detailed job-reference information, should consider consulting the School Attorney in any instances where questions arise as to whether and to what extent such information should be provided.

No Legal Requirement to Give Job References. The law does not require providing any substantive, job-related performance information when contacted by a prospective employer seeking a job reference. If a former supervisor or other contact refuses to provide such information, every effort should be made to extract as much job-performance information as possible and determine if other sources are available. In such case, any difficulty in obtaining such information should be noted in the record.

Obligation to Give Honest References. School supervisors should provide negative reference job-performance information when appropriate to prevent subsequent employers from hiring people who may be unqualified or a threat to the safety, learning or otherwise if subsequently hired.

Legal Protections. North Carolina laws encourage past employers to provide useful job performance information to prospective employers. The following legal principles underscore this:

1. **Truth is an absolute defense to a defamation claim.** A successful defamation claim requires proof of a false statement. A School supervisor who provides truthful information about a past employee's performance cannot defame that former employee as long as the reference is truthful.
2. **The law protects "good faith" job references.** A School supervisor who mistakenly gives false and defamatory reference information may still be protected from liability. As long as the supervisor did not know or could not reasonably have known the information was false, the supervisor is legally protected.

This immunity protection is built into the state's common law (from court cases decided over generations). It is also a statutory protection; according to G.S. §1-539.12,

- a. An employer who discloses information about a current or former employee's job history or job performance to a prospective employer of the current or former employee upon request of the prospective employer or upon request of the current or former employee is immune from civil liability and is not liable in civil damages for the disclosure or any consequences of the disclosure. This immunity shall not apply when a claimant shows by a preponderance of the evidence both of the following:
 - i. The information disclosed by the current or former employer was false.
 - ii. The employer providing the information knew or reasonably should have known that the information was false.
- b. For purposes of this section, "job performance" includes:
 - i. The suitability of the employee for re-employment;

- ii. The employee's skills, abilities, and traits as they may relate to suitability for future employment; and
- iii. In the case of a former employee, the reason for the employee's separation.

Ethical Considerations: The “Golden Rule” of Employment References. Because of legal protections the School’s special mission to educate and protect students, School supervisors must ensure that School employees – their own and others’ – are well qualified. Under appropriate circumstances, School officials authorized to seek and to provide job references should do so responsibly, truthfully, and effectively as circumstances require.

Practical Rules When Providing Reference Information. School supervisors shall abide by the following principles when asked to provide a job reference for a former employee:

1. Only authorized School supervisors may provide job references upon request.
2. Before giving a reference, ensure that the person seeking the reference is legitimately authorized to receive it; e.g., obtain confirming information such as a valid phone number, a written authorization, etc.
3. Limit information to performance-related matters, personal qualifications, and work history (avoid unrelated matters or speculation)
4. Tell the truth; stick to objective realities, honest opinions, and real circumstances (e.g., if an employee left under questionable circumstances following an unresolved investigation, that information may be disclosed if it is relevant).
5. Document information sought and information provided.
6. If in doubt about what information can or should be provided, return the call after checking and confirming such things.
7. Balance the need for truthful disclosure with fairness to the former employee; e.g., an employee whose performance did not meet required standards may be qualified for a different type of position, a similar position under different circumstances, or need more experience.
8. If feasible, obtain a signed waiver of liability from the former employee, indicating awareness of and approval for past employers to provide references

Prohibition on Aiding and Abetting Sexual Abuse. Under federal law (20 U. S. C. § 7926), a School employee, contractor, or agent of the School is prohibited from assisting another School employee, contractor or agent in obtaining a new job if the individual knows or has probable cause to believe, that such other employee, contractor, or agent engaged in sexual misconduct with a minor or student in violation of the law. Such assistance would include, but not be limited to the provision of references. “Assisting” does not include the routine transmission of administrative and personnel files.

The exception to giving such assistance is as follows:

1. (A) The matter has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; AND
(B) the matter has been properly reported to any other authorities as required by Federal, State, or local law, AND
2. (A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law; OR
(B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; OR
(C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

204.7. Criminal Background Checks

[WHAT FOLLOWS IS A SAMPLE POLICY THAT MAY BE USED OR ADAPTED, DEPENDING ON THE LOCAL LEA POLICY THAT MUST BE FOLLOWED. IF THE LEA HAS A POLICY, REPLACE THE FOLLOWING SAMPLE POLICY.]

The applicant or conditional employee will not be permanently employed if the criminal record check and supporting records, upon confirmation, reveal a “criminal history,” defined as a criminal conviction, whether a misdemeanor or felony, that indicates the employee: (1) poses a threat to the physical safety of students or personnel; or (2) has demonstrated that he does not have the integrity or honesty to fulfill his or her duties as a School employee.

1. A criminal conviction, as used in this policy, includes the entry of: (1) a plea of guilty, no contest, or the equivalent; (2) a verdict or finding of guilt in a court of law or military tribunal; or (3) a prayer for judgment.
2. The School shall consult with legal counsel or obtain a certified copy of an applicant’s or conditional employee’s conviction notice prior to making any final employment decision based on the criminal history.
3. If the School considers criminal history in rejecting an applicant or dismissing a conditional employee, the Director (or designee) or his designee shall prepare written findings with regard to how such information was used.
4. The Director (or designee) shall provide to the State Board of Education information on where to obtain the conviction’s record, including the person’s name, criminal case number, and the county of conviction for a person who the State Board of Education certified or licensed .

5. If a criminal record check reveals that an applicant or conditional employee was charged with but not convicted of a crime, whether misdemeanor or felony, and such charge indicates that the employee may not meet the Board's employment standards, the Director may conduct further investigations into the person's conduct and the circumstances surrounding the charge.
6. Applicants and current employees shall notify the School if they are charged with or convicted of a criminal offense (including entering a plea of guilt or no contest) except for minor traffic violations.
7. Information obtained as a result of a criminal record check shall be kept confidential as required by state law and regulations. The School shall retain only hard copy records from a criminal history check conducted through the North Carolina Department of Justice. These records shall be kept in a locked and secure place, separate from the individual's personnel file.
8. If the School conducts criminal record checks that are subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.

204.7.1. Criminal Background Checks for Volunteers

A criminal background check shall be completed for any prospective school volunteer prior to engaging in volunteer work if such person will have substantial contact with any student other than the volunteer's child(ren). Unless waived by the School, the volunteer shall bear the cost of conducting the criminal check. Such checks shall also include checking the state's sexual offender registry.² In addition, no person whose name is on the State Board of Education's list of individuals who educator licenses have been revoked license may volunteervoluntteer while such person's name remains on that list.

204.7.2. Nepotism and Conflicts of Interest

Hiring current employees' and Board members' direct relatives should be avoided if reasonably feasible and is subject to state rules restricting such practices under specific circumstances.

As required by [G.S. 115C-218.15\(b\)\(2\)](#),³ before any Board member's or School employee with supervisory authority's immediate family member, as defined in G.S. [115C-12.2](#),⁴ shall be employed or engaged as an employee, independent contractor, or otherwise by the Board in any capacity, such proposed employment or engagement shall be disclosed to and approved by the Board in a duly called open-session meeting.

² <http://sexoffender.ncsbi.gov/search.aspx> (1/29/22)

³ https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_115C/GS_115C-218.15.html (1/29/22)

⁴ https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_115C/GS_115C-12.2.html (1/29/22)

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

Furthermore:

1. No school employee may be "immediate family" of the school director, unless such employment is disclosed and approved by the Board as provided for previously in this policy.
2. No employee hired by the School or any school management contractor may be a "voting" director on the Board;
3. No teacher or staff member may be "immediate family" to the School's chief administrator without the Board evaluating by that person's credentials and complying with established nepotism and conflict of interest procedures.

204.7.3. Applicant Selection

Applicants recommended for hire by the Board may be notified of such recommendations. Such persons should be informed that recommendations require the Board's (or its designee's) approval and shall be followed by formal job offers and terms of agreement. Employment agreements shall normally be in writing and shall specify the basic terms and conditions of employment, including whether the employment relationship is at-will or, instead, governed by specific terms of duration and job security.

All such agreements shall be approved by the Board, signed by the Director (or designee) (or designee) and the applicant, and filed in the applicant's personnel file. A person recommended for hire may, on the Board's or its designee's discretion, begin employment on a conditional basis pending a criminal history check's outcome and final approval by the Board or its designee.

204.7.4. Employment Contracts of School Employees

Employment agreements of employees hired by the School should include an acknowledgement that such employees are employed by the board of directors, not of the local LEA.

Unless otherwise stated by agreement, employees must sign and return their employment agreements to the Director's office within three working days from the date the agreements are presented, or their offers are deemed withdrawn.

Agreements requiring licensure will be valid only after such licensure has been secured or as dictated by the respective employment contract. It is the employee's responsibility to provide any

documentation or licensure to the appropriate division of the North Carolina Department of Public Instruction or licensing agency.

204.7.5. Extra Duty Contracts

Instructional staff members assigned extra duty responsibilities who contract to perform extra duties may be required to continue to fulfill such duties and responsibilities as a condition of continued employment. Failure to do so may be considered grounds for dismissal.

204.7.6. Health Certificate

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

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

204.7.7. New Employee Orientation

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

204.7.8. Student Teachers

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

204.7.9. Substitute Teachers

Substitute teachers are employed to take the place of teachers who are temporarily absent or unable to fulfill their responsibilities. Individuals seeking employment as substitute teachers must apply to the School. All substitute teachers shall be approved by the Director (or designee).

204.7.10. Personnel Files

The Director shall keep a personnel file for each School employee, which file includes the employee's current name, address and contact information. Separate sub-files shall be maintained, including the following:

1. Pre-employment file: containing application documents, references, background information, interviewing and hiring notes, and other similar data.
2. Primary personnel file: containing most formal employee information and data, including, but not limited to, attendance, leave, dates of employment, formal performance evaluations, complaints, commendations, employment status, salary, and benefits data.
3. Medical and health file: containing any employee information pertaining to medical and health matters.
4. Employee public file: containing personnel information available for public disclosure under state disclosure laws. This file must include the following:
 - a. employee name,
 - b. age (but not date of birth),
 - c. date of original employment,
 - d. current classification title,
 - e. current salary,
 - f. date and amount of most recent salary change, and
 - g. date of most recent promotion, demotion, transfer, suspension, separation, or other changes in position classification.

204.8. Professional Development

Professional development is important for employee growth and effectiveness. The goal of professional development is to improve the skills and knowledge needed by all staff to carry out their duties related to instruction and all School programs. The Director will promote opportunities for staff development. Licensed personnel seeking to sustain their licenses shall request of the Director, in advance, approval for credit to be received and applied towards meeting licensure renewal requirements.

204.9. Evaluation and Advancement

204.9.1. Overview

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

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

204.9.2. Performance Evaluation

The goals for evaluation are:

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

The evaluation provides a written record of the employee's service to the School, and provides a tool for employee growth and improvement. The evaluation must be fair and equitable and be conducted in a confidential manner. A copy of the evaluation will be placed in the employee's personnel file. The evaluation shall be done in cooperation with the employee's immediate supervisor. Upon completion of the evaluation process, the supervisor will review the evaluation with the employee. Written assessment will be completed and provided to the employee at least twenty-four hours prior to such meeting.

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

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

204.9.3. Action Plans

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

The action plan will contain a statement of the employee's performance concern(s) and list specific expectations for improvement. The Director (or designee) may consider input from the employee in developing the plan.

While on the action plan, the employee's performance will be periodically reviewed to determine compliance with the action plan's objectives. If the employee's performance fails to meet expectations stated in the plan, the Director will decide whether to recommend that the employee be dismissed or demoted. An action plan constitutes a warning to the employee that the employee must improve performance to continue working for the School.

This policy does not limit the Director's authority to recommend dismissal for any reason allowed by law.

204.9.4. Director Evaluation

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

204.10. Employment Separation and Procedures

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

204.10.1. Resignation

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

204.10.2. Disability

The School is committed to complying with all disability laws and regulations and to reasonably accommodate any disabled employees to enable them to perform their essential job functions. In accordance with the law, employees may need to be placed on non-active status and/or be separated for reasons of disability when they are unable to perform their essential functions with or without an accommodation.

Employees and job applicants who are or become disabled and require a reasonable accommodation are encouraged to communicate their needs and discuss options with an appropriate School supervisor to address issues related to needing accommodation or a necessary change in job or application status. Disabled employees, by law, may be held to the same performance standards as non-disabled employees.

204.10.3. Retirement

Eligible employees receive retirement benefits offered by the School, which may be subject to change from time to time. The School will make available any necessary information to such

employees regarding the type and nature of the School's retirement plan and benefits and other information to enable eligible employees to participate fully and in an informed manner.

204.10.4. Reduction in Force ("RIF")

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

Grounds for RIF. The following may necessitate a reduction in force:

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

Preliminary Determination. When the Director believes that grounds exist for a RIF, he shall present written recommendations to the Board. The recommendations shall include:

1. The grounds for the RIF;
2. The number or estimated number and type of positions to be reduced; and
3. Other information the Director deems helpful to the Board in deciding upon his recommendation.

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

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

1. The impact on the School's instruction program and effectiveness;
2. The individual's job performance and attendance history;
3. The financial impact or benefit to the School;
4. Type of employee (e.g., term-contract, at-will, part-time, permanent);
5. The employee's service and performance history regarding extra duties, and his or her continued commitment to fulfill such duties;

6. Other factors the Director or Board deem important under the circumstances.

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

204.10.5. Nonrenewal

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

204.10.6. Termination

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

204.10.7. Separation Procedures

When an employee separation occurs, the employee shall promptly turn in to the Director (or designee) all keys, employee identification, and other School property or records, including any files or other information of a confidential nature belonging to the School. The employee shall receive, in a timely fashion, all compensation and other benefits to which he is entitled at the time of separation. The Director (or designee) may establish other procedures for employee separation.

204.10.8. Exit Conferences

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

205. COMPENSATION, BENEFITS, AND LEAVE

The School shall compensate employees according to the terms of their respective employment contracts and in compliance with governing laws and state benefits. The School offers certain benefits to all of its eligible employees pertaining to leave, health care, and retirement. The

School's personnel staff will provide information and assistance regarding these benefits to employees and applicants so they are properly informed and able to receive such benefits. Employees should contact the personnel staff regarding any questions they have or assistance they require.

205.1. Compensation

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

205.2. Benefits

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

205.3. Leave

205.3.1. Overview and Eligibility

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

205.3.2. Annual Leave – School Days

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

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

205.3.3. Other Unpaid Extended Leave

The Board authorizes the Director (or designee) to grant leave without pay for the following circumstances:

1. Military service;
2. Birth or adoption of a child;
3. Professional advancement for instructional personnel; and
4. Personal illness in excess of regular sick leave.

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

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

The following procedures shall normally apply in such instances:

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

Upon returning to service, the employee shall be assigned, to the extent feasible, to duties similar to those performed prior to the beginning of the leave. The School is not required, however, to

guarantee reinstatement to the same position or duties held before leave is taken if such position or duties are no longer needed and not contractually required.

205.3.4. Religious Leave

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

205.3.5. Parental Leave

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

205.3.6. Military Leave

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

205.3.7. Temporary Disability and Reinstatement

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

204.4. Workers Compensation

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

205. DUTIES, SCHEDULES, AND RESPONSIBILITIES

205.1. *General Job Duties*

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

1. The School's safe and efficient operation;
2. Students' growth and development;
3. Compliance with applicable state and federal laws; and
4. All efforts necessary to promote an excellent education.

205.2. *Extra Duties for Professional Staff*

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

205.3. *Job Descriptions*

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

205.4. *Work Schedule and School Calendar*

Instructional Staff. Instructional staff's regular workday will normally be eight hours beginning at _____ [TIME] and ending at _____ [TIME], except for partial school days. The workday may be altered at the Board's or Director's discretion provided that the workday shall continue until the teacher has completed professional responsibilities to the students and the School. Examples of the kinds of activities which might require the continuation of professional service beyond the normal School day, defined by the time of the departure of students, include, but are not limited to, program development, professional development activities, faculty meetings, bus duty, parent conferences, additional help for individual students, and care for School property and equipment.

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

and end times for non-instructional staff shall be assigned by the Director or staff supervisor and, as feasible, contained in the employment contract for such staff.

School Calendar. All staff members' schedules shall be coordinated with respect to the annual school calendar (e.g., for instructional staff, partial-year employees, etc.), as far as annual start and end dates of employment and holidays are concerned.

205.5. Arrival and Punctuality

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

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

205.6. Lesson Plans

Teachers are required to prepare daily lesson plans and to have detailed plans available for their substitutes. The likelihood of improved instruction is enhanced when all teachers are given a reasonable amount of time during each day of instruction to plan lessons. Instructional staff shall normally be given time for planning during most regular School days.

205.7. Teacher Workdays

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

205.8. Travel

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

205.9. School Drivers

The policy addresses the need to ensure that employees and volunteers who drive students ("School Drivers"), do so safely. Generally, the School will ensure that its transportation plans,

vehicles, procedures and practices foster legal, effective, and safe transportation practices. There are several types of school drivers: e.g., those who are specifically hired or contracted, and licensed to drive buses or other special vehicles on a regular basis; those employees who occasionally drive for special occasions such as for field trips; and volunteers.

General Requirements of All School Drivers. Any person who drives a vehicle for school-related business, whether a school-owned or personal vehicle, must:

1. always obey all laws, and drive in a safe manner;
2. always ensure that the driver and all passengers are wearing a seatbelt;
3. never text and drive at the same time or allow other distractions to safe driving;
4. hold and maintain a valid driver's license and sufficient vehicle insurance (if driving a personal vehicle, and as set forth later), ensure that the school has current documentation of such, and promptly notify the Director (or designee) of any negative change in such licensure or insurance status if continuing as a School Driver;
5. be prompt for all school pick-ups and drop-offs;
6. have a driving record demonstrating that the driver does not pose a substantial risk of harm as a School Driver (e.g., no DUIs, driving-related felonies, serious misdemeanors moving violations, or license revocations, or serious accidents in the past 5 years);
7. report any driving-related incident, disciplinary matter, or accident promptly to the Director (or designee);
8. act reasonably under the circumstances.

Employees Hired for Specific Driving Duties (“Hired School Drivers”). Regarding any employee hired specifically to drive a vehicle, the following shall apply:

1. The job description shall include a reasonably detailed description of driving duties, minimum qualifications, and basic safety responsibilities.
2. The employee shall keep current any specialized driving license and promptly notify the Director (or designee) if and when such special license is limited or lost.
3. Take all required training to maintain any required special licensure status.

[ADD ANY OTHER DESIRED REQUIREMENTS]

School Drivers of Personal Vehicles (“Personal School Drivers”). School drivers, when driving a personal vehicle (i.e., any vehicle not owned or leased by the School), in addition to complying with all other School Driving requirements, shall satisfy the following:

1. Hold minimum auto insurance coverage for any vehicle used for School Driving as follows:

[LIST DESIRED COVERAGES AND LIMITS IN CONSULTATION WITH INSURANCE AGENT.]

2. Attend any required driver training
3. Other

[LIST OTHER PREFERRED REQUIREMENTS]

Special or Emergency Situations. Occasionally, school or school activity situations may create special, unforeseen conditions, requiring a school employee or volunteer to drive one or more school students; e.g., emergency medical situations, a child left at school, etc. Under such instances school employees and volunteers may use their discretion in determining whether and in what manner to drive one or more students as necessary. In such cases, the employee or volunteer must exercise reasonable care in determining how to proceed, including complying with all minimum legal and safety requirements.

205.10. *Communications with Parents, Public, and Media*

It is important for any communications with the external community to be carefully made and coordinated. For this reason, any such communications shall be coordinated by the Director (or designee) or Board Chair, as circumstances require, in consultation with appropriate colleagues and other sources, including the School Attorney on matters of legal significance. No other employee may make such communications without the Director (or designee)'s authorization.

205.11. *Advertising and Sales at the School*

The School shall be operated efficiently and without undue distraction. To that end the Director (or designee) should maintain a simplicity of operation to limit distractions. Nevertheless, the Director (or designee) is authorized to determine if, when, and how to allow any limited advertising or sales occurring on School grounds or at School activities. In instances where such is allowed, it should directly support the School's educational objectives and mission. The Director (or designee) shall also consider and, as needed, consult with the School Attorney, to determine what if any First Amendment or other legal ramifications may apply.

Employees, volunteers, and students are not permitted to advertise or sell any good or service at the School or during School activities without the Director (or designee)'s (or designee's) authorization.

206. PRACTICES, CONDUCT, AND DISCIPLINE

206.1. *General Standards of Conduct*

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

All professional educators licensed in North Carolina are also duty-bound to know, comply with, and report violations of the state's Standards of Professional Conduct for North Carolina Educators. Other professional staff should also be familiar with and strive to uphold the Code's values. The Code is available [online](#).⁵

A staff that models such behaviors and attitudes can profoundly shape students' behavior for good.

206.2. Honor Code Policy

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

206.3. Outside Employment

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

1. Conflicts with the effective performance of the employee's School duties;
2. Disrupts, discredits, or otherwise undermines the School's educational program or reputation;
3. Involves work that, actually or is likely, to compete with the School's educational offerings or financial development;
4. Involves work for or compensation from School students or their parents without prior advanced approval from the Director; or
5. Conflicts with the employee's duty to be a role model to students.

206.4. Dress Code

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

206.5. Confidential Information and Nondisclosure

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

⁵ <https://www.dpi.nc.gov/media/55/open> (1/30/22)

206.6. *Political and Other Controversial Expression*

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

206.7. *Conflict of Interest and Undue Influence*

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

Employees shall not enter into business negotiations or transactions with the School on their own behalf or on another's behalf. Specifically, employees or their family members may not derive any monetary benefit in providing the School merchandise or services unless such benefit has been fully disclosed in advance and approved by the Board.

Employees shall not use their positions or assignments to unfairly or unduly influence students in the following ways:

1. Receiving fees from educational institutions for recruiting students;
2. Recruiting students to participate in private business activities that benefit employees or their family, colleagues, business associates, or friends;
3. Requiring or requesting students to participate in activities or events which require more than nominal costs; or
4. Receiving fees or other remuneration of more than a nominal amount for the recruitment, enlistment, or chaperoning of students for private promotions. (Employees may, with the Director's permission, announce educational trips for which the employee may receive remuneration if it does not interfere with class time for such announcements.)

206.8. *Relationships with Students*

Employees are prohibited from dating, courting, or entering into a romantic or sexual relationship with any student enrolled in the School, regardless of the student's age. Any employee who has reason to believe that another employee is inappropriately involved with a student, as described above, shall report this information to the Director. An employee who violates this policy may be subject to disciplinary, civil, and/or criminal sanction.

206.9. *Gifts*

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

206.10. *Tutoring*

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

1. The Director must approve tutoring by an employee for a fee;
2. Teachers are not permitted to receive pay for tutoring any students currently enrolled in one of their classes;
3. Using expendable School supplies is prohibited except as approved; and
4. An employee is prohibited from receiving compensation for referring a student to another tutor or agency.

206.11. *Facility and Property Use*

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

206.12. *Harassment*

The Board is committed to providing an environment that is conducive to learning and free from harassment, especially harassment based on race, religion, gender, ethnicity, national origin, disability, or any other form of illegal harassment.

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

Harassment is prohibited at all levels: between students, between employees and students, between co-workers, between supervisors and subordinates, or between non-employees and employees and/or students.

Nothing in this policy precludes the School from taking disciplinary action against an employee where the evidence does not establish harassment but the conduct otherwise fails to satisfy the School's high expectations for appropriate conduct.

206.13. *Sexual Harassment: Definition, Reporting, Investigation, Resolution*

General Prohibition and Policy. Because of its particular pervasiveness in the workplace, the School establishes this policy regarding sexual harassment, as required by federal law. No employee shall engage in sexual harassment against any student, other employee, or nother person in the School community. In addition, *all* employees have a duty to report instances of sexual harassment or suspected harassment.

All members of the school community, including all employees, volunteers, school agents and contractors, must abide by the School's **Title IX Sex Discrimination and Harassment General Policy ("General Policy")**. The **General Policy** is contained in **Addendum 2a** to these policies and is also available via the School's [website](#). [EMBED AND FOOTNOTE WEBLINK]

Reporting, Investigating, and Resolving Harassment Charges. All complaints of harassment shall be promptly and thoroughly reported, investigated, documented, and monitored, with appropriate follow-up and disciplinary action taken to remedy any act of harassment. The procedures that apply to occurrences of sexual discrimination and harrassment -- actual or suspected -- are set forth in the School's Title IX Sex Discrimination And Harassment Complaint Procedures ("Procedures"). These Procedures are contained in **Addendum 2b** and are also available via the School's [website](#). [EMBED WEBSITE LINK AND ADD FOOTNOTE]

206.15. *Tobacco*

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

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

1. School employees may not, except for legitimate educational purposes, display or use any tobacco product in the presence of or visibility of students on School premises or at School-sponsored events.

2. To the extent legally permitted, the Director (or designee) may permit a time and an area in which employees may smoke or otherwise use tobacco, provided the area is not inside a School-owned or -leased building utilized for providing educational services to children and the area is not generally visible to students.

Nothing in this policy is intended to prohibit individuals who are merely spectators at outdoor School-sponsored events from legally using tobacco, at which the general public is otherwise permitted to use tobacco.

206.16. *Employee Drug and Alcohol Policy*

Improper alcohol and drug use by school employees poses a serious risk to school safety, effectiveness, and integrity. This policy addresses alcohol and drug-related expectations, requirements, and procedures.

Definitions. The following definition apply to this policy:

1. "Drug" – a non-alcoholic substance ingested or otherwise applied to a person's body having a real or potential, and substantial mind- or behavior-altering effect.
2. "Drug Abuse" - when an employee uses a prescription drug without having a prescription or authorization by a treating licensed medical professional for such use, and where such use substantially affects or alters the employee's behavior or performance to an observable extent.
3. "Controlled substance" - a substance identified under state or federal law as a controlled substance, and illegal when used for non-medical, non-prescribed purposes.
4. "Illegal drug" - any drug or controlled substance (including a prescription drug for which an employee does not have a valid prescription) that is outlawed in its use, possession, sale, or in any other capacity.
5. "Counterfeit Substance" – any substance so defined by state law, including a substance intended to represent a controlled substance or alcoholic beverage.
6. "Over-the-counter (OTC) drug" -- any drug substance whose use, possession and sale is permitted by law without a prescription.
7. "Prescription drug" - a substance prescribed by a licensed medical professional for individual consumption for a specific use.
8. "Under the influence"- a condition (1) in which an employee's mood, mind, or behavior is observably affected by alcohol or drug substance, or (2) when an employee's blood alcohol content level exceeds that allowed for drivers of commercial vehicles under state law, or (3) when an employee tests positive from drug analysis for the prior or current use of any illegal drug or, alternatively, any prescription or OTC drug which is not reported by the employee at the time of such test.

Prohibited Conduct. The following conduct, without exclusion, is prohibited:

1. The manufacture, sale, distribution, possession or use of illegal drugs or counterfeit substance, whether on or off duty
2. Driving a vehicle in the course of one's employment duties while under the influence
3. Use of alcohol or drugs, or abuse of prescription or OTC drugs at any time while on duty or in a way that negatively affects or is likely to negatively affect an employee's duties
4. Possession, use or sale of illegal drugs
5. The sale or distribution of drugs, alcohol, or counterfeit substances while on duty
6. Failure to comply with any reasonable request to be tested for the appearance of being under the influence of alcohol or drugs while on duty.
7. Conviction, plea of no contest, or receipt of prayer for judgment related to any alcohol or drug-related criminal charge under state or federal law.

Employee Testing and Searches for Prohibited Drug Use. The following drug testing procedures may be used:

1. **Pre-employment testing.** Prior to beginning employment, the School may require employees to undergo and pass a lawfully administered drug test as a condition of final employment.
2. **Random Employee Testing.** Employees in high safety-sensitive positions (e.g., bus or van drivers) may be subject to random drug and alcohol testing or other special requirements.
3. **Suspicion-based Employee Testing.** Any employee, while on duty, reasonably suspected of being under the influence of alcohol or drugs or in possession of any illegal drug or counterfeit may be subject to immediate drug or alcohol testing.
4. **Suspicion-based Employee Searches.** Any employee, while on duty, reasonably suspected of possessing prohibited substances or other materials involving a violation of law or policy may be subject to immediate and reasonable search of his/her person, possessions, or of any school property under his/her control.

Confidentiality. Any information obtained arising from this policy shall be used solely for legitimate school and safety purposes. All employee drug and alcohol testing results shall be maintained confidentially or as otherwise required by law.

Disciplinary Sanctions. Any employee who engages in prohibited activity under this policy may be subject to a range of disciplinary actions, including immediate dismissal.

206.16. Weapons

The School shall be free of all weapons except those legally possessed by law enforcement officials or otherwise authorized by the Director or the Board. No employee or other agent of the School shall carry or encourage another person to carry, whether openly or concealed, a weapon, as defined below, onto School property at any time.

A “weapon” is any gun, rifle, pistol, or other firearm of any kind; any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1; any knife, BB gun, air rifle, air pistol, sling shot, blackjack, metal knuckles, bludgeon, bowie knife, switchblade, dirk, dagger, leaded cane, stun gun, or other electronic shock weapon; razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument, except for the following: instructional supplies, unaltered nail files, clips, and tools used solely for preparing food, instruction, and maintenance on School property, or otherwise authorized or necessary to support School operations.

Any employee who is aware that an unauthorized weapon has been carried onto School property or possessed at a School function shall immediately notify a supervisor or the Director.

206.17. *School Violence Prevention and Reporting*

Employees are expected to foster a safe, non-violent, non-discriminatory, non-bullying, and generally peaceful school environment. They should strive to do everything reasonably within their abilities to do so, including acts of prevention, training, and leading by example. Employees therefore are expected to foster and enforce behaviors consistent with the student code of conduct in promoting a healthy school environment. All employees must address as feasible, and report to the Director or other supervisor any substantive matters involving disruption, violence, bullying, discrimination or similarly aggressive behavior.

206.18. *Communicable Diseases*

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

A communicable disease or condition is defined as an illness due to an infectious agent or its toxic products, which is transmitted directly or indirectly to a person from an infected person or animal. This policy applies to all legally reportable communicable diseases, including HIV and AIDS, as set forth in state regulations.

To prevent communicable diseases from spreading, universal health and safety precautions, which include regulations regarding the cleanup of all bodily fluids (including blood), shall be distributed by the Director (or designee) and shall be followed by all School employees. Instances of an employee’s failure to follow the universal precautions shall be reported to the Director.

In accordance with the North Carolina General Statutes section 130A-136, the Director (or designee) or other supervisors shall report suspected cases of reportable communicable diseases or conditions to the county health director for investigation and shall provide available factual information to substantiate the report. Such reports shall remain strictly confidential and may be shared only with other staff members as necessary to prepare and file a report. All staff members who are made aware of any such report shall keep the information strictly confidential. Without releasing any information that would identify the affected employee when not required, the Director (or designee) or supervisor shall report suspected cases of reportable communicable diseases or conditions to the Board Chairperson

Any employee suffering from a communicable disease or condition shall follow all control measures the county health director issues and shall take all necessary precautions to prevent the disease's or condition's transmission. Any School employee who has reason to believe that a fellow employee is suffering from a reportable communicable disease and is failing to follow safe practices, shall report this belief to the Director (or designee), his supervisor, or health director. Failure to follow control measures may result in sanctions or termination against the offending employee. An employee suffering from a communicable disease is encouraged to inform the Director (or designee) so that appropriate accommodations and precautions can be put in place.

If the county health director notifies the Director (or designee) that an employee with a communicable disease or condition may pose a threat to public health, this employee shall cooperate with the health director in eliminating the threat.

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

If an employee diagnosed with a communicable disease or condition believes he is unable to perform his or her regular duties, or performing them risks transmitting the disease to other School community members, he may request that his duties be altered. The employee seeking to alter his employment conditions must apprise the Director (or designee) of his condition, submit medical documentation, and suggest and discuss possible workplace accommodations.

206.18. *Bloodborne Pathogens*

The Director (or designee) shall designate a bloodborne pathogens compliance officer who shall develop a plan in accordance with the regulations established by the United States Department of Labor pursuant to the Occupational Safety and Health Act and the North Carolina Occupational Safety and Health Bloodborne Pathogens Standards. The plan shall be designed to eliminate or minimize employee exposure to infectious bodily fluids and secretions and shall include

appropriate training and specific precautions that all employees must take when dealing with blood and bodily fluids.

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

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

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

The North Carolina Department of Labor's "A Guide to Bloodborne Pathogens in the Workplace" is available at <http://www.nclabor.com/osha/etta/indguide/ig7.pdf>.

206.19. *Legal Defense*

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

The Board is not obligated to provide any representation. The Board shall not provide representation if it determines that the civil or criminal action is based on the employee acting, or failing to act, with malice or intent or outside the scope and course of his duties.

206.20. *Reporting Misconduct or Concerns*

The School encourages encourage persons with knowledge of any actual, apparent, or potential illegal or unethical practice to report such practice to Director (or designee) or another Supervisor. If such practice involves the Director (or designee), then the matter should be reported to the School Board Chairman or, if necessary, another officer of the Board. Such reports

- may be made anonymously, but should clearly state important relevant details.
- may be made in any reasonable manner, including via a report form created and made

available by the Administration.

- shall be treated confidentially and disclosed only to those in a need-to-know position and to the extent permitted by law.
- shall be investigated responsibly, thoroughly, and in a timely manner.
- shall be recorded in a log book by the appropriate supervisor, which log book includes the general nature of the report, date, and general outcome and/or disposition.

206.21. *Employee Self-Reporting of an Arrest or Charge*

Any time an employee is arrested for or charged with a criminal offense, that employee shall self-report such arrest or charge within forty-eight (48) hours to the Head of School.

Such report shall not be considered an admission of guilt or, by itself, be grounds for disciplinary action without sufficient corroborating evidence to warrant discipline. Depending on the nature of the circumstances, however, the Head of School may suspend the employee with pay pending further investigation, and such action will not be considered a disciplinary action.

The employee shall self-report any subsequent formal disposition of the matter, including conviction, finding of innocence or guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty, no contest, judgment notwithstanding a verdict or other disposition for any criminal offense other than a minor traffic violation. Such subsequent self-reporting shall occur within forty-eight (48) hours after such disposition.

206.20. *Reporting Information to Outside Agencies*

206.20.1. *Reports to the State Director of Public Instruction*

If the Director (or designee) knows or has substantial reason to believe that a licensed employee has engaged in conduct involving physical or sexual abuse of a student, he shall report such information to the Director of Public Instruction or his designee, pursuant to state regulation. For purposes of this requirement, physical abuse means the infliction of serious physical injury other than by accidental means and other than self-defense. The term sexual abuse means the commission of any sexual act upon a student or causing a student to commit a sexual act, regardless of the student's age and the presence or absence of consent.

206.20.2. *Reports to Law Enforcement*

If the Director (or designee) or another supervising administrator reasonably suspects that an act which involved intentional conduct and resulted in serious personal injury to another (or the threat thereof), sexual assault or other sexual offense, kidnapping, possessing a firearm, other weapon, or controlled substance in violation of the law, occurred on School property, he shall immediately report the act to the appropriate law enforcement agency.

206.20.3. Reports to the Department of Social Services

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

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

§ 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment.

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

206.20.4. Reports to the Department of Health

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

207. EMPLOYEE GRIEVANCES, INVESTIGATIONS, AND DISCIPLINE

207.1. Employee Grievances

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

Employee Grievances shall be guided by School-wide grievance procedures in effect at the time the grievance arises. These are attached as **Addendum 1**.

207.2. Disciplinary Measures and Procedures

Employees may be subject to disciplinary measures for violating any School policy, practice, directive, or legal requirement. This policy does not preclude the School's right to discipline or terminate an at-will or other employee for any other basis permitted by law or contract.

The Director (or designee) may subject an employee to any appropriate discipline, including, but not limited to, the following:

- Informal reprimand;
- Formal, written reprimand filed in the employee's personnel file;
- Suspension with pay;
- Disciplinary suspension without pay;
- Demotion in position or salary;
- Reduction or deduction in pay;
- Suspension without pay preceding dismissal;
- Dismissal; or
- Other discipline as deemed appropriate by the Director (or designee).

208. EMERGENCY PROCEDURES

208.1. Overview and Notification

The Director (or designee) may delay the School's opening or may close it when an actual or potential safety threat exists due to inclement weather, mechanical failure, or other circumstances. In such instances, the School will notify members of the School community as promptly as possible via such outlets as the local news media, electronic mail, the School Voice Message System, and the School website.

Delayed Openings

In cases of a delayed School opening, employees normally are expected to report to work in advance of such opening in the same intervals that apply during regular hours, unless they receive notice to the contrary. If an employee does not believe he can report at the appointed time, he should notify the Director (or designee) as soon as possible. In such instances, the staff member shall be required to make up the time missed unless otherwise accepted by the Director (or designee).

ADDENDUM 1: SCHOOL GRIEVANCE PROCEDURES

ADDENDUM 2A: SEXUAL HARASSMENT GENERAL POLICY

ADDENDUM 2B: SEXUAL HARASSMENT COMPLAINT PROCEDURES