

# **ASHEBORO CITY BOARD OF EDUCATION**

**July 10, 2008**

**7:30 p.m.**

**Professional Development Center**

**Asheboro High School**

**Policy Committee Meeting 6:00 p.m.**

**Finance Committee Meeting 6:45 p.m.**

## **I. Opening**

- A. Call to Order
- B. Invocation & Pledge of Allegiance – Jane Redding
- \*C. Approval of Agenda

## **II. Public Comments**

Citizens who signed up to address the board will be called on to make comments. Each individual speaker will be allowed 3-5 minutes for remarks. Issues or concerns involving personnel matters are not appropriate for this public comment setting.

## **III. \*Consent Agenda**

- A. Approval of Minutes – June 5, June 12, and June 17, 2008
- B. Personnel
- C. School Treasurers for 2008-2009
- D. Signature Cards

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

- A. Policy 3610 – Counseling Program
- B. Policy 7100 – Recruitment and Selection of Personnel
- C. Policy 7120 – Employee Health Certificate
- D. Policy 1750/7220 – Grievance Procedure for Employees

## **V. Action Items**

- \*A. Policy 7130 – Licensure
- \*B. Alternative School Change

## **VI. Superintendent's Report/Calendar of Events**

- A. Calendar of Events

## **VII. Board Operations**

- A. Non-Renewal of Administrator and Probationary Teacher Contracts
- B. Termination of Tenured, Mid-Contract and At-Will Employees

## **VIII. Executive Session**

- A. Superintendent Performance Evaluation

## **IX. Adjournment**

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

**ASHEBORO CITY BOARD OF EDUCATION**

**July 10, 2008**

**7:30 p.m.**

**Addendum**

**I. Opening**

**III. \*Consent Agenda**

**B. Personnel**

**IX. Adjournment**

**Mission Statement**

**We are committed to providing quality learning opportunities for all students in a safe and inviting environment so that our students can become successful lifelong learners and responsible productive citizens.**

**Minutes of the Asheboro City Board of Education**  
**June 5, 2008**  
**5:00 p.m.**

The Asheboro City Board of Education met for boardsmanship training on Thursday, June 5, 2008, in the Professional Development Center with the following members present:

Gidget Kidd, Chairman	Chris Yow
Kyle Lamb	Steve Jones
Phillip Cheek	Joyce Harrington
Archie Priest, Jr.	Derek Robbins
Dr. Kelly Harris	

The following members were absent: Linda Cranford and Jane Redding

The Administrator present for the training session was Dr. Diane Frost.

Dr. Doris Hayes, NCSBA Trainer, provided an interactive professional development session entitled, *Planning the Evaluation of the Superintendent*.

Following the training board members received the Superintendent Summative Evaluation Instrument from Chairman Kidd with instructions to complete according to a specific timeline.

There being no further business, the meeting adjourned at 8:00 p.m.

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Chairman

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Secretary

**Minutes of the Asheboro City Board of Education  
June 12, 2008**

**Policy Committee**

The Policy Committee convened at 6:00 p.m. in the Professional Development Center Conference Room with the following members present:

Derek Robbins, Chairman  
Gidget Kidd

Steve Jones  
Joyce Harrington

Staff members present were: Dr. Diane Frost, Dr. Dot Harper, Donna Clelland and Dr. Tim Allgood.

Chairman Robbins called the meeting to order and referred to Ms. Clelland and Dr. Allgood to review policies.

Ms. Clelland reviewed Policy 3610 – Counseling Program. Additions and revisions were made in accordance with state law. The Committee agreed to present the policy for 30-day review at the July board meeting.

Dr. Allgood reviewed Policy 7100 – Recruitment and Selection of Personnel. Changes were made to the criminal history requirements. The policy will be presented to the full board for 30-day review at the July meeting.

Dr. Allgood reviewed Policy 7120 – Employee Health Certificate. A requirement that the application come from a professional in the field of medicine was added. The policy will be presented for 30-day review at the July meeting of the Board.

Ms. Clelland reviewed Policy 7210 – Staff Involvement in Decision Making. It was noted that no changes were necessary at this time.

Dr. Allgood reviewed Policy 1750/7220 – Grievance Procedure for Employees. Clarification of definitions and grievance procedures were added to the policy. The policy will be presented to the full board for 30-day review at the July meeting.

Committee members reviewed the updated work plan and also received a copy of the most recent *Policies to Lead the Schools* update memo.

There being no further business, the meeting adjourned at 6:50 p.m.

**Finance Committee**

The Finance Committee convened at 6:55 p.m. in the Professional Development Center Conference Room with the following participants:

Chris Yow, Committee Chairman  
Jane Redding  
Phillip Cheek

Kyle Lamb  
Linda Cranford  
Gidget Kidd

Staff members present were: Dr. Diane Frost and Harold Blair.

The meeting was called to order and the following topics were addressed:

- Budget Amendment S-03
- Budget Amendment CE-05
- Budget Amendment F-05
- Budget Amendment CN-01
- 2008-2009 pay date schedule
- Interim budget proposal
- Child nutrition lunch price increase
  - Area child nutrition lunch prices
  - Current status of Asheboro City Schools child nutrition program
  - \$ .35 increase in lunch prices

There being no further business, the meeting adjourned at 7:25 p.m.

### **Board of Education**

#### **Opening**

The Asheboro City Board of Education met in regular session at 7:30 p.m. in the Professional Development Center with the following members present:

Gidget Kidd, Chairman	Kyle Lamb
Phillip Cheek	Chris Yow
Linda Cranford	Jane Redding
Joyce Harrington	Derek Robbins
Kelly Harris	Steve Jones

Archie Smith, Jr., Attorney

Board member absent was Archie Priest, Jr.

Staff members present were: Dr. Diane Frost, Dr. Dot Harper, Harold Blair, Curt Lorimer, Mike Mize, Brad Rice, Donna Clelland, Dr. Tim Allgood, Gail Hicks, Jennifer Smith and Carla Freemyer.

Chairman Kidd called the meeting to order and Mr. Lamb gave the invocation and led the Pledge of Allegiance.

A motion to approve the agenda was made by Mr. Jones, seconded by Mr. Lamb, and unanimously approved by the Board.

#### **Special Recognition and Presentations**

Ms. Carla Freemyer recognized North Ridge Church as an outstanding partner with Balfour School. Ms. Freemyer provided a certificate of appreciation to Pastor Dean Pollard and church volunteers.

Dr. Dan Goble, Site Administrator at the Learning Center, provided information regarding the restructuring of the center and success stories he and his staff have experienced in the 2007-2008 school year with students.

Lindley Park School was recognized with the Employee Workplace Safety Award. Dr. Hazel Frick, Principal at Lindley Park, and Head Custodian Scott Stanley, accepted a certificate of recognition.

Mr. Curt Lorimer announced that Rita Dougan, teacher of Health Occupations at Asheboro High School, has been named Asheboro City Schools' Career and Technical Education Teacher of the Year.

### **Public Comments**

Chairman Kidd opened the floor to public comments; no one signed up to address the Board.

Upon motion by Mr. Lamb, seconded by Ms. Redding, the Consent Agenda was unanimously approved by the Board.

### **Consent Agenda**

The following Consent Agenda items were approved:

*Approval of Minutes – May 8, 2008*

*Budget Amendment CE-05* (The Budget Amendment will become a part of these minutes.)

*Budget Amendment CN-01* (The Budget Amendment will become a part of these minutes.)

*Budget Amendment F-05* (The Budget Amendment will become a part of these minutes.)

*Budget Amendment S-03* (The Budget Amendment will become a part of these minutes.)

*Payroll Calendar* (The Payroll Calendar for 2008-2009 will become a part of these minutes.)

*Title I Application* (The Title 1 Application will become a part of these minutes.)

*Title II Application* (The Title 11 Application will become a part of these minutes.)

*Title III Application* (The Title III Application will become a part of these minutes.)

*Title IV Application* (The Title IV Application will become a part of these minutes.)

*Personnel*

### **Resignations/Retirements and Separations**

<u>Name</u>	<u>School/District</u>	<u>Effective</u>
Tesny, Nicole	McCrary/Grade 4	6/13/08
Jenkins, Nancy	SAMS/Mathematics	6/13/08
Crawford, Rebecca	Asheboro High/Mathematics	6/13/08
McAvinney, Angelique	McCrary/3rd Grade	6/13/08
Robertson, Wendy	SAMS/Special Education	6/13/08
Horner, Janice	Balfour/Grade 3	6/13/08
Fahey, Laura	Balfour/Kindergarten	6/13/08
Harvey, Katie	Lindley Park/Kindergarten	6/13/08
LaPlant, Paula	Teachey/Grade 4	6/13/08
Harris, Rebecca	AHS/Mathematics/Hearing Impaired	6/13/08
deGuzman, Leigh	Balfour/Kindergarten	6/13/08
Martin, Wanda	Lindley Park/Teacher Assistant	5/27/08
Quarles, Codelia	ECDC/Program Facilitator	6/13/08
Brower, James	SAMS/English as a Second Lang.	6/13/08
Essick, Patricia	Teachey/Grade 1	6/13/08
Stancil, Cori	AHS/Family and Consumer Science	6/13/08
Passick, Bethany	ECDC/Psychologist	6/13/08
Brady, Mischale	Central Office/Bus Driver	5/30/08
Tucker, Anna	McCrary/Teacher Assistant	6/13/08
Rankin, Mary	Loflin/Grade 5	6/13/08
Vickery, Marsha	SAMS/Data Mgr./Treasurer	6/19/08
Rachlin, Jeff	SAMS/Assistant Principal	TBD

### **Appointments**

<u>Name</u>	<u>School/Subject</u>	<u>Effective</u>
Ingram, Nakisha	Loflin/Guidance	8/18/08
Marsh, Charity	McCrary/Grade 3	8/18/08
Burden, David	Lindley Park/Grade 4	8/18/08

Roberson, Reagina	Balfour/Kindergarten	8/18/08
Ford, Jenee	Balfour/Grade 2	8/18/08
Moffitt, Portia	Asheboro High School/Secretary	7/1/08
Dillion, Stacy	Balfour/Grade 5	8/18/08
Stutts, Juula	TBD/Nurse	8/18/08
Carroll, Aileene	Asheboro High/Mathematics	8/18/08
Lewis, Charles	Asheboro High/Mathematics	8/18/08
Brown, Roberta	Balfour/Grade 5	8/18/08
Coltrane, Maxine	Balfour/Grade 3	8/18/08
Graham, Pamela	McCrary/Grade 3	8/18/08
Callaway, Janice	Loflin/Kindergarten	8/18/08
Lahr, Anita	Loflin/Grade 5	8/18/08
Mackie, Angela	Teachey/Kindergarten	8/18/08
Isbell, Linda	Lindley Park/Grade 5	8/18/08
McCullah, Sue	Lindley Park/Kindergarten	8/18/08
Tonkin, Elizabeth	Lindley Park/Reading	8/18/08
Watson, Sarah	NAMS/Language Arts/Soc. Studies	8/18/08
Baxter, Vickie	SAMS/Mathematics	8/18/08
Lore, Makenzie	NAMS/Language Arts/Soc. Studies	8/18/08
Norris, Sammie	McCrary/Grade 5	8/18/08
Hyatt, Pamela	Balfour/Grade 4	8/18/08
Covington, Ronald	Central Office/Bus Driver	5/15/08
Covington, Ronald	Lindley Park/Custodian/Part-time	5/27/08
Chalifoux, Kristin	McCrary/Grade 5	8/18/08
Reagan, Rachel	South Asheboro/Mathematics	8/18/08
Langdon, Julie	AHS/Family & Consumer Science	8/18/08
Hilario, Rocky	SAMS/Custodian/Part-Time	8/18/08
Scott, Dana	ECDC/Occupational Therapist	8/18/08
Dillon, Jonathan	Asheboro High/English	8/18/08
Morrison, Gwendolyn	Loflin/Grade 2	8/18/08

### **Leaves of Absence**

<u>Name</u>	<u>School/Subject</u>	<u>Effective</u>
Horner, Janice	Balfour/Grade 3	5/16/08-6/13/08
Patterson, Andrea	Teacher/Teacher Assistant	4/19/08-6/13/08

### **Transfers**

<u>Name</u>	<u>School/Subject</u>	<u>Effective</u>
Walker, Sue	ECDC/Mathematics – Science to SAMS/Special Education	8/18/80

### **Administrative Contracts**

<u>Name</u>	<u>School/Subject</u>	<u>Effective</u>
Coley, Ron	North Asheboro/Principal	7/1/08-6/30/12
Eggleston, John	Asheboro High/Asst. Principal	7/1/08-6/30/12
Poe, David	Loflin/Principal	7/1/08-6/30/12
Frick, Hazel	Central Office/Director of Testing/ Accountability	7/1/08-6/30/12
Lorimer, Curt	Central Office/Director of Career & Technical Education	7/1/08-6/30/12
Mize, Mike	Central Office/Director of Facilities/ Maintenance	7/1/08-6/30/12
Brady, Julie	McCrary/Assistant Principal	7/1/08-6/30/10
Pack, Julie	Asheboro High/Asst. Principal	7/1/08-6/30/10

### **Information, Reports and Recommendations**

Mr. Curt Lorimer, Director of Career/Technical Education and Ms. Sandra Abbott, VoCats/Career Development Coordinator, gave a presentation on WorkKeys certification, a program designed to certify students have 21st century workplace skills.

Mr. Curt Lorimer, along with Ms. April Thompson, shared information on GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Program). The program aims to enhance North Carolina's future by ensuring that students from GEAR UP schools have the motivation and education necessary for success in the 21st century. Currently GEAR UP has 3 cohorts of students consisting of 7th and 8th graders at North Asheboro Middle and the freshman class of 2011 at Asheboro High School. Next year services will be provided to the incoming freshmen from South Asheboro Middle, the class of 2012.

Ms. Donna Clelland presented Board Policy 7130, Licensure, for 30-day review. The policy is being updated to align with the State Board of Education's policy and requirements of *No Child Left Behind*. The changes include support to beginning teachers, offering renewal opportunities to school personnel and notification to parents that they may request qualifications of their child's teacher.

### **Action Items**

After a 30-day review, Ms. Clelland presented the following policies for board approval: Policy 1710/4021/7230, Prohibition against Discrimination and Harassment, including Bullying and Hazing; Policy 1735/4025/7235, Harassment including Bullying and Hazing, Defined; and Policy 4331, Assaults, Threats, and Harassment, including Bullying and Hazing. A motion was made by Ms. Harrington, and seconded by Mr. Yow, to approve the three policies as presented. Motion carried. (Policy 1710/4021/7230, Policy 1735/4025/7235, and Policy 4331 will become a part of these minutes.)

Mr. Harold Blair, Director of Business and Finance, recommended an adjustment to school lunch prices for the 2008-2009 school year due to projected shortfalls and significant increases in cost of food and preparing of meals. A motion was made by Ms. Harrington and seconded by Ms. Cranford to approve an increase. Motion carried with a vote of 9 to 1 with Mr. Jones voting no. Elementary schools will pay \$1.90 a plate and secondary schools will pay \$2.00. Adult lunch prices will be based on a la carte – cost per item and not as a single plate cost.

Mr. Blair requested board approval of a 2008-2009 interim budget. In accordance with G.S. 115C-434 the superintendent recommended the Board approve an equal amount of the 2007-2008 ending budget as an interim budget for 2008-2009. Upon motion by Mr. Jones and seconded by Ms. Redding, the motion passed unanimously.

A motion was made by Mr. Yow and seconded by Ms. Harrington to approve the teachers eligible for career status. Motion passed with a vote of 7 to 3 with Ms. Kidd, Mr. Lamb and Mr. Robbins voting no.

### **Teachers Eligible for Career Status – May 2008**

<u>Name</u>	<u>Subject Area</u>
<b><u>Balfour School</u></b>	
Bender, Beth	English as a Second Language
Hopkins, Heather	3rd Grade
Johns, Natalia	Reading
McClosky, Joel	4th Grade

Trogon, Laura	Speech Language
<b><u>Charles W. McCrary</u></b>	
Bryant, Jill	4th Grade
Foster, Robin	5th Grade
Kenan, Kimberly	Speech Language
Young, Karen	Kindergarten
<b><u>Donna L. Loflin</u></b>	
Davis, Julie	3rd Grade
Rankin, Beth	5th Grade
<b><u>Early Childhood Development Center</u></b>	
Funkhouser, Shari	Pre-K
<b><u>Guy B. Teachey School</u></b>	
Andrews, Sharon	4th Grade
Grant, Cathie	4th Grade
<b><u>Lindley Park School</u></b>	
Benezra, Erica	Pre-K
Cooper, Tiffany	2nd Grade
Pervier, Heather	2nd Grade
<b><u>North Asheboro Middle School</u></b>	
Foscue, Tracey	Math/Science
<b><u>South Asheboro Middle School</u></b>	
Altadonna, Rob	Math/Social Studies
Cagle, Elizabeth	Science
Ebanks, Judy	Social Worker
Fravel, Bethann	Language Arts/Social Studies
Hill, Keri	Language Arts/Social Studies
Miller, Jennifer	Science
Millikan, Marianne	Family/Consumer Science
Smith, Rupert	Math/Science
<b><u>Asheboro High School</u></b>	
Brewer, Sheila	Social Studies
Davis, Brooke	Science
Rios, Juan	English as a Second Language
Soja, Heather	Science
Taylor, Nikki	Spanish
Underdonk, Bethany	Guidance
Underdonk, Joshua	Mathematics

Dr. Diane Frost presented the 2008 Graduation Guarantee that states if an employer is not satisfied with a graduate's basic skills then the graduate would be offered free additional coursework. A motion was made by Mr. Lamb and seconded by Ms. Redding to approve the 2008 Graduation Guarantee as presented. Motion carried. (A copy of the 2008 Graduation Guarantee will become a part of these minutes.)

#### **Superintendent's Report/Calendar of Events**

Ms. Carla Freemyer reviewed the Calendar of Events highlighting the following: Breakfast and Convocation, August 22, 2008 and New Employee Reception, September 11, 2008.

Ms. Freemyer shared *Points of Pride* as follows: Curt Lorimer named regional Career and Technical Education Director of the Year and Asheboro High School students collecting approximately 1,000 books for an elementary summer reading project.

### **Board Operations**

A committee comprised of Linda Cranford as chairman and board members, Kyle Lamb and Derek Robbins, recommended the Board appoint Mr. Curt Lorimer to fill a vacancy on the Randolph Community College Board of Trustees effective July 1, 2008. Upon motion by Ms. Cranford and seconded by Mr. Lamb, the Board unanimously approved Mr. Lorimer to fill the position.

Dr. Tim Allgood reviewed information regarding establishing a fair employment process and noted that Asheboro City Schools is an equal opportunity employer with hiring policies that are used consistently.

The Board selected the date of September 19, 2008 to assist the Boosters Club with concessions.

### **Adjournment**

There being no further business, a motion was made by Mr. Robbins, seconded by Mr. Lamb, and unanimously approved by the Board to adjourn at 8:45 p.m.

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Chairman

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Secretary

**Minutes of the Asheboro City Board of Education**  
**June 17, 2008**  
**Summer Retreat**  
**5:00 p.m.**

The Asheboro City Board of Education met in a work session on Tuesday, June 17, 2008, in the Professional Development Center with the following members present:

Gidget Kidd, Chairman  
Joyce Harrington  
Archie Priest, Jr.  
Jane Redding  
Chris Yow

Linda Cranford  
Phillip Cheek  
Kyle Lamb  
Derek Robbins  
Steve Jones

Board member absent was Kelly Harris.

Staff members present were: Dr. Diane Frost, Dr. Dot Harper, Dr. Timothy Allgood, Harold Blair, Donna Clelland, Carla Freemyer, Mike Mize, Brad Rice, Gail Hicks, Curt Lorimer, and Jennifer Smith.

Chairman Kidd opened the meeting and extended a welcome to meeting participants. Ms. Kidd recognized Dr. Frost who led the agenda.

Board goals and performance indicators were reviewed and Ms. Clelland presented supporting testing data for the school year indicating accomplishments as well as potential focus for the 2008-2009 school year.

Staff members noted accomplishments for the 2007-2008 school year reviewing programs implemented for higher student achievement, utilization of technology to enhance learning, closing the achievement gap, recruitment of quality teachers, administrators and staff, healthy students in safe, orderly and caring schools, strong family, business and community support, and effective and efficient operations.

The Board discussed ground rules for constructively working through conflict and adopted the following strategies: listen to understand, state your views, needs, and feelings, stay focused on issues, seek solutions, and be professional, trusting, respectful, and cooperative.

The Board discussed enforcing student and staff dress codes and the process for school uniform adoption.

There being no further business, the meeting adjourned at 8:10 p.m.

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Chairman

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Secretary

**Asheboro City Schools  
Personnel Transactions  
July 10, 2008**

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

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<b><u>NAME</u></b>	<b><u>SCHOOL/SUBJECT</u></b>	<b><u>EFFECTIVE</u></b>
Martzahl, Bryan	SAMS/Physical Education	6/13/08
Davis, Julie	DLL/Grade 3	6/13/08
McAllister, Elizabeth	DLL/Grade 3	6/13/08
Ledford, Pamela	DLL/Media	6/13/08
Salabak, Cassandra	BAL/Grade 2	6/13/08
Cole, Cheri	CWM/Grade 4	6/18/08
Underdonk, Joshua	AHS/Mathematics	6/20/08
Underdonk, Bethany	AHS/Guidance	6/20/08
Lombardo, Jillian	BAL/Grade 3	6/25/08
Andrews, Patricia	GBT/Teacher Assistant	6/26/08
Gignac, Melissa	AHS/English	6/27/08
Hopkins, Heather	BAL/Grade 3	6/27/08
Allred, Melissa	CWM/Grade 4	6/30/08
Rachlin, Jeff	SAMS/Assistant Principal	7/11/08
Melanie, Curtis	NAMS/Assistant Principal	TBD

**\*B. APPOINTMENTS**

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<b><u>NAME</u></b>	<b><u>SCHOOL/SUBJECT</u></b>	<b><u>EFFECTIVE</u></b>
Beck, Donna	SAMS/English as Second Language	8/18/08
Johnson, Laura	DLL/Grade 3	8/18/08
Scott, Angela	GBT/Grade 5	8/18/08
Durham, Victoria	GBT/Reading	8/18/08
Coleman, Billie	CWM/Reading	8/18/08
Vang, Sheral	DLL/Technology	8/18/08
McCann, Ashley	BAL/Kindergarten	8/18/08
Bunting, Lisa	BAL/Grade 2	8/18/08
Cudd, Michelle	AHS/Mathematics	8/18/08
Adams, Ellen	AHS/Mathematics	8/18/08
Tune, D'Vera	AHS/Guidance	8/18/08
Pleasants, Marie	DLL/Grade 3	8/18/08
Hemmings, John	ECDC/Psychologist	8/18/08

**Asheboro City Schools  
Personnel Transactions  
July 10, 2008  
Addendum**

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

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<b><u>NAME</u></b>	<b><u>SCHOOL/SUBJECT</u></b>	<b><u>EFFECTIVE</u></b>
Gantt, Franchesca	NAMS/Family and Consumer Science	7/3/08
Baber, Dena	BAL/Teacher Assistant	7/3/08

**\*B. APPOINTMENTS**

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<b><u>NAME</u></b>	<b><u>SCHOOL/SUBJECT</u></b>	<b><u>EFFECTIVE</u></b>
Gavin, Roberta	DLL/Media	8/18/08
Allred, Kristi	GBT/Teacher Assistant	8/18/08
Varner, Cheryll	AHS/English	8/18/08
Deming, Amy	BAL/Grade 3	8/18/08

**Asheboro City Schools  
Certified Appointments  
July 10, 2008**

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Johnson, Laura	State University of New York – Oneonta B: Elementary Education UNC – Greensboro M: Curriculum and Instruction	Elementary Education

Laura Johnson is recommended to teach third grade at Donna Lee Loflin School. Originally from New York state, Ms. Johnson moved to North Carolina in 2000 and began her teaching career at Seagrove Elementary in Randolph County Schools. For the past seven years she has taught fifth grade at Southmont Elementary. She has completed several modules in the Teacher Academy program and enjoys working with English Language Learners.

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Scott, Angela	High Point University B: Elementary Education	Elementary Education

A "Blue Comet" is recommended to teach fifth grade at Guy B. Teachey School. Angela Scott graduated from Asheboro High in 1992 and then earned her Bachelor's degree from High Point University. She has taught for eleven years in Randolph County Schools – five years in fourth grade and six years in fifth grade. She has served as a grade level chairperson and member of her school's leadership team. In 2002 she was recognized as Teacher of the Year at Ramseur Elementary.

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Durham, Victoria	Greensboro College B: Elementary Education	Elementary Education Reading

Victoria Durham is recommended to teach reading at Guy B. Teachey School. A resident of Asheboro, Mrs. Durham is a veteran teacher with twenty-five years experience, she has taught in Guilford County, Randolph County, and most recently in Richmond County schools. Since 2000 she has taught reading at Mineral Springs Elementary. Mrs. Durham looks forward to teaching in our balanced literacy framework of reading instruction.

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Coleman, Billie	UNC-Wilmington B: Elementary Education NC A & T State University M: Reading	Elementary Education Reading

Billie Coleman is recommended to teach reading at Charles W. McCrary School. Ms. Coleman is a veteran teacher with experience in a self-contained elementary classroom, who has taught reading for nine years. She taught last year at McCrary in an interim position for a teacher on leave of absence. She demonstrated a strong knowledge base in reading instruction and collaborated well with classroom teachers.

**NAME**

McCann, Ashley

**COLLEGE/DEGREE**UNC-Greensboro  
B: Birth to Kindergarten**LICENSURE**

Birth to Kindergarten

A resident of Asheboro, Ashley McCann is recommended to teach kindergarten at Balfour School. Mrs. McCann graduated in May from UNC-G and completed her student teaching internship in a More-at-Four classroom at Tabernacle Elementary in Randolph County. She has experience working in a day care setting and has taught dance for more than five years.

**NAME**

Vang, Sheral

**COLLEGE/DEGREE**Pfeiffer University  
B: Business  
UNC-Pembroke  
M: School Administration**LICENSURE**Computer Education  
Curriculum Instructional  
Specialist

A teacher with seven years of experience, Sheral Vang is recommended to teach technology education at Donna Lee Loflin School. Ms. Vang has taught at West Montgomery High School since 2001 after entering teaching as a second career. Recently, she completed a Master's program in school administration. She is anxious to provide challenging and stimulating technology instruction to the children at Loflin.

**NAME**

Bunting, Lisa

**COLLEGE/DEGREE**Pfeiffer University  
B: Elementary Education**LICENSURE**

Elementary Education

Lisa Bunting is recommended to teach second grade at Balfour School. A graduate of Pfeiffer University in May 2008, Mrs. Cagle will begin her teaching career in August. For ten years she worked as a teacher assistant at Archdale-Trinity Middle School, Seagrove Elementary and Southmont Elementary in Randolph County Schools. She completed her student teaching internship at Southmont in a kindergarten classroom.

**NAME**

Adams, Ellen

**COLLEGE/DEGREE**University of Southwestern Louisiana  
B: Math Education  
Georgia College and State University  
M: Education**LICENSURE**

Mathematics

Ellen Adams is recommended to teach mathematics at Asheboro High School. Ms. Adams has twenty years of teaching experience in her home state of Louisiana, Georgia, and North Carolina. She taught for the past twelve years at Southwestern Randolph High School. She has taught gymnastics at the Asheboro-Randolph YMCA and coached cheerleading at Southwestern Randolph. A resident of Asheboro, Mrs. Adams is excited about joining the staff at AHS.

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Cudd, Michele	Southeastern Louisiana University B: Mathematics and French University of Arkansas M: Business and Finance	Mathematics

Recommended to teach mathematics at Asheboro High School is Michelle Cudd. Ms. Cudd worked at Louisiana Tech University as a graduate assistant and the University of Arkansas as an intern. She has taught ballet and musical theater to children and most recently was an educator at Coastal Wonders in Fairhope, Alabama. There she taught school groups about the coastal environment. Ms. Cudd is enrolled currently at North Carolina State where she will complete teacher certification.

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Tune, D'Vera	Elon University B: Middle Grades Education NC A & T State University S: School Counseling	Counselor MG Math MG Science

A native of Rustburg, Virginia, D'Vera Tune is recommended to be a guidance counselor at Asheboro High School. After graduating from Elon University in 2002, Ms. Tune taught mathematics and science in middle schools in Guilford and Alamance counties. In May she completed a school counseling program at the Specialist's level at NC A & T. In addition to teaching, she has worked as a tutor with Huntington Learning Center and as a counselor at a YMCA summer camp for children.

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Pleasants, Marie	High Point University B: Elementary Education	Elementary Education

Marie Pleasants, a Randolph County resident, is recommended to teach fifth grade at Donna Lee Loflin School. Mrs. Pleasants graduated from High Point University in May 2008, after completing her student teaching internship in a fifth grade classroom at Allen Jay Elementary in Guilford County. While pursuing her degree, she worked as a teacher in a day care and as a teacher assistant in a kindergarten classroom in Greensboro.

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Hemmings, John	West Virginia University B: Psychology M: School Psychology Marshall (WV) University S: School Psychology	School Psychologist

John Hemmings is recommended to be a school psychologist for Asheboro City Schools, based at the Early Childhood Development Center. Mr. Hemmings is a veteran school psychologist with over twenty years of experience, most of those in the Charleston, West Virginia area. He will conduct psycho-educational evaluations and assist in the design of behavioral interventions for children.

**NAME**

Beck, Donna

**COLLEGE/DEGREE**Campbell University  
B: Christian Studies**LICENSURE**English as a Second  
Language

A native of Asheboro and graduate of Asheboro High School, Donna Beck is recommended to teach English as a Second Language at South Asheboro Middle School. Ms. Beck has spent her professional career in churches as a director of children's ministries. She developed and taught ESL through a church-based ministry in Rose Hill, North Carolina and most recently, she served as program director for Randolph Arts Guild.

**Asheboro City Schools  
Certified Appointments  
July 10, 2008  
Addendum**

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Deming, Amy	Mansfield (PA) University B: Elementary Education University of Scranton (PA) M: Curriculum and Instruction	Elementary Education

A resident of Nichols, New York near the Pennsylvania border, Amy Deming is recommended to teach third grade at Balfour School. Mrs. Deming completed student teaching in second and fourth grades in schools in New York and Pennsylvania and has one year teaching experience in schools in Norwich, New York. She is excited about the opportunity to teach in Asheboro and at Balfour.

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Varner, Cheryl	High Point University B: Middle Grades Education UNC-Greensboro M: Curriculum and Instruction	MG Language Arts MG Social Studies

A veteran teacher with ten years teaching experience, Cheryl Varner is recommended to teach English at Asheboro High School. Mrs. Varner has taught language arts, social studies, and science at Randleman Middle School, before moving into the role of lead teacher and curriculum facilitator. In that role she has led professional development, benchmark testing, and instruction for gifted education.

<b><u>NAME</u></b>	<b><u>COLLEGE/DEGREE</u></b>	<b><u>LICENSURE</u></b>
Gavin, Roberta	University of Wisconsin – Stevens Point B: Political Science and Economics Wake Forest University JD: Law	Media

Roberta Gavin is recommended as media specialist at Donna Lee Loflin School. Mrs. Gavin is a resident of Asheboro who is attending UNC-Greensboro to complete a licensure program in school media. As a parent she has been actively involved in establishing a literacy closet at Lindley Park School and served Lindley Park as a remediation tutor. She is an active volunteer with the Asheboro/Randolph library as well.



# Asheboro City Schools

*...the subject is excellence*

*Office of the Superintendent*

P.O. Box 1103, Asheboro, NC 27204-1103 • 1126 S. Park St. • (336) 625-5104 • (336) 625-9238, fax

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## **School Treasurers 2008-2009**

Jamie H. Baker  
**Asheboro High School**

Position Open  
**South Asheboro Middle School**

Lisa M. Rhodes  
**Balfour Elementary School**

Tammy R. Davidson  
**Early Childhood Development Center**

Pamela N. Purvis  
**Charles W. McCrary Elementary School**

Kay C. Schimanski  
**Donna Lee Loflin Elementary School**

Tina E. Poole  
**Guy B. Teachey**

Mary Ann Ingold  
**Lindley Park Elementary School**

Faye C. McLeod  
**North Asheboro Middle School**

**RESOLUTION OF LODGE, ASSOCIATION OR OTHER SIMILAR ORGANIZATION**

CommunityOne Bank, N.A.  
106 E. Taft St.  
Asheboro, NC 27203

By: Asheboro City School  
Annex  
1738 N Fayetteville St  
Asheboro NC 27203-3276

Referred to in this document as "Financial Institution"

Referred to in this document as "Association"

I, DR DIANE L FROST, certify that I am Secretary (clerk) of the above named association organized under the laws of NORTH CAROLINA, Federal Employer I.D. Number 56-6000989, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on 07/02/08 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

**AGENTS** Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title or Position	Signature	Facsimile Signature (if used)
A. <u>B HAROLD BLAIR JR DIR. BUS. FINANCE</u>	X _____	X _____
B. <u>HOLLY C WHITE PRE/SCHOOL CO ORDINATOR</u>	X _____	X _____
C. <u>TAMMY R DAVIDSON SEC/TREAS.</u>	X _____	X _____
D. _____	X _____	X _____
E. _____	X _____	X _____
F. _____	X _____	X _____

**POWERS GRANTED** (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, and/or F	Description of Power	Indicate number of signatures required
_____	(1) Exercise all of the powers listed in this resolution.	_____
<u>A</u>	(2) Open any deposit or share account(s) in the name of the Association.	<u>1</u>
<u>ABC</u>	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	<u>2</u>
_____	(4) Borrow money on behalf and in the name of the Association, sign, execute and deliver promissory notes or other evidences of indebtedness.	_____
_____	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Association as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.	_____
_____	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	_____
_____	(7) Other _____	_____

**LIMITATIONS ON POWERS** The following are the Association's express limitations on the powers granted under this resolution.

**EFFECT ON PREVIOUS RESOLUTIONS** This resolution supersedes resolution dated ALL Previous. If not completed, all resolutions remain in effect.

**CERTIFICATION OF AUTHORITY**

I further certify that the Association has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)

If checked, the Association is a non-profit lodge, association or similar organization.

X \_\_\_\_\_  
(Secretary)

X \_\_\_\_\_  
(Attest by Other Officer)

X \_\_\_\_\_  
(Attest by Other Officer)

**RESOLUTION OF LODGE, ASSOCIATION OR OTHER SIMILAR ORGANIZATION**

CommunityOne Bank, N.A.  
106 E. Taft St.  
Asheboro, NC 27203

By: South Asheboro Middle School  
523 W Walker Ave  
Asheboro NC 27203-6252

Referred to in this document as "Financial Institution"

Referred to in this document as "Association"

I, DR DIANE FROST, certify that I am Secretary (clerk) of the above named association organized under the laws of NORTH CAROLINA, Federal Employer I.D. Number 56-600989, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on 07/02/08 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

**AGENTS** Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title or Position	Signature	Facsimile Signature (if used)
A. <u>B. HAROLD BLAIR, FINANCE OFFICER</u>	X _____	X _____
B. <u>ANN CAROL GRANT, PRINCIPAL</u>	X _____	X _____
C. _____	X _____	X _____
D. _____	X _____	X _____
E. _____	X _____	X _____
F. _____	X _____	X _____

**POWERS GRANTED** (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

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_____	(4) Borrow money on behalf and in the name of the Association, sign, execute and deliver promissory notes or other evidences of indebtedness.	_____
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_____	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	_____
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X \_\_\_\_\_  
(Secretary)

X \_\_\_\_\_  
(Attest by Other Officer)

X \_\_\_\_\_  
(Attest by Other Officer)

**RESOLUTION OF LODGE, ASSOCIATION OR OTHER SIMILAR ORGANIZATION**

CommunityOne Bank, N.A.  
101 Sunset Avenue  
Asheboro, NC 27203

By: Lindley Park School  
312 Cliff Rd  
Asheboro NC 27203-5804

Referred to in this document as "Financial Institution"

Referred to in this document as "Association"

I, DR DIANE FROST, certify that I am Secretary (clerk) of the above named association organized under the laws of NORTH CAROLINA, Federal Employer I.D. Number 56-6000989, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on 07/02/08 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

**AGENTS** Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title or Position	Signature	Facsimile Signature (if used)
A. <u>B. HAROLD BLAIR - DIRECTOR OF BUSINESS</u>	<u>X</u>	<u>X</u>
B. <u>ROBIN T HARRIS - PRINCIPAL</u>	<u>X</u>	<u>X</u>
C. <u>MARY ANN INGOLD - TREASURER</u>	<u>X</u>	<u>X</u>
D. _____	<u>X</u>	<u>X</u>
E. _____	<u>X</u>	<u>X</u>
F. _____	<u>X</u>	<u>X</u>

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If checked, the Association is a non-profit lodge, association or similar organization.

X \_\_\_\_\_  
(Secretary)

X \_\_\_\_\_  
(Attest by Other Officer)

X \_\_\_\_\_  
(Attest by Other Officer)

## **Policy 3610 Counseling Program**

**As recommended by the Board Policy Committee, June 12,2008**

The requirement that students in grades 9-12 receive information annually on the manner in which a parent may lawfully abandon a newborn baby with a responsible person has been added to Policy 3610. Students are to receive the notice no later than August 1, 2008.

Guidance and counseling programs are provided by the school district with the ultimate aim of improving student performance by increasing skills; helping students make adjustments; addressing problems that interfere with learning or the classroom environment; and assisting in career and college planning. The principal of each school is directed to develop a counseling program that will meet the needs of the student population at that school with the objective of improving student performance. School guidance counselors and other guiding adults in middle and high schools will provide guidance and information to students about course selections and requirements prior to ninth grade, in order to inform them about accelerated preparation for college entry. Guidance counselors will encourage ninth grade students to complete these requirements in less than four years where feasible and appropriate.

The counseling program should operate in collaboration with teachers and others involved in educating students, including those who assist children with special needs or students who are at risk of dropping out of school or not meeting performance expectations. Input from parents and students should be sought in accordance with the school's plan for involvement of the community in school programs. All schools must follow the Parental Involvement Plan (policy 1310/4002) in regard to parental notification/permission for counseling programs.

In addition, school personnel shall annually provide all students in Grades 9 through 12 with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.

Counseling may be provided on an individual basis or in small or large groups. School counselors may refer students who have extensive needs or needs that go beyond the purpose of the counseling program to community resources.

Students may seek counseling or be referred by staff or parents. Any staff member who is aware that a student is contemplating suicide or is otherwise suffering from an emotional or psychological crisis must immediately notify the school counselor in accordance with any rules established by the superintendent or principal. Any counselor or other staff member who knows or has cause to suspect child abuse or neglect must report the information as provided in policy 4240 (Child Abuse - Reports and Investigations) and as required by law.

Counseling programs are most effective when voluntarily entered into by a student. School officials and teachers may recommend a counseling program to help a student meet standards of conduct and academic performance established by the board and school district. However, students will not be required to attend individual or small group counseling sessions to address identified significant personal issues unless agreement has been reached with the parent and student in a behavior contract, an intervention plan or, for special education students, in an individualized education plan. (See Student Behavior Policies (4300 series), Student Progression and Placement (policy 3420), Special Education Programs/Rights of Disabled Students (policy 3520).)

Information obtained in a session with a counselor will be privileged and protected from disclosure as provided by law. A counselor cannot be required to testify concerning privileged information unless, as provided by G.S. 8-53.4, the student waives the privilege or the court compels testimony as necessary to the proper administration of justice. The school counselor privilege does not, however, exempt the counselor from reporting child abuse as required by G.S. 7A-544. Any notation made by a counselor for his or her own use is a confidential document and is neither a public record nor a part of the student's record. Such confidential documents do not have to be shared with parents or others except as required by law, such as G.S. 7A-544. Any document prepared by a counselor that is shared or intended to be shared with other staff is considered an educational record of the student and is available to the parent or eligible student in accordance with board policy on student records, policy 4700.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; G.S. 7B-301, 8-53.4, 115C-12, -47, (50) and 401; State Board of Education Policy HSP-L-006.

Cross References: Goals and Objectives of the Educational Program (policy 3000), Student Progression and Placement (policy 3420), Special Education Programs/Rights of Disabled Students (policy 3520), Parental Involvement (policy 1310/4002), Child Abuse - Reports and Investigations (policy 4240), Student Behavior Policies (4300 series), Student Records (policy 4700)

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

Administrative Procedure: None

Revised: October 12, 2006

## **Policy 7100 Recruitment and Selection of Personnel**

**As recommended by the Board Policy Committee, June 12, 2008.**

The changes to Policy 7100 are strongly recommended by the NCSBA. They include the requirement that applicants must notify in writing the assistant superintendent for human resources if they are arrested, charged with or convicted of a criminal offense other than a minor traffic violation. Changes include a clarification that a criminal history check will be conducted on all final candidates for all positions and the superintendent will develop procedures for verifying new employees' legal status or authorization to work in the United States as required by law.

# RECRUITMENT AND SELECTION OF PERSONNEL

Policy Code:

7100

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## A. GENERAL PRINCIPLES

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

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

## B. RECRUITMENT

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

All vacancies will be adequately publicized within the school district so that employees may learn of promotional opportunities. Vacancies also may be publicized externally to attract qualified applicants.

## C. CRIMINAL HISTORY

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

A criminal history check shall be conducted on all final candidates for all positions licensed ~~positions and classified positions that would place the candidates in a school building or~~

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~~other environments where they would interact regularly with students. Such positions include, but are not limited to, teachers, substitute teachers, driver training teachers, bus drivers, clerical staff, custodians, teacher assistants, assistant principals and principals, and central office administrators.~~ Criminal history checks shall be conducted in accordance with state law and any procedures established by the superintendent.

If a final candidate for employment or hiring as an independent contractor is found to have a criminal history, other than for minor traffic offenses, the superintendent shall determine whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. If the superintendent recommends such a candidate to the board for employment, the board must be notified of the criminal history and the basis for the superintendent's determination.

#### D. SELECTION

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

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

Qualifications and suitability for the job being equal, personnel within the district will be given priority.

In making recommendations for the selection of personnel, the superintendent will give every consideration to conditions which could result in the employment of two members of an immediate family where one member would occupy a position which has influence over the other's employment, promotion, salary or other related management and personnel considerations. No administrative or supervisory personnel will directly supervise a member of his or her immediate family defined as spouse, children or parents.

All personnel selected for employment must be recommended by the superintendent and approved by the board.

State guidelines will be followed in the selection and employment procedure. The superintendent will develop any other procedures necessary to carry out this policy.

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703; Equal Pay Act of 1963, 29 U.S.C. § 206; Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*; Rehabilitation Act of 1973, 29 U.S.C. § 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. § 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 *et seq.*; 8 U.S.C. § 1101 *et seq.*; G.S. 114-19.2; 115C-36, -47, -332; 126-7.1(f), -16; 127A-202.1; 127B-10, -12, -14; 16 N.C.A.C. 6C.0313

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

Updated: April 8, 1998

Administrative Procedure: Yes

Revised:

## **Policy 7120 Employee Health Certificate**

**As recommended by the Board Policy Committee, June 12, 2008.**

The changes to this policy clarify the contents of the required employee health certificate. The policy also includes a statement that the board or superintendent may require any individual covered by this policy to take a physical examination when deemed necessary. These changes are strongly recommended by the NCSBA,

All new employees, as well as employees who have been separated from public school employment for more than a year or who have been absent for more than 40 successive school days because of a communicable disease, must provide a fully completed health certificate ~~on the form provided by the State Superintendent of Public Instruction.~~ from a physician, physician's assistant or nurse practitioner licensed to practice in the state of North Carolina. Such certificate must certify that the employee does not have tuberculosis in the communicable form; any other communicable disease; or any disease, physical or mental, that would impair the ability of the individual to perform effectively in his or her duties. The board or superintendent may require any individual covered by this policy to take a physical examination when deemed necessary.

Health certificates will be maintained in separate, confidential medical files in the ~~personnel~~ human resources office.

Legal References: G.S. 115C-323

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

Administrative Procedure: None

## **Policy 1750/7220 Grievance Procedure for Employees**

**As recommended by the Board Policy Committee, June 12, 2008.**

The changes to Policy 1750/7220 are technical and conforming so our policy will be aligned with State Board Policy. Definitions of “final administrative decision” and “grievance” have been clarified. The process for reporting a grievance has been supported by requiring specific details in the written grievance. The appeal to the board process has been updated with detailed information for mandatory and discretionary appeals.

# GRIEVANCE PROCEDURE FOR EMPLOYEES

Policy Code: 1750/7220

This policy applies for all employee grievances except sexual harassment (see policy 1755, Sexual Harassment Complaint Procedure for Employees).

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

## A. INFORMAL RESOLUTION

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. In those circumstances where informal procedures fail or are inappropriate or where the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth below.

## B. DEFINITIONS

1. *Days*: The working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday - Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.
2. *Final Administrative Decision*: a decision of a school employee from which no further appeal to a school administrator is available.
3. *Grievance*: a formal written claim by an employee ~~against another employee or the school district that:~~ regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations:
  - a. that there has been a violation, misapplication, or misinterpretation of state or federal law or regulation, school board policy or administrative procedure;
  - b. that an employee has been subject to discrimination on the basis of race, religion, sex, national origin, age or disability; or

- c. that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or
- d. that there exists a physical condition which jeopardizes an employee's health or safety, or which interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

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

- 4. *Grievant:* The employee(s) making the claim.
- 5. *Official:* The person hearing and responding to the grievant.
- 6. *Parties in Interest:* The grievant and the person against whom the grievance is filed.

**C. TIMELINESS OF PROCESS**

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

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

**D. GENERAL REQUIREMENTS**

- 1. All parties in interest and their representatives in any grievance filed pursuant to this policy will conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.
- 2. No reprisals of any kind will be taken by the board or by an employee of the school

district against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.

3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.
4. All meetings and hearings conducted pursuant to this policy will be private.
5. The board and school district will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to respond to individual grievants.
6. The board and administration will cooperate with the employee(s) and his or her representative in the investigation of any grievance and will furnish the employee or his or her representative information pertinent to the grievance without cost to the grievant employee or the employee against whom the grievance is filed.
7. The employee may have a representative, including an attorney, at any stage of the grievance. However, any grievant intending to be represented by legal counsel must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.
8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.

#### **E. PROCESS FOR GRIEVANCE**

1. Reporting a Grievance
  - a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days which claims a violation, misapplication or misinterpretation of state or federal law, including discrimination, the superintendent or designee will determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school district to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal

obligations. However, employees should recognize that delays in reporting may significantly impair the ability of the school district to investigate and respond effectively to such complaints.

- b. All grievances will be in writing and the written statement of grievance will remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s) or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation or State Board of Education policy or procedures that the grievant believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision at issue or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure has been misapplied, misinterpreted or violated, then the procedure established in board policy 1742/5060, Responding to Complaints, is appropriate and the principal or immediate supervisor will address the concern following that board policy. ~~will name the employee(s) against whom the grievance is filed and will set forth the facts constituting the grievance and the specific laws, regulations, policies, procedures or physical conditions involved.~~
- c. The employee(s) will present the grievance in writing to his or her immediate supervisor or the supervisor's designee (hereinafter "official"), unless the grievance alleges unlawful discrimination in which case the grievance may be presented instead to the ~~ADA coordinator, Civil Rights coordinator, Title IX coordinator, or 504 coordinator.~~ assistant superintendent for human resources.

2. Response by Official

- a. The official will arrange for a grievance file number to be assigned by the personnel office.
- b. In the event the official determines at the outset that review by the official is inappropriate, he/she will forward the grievance to the appropriate official. If the appropriated official is difficult to determine, the superintendent will specify who is to be the official.

- c. A meeting will take place at a mutually agreed-upon time within five days after receipt of the grievance.
- d. The official will conduct any investigation of the facts necessary before rendering a decision.
- e. The immediate supervisor or his or her designee will provide the aggrieved employee(s) with a written response to the grievance within ten days after the meeting.

3. Response by Superintendent

- a. If the grievant is dissatisfied with the official's response, the grievant may appeal in writing the decision to the superintendent for review by the superintendent or designee within five days of receipt of the official's response.
- b. The superintendent or designee will arrange for a meeting with the employee(s) to take place within five days of the receipt of the appeal.
- c. The superintendent or designee will conduct any investigation necessary before arriving at a decision. The superintendent or designee will provide the aggrieved employee(s) with a written decision with ten days after the meeting.

4. Appeal to the Board

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

a. Mandatory Appeals

- 1) If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or

state regulation, State Board of Education policy or procedure, or local board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the board within ten days of receiving the superintendent's response.

- 2) A hearing will be conducted pursuant to board policy 2500, Hearings Before the Board.
- 3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

- 1) If the grievant is not satisfied with the superintendent's response, but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may submit to the superintendent a written request for a hearing before the board of education within ten days of receiving the superintendent's response.
- 2) The board chairperson shall appoint a three-person panel to review the request and determine if a hearing should be granted. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.
- 3) If the board decides to grant a hearing, the hearing will be conducted pursuant to board policy 2500, Hearings Before the Board. Notwithstanding the provisions of board policy 2500, the board may choose to review discretionary appeals on the record only, without allowing oral presentations.
- 4) The board will provide a final written decision within 30 days of the decision to grant a hearing unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

~~Response by the Board~~

- ~~1. If the grievant is not satisfied with the superintendent's response, the grievant may appeal in writing the decision to the board within five days of receiving the superintendent's response.~~
- ~~2. A hearing will be conducted pursuant to board policy 2500, Hearings Before the Board.~~
- ~~3. The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.~~

**F. RECORDS**

Records on discrimination grievances will be maintained as required by policy 1710/4021/7230.

Legal Reference: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., 34 C.F.R. pt. 106; Equal Employment Opportunity Commission's "Final Amended Guidelines on Discrimination Because of Sex"; Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq.; The Rehabilitation Act of 1973, 29 U.S.C. 706(8), 794, 34 C.F.R. pt. 104; The Americans With Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Students or Third Parties, 62 Fed. Reg. 12,034 (1997); Office of Civil Rights, Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 Fed. Reg. 11,448 (1994); G.S. 126-16

Cross Reference: Prohibition Against Discrimination and Harassment (policy 1710/4021/7230), Hearings Before the Board (policy 2500)

Adopted: March 12, 1998 to become effective July 1, 1998

Revised: April 14, 2005

Administrative Procedure: None

## **Policy 7130 Licensure**

**As recommended by the Board Policy Committee, May, 2008**

The updates to Policy 7130 Licensure are technical and conforming changes that align the policy with State Board of Education policy and requirements of the *No Child Left Behind Act*. They include providing support to beginning teachers, offering renewal opportunities to school personnel and notification to parents that they may request qualifications of their child's teacher.

Except as provided below, a professional employee must hold at all times a valid North Carolina license appropriate to the position in which he or she is employed. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license. In addition, all professional teachers employed to teach core academic subjects shall be "highly qualified" as required by the No Child Left Behind Act of 2001 (NCLB).

In cases of emergency staffing needs, teachers may be assigned to teach out of their licensed field. As openings occur, the board will try to place such teachers in their licensed field. Teachers who remain in out-of-field positions for more than one year, either by choice or because no position in their licensed field is available, must work to fulfill State Board of Education requirements for permanent licensure in the area of assignment. Failure to comply with this directive may be a basis for dismissal.

To the extent the administration identifies to the board a shortage of qualified licensed teachers available to fill teaching positions in specific areas, the board may elect to employ teachers under provisional licensure, as allowed by North Carolina General Statute § 115C-296.1 and any implementing regulations.

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

**A. BEGINNING TEACHER SUPPORT**

The superintendent or his or her designee will develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and kept on file for review. The Superintendent or his or her designee must submit an annual report on the Beginning Teacher Support Program to the Department of Public Instruction (DPI) by October 1 of each year.

**B. LICENSE RENEWAL**

Licensure renewal is the responsibility of the individual, not of the school district. Any employee allowing a license to expire must have it reinstated prior to the beginning of the next school year. An expired license is a basis for dismissal.

The school district may offer courses, workshops and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered will be consistent with SBE policy. In addition, the superintendent or his or her designee will develop a procedure to determine the appropriateness of any credit offered in advance of renewal activities.

### **C. PARENTAL NOTIFICATION**

At the beginning of each school year, the school district will notify the parents of each student attending a Title I school or participating in a Title I program of their right to request the following qualifications of their child's teacher: whether the teacher has met NC licensing requirements; whether the teacher has had any licensure requirements waived; and what the teacher's bachelor degree major(s) is/are, other degrees held and teaching license area(s) held.

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

Legal References: *No Child Left Behind Act*, Public Law 107-110 (2001), 115 Stat. 1425-2094; 20 U.S.C. 6319; 20 U.S.C. 7801(11); G.S. 115C-296, -333, -325(e)(1)(m); State Board of Education Policy QP-A-000, -001, -004, - 016, -018 and -021

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

Updated: April 8, 1999

Administrative Procedure: None

## ALTERNATIVE SCHOOL CHANGE

### PROPOSAL:

- Relocate high school alternative program to AHS campus
- Revamp program to include alternative diploma program

### RATIONALE:

- To help targeted students develop and complete a personal graduation plan

### COSTS:

- Approximately \$75,000 to renovate one of the remaining “Sir Robert” buildings; 6 rooms
- Additional computers for online coursework

### ADVANTAGES:

- Transportation savings
- Removes high school age students from Old Balfour campus where 3 and 4-year olds are served
- Combines the resources of AHS with those of alternative program
- Fosters greater collaboration and communication between AHS and alternative program
- PRIMARY GOAL: Increase graduation rate/Reduce dropouts

<b>School/Location</b>	<b>Date</b>	<b>Event</b>	<b>Time</b>
PDC	Thursday, July 10, 2008	Board of Education Meeting	7:30pm
PDC	Tuesday, August 12, 2008	Board of Education Retreat	5:30pm
PDC	Thursday, August 14, 2008	Board of Education Meeting	7:30pm
AHS Zoo School	Tuesday, August 19, 2008	Orientation	9:00am - 12noon
NAMS/SAMS	Tuesday, August 19, 2008	Open House, Grades 7 and 8	6:30pm - 8:00pm
All Elementary Schools	Wednesday, August 20, 2008	Open House	4:00pm - 6:00pm
AHS	Wednesday, August 20, 2008	Open House, Grades 10-12	5:00pm - 7:00pm
AHS	Thursday, August 21, 2008	Freshman Fanfare	8:30am - 12:30pm
NAMS/SAMS	Thursday, August 21, 2008	Open House, Grade 6	6:30pm - 8:00pm
AHS/PAC	Friday, August 22, 2008	Breakfast and Convocation	7:30am
Lee J. Stone Stadium	Friday, August 22, 2008	AHS vs. West Guilford (endowment)	7:30pm
PDC	Thursday, September 04, 2008	Master Board Training	5:00pm
PDC	Tuesday, September 09, 2008	New Employee Reception	4:00pm
PDC	Thursday, September 11, 2008	Board of Education Meeting	7:30pm
Lee J. Stone Stadium	Friday, September 19, 2008	AHS vs. West Montgomery (Hall of Fame)	7:30pm
Pinewood	Thursday, September 25, 2008	Chamber New Teacher Reception	5:30pm-7:00pm
Lee J. Stone Stadium	Friday, October 17, 2008	AHS vs. Eastern Randolph High School (Homecoming)	7:30pm
Lee J. Stone Stadium	Friday, October 31, 2008	AHS vs. Randleman (Middle School Night)	7:30pm
Lee J. Stone Stadium	Friday, November 07, 2008	AHS vs. Ragsdale (Senior Night)	7:30pm
Koury Convention Center	November 10-12, 2008	NCSBA Annual Conference	



# **NORTH CAROLINA SCHOOL BOARDS ASSOCIATION**

## **NON-RENEWAL OF ADMINISTRATOR AND PROBATIONARY TEACHER CONTRACTS**

**FEBRUARY 22, 2008**

**Presented by:**

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## I. The Use of Personnel Files

- A. General Statute § 115C-325(b) – Personnel Files for Teachers
- B. “Teacher”
  - i. holds a current, not provisional or expired, Class A certificate or a regular, not provisional or expired, vocational certificate issued by DPI, and
  - ii. major responsibility is to teach or supervise teaching or is paid as a classroom teacher or instructional support personnel, and
  - iii. is employed to fill a full-time, permanent position.
- C. Provisions of G.S. § 115C-325(b)
  - i. Requires that the Superintendent must maintain a personnel file for each teacher that contains
    - 1. any complaint
    - 2. any commendation
    - 3. any suggestion for correction or improvement about the teacher’s professional conduct
  - ii. Superintendent may elect NOT to place in the file
    - 1. a letter of complaint that contains invalid, irrelevant, outdated, or false information; or
    - 2. a letter of complaint when there is no documentation of an attempt to resolve the issue.
  - iii. Complaint, commendation, or suggestion must be signed by the person who makes it and shall be placed in the teacher’s file only after five days’ notice to the teacher.

- iv. Any denial or explanation relating to such complaint, commendation, or suggestion that the teacher desires to make shall be placed in the file.
- v. Any teacher may petition the Board of Education to remove any information that he deems invalid, irrelevant, or outdated. The Board may order the Superintendent to remove if it finds the information invalid, irrelevant, or outdated.
- vi. Any pre-employment data may be kept in a separate file and need not be made available to employee. No data in a pre-employment file may be used as evidence in a dismissal or demotion hearing against a teacher except to substantiate a claim of
  - 1. conviction of a felony or crime of moral turpitude
  - 2. providing false information or omitting a material fact on an application for employment or in response to a pre-employment inquiry

D. General Statute § 115C-319 through 321 – Employee files

- i. Applies to all employees and former employees
- ii. Not a public record
- iii. Consists of any information gathered by the Board that employs, previously employed, or considered an application for employment.
- iv. All information related to application, selection or non-selection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment wherever located or in whatever form.
- v. Public information consists of “a record” showing name, age, date or original employment or appointment, the terms of any contract by which the employee is employed whether written or

oral, past and current, to the extent that the Board has the written contract or a record of the oral contract in its possession, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned.

- vi. "Salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity or paid with the approval of the employing entity.
- vii. Access to all other information by
  - 1. Employee or applicant or his authorized agent may review items except "letters of reference solicited prior to employment",
  - 2. The Superintendent or other supervisory personnel,
  - 3. Members of the Board and its attorney,
  - 4. A party by authority of subpoena or proper court order.
- viii. Board may disclose information by resolution to protect its integrity.

## **II. Employee Action Plans and Feedback**

- A. General Statute § 115C-333(b) - "Local boards shall adopt policies to require action plans for all certified employees who receive a below standard or unsatisfactory rating on an evaluation in the event the Superintendent does not recommend dismissal, demotion, or non-renewal."
- B. Teacher Duties (General Statute § 115C-307)
  - i. Maintain order and discipline,

- ii. Provide for the general well-being of students,
  - iii. Teach students,
  - iv. Enter into Superintendent's plans for professional growth, and
  - v. Make reports as required by Superintendent or Board (falsification of reports is a misdemeanor and results in license revocation).
- C. Numerous court decisions regarding wrongful termination, discrimination and free speech issues cite an employees favorable evaluations and the fact that their personnel file does not contain any reference to unprofessional conduct or areas for improvement.**

### **III. Superintendent Involvement**

- A. General Statute § 115C-276 requires
  - i. Superintendent to maintain personnel file
  - ii. Superintendent to participate in firing and demoting staff
  - iii. Superintendent to recommend hiring of principals, teachers, and other personnel
  - iv. Superintendent must ensure that principals and assistant principals are trained to evaluate certified employees and develop action plans
- B. Superintendent must recommend non-renewal of probationary teacher.

### **IV. Board Involvement**

- A. Board may not merely rely on recommendation of Superintendent.
- B. Reason for non-renewal must be shared with the Board prior to its decision and clearly stated in the "administrative record".

- i. Personnel file
- ii. Board minutes
- iii. Memorandum of recommendation
- iv. Other relevant documentation

**V. The Non-Renewal of Probationary Teachers (and other "non-contract teachers")**

- A. Teacher must be notified of final decision by June 15<sup>th</sup>.
- B. ANY RATIONAL REASON IS ACCEPTABLE.
- C. Decision must not be:
  - i. Arbitrary or Capricious – a decision “without any rational basis in the record, such that a decision made thereon amounts to an abuse of discretion.” Abell v. Nash County Bd. of Ed., 89 N.C. App. 262 (1988).
  - ii. Discriminatory – existing law
  - iii. Personal – If employee claims personal bias, Superintendent and Board should act after an independent review by “disinterested” administrator to remove any “taint”. Spry v. Winston-Salem/Forsyth Bd. of Ed., 105 N.C. 269 (1992).
  - iv. Political – existing law (“whistleblower”)
- D. Burden of proof is on the probationary teacher.
- E. Two Recent Cases involving the non-renewal of probationary teachers provides guidance on how to handle these matters, efficiently and legally:

- i. **Davis v. Macon County Bd. of Educ., 178 N.C. App. 646 (2006): “The administrative record in this case shows that petitioner’s contract was not renewed because she threatened to be a counter-productive force concerning the morale of the faculty.”**

1. **FACTS:** Teacher was not renewed when she was found to be a counter productive force in the school environment. (Teacher squirted water gun at principal, was insubordinate, did not get along well with colleagues.)

a. Case applies to non-renewals and decision to deny tenure.

2. **RULE:** On appeal, the trial court sits as an appellate court and reviews the record of evidence presented to the school Board.

3. “De Novo” Standard: The trial court may hear new evidence if the appeal alleges:

a. A violation of constitutional provisions;

b. Action in excess of statutory authority or jurisdiction of the school Board; or

c. Action made upon “unlawful procedure” or “affected by other error of law.”

4. “Whole Record” Standard: The trial court will not hear new evidence if the appeal alleges:

a. Action “unsupported by substantial evidence” in view of “the entire record submitted”; or

b. Action that is arbitrary, capricious or an abuse of discretion.

5. Under the “whole record” standard the court is limited by the following legal principles:
- a. The Superintendent’s recommendation is only advisory, “ultimate responsibility” rests with the Board of Education.
  - b. The Board of Education has a “duty . . . to determine the substantive bases for recommendations of non-renewal and to assure that non-renewal is not for a prohibited reason.”
  - c. The Board does not have to make exhaustive inquiries or formal findings; however, “the administrative record, be it the personnel file, Board minutes or recommendation memoranda, should disclose the basis for the Board’s action.”
  - d. The court must examine all competent evidence to determine if the school Board’s decision was based upon substantial evidence.
  - e. “Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”
  - f. “In all actions brought in any court against a local Board of Education, the order or action of the Board shall be presumed to be correct and the burden of proof shall be on the complaining party to show the contrary.”
  - g. “Issues regarding the intent of the parties are issues of fact” and “fact-intensive issues receive whole record review.”
  - h. **“A court applying the whole record test may not substitute its judgment for the agency’s as between two conflicting views, even though it**

could reasonably have reached a different result had it reviewed the matter *de novo*.”

- i. “Only when there is no substantial evidence supporting administrative action should the court reverse an agency’s ruling.”
- ii. **Moore v. Charlotte-Mecklenburg Bd. of Educ., (Slip Op. COA06-601, 2007): Probationary teachers are not entitled to a hearing before the Board of Education, nor is the teacher permitted to submit new evidence to the Superior Court.**
  1. **FACTS:** Probationary teacher was not renewed after complaints of hitting and prodding students with a ruler and using profanity in class were substantiated. The Board accepted the Superintendent's recommendation not to renew teacher's contract.
    - a. Teacher appealed claiming she was entitled to a hearing under G.S. § 115C-45 and § 115C-325 (teacher tenure statute), and the teacher argued she should be able to offer new evidence to superior court.
  2. The Court examined the 1997 legislation which changed the framework of probationary teacher employment. (Prior to 1997, a non-renewed probationary teacher had the right to a full jury trial.)
    - a. Bifurcated statutory framework for probationary teachers:
      - i. During the year term of a contract, a teacher may be terminated only for the reasons found in G.S. § 115C-325 (similar to a teacher with tenure).
      - ii. At the end of the year contract, however, the Board may refuse to renew the contract for

any reason it deems sufficient (except for arbitrary, capricious, discriminatory, personal, or political)

**3. Do Probationary Teachers have a right to a hearing?**

- a. **NO!** The Court ruled that probationary teachers **did not** have a statutory right to a hearing before the Board prior to the Board making a decision on whether to renew a contract.
- b. The teacher, however, does have the right to appeal the Board's decision to the superior court.
- c. But the court can only review the evidence presented to the Board of Education.

**4. Can probationary teacher submit new evidence to the Court?**

- a. **NO!** "The trial court sits as an appellate court and reviews the evidence presented to the Board."
- b. This rule, however, may only apply to challenges based on a lack of substantial evidence or whether the Board's decision was arbitrary and capricious.
  - i. **NOTE:** Claims of discrimination will allow a Plaintiff to file separate EEOC complaint and a federal lawsuit, bypassing the state statutory framework.

**iii. Practice Tips.** Provide the Board with an actual RECORD – not just a recommendation.

- 1. In Moore and Davis, the Boards' decisions were upheld because of the amount of information each Board considered.

2. In Moore, the Superintendent provided substantial documentation to the Board, including:
  - a. **Superintendent's Recommendation letter, evaluations, previous letter outlining teacher's insubordination, principal's letter to teacher, discipline letter to teacher, student statements, and teacher's explanation letter.**
3. Present relative information and documentation to Board. Provide a written memorandum to Board detailing the events that led to the recommendation.
4. The Board must make the determination that a rational basis exists for not renewing the teacher contract, but the Board does not need to make exhaustive inquiries or formal findings of fact.
5. CAUTION: This is not a trial, the Board should not hear from the teacher, but the Superintendent may submit any written documentation from the teacher to the Board.

## **VI. The Non-Renewal of School Administrators**

- A. The Superintendent must decide whether to offer a new or renewed contract to a school administrator.
  - i. If the decision is made to offer a new or renewed contract, then the recommendation is submitted to the Board for final action.
  - ii. If the decision is made to non-renew the administrator then
    1. The Superintendent must give the administrator written notice of the decision and the reasons supporting the recommendation by no later than May 1.
    2. The administrator has 10 days to appeal the decision.
      - a. If no appeal is made, the decision is final and no further appeal is allowed.

- b. If an appeal is made, the Board must hold a hearing pursuant to G.S. 115C-45(c).
- c. **The final decision of the Board is subject to judicial review using the same standards applicable to probationary teacher non-renewals discussed above.**

iii. Final Decision of the Superintendent and/or Board must not be:

- a. Arbitrary or Capricious – a decision “without any rational basis in the record, such that a decision made thereon amounts to an abuse of discretion.” Abell v. Nash County Bd. of Ed., 89 N.C. App. 262 (1988).
- b. Discriminatory – existing law
- c. Personal – If employee claims personal bias, Superintendent and Board should act after an independent review by “disinterested” administrator to remove any “taint”. Spry v. Winston-Salem/Forsyth Bd. of Ed., 105 N.C. 269 (1992).
- d. Political – existing law (“whistleblower”)

2. BEST PRACTICE: If a majority of the Board does not support the recommendation, the reasons supporting the non-renewal should be stated in the record. Therefore, the Board should convene a closed session so that the members opposed to the renewal can voice their reasons for inclusion in the administrative record. This process also allows input from the Board Attorney as to whether the reasons are legitimate under the statute.

**TOP TEN CONSIDERATIONS**  
**IN WORKING WITH THE MARGINAL EMPLOYEE**

10. **An employee file that contains NO complaints, criticisms and/or suggestions for improvement bolsters an employee's claims of wrongful termination.**
9. **Courts and Boards of Education will ask, "Did you warn the employee about his or her performance problems?"**
8. **Courts and Boards of Education will ask, "Did you make suggestions as to how the employee could improve their performance?"**
7. **Investigate ALL complaints of physical and sexual misconduct. Document your findings and place information in personnel file after consultation with the Superintendent in cases of serious misconduct or serious allegations. Don't ignore your own "funny tummy" feelings.**
6. **Involve a neutral third person as a witness to any potentially hostile or adversarial meetings.**
5. **You are the superior, they are the subordinate. Give directives and put in writing if necessary.**
4. **You must have a good faith, non-discriminatory reason for firing non-certified, at-will employees.**
3. **Try to avoid hiring them in the first place by checking references. Ask the former employer if they would consider re-hiring the person.**
2. **Put significant complaints, concerns and suggestions for improvement in writing and add to the personnel file with notice to the employee.**
1. **Don't hire anyone wearing an orange jumpsuit that says "County Correctional Facility".**



# **NORTH CAROLINA SCHOOL BOARDS ASSOCIATION**

## **TERMINATION OF TENURED, MID-CONTRACT AND AT-WILL EMPLOYEES**

**FEBRUARY 22, 2008**

Presented by:

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## Section One: The Dismissal of Tenured and Mid-Contract Employees

### I. **Big Picture: G.S. 115C-325 ("the Tenure Act" or "the Act")**

A. **Exclusive Remedy for Breach of Contract:** When the Legislature provides an effective administrative remedy by statute, then that statute is the exclusive remedy and must be pursued to its completion before resorting to the courts. This rule has been applied consistently in disputes involving public educational institutions. Presnell v. Pell, 298 N.C. 715, 260 S.E.2d 611 (1979); Huang v. North Carolina State Univ., 107 N.C. App. 710, 421 S.E.2d 812 (1992); Williams v. New Hanover County Bd. of Ed., 104 N.C. App. 425, 409 S.E.2d 753 (1991); Cameron v. Wake County Bd. of Ed., 36 N.C. App. 547, 244 S.E.2d 497 (1978); Church v. Madison County Bd. of Ed., 31 N.C. App. 641, 230 S.E.2d 769 (1976).

B. Dismissal is limited to the statutory reasons per 115C-325(e)(1):

- 1) Inadequate performance. (note: In determining whether the employee's performance was "adequate", the Act requires that "consideration" be given to "regular and special evaluation reports prepared in accordance with the published policy of the employing local school administrative unit and to any published standards of performance which have been adopted by the Board". Most importantly, the Act states that "[f]ailure to notify a career employee of an inadequacy in his performance shall be conclusive evidence of satisfactory performance." G.S. 115C-325(e)(3)).
- 2) Immorality.
- 3) Insubordination.
- 4) Neglect of Duty.
- 5) Physical or mental incapacity.
- 6) Habitual or excessive use of alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes.
- 7) Conviction of a felony or a crime involving moral turpitude.
- 8) Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means.

- 9) Failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes of this State.
- 10) Failure to comply with such reasonable requirements as the Board may prescribe.
- 11) Any cause which constitutes grounds for the revocation of the career teacher's teaching certificate or the career school administrator's administrator certificate.
- 12) A justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding, provided that there is compliance with subdivision (2).
- 13) Failure to maintain his certificate in a current status.
- 14) Failure to repay money owed to the State in accordance with the provisions of Article 60, Chapter 143 of the General Statutes.
- 15) Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry.

C. The State Board of Education may deny an application for a license or may suspend or revoke a license issued by the Department only for the following reasons:

- 1) fraud, materials misrepresentation or concealment in the application for the license;
- 2) changes in or corrections of the license documentation that make the individual ineligible to hold a license;
- 3) conviction or entry of a plea of no contest, as an adult, of a crime if there is reasonable and adverse relationship between the underlying crime and the continuing ability of the person to perform any of his/her professional functions in an effective manner;
- 4) Final dismissal of a person by a local board pursuant to G.S. 115C.325(e)(1)b if there is a reasonable and adverse relationship between the underlying misconduct and the continuing ability of the person to perform any of his/her professional functions effectively;

- 5) Final dismissal of a person by a LEA under G.S.115C.325(e)(1)e (physical or mental incapacity);
- 6) Resignation from employment with a LEA without thirty work days' notice, except with the prior consent of the local superintendent;
- 7) Revocation of a license by another state;
- 8) any other illegal, unethical or lascivious conduct by a person if there is a reasonable and adverse relationship between the underlying conduct and the continuing ability of the person to perform any of his/her professional functions in an effective manner; and failure to report revocable conduct as required under paragraph (2) of this policy.

## **II. Who is covered?**

### **A. Career Teachers (G.S. 115C-325(h))**

- 1) Eligible for "Tenure"
  - a) Classroom Teachers
  - b) School Social Workers
  - c) Guidance Counselors
  - d) Speech-Language Pathologists and Audiologists
  - e) Vocational Ed. Teachers
  - f) School Psychologists
  - g) Principals and Supervisors who attained tenure on or before June 30, 1997
  - h) Assistant Principals and Directors who attained tenure on or before June 30, 1995

### **B. Mid-Year Probationary Teachers (G.S. 115C-325(m)(1))**

### **C. Mid-Year Contract Employees (G.S. 115C-287.1(c)) (i.e. principals, directors)**

### III. Stage One: The Superintendent's Recommendation

- A. The Act requires a recommendation from the Superintendent.
- B. The recommendation follows a deliberative process:
  - 1) The Superintendent must investigate the charges.
  - 2) The Superintendent must meet with the employee face-to-face and provide written notice of the charges and offer "an explanation of the basis for the charges." G.S. 115C-325(f)(1) and 325(h)(2).
  - 3) **BEST PRACTICE:** The Superintendent may meet with the employee more than once. An initial interview is good to gather facts. A second meeting can be used to clarify issues and/or place the employee on suspension. A third meeting can be arranged to "deliver" the final recommendation in person.
- C. The recommendation to dismiss must be hand-delivered or sent certified mail. The Act requires the following components:
  - 1) State the intention to recommend dismissal.
  - 2) State the "grounds for dismissal". **BEST PRACTICE:** The letter should clearly state all "charges" (i.e. facts supporting misconduct) and all "grounds" (i.e. statutory reasons) supporting the recommendation for dismissal.
  - 3) State the right to a Case Manager review. **BEST PRACTICE:** The letter should include the right to a direct Board of Education hearing.
  - 4) State that any appeal must be requested in person or in writing within 14 days of receipt of the notice. **BEST PRACTICE:** The letter should state that if an appeal is not requested, the recommendation will be presented to the Board of Education.
  - 5) Include a copy of the Act (G.S. 115C-325) and the current list of Case Managers.

#### **IV. Stage Two: Employee Response and Board Decision**

A) Route 1: Do Nothing.

- 1) If the employee does not appeal, the Superintendent may file the recommendation with the Board.
- 2) The Board, by resolution, must reject, accept or modify the recommendation.
- 3) The employee does not have a right of appeal to Superior Court. (G.S. 115C-325(n)).

B) Route 2: Direct Appeal to the Board of Education

- 1) Must take place within 10 days of the request.
- 2) The Superintendent's evidence is limited to his recommendation and all documents in support of the recommendation which the Superintendent must give to the employee 7 days prior to the hearing. **BEST PRACTICE:** Since the employee may choose this option, the Superintendent should have all documents in-hand and the investigation 100% complete before making his recommendation. In short, the Superintendent should be ready to present the full case in written format at the time the employee is notified of the recommendation.
- 3) The Employee's evidence is limited to documents opposing the recommendation which the employee must deliver to the Superintendent 3 days prior to the hearing.
- 4) Both sides may submit additional written statements 3 days prior to the hearing.
- 5) Both sides may give oral arguments at the hearing.
- 6) The statute does not explicitly allow either side to produce "new evidence" at the time of the hearing.

- 7) The Board may accept, reject or modify the Superintendent's recommendation. CAVEAT: The Open Meetings law requires that "final action" to discharge or remove an employee shall take place in open session.

C) Route 3: Review by a Case Manager

- 1) Unless the parties can agree otherwise, the State Superintendent selects the Case Manager after the parties have eliminated up to 1/3 of the choices, and the Case Manager selected has 15 days from appointment to hear the case and submit a final report.
- 2) Case Manager ultimately makes "findings of fact" and a "recommendation" to the Superintendent as to whether or not the findings substantiate the grounds for dismissal."
- 3) The legal standards for the hearing include the following:
  - a) Either side may present witnesses on any relevant issue and the Case Manager is empowered to subpoena witnesses.
  - b) The parties must exchange witness and document lists in advance. BEST PRACTICE: The Superintendent should ensure that all witnesses and evidence relate to the "grounds" in the notice letter because court decisions have upheld the exclusion of evidence that is unrelated to the grounds set forth in the notice letter.
  - c) Strict rules of evidence do not apply. Case manager may consider and "give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs." This standard is much broader than what is allowed in court and may extend to written statements offered in lieu of live testimony.
  - d) In general, evidence of conduct occurring more than 3 years prior to the Superintendents' notice may not be used as the basis for dismissal. However, such evidence

may be appropriate if offered as background information. This limitation does not apply to dismissals based upon felony convictions, false statements on an application, and claims of sexual harassment and molestation of staff or students.

- e) Findings of fact are based upon a preponderance of the evidence.
  - f) Findings must be made "on all issues related to each and every ground for dismissal" and "on all relevant matters related to the question of whether the Superintendent's recommendation is justified."
  - g) If either side contends that the final report fails to address a "critical issue", then the Case Manager may submit a supplemental report. The failure to do so is not a grounds for appeal.
  - h) The Board of Education is "bound" by the findings of fact unless the Board determines that the findings are not supported by "substantial evidence." CAVEAT: The Board may not make additional findings based upon evidence that was omitted from both the Superintendent's notice of recommendation and the Case Manager hearing. In addition, if the Board believes that a "critical factual issue" has been omitted, it must remand the matter back to the Case Manager to make a finding on that issue. Only if the Case Manager fails to issue a supplemental report within 7 days may the Board make its own findings of fact regarding the issue in question. Farris v. Burke Co. Bd. of Ed., 355 N.C. 225 (2002).
- 4) Within 2 days of receiving the final report of the Case Manager, the Superintendent must decide whether to proceed with his recommendation or withdraw it. It is inevitable that one or both sides will want to negotiate at this stage of the process.

- 5) If the Superintendent notifies the employee of his or her intent to move forward, the employee may do nothing (see Section IV, above) or request a hearing before the Board of Education.
- 6) The following additional procedures apply to a Board hearing following a Case Manager report:
  - a) Unless agreed otherwise, the hearing shall take place no less than 7 days and no more than 10 days after the employee's request.
  - b) The Board receives the "whole record" (i.e. documents, exhibits, transcript, etc. from the hearing); the Case Manager's findings of fact; the Case Manager's recommendation as to whether the facts substantiate the grounds for dismissal; the Superintendent's written recommendation and stated grounds for dismissal; the written statement of the Superintendent; and the written statement of the employee. **BEST PRACTICE:** Both the Superintendent and the employee should be asked by legal counsel for the Board of Education to agree that all information can be provided to the Board in advance of the hearing to permit Board members to read and digest the information in advance of oral argument. Smith v. Richmond Co. Bd. of Ed., 150 N.C. App. 291 (2001) supports the proposition that the Board may receive the information in advance without violating the due process rights of the employee.

## **V. Additional Considerations**

A. Lawyers, lawyers everywhere! Due process demands an unbiased Board of Education. This principle extends to legal counsel. Therefore, the lawyer who investigates and/or presents the case with the Superintendent should not advise the Board of Education regarding the ultimate decision. Thus, the Board and Superintendent will need separate legal counsel.

B. Board Member Voir Dire. Best Practice is to permit the employee's attorney to question or "voir dire" Board members regarding their knowledge of the case. Even one biased Board member can taint the process. Eventually, the

Board of Education may have to vote to remove one of its own members from the hearing panel to protect the due process rights of the employee. Our Supreme Court has analyzed Board Member bias as follows:

Members of a school Board are expected to be knowledgeable about school-related activities in their district. Board members will sometimes have discussed certain issues that later become the subject of Board deliberations; such knowledge and discussions are inevitable aspects of their multi-faceted roles as administrators, investigators and adjudicators. However, when performing their quasi-judicial function during a Board hearing and any resulting deliberations, members must be able to set aside their prior knowledge and preconceptions concerning the matter at issue, and base their considerations solely upon the evidence adduced at the hearing. Crump v. Bd. of Ed., 326 N.C. 603, 616 (1990).

C. Reports to the State Board of Education.

- 1) G.S. 115C-333 requires that all dismissed career employees be reported to the State Board for inclusion on a list available to the public.
- 2) State Board Policy requires the Superintendent to report certain acts involving the physical or sexual abuse of students:

In addition to any duty to report suspected child abuse, any superintendent, assistant superintendent, associate superintendent, personnel administrator or principal who knows or has reason to believe that a licensed employee of the LEA has engaged in behavior that would justify revocation of the employee's license under sections (c), (d), or (h) of paragraph (a) of this policy and which behavior involves physical or sexual abuse of a child, shall report that information to the Superintendent of Public Instruction promptly or at least no later than five working days after the date of a dismissal or other disciplinary action or the acceptance of a resignation based upon that conduct. For purposes of this section, the term "physical abuse" shall mean the infliction of physical injury other than by accidental means and other than in self-defense. The term "sexual abuse" shall mean the commission of any

sexual act upon a student or causing a student to commit a sexual act, regardless of age of the student and regardless of the presence or absence of consent. This paragraph shall apply to acts that occur on or after October 1, 1993.

- D. Appeal to Superior Court. Most likely any appeal will be based upon the "whole record" presented to the court. No new witnesses or other evidence is generally permissible.

### **TOP TEN CONSIDERATIONS FOR BOARD MEMBERS REGARDING DISMISSALS**

- 1. The Process always begins with an investigation by the Superintendent. Refer all complaints / reports of employee misconduct to the Superintendent.**
- 2. NO! The Superintendent cannot "pre-flight" his or her recommendation with the Board of Education.**
- 3. All employees covered by the Teacher Tenure Act (Career Teachers, Mid-Year Probationary Teachers, Mid-Year Administrators and other Contract Employees) have a constitutionally protected "property right" in their employment which cannot be deprived without due process.**
- 4. Once the Superintendent makes the recommendation for dismissal the employee has three options: a) do nothing, b) appeal to a Case Manager, or c) appeal directly to the Board of Education.**
- 5. All roads lead to the Board of Education. Only the Board of Education can dismiss an employee covered by the Teacher Tenure Act. The Board of Education must be satisfied that the grounds for dismissal offered by the Superintendent are "true and substantiated."**
- 6. If the employee does nothing the Board must still consider the recommendation and make a determination to reject, accept or modify the recommendation.**

7. **If the employee chooses a Case Manager hearing then the Board will review the case and is bound by the Findings of Fact determined by the Case Manager.**
8. **If the employee chooses a direct appeal to the Board of Education the evidence is limited to documents and oral arguments only, no live witnesses.**
9. **If the employee resigns before the process is complete the Board should consult counsel regarding its ability to refuse to accept the resignation and/or release personnel information regarding the investigation to protect the integrity of the school system.**
10. **STAY OUT OF IT. The Board of Education acts as the jury. It is improper for any Board member to directly engage in an investigation of employee misconduct.**

## **Section Two: The Dismissal of Non-Certified, At-Will Employees**

### **I. General Statute § 115C-45(c)**

- A. At-will employees can appeal to the Board their dismissal, demotion or suspension without pay.
- B. At-will employees can appeal to Superior Court their dismissal, demotion or suspension without pay on the grounds that the dismissal was
  - 1) based upon unlawful procedure,
  - 2) affected by other error of law,
  - 3) unsupported by substantial evidence in the “entire record”,
  - 4) arbitrary and capricious – a decision “without any rational basis in the record, such that a decision made thereon amounts to an abuse of discretion.” Abell v. Nash County Bd. of Ed., 89 N.C. App. 262 (1988).

- C. Non-certified employees “may request and shall be entitled to receive written notice as to the reasons for the employee’s dismissal, demotion, or suspension without pay. Such notice shall be provided prior to a Board hearing, if any.”
- D. Statute declares that the right to appeal “shall not alter the employment status of a non-certified employee.

**II. Bottom Line: At-will employees may NOT be fired for “no reason at all.” Administrators must be able to articulate a rational, good-faith reason.**