

North East Carolina Preparatory School

Board Policy Manual
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North East Carolina Preparatory School
Board Policy Manual
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LEGAL NOTICE AND DISCLAIMERS

This Manual contains the policies of the Board of Directors of North East Carolina Prep (NECP). Policy and administrative regulation development in a modern, forward-looking school is a dynamic, ongoing process. New problems, issues, and needs give rise to the continuing necessity to develop new policies and regulations or to revise existing ones. An electronic version of this manual is available to the Board of Directors of North East Carolina Prep in order to facilitate prompt updates and revisions.

The policies contained in this manual may not be the most recent revision of the policies enacted by and in force and effect at North East Carolina Prep. Please review the minutes of the Board of Directors meetings since the printed revision date of this manual for any possible updates or revisions.

North East Carolina Prep is operated in accordance with policies established by the Board of Directors and developed by consultants to the Board and the administration of the school in collaboration with faculty, staff and parents. The Board, which represents the state and local community, adopts policies after careful deliberation, and the school administration implements the policies through specific procedures, some of which may not be explicitly outlined in this Board Policy Manual. The Board, its consultants and the administration evaluate the effects of the policies and procedures and revise them as necessary.

To promote harmony, efficiency, uniformity of interpretation, coordination of effort, and fairness to all concerned, this manual will be accessible at the school office and at such other places as designated by the Board.

FOUNDATIONS AND BASIC COMMITMENTS

POLICY CODE: 101401 NONDISCRIMINATION ON THE BASIS OF RELIGION/RELIGION IN THE SCHOOL

Teachers and other staff members shall incorporate the highest standards of honesty, integrity and morality in all of their teaching, counseling, and other contacts with students. Because there are students, teachers and staff of many religious faiths, convictions and beliefs in the North East Carolina Prep, school staff members must be sensitive to the freedom of religion and other Constitutional rights of all. The following guidelines on religion and religious practices in the school are provided in order to avoid infringement of individual rights and to set forth the school's position concerning certain religious issues:

1. Teachers may include religion's role in appropriate subjects in the curriculum, such as literature, history, the humanities, and the arts. Neither teachers nor guest speakers shall promote religion and should use fairness and objectivity when presenting subjects that address religion.
2. Staff shall be sensitive to how religious holidays may impact the behavior, appearance or attendance of students and staff. Examinations and other major events will not be scheduled on religious holidays designated by the Executive Director. School personnel shall use sensitivity and good judgment when scheduling school activities.
3. Students who miss school because of religious reasons should not be adversely affected because of the absence.
4. School personnel should avoid activities or assignments that would be deemed to be objectionable on religious grounds. If a parent should object to an activity, school personnel will grant parent's written request to have a student excused. An equivalent alternative activity will be provided for the student.
5. The temporary use of religious symbols, seasonal celebrations, and music is permitted. An effort towards diversity and mutual respect is expected. Religious clothing may be worn by students and staff provided the clothing does not, at any time, conceal the identity of the student or staff member.
6. A moment of silence is permitted for quiet reflection provided that no further instructions are given on how the period of silence is to be used.
7. Historical survey courses which offer an elective credit in social studies or which offer an elective credit in language arts may include the teaching of sacred writings and are permitted as part of the high school curriculum.
8. Appropriate religious books may be given to students as a part of coursework but may not be generally distributed by religious groups to students at school.
9. Students may read religious materials during the school day except when it interferes with classroom work or other school activities.
10. No restrictions shall be placed on prayer by individual students or groups of students as long as it does not interfere in any way with the school program.
11. Religious groups or clubs may be organized and meet on school premises before or after school or during time designated by the Executive Director for non-instructional activities, with the same privileges as other non-curriculum related school clubs.
12. School personnel may read religious materials and pray on their free time and may carry or wear religious symbols when on duty at school as long as it does not interfere with their work. The Executive Director and other administrative personnel should be sensitive to and show respect for religious beliefs held by other employees and students. In dealing with religious issues, they should do so in a manner that

will not show or imply favor or disfavor with any employee's or student's religious beliefs.

13. Religious groups, just as any other non-school related group, will be permitted use of school facilities provided there is no conflict with school activities and Board policy and applicable administrative regulations are followed.

14. Graduation exercises assemblies and other school-sponsored events will not include centrally led or school sanctioned group prayer but may include a moment of silence in accordance with paragraph 6. Individual students and groups of students may pray in accordance with paragraph 10 of this policy.

15. Counseling of students or informal discussions with students by school personnel shall neither infringe on the students' religious beliefs nor seek to influence student's religious beliefs.

16. In scheduling speakers for classes and school assembly programs, the school may schedule motivational speakers. Guest speakers will not promote religion.

17. Staff who choose to observe religious holidays are required to take personal time or unpaid leave.

Legal Reference: N.C.G.S. § 115C-47

POLICY CODE: 101402 RELIGIOUS SPEAKERS/ORGANIZATIONS

The School may schedule motivational speakers for school assembly programs; however, speeches promoting a specific religion or religious doctrine are not acceptable. Religious groups or clubs may be organized and meet on school premises before or after school or during time designated by the Executive Director for non-instructional activities, with the same privileges as other non-curriculum related school clubs.

Legal References: 20 U.S.C. 52 – 4071

POLICY CODE: 101404 EQUITABLE DISTRIBUTION OF RESOURCES

The Board of Directors of North East Carolina Prep is committed to providing the best education available anywhere, preparing every child to lead a rich and productive life.

I. Equitable Allocation of Resources

Maximizing the academic achievement of every child requires strategic and equitable allocation of resources so that every student has access to excellent educational opportunities, including effective teachers and staff and sufficient support services for his or her unique individual needs. In addition, proactive attention must be given to students at risk of academic failure.

II. Measuring Success

The Board shall develop a system of measurement based on the approved charter and the goals of the current strategic plan (or its equivalent) to gauge the effectiveness of the allocation framework in improving student achievement. The measurement system must be based on achievement levels and growth, and, using the North East Carolina Prep accountability model, as developed by the Board, shall correlate resources (inputs) to academic results (outcomes). It shall include both quantitative (End of Grade, End of Course and other state assessment tools) and qualitative (School Quality Reviews or their equivalent processes) criteria. Results of the measurements will be considered in the Board self-evaluation as well as evaluations for the Executive Director and certain employees.

III. The Board's Role

The Board of Directors is ultimately responsible for ensuring that resources are allocated and distributed in ways that maximize the academic achievement of every child in every school. The Board will hold itself and the school's leadership accountable for achieving this goal. The Board may appoint a committee to provide community input and feedback.

IV. The Executive Director's Role

The Executive Director shall establish and implement a systematic framework for distribution of resources throughout the school that ensures all students are taught by effective teachers and have equitable resources and facilities. The Executive Director retains the right to transfer or reassign staff, subject to review and approval by the Board if required, as necessary to ensure effective distribution of personnel (instructional, support, and administrative).

The Executive Director will propose for the approval of the Board appropriate timelines and methods for measuring progress in distributing resources to demonstrate that the predictive links between student demographics and student achievement have been broken.

The Executive Director will ensure that, when requested by the Board, an annual report on equitable allocation and distribution of resources and their impact on student achievement and growth is completed and presented to the Board each year. As areas of deficiency are identified, the report shall include clear recommendations for improvement.

Legal Reference: N.C.G.S. § 115C-47, -276

POLICY CODE: 201401 SAFE SCHOOLS

The North East Carolina Prep Board of Directors will maintain a safe and orderly school environment so that effective teaching and optimum student learning may occur. The Executive Director will appoint an administrative committee annually to draft and/or review the Safe School Plan, and a Crisis Management Plan that coordinates resources within the school and the community to ensure that unexpected occurrences are managed with sensitivity and dispatch, and to facilitate a rapid return to normalcy.

Legal Reference: 115C - 105.47

POLICY CODE: 201402 SEXUAL ABUSE/MOLESTATION POLICY

The North East Carolina Prep Board of Directors is committed to the safety of students and other persons on school property. NECP prohibits and does not tolerate sexual abuse in the workplace or in any school related activity. The school provides procedures for employees, volunteers, family members, board members, patients, victims of sexual abuse, or others to report sexual abuse and disciplinary penalties for those who commit such acts. No employee, volunteer, or third party, no matter his or her title or position has the authority to commit or allow sexual abuse.

The school has a Zero-Tolerance policy for any sexual abuse committed by an employee, volunteer, board member or third party. Upon completion of the investigation, disciplinary action up to and including termination of employment and criminal prosecution may ensue.

Sexual abuse includes sexual assault, sexual exploitation, or sexual injury, but does not include sexual harassment. Any incidents of sexual abuse reasonably believed to have occurred will be reportable to appropriate law enforcement agencies and regulatory agencies.

Prohibited Conduct refers to a wide spectrum of interactions including, but not limited to:

- physical assault;
- sexual battery;

- rape;
- unwanted physical sexual contact;
- unwelcome sexually explicit or offensive verbal, electronic or other communication;
- coercive sexual contact;
- verbal sexual harassment;
- voyeurism;
- exposure of sexual organs to a minor or non-consenting individual; and
- sexualized attention or contact with a minor.

Physical and behavioral evidence or signs that someone is being sexually abused are listed below.

Physical evidence of abuse:

- Difficulty in walking
- Torn, stained or bloody underwear
- Pain or itching in genital area
- Bruises or bleeding of the external genitalia
- Sexually transmitted diseases

Behavior signs of sexual abuse:

- Reluctance to be left alone with a particular person
- Wearing lots of clothing especially in bed
- Fear of touch
- Nightmares or fear of night
- Apprehension when sex is brought up
- Extreme low self-esteem or self-worth
- A child's attachment to a staff to the point of isolation from others
- Staff with an interest beyond caring concerns, special interest in a child (time, gifts, attention, obsession, unrealistic expectations)
- A child's desire to drop out without a clear explanation, or without one that makes sense
- A child that misses a lot of practices, games or classes with suspicious explanations or excuses

Reporting Procedure

If you are aware of or suspect sexual abuse taking place, you must immediately report it to your immediate supervisor, and the suspected abuse must be reported to the local Department of Social Services as required by law. The immediate supervisor will immediately make the Executive Director aware of the complaint, and the Executive Director will immediately notify Board of Directors. Any one violating these reporting policies will be disciplined up to and including termination of employment.

The school should report the alleged sexual abuse incident to their insurance agent.

Anti-retaliation

NECP prohibits retaliation made against any employee, volunteer, board member or parent who reports a good faith complaint of sexual abuse or who participates in any related investigation. Making false accusations of sexual abuse in bad faith can have serious consequences for those who are wrongly accused. The school prohibits making false and/or malicious sexual abuse allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination.

Investigation and Follow-up

NECP will take all allegations of sexual abuse seriously and will promptly and thoroughly investigate whether sexual abuse has taken place. If the organization has a trained internal investigation team in place, the team will be used to investigate the incident. The organization will use an outside third party to conduct the investigation if there is no trained internal investigation team in place. The organization will cooperate fully with any investigation conducted by law enforcement or other regulatory agencies. It is the school's objective to conduct a fair and impartial investigation. The school provides notice that they have the option of placing the accused on a leave of absence or on a reassignment to non-student contact.

The NECP will make every reasonable effort to keep the matters involved in the allegation as confidential as possible while still allowing for a prompt and thorough investigation.

Training

NECP may arrange training pursuant to this policy and thereafter, all staff and volunteers shall be required to undergo training pursuant to this policy, at a date and time to be designated by NECP.

Sexual abuse prevention training will also be provided to the students of NECP.

POLICY CODE: 201405 REGISTERED SEX OFFENDERS

In accordance with legislation enacted by the General Assembly of North Carolina, the Board recognizes that sex offenders often pose a high risk of engaging in sex offenses after being released from incarceration or commitment. Therefore, in order to maintain a safe school environment, the superintendent and all school personnel shall enforce the provisions of this policy at all times.

I. Registered Sex Offenders Banned from All North East Carolina Prep Property and Events

Except as explicitly allowed in Section C, below, all persons who are required to register ("registered sex offenders") under the Sex Offender and Public Protection Registration Program or the Sexually Violent Predator Registration Program ("Sex Offender Registration Programs") are expressly forbidden to knowingly be present on any North East Carolina Prep property or at North East Carolina Prep events.

As used in this policy, "North East Carolina Prep property" includes all property owned, leased or operated by the North East Carolina Prep Board of Directors, including school campuses and buildings, athletic fields, playgrounds, parking lots, bus stops, vehicles, school buses, activity buses and any other properties owned or controlled by North East Carolina Prep.

"North East Carolina Prep events" includes any function or field trip on or off school property, including sporting events or other school-related functions, whether before, during or after school hours, that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This policy applies to all registered sex offenders, regardless of their relationship to or affiliation with a student in the school, including those employed by entities that provide services on a contractual basis to North East Carolina Prep.

II. Enforcement

All school personnel must immediately report to a school administrator the presence or suspected presence on school property of a known or suspected registered sex offender. School administrators and other supervisory personnel shall report the presence or suspected presence on school property of a known or suspected registered sex offender to local law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event.

School administrators also shall notify the Executive Director (or the Executive Director's designee) of any student or parent or guardian of a student at their school who is known or suspected to be a registered sex

offender.

III. Exceptions

A person who is banned from school property under Section A may be on school property only under the following circumstances.

1. Students

Students who are registered sex offenders may be on school property only in accordance with the policy titled, "Student Sex Offenders."

2. Voters

Adults who are registered sex offenders and are eligible to vote may be present on school property for the sole purpose of voting if the school property is being used as a voting place. The voter must notify the Executive Director of the school that he or she is registered with the Sex Offender Registration Program and of his or her intended arrival time. The Executive Director shall then make arrangements through law enforcement for the voter to be accompanied while on school premises. The voter must at all times remain in the portion of the school being used as the polling place and must leave school grounds immediately after voting. The voter is not permitted to enter a bathroom at any time while on school property.

3. Parents or Guardians

a. An individual who is a registered sex offender and is the parent or guardian of a student enrolled in school may be on North East Carolina Prep property only for the following reasons and in accordance with the procedures set forth below:

1) to attend a previously scheduled school conference with school personnel to discuss the child's academic or social progress:

Before scheduling any visit in accordance with this subsection, the parent or guardian must provide the Executive Director with prior written notice of his or her registration on the Sex Offender Registration Program, the date and time of his or her intended presence at school, and the nature and purpose of the visit. The parent must then receive written permission from the Executive Director to be on the school campus or North East Carolina Prep property.

2) at the express request of the Executive Director or his or her designee, for any reason relating to the welfare or transportation of his or her child:

Before making any visit in accordance with this subsection, the parent or guardian must have provided the Executive Director with prior written notice of his or her registration on the Sex Offender Registration Program. Unless the visit requested by the Executive Director or designee related to the welfare or transportation of a child is of an emergency nature, the parent must receive written permission from the Executive Director to be on the school campus or North East Carolina Prep property.

b. For each visit authorized by subsection (a) above, the parent or guardian must meet a staff member designated by the Executive Director at the edge of the property, check in at the Executive Director's office (or other designated place) upon arrival and departure, and remain under the direct supervision of school personnel at all times. If school personnel are not available to supervise the parent or guardian during any visit, then the parent or guardian shall not be permitted to enter or remain on North East Carolina Prep property. In this case, the Executive Director shall make reasonable efforts to reschedule a conference at a mutually convenient time.

c. For each visit authorized by subsection (a) above, the parent or guardian must comply with all rules

and restrictions placed upon him or her by the Executive Director, including restrictions on the date, time, location and length of meeting.

d. Rather than scheduling a conference according to the above procedures, as permitted by state and federal law, the Executive Director may instead arrange for a conference to be conducted by telephone or other voice or video conferencing means. In this case, the Executive Director and teacher must assure that copies of all pertinent documents are provided to the parent in advance of the conference.

e. The Board authorizes only the Executive Director to make the initial decision in response to a request of a parent/guardian who is a registered sex offender to be present on North East Carolina Prep property. Appeal of a Executive Director's decision is available as allowed by North East Carolina Prep Board policy and NC law.

f. The Executive Director and the Board are prohibited from granting ongoing or special permission for a parent/guardian who is a registered sex offender to be present on North East Carolina Prep property or at North East Carolina Prep event.

IV. North East Carolina Prep Contracts

No person required to register with the Sex Offender Registration Program who is a contractor or employee of a contractor may be present on any property owned or operated by the school, including school buildings, athletic fields, playgrounds, parking lots, school buses, activity buses or other property of any kind for any reason, including attendance at sporting events or other school-related functions, whether before, during or after school hours. In addition, registered sex offenders who are contractors or employees of contractors may not attend or be present at any student function or field trip on or off school property that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This provision applies to contracts with a single individual.

In addition, as required by North Carolina law, the Executive Director is directed to develop and include in each North East Carolina Prep contract executed by the Board a provision requiring the contractor to conduct an annual check of the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry for appropriate employees who will provide services under the contract. At a minimum, the contract provision must be applicable to contractual personnel whose jobs involve direct interaction with students as part of providing services under the contract, and must include appropriate sanctions for violations. However, the Executive Director is authorized to make the contract provision applicable to a broader group of contract personnel, including personnel employed by subcontractors.

Legal Reference: N.C.G.S. § 14-208.18 – 208.25A; § 115C art. 9; § 115C-45(c); 115C-378; 115C-391(b) & (d) (1) & (2)

POLICY CODE: 201406 STUDENT SEX OFFENDERS SUBJECT TO THE JESSICA LUNSFORD ACT

The North East Carolina Prep Board of Directors is committed to the safety of students and other persons on school property. In accordance with legislation enacted by the General Assembly of North Carolina, the Board recognizes that sex offenders often pose a high risk of engaging in sex offenses after being released from incarceration or commitment. Therefore, in order to maintain a safe school environment, the superintendent and all school personnel shall enforce the provisions of this policy at all times.

I. Student Sex Offenders on School Property

Except as explicitly allowed in Section B, below, a student who is enrolled in North East Carolina Prep and is

required to register (“a registered sex offender”) under the Sex Offender and Public Protection Registration Program or the Sexually Violent Predator Registration Program (“Sex Offender Registration Programs”) and is subject to the provisions of N.C.G.S. § 14-208.18 - .25A (The “Jessica Lunsford Act”) is expressly forbidden to knowingly be present on any North East Carolina Prep property or at North East Carolina Prep events except as the student is permitted to be on North East Carolina Prep property to receive educational services.

As used in this policy, “North East Carolina Prep property” includes all property owned or operated by the North East Carolina Prep Board of Directors, including school campuses and buildings, athletic fields, playgrounds, parking lots, bus stops, vehicles, school buses, activity buses and any other properties owned or controlled by North East Carolina Prep. “North East Carolina Prep events” includes any function or field trip on or off school property, including sporting events or other school-related functions, whether before, during or after school hours, that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel.

II. Educational Services and Expulsion for Student Sex Offenders

A. Students subject to this policy may be expelled from school as permitted by N.C.G.S. § 115C-391 (d) (2). Specific procedures for the expulsion of such students are set forth in Board Policy entitled “Suspension, Exclusion and Expulsion of Students.” A student subject to this policy who is a child with disabilities will be provided educational services in compliance with federal and state law.

B. Student registered sex offenders subject to the provisions of N.C.G.S. § 14–208.18 who are allowed to be present on North East Carolina Prep property to receive educational services must be under the constant supervision of school personnel while on North East Carolina Prep property and are subject to any other conditions and restrictions imposed by the Board of Directors. A student subject to this policy who is receiving educational services on school grounds must be cooperative with school officials in complying with this supervision.

Legal Reference: Americans With Disabilities Act, 42 U.S.C. § 12132, 28 C.F.R. Part 35; Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., 34 C.F.R. Part 300; Rehabilitation Act of 1973, 29 U.S.C. § 705(20), -794, 34 C.F.R. pt. 104; N.C.G.S. § 14-208.18– 208.25A; § 115C art. 9; § 115C-45(c); § 115C-378; § 115C-391 (d)(2)

FISCAL POLICY

POLICY CODE: 301401 COMPLIANCE WITH FISCAL POLICY AND PROCEDURES GUIDE

The Board of Directors shall incorporate by reference the Fiscal Policy and Procedures Guide to these policies. All fiscal management practices shall be in accordance with the Fiscal Policy and Procedures Guide.

POLICY CODE: 301402 AUDITS / FINANCIAL MONITORING

As required by state law, the Board of Directors shall select a certified public accountant, or an accountant certified by the Local Government Commission, to audit its accounts and the accounts of individual schools. The audit shall be conducted as soon as possible after the close of the fiscal year, and the auditor shall report directly to the Board of Directors.

The Board recognizes the value of a continuing relationship with its certified public accountant and also recognizes the administrative difficulties ensuing from frequent changes of auditors; therefore, the Board normally shall strive to retain the same firm of certified public accountants for a period of at least three years unless circumstances deemed reasonable by the Board necessitate a change.

The Finance Committee shall develop a process for soliciting proposals from certified public accounting firms that includes giving public notice for requests for proposals. The Board shall consider the qualifications of the firms, their experience in the field of governmental accounting, proposed fee schedules and other such factors as the Board may deem pertinent. Recommendations of the Finance Committee shall be considered by the Board, but the final selection shall be made solely by the Board of Directors.

Legal Reference: N.C.G.S. § 115C-238.29F(1)

POLICY CODE: 301403 Equipment

Equipment Property Records

North East Carolina Preparatory School will maintain property records for equipment and computing devices/technological items that include §200.313(d)(I):

- a description of the property
- a serial number or other identification number
- the source of funding for the property
- who holds title
- the acquisition date
- cost of the property
- percentage of Federal participation in the project costs for the Federal award under which the property was acquired
- the location
- use of the property
- condition of the property, and

- any ultimate disposition data including the date of disposal and sale price of the property.

The Finance Director will maintain property records which include all information listed above. The information, including entering property into the fixed asset inventory and making adjustment to the inventory, is maintained by the Finance Director.

When inventory is received, it is inspected by the Finance Director who determines that the inventory is in good condition and that it matches the purchase order, which matches the invoice. No receiving report is produced. The Finance Director logs the inventory into the property management system. The inventory control sheet is kept with the Finance Director.

All inventoried equipment including computing devices and other highly desirable mobile devices such as laptops, smart phones, and tablets are to be tagged and tracked. The Finance Director will be responsible for ensuring equipment is tagged.

Physical Inventory

A physical inventory of the property is taken and the results reconciled with the property records at least once every two years **§200.313(d)(2)**. The Finance Director assigns the physical inventory to teachers in the classrooms where the equipment is located. The inventory will be performed in May of every school year and signed off on by the teachers when completed. The results of the inventory will be reported to Finance Director.

The Finance Director reconciles discrepancies between the inventory and the property records by updating the property records as needed and documenting any property that is damaged or missing for identification, repair, or replacement as needed. He or she will maintain documentation of the physical inventory and reconciliation and sign off when the reconciliation is completed.

Safeguarding Property Equipment

The Finance Director will set up and manage a control system to insure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft will be investigated.

Property may be taken off campus by students or staff. The person taking the property off site must sign and date upon departure and return. Computing devices that are tagged with an NECP asset tag that are lost or stolen are reported to the Finance Director. He or she is then required to report it to the Executive Director who will complete an investigation on the lost or stolen property. Interviews will be conducted and/or a police report will be filed under the discretion of the Executive Director as part of the investigation process. A report regarding lost or stolen property will be completed by the person doing the investigation and filed with the property inventory records as well as with the business office. In addition to possible criminal action, the Executive Director will determine what, if any, additional action is necessary. Replacement equipment will be obtained through the normal procurement function and must meet all applicable requirements.

Disposition of property will be listed by the Finance Director in the property records in the event the property is sold, lost or stolen, or cannot be repaired. Property that is sold, identified as lost or stolen, or cannot be repaired will be listed in the property records for three (3) years after the lost/stolen date.

Maintaining Property Equipment

The Finance Director should be contacted if an item is broken or not working properly. Equipment in need of repair is assessed by the Finance Director to determine whether to repair or salvage. As part of this process, the Finance Director will determine if a warranty will apply to the repair. If not, he or she will obtain repair cost estimates. Generally, if the cost of repair exceeds half the cost of the restored value, then the equipment may be salvaged or donated. Other factors such as availability of the damaged item can be considered when determining whether a repair is appropriate.

Disposition

§200.313(e)--When original or replacement equipment acquired under a Federal award is no longer needed for

the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, NECP will dispose of the equipment as follows:

- Items of equipment with a current per unit fair market value of \$5,000 or less maybe retained, sold, or otherwise disposed of with no further obligation to the Federal awarding agency §200.313(e)(1).
- Items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained NECP or sold §200.313(e)(2).
 - The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase.
 - If the equipment is sold, the Federal awarding agency may permit NECP to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

The Finance Director, with approval from the Executive Director, is responsible for determining how equipment will be disposed. Possible sales procedures include on-site and govdeals.com auction. Auctions will be advertised online or in the local newspaper to ensure the highest level of exposure. If not being sold by auction, the sale of the item will also be advertised online or in the local newspaper to ensure the highest level of exposure and there is no limit to the number of purchase offers that will be considered. The highest offer received in a reasonable amount of time will be accepted. All sales procedures will be performed in a manner to ensure the highest possible return §200.313(d)(5).

The North Carolina Department of Public Instruction has an Equipment Disposition Request form that is to be completed by Finance Director and kept on file.

Definitions

Equipment §200.33--Tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the Finance Director for financial statement purposes, or \$5,000.

Computing Device §200.20--Machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or peripherals) for printing, transmitting and receiving, or storing electronic information. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by NECP for financial statement purposes or \$5,000, regardless of the length of its useful life.

POLICY CODE: 301404 PURCHASING/PROCUREMENT/CONTRACTING, APPROVAL AUTHORITY

Purpose:

The purpose of this policy is to establish procedures for carrying out purchasing, procurement and contracting functions of North East Carolina Prep School (NECP) and to provide efficient management of public monies and ensure compliance with all applicable state and federal laws including requirements when using federal funds to make purchases under Uniform Grant Guidance (2 CFR § 200), the Code of Federal Regulations and Education Department General Administrative Regulations (EDGAR).

General Statement of Policy:

It is the policy of the NECP to utilize resources to the greatest benefit of our students' education and to establish procedures for all expenditures made with federal and state funds to ensure efficiency, economy, legal compliance, internal control, ethical behavior by all staff members, and fairness in dealing with vendors.

CONFLICT OF INTEREST (2 CFR 200.318(c))

No NECP employee, administrator, Board of Directors member, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal or state award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, administrator, Board of Directors member, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. NECP employees, administrators, Board of Directors members, officers, and agents may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, NECP may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by NECP employees, administrators, Board of Directors members, officers, and agents.

FOSTER GREATER ECONOMY AND EFFICIENCY (2 CFR 200.318(e))

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, NECP will make every effort to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

AWARDING OF CONTRACTS (2 CFR 200.318(h))

NECP will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. NECP will not award contracts to or purchase from any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal and/or state assistance programs under federal executive orders and state general statutes. Prior to awarding contracts:

- NECP administration will check federal and state databases to ensure proposed vendors are not debarred or suspended or otherwise excluded from or ineligible for participation in federal and state programs.

Federal Database

System Award Management

<https://www.sam.gov/portal/SAM/##11>

State Database

NC Debarred Vendors

<http://ncadmin.nc.gov/government-agencies/procurement/contracts/debarred-vendors>

- Certification as part of contract from the contractors that they have not been debarred or suspended from participation in federal programs.

RECORD KEEPING (2 CFR 200.318(i))

NECP will maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including rebates and credits). All documentation will be housed in a central location (preferably the central administration offices).

COMPETITION (2 CFR 200.319)

- All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:
 - Placing unreasonable requirements on firms in order for them to qualify to do business;
 - Requiring unnecessary experience and excessive bonding;
 - Noncompetitive pricing practices between firms or between affiliated companies;
 - Noncompetitive contracts to consultants that are on retainer contracts;
 - Organizational conflicts of interest;
 - Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
 - Any arbitrary action in the procurement process.
- NECP will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- NECP will have written procedures for procurement transactions. These procedures must ensure that all solicitations:
 - Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
 - Identify all requirements which the offerers must fulfill and all other factors to be used in evaluating bids or proposals.
- NECP will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, NECP will not preclude potential bidders from qualifying during the solicitation period.

PERMITTED PROCUREMENT METHODS

Depending on the scarcity of the item or service desired, and the size of the purchase, different methods of procurement are available for use:

- **Micro purchases (2 CFR 200.320(a)):**
 - May be used for procurement of **\$3,000 or less** in the aggregate;
 - Since micro purchases comprise a subset of the small purchase procedures and are usually made through the use of purchase orders for purchases of goods and written contracts for purchases of consultant vendor services;
 - To the extent practicable, all micro-purchases must be distributed equitably among qualified suppliers.
 - May be awarded without soliciting competitive quotations if the price is considered to be reasonable.; and
 - For procurement of goods, catalogs or price lists may also be used.
- **Small purchases (2 CFR 200.320(b)):**
 - May be used for procurement of **\$100,000 or less** in the aggregate;
 - Small purchases are usually made through the use of purchase orders for purchases of goods and written contracts for purchases of consultant vendor services;
 - Proposals must be solicited from an adequate number of qualified sources (three to five) consistent with the nature and requirements of the procurement;
 - Competition is sought through oral or written price quotations; and
 - For procurement of goods, catalogs or price lists may also be used.
- **Sealed Bids (Formal Advertising) (2 CFR 200.320(c)):**
 - Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the following conditions apply.
 - In order for sealed bidding to be feasible, the following conditions should be present:
 - A complete, adequate, and realistic specification or purchase description is available;
 - Two or more responsible bidders are willing and able to compete effectively for the business; and
 - The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - If sealed bids are used, the following requirements apply:
 - The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;
 - The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - All bids will be publicly opened at the time and place prescribed in the invitation for bids;
 - A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in

determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

- Any or all bids may be rejected if there is a sound documented reason.

- **Competitive Proposals (2 CFR 200.320(d)):**

- A procurement in excess of the small purchase threshold (**more than \$100,000**) may not be inappropriately broken up into smaller components solely to qualify for the less complicated procedures followed under the “small purchases” approach.
- Conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
 - Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - Proposals must be solicited from an adequate number of qualified sources;
 - A written method for conducting technical evaluations of the proposals received and for selecting recipients must be created prior to the beginning of the process;
 - Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - May use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

- **Noncompetitive proposals/sole source procurement (2 CFR 200.320(f)):**

- May be used may be utilized only under **very limited circumstances**;
- Solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply
 - The item is available only from a single source;
 - The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request; or
 - After solicitation of a number of sources, competition is determined inadequate.

CONTRACTING WITH SMALL AND MINORITY FIRMS AND WOMEN’S BUSINESS ENTERPRISES (2 CFR 200.321)

NECP will take all necessary affirmative steps to assure that small and minority firms and women’s business enterprises are used when possible. Affirmative steps include:

- Placing qualified small and minority business and women’s business enterprises on solicitation lists;
- Assuring that small and minority business and women’s business enterprises are solicited whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women’s business enterprises;

- Establishing delivery schedules, where the requirements permits, which encourage participation by small and minority business and women's' business enterprises; and
- Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.
- Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.

CONTRACT COST AND PRICE (2 CFR 200.323)

- NECP will perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, NECP will make independent estimates before receiving bids or proposals.
- NECP will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

APPROVAL AUTHORITY

- All Contracts that must be approved by the Board of Directors. The Board of Directors shall approve all contracts for:
 - acquisition of real property (including leases);
 - disposition of real property (including agreements for easements and rights-of-way);
 - construction and repair of school facilities where the amount of the contract exceeds \$2,000;
 - change orders to construction and repair contracts where the amount of the change order exceeds \$2,000; and
 - any contracts that the Board of Directors is prohibited by applicable law from delegating approval to staff.
- Contracts that must be approved by the Board Chairperson or Executive Director, or designee, except as provided in Section 1 above, the Executive Director, or authorized designee, and Board Chairperson, or authorized designee, collectively, shall approve all contracts for services where the contract amount exceeds \$3,000 and the Executive Director, or authorized designee, shall approve all other contracts and related documents, provided, if such contract requires the expenditure of funds, that the budget resolution for the current fiscal year includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay such obligation in the current fiscal year. The Executive Director, or authorized designee, is also authorized to approve memoranda of understanding, joint use, permissive use or similar agreements that do not require the expenditure of any funds by the Board of Directors or involve the obligation of funds or the disposition of property.

SIGNATURE AUTHORITY

The Executive Director, or designee, is authorized to execute all documents referenced in this policy that have been appropriately approved.

AUTHORIZED DESIGNEES

The Executive Director shall exercise his/her authority to designate individuals who are authorized to approve and sign contracts only with prior approval of the Board. The Board Chairperson shall exercise his/her authority to designate an alternate board member authorized to approve and sign contracts for services where the contract amount exceeds \$3,000 by written memorandum provided to the members of the Board of Directors.

Legal Reference: N.C.G.S. 115C-441

POLICY CODE: 301405 Time and Effort/Personal Services

Compensation is based on records that accurately reflect the time and effort work that is performed. Salaried employees are paid monthly based on their job descriptions and/or daily schedules and attendance records. Non-salaried employee payroll is processed using timesheets. Timesheets must be completed after-the-fact and signed by the employee and the immediate supervisor.

Each full-time employee must have a current job description on file. The Executive Director is responsible for developing a complete and accurate job description for each employee under his or her supervision. Job descriptions must be updated as new assignments are made. The Executive Director must review the job description with the employee upon hiring and as the job description is updated. The employee must sign and date that he or she has read and understands the job description and the programs under which he or she is working.

All charges to payroll for personnel who work on one or more Federal programs or cost objectives must be based on one of the following, depending on the circumstances:

- Semiannual certification (for employees who work 100% of the time on a single program and/or cost objective in which case a signed and dated job description must be in the employee's personnel file; also see exception for school-wide programs below)
- PARs--for employees working on more than one program and/or more than one cost objective

Semi-Annual Certification

Where employees are expected to work solely on a single Federal award or cost objective, charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. The Payroll Director is responsible for collecting and maintaining certifications. The Payroll Director is responsible for determining the type of time and effort reporting required for each employee. Certifications will be signed by the employee or supervisory official having firsthand knowledge of the work performed by the employee. Certifications will be maintained by the North East Carolina Prep for five years.

Semi-annual certification applies to employees who do one of the following:

- Work 100% of their time on a single grant program and/or single cost objective
- Work 100% of their time in administering programs that are part of consolidated administrative funds (such as a Federal Programs Director who administers only these programs)

- Work 100% of their time under a single cost objective funded from eligible multiple funding sources. A Title I, Part A, school-wide program is a single cost objective.

These employees are not required to maintain time-and-effort records. However, each employee must certify in writing, at least semiannually, that he or she worked solely on the program or single cost objective for the period covered by the certification. The certification must be signed by the employee or by the supervisor having firsthand knowledge of the work performed. Charges to the grant must be supported by these semiannual certifications and the semiannual certifications are to be maintained by the Payroll Director.

The semiannual certification must

- be executed after the work has been completed, and not before
- state that the employee worked solely (i.e., 100% of the time) on activities related to one particular grant program or single cost objective
- identify the grant program or cost objective
- specify the 6-month reporting period
- be signed and dated by the employee or a supervisor with firsthand knowledge of the work performed

Personnel Activity Report (PAR)

Where employees work on multiple activities or cost objectives, a distribution of their salaries or wages will be supported by personnel activity reports. The Payroll Director is responsible for collecting and maintaining PARs. The Payroll Director is responsible for determining the type of time and effort reporting required for each employee. PARs must be signed by the employee and the supervisory official having firsthand knowledge of the work performed by the employee. PARs are maintained by the North East Carolina Prep.

PARs will be required where employees work on:

- (a) More than one Federal award,
- (b) A Federal award and a non-Federal award,
- (c) An indirect cost activity and a direct cost activity,
- (d) Two or more indirect activities which are allocated using different allocation bases, or
- (e) An unallowable activity and a direct or indirect cost activity.

Personnel activity reports or equivalent documentation must meet the following standards:

- (a) The reports must reflect an after-the-fact determination of the actual activity of each employee.
- (b) Each report must account for the total activity for which employees are compensated and which is required in fulfillment of their obligations to the organization.
- (c) The reports must be prepared at least monthly and must coincide with one or more pay periods.
- (d) The reports must be signed by the employee.

Supporting Documentation

PAR employees are required to maintain time-and-effort records. Employees must prepare time-and-effort summary reports at least monthly (or every other week, as applicable) to coincide with pay periods. Such reports must reflect an after the fact distribution of 100% of the actual time spent on each activity and must be signed by the employee. For example, a daily calendar completed by the employee as activity is performed that

details how much of the employee's activity was spent on each program from which the employee is compensated.

Daily Class Schedules

Daily class schedules for classroom teachers and instructional aides may be used in lieu of time-and-effort summary reports for these personnel. Daily class schedules may qualify as a suitable because they provide a "quantifiable measure of employee effort."

Reconciliation and Closeout Procedures

North East Carolina Prep will periodically, at least quarterly, reconcile budgeted distributions to the actual time and effort reflected in the employees' time-and-effort records. If the quarterly (or more frequent) reconciled difference between the actual and budgeted amounts is 10% or greater, two things will occur:

- North East Carolina Prep will adjust its accounting records to reflect the costs based on the actual time and effort reported.
- To minimize future differences, North East Carolina Prep will revise the budget estimates for the following quarter to reflect the actual distribution, if necessary.
- If the reconciled difference is less than 10% North East Carolina Prep will adjust the accounting records annually.
- Prior to the end of the fiscal year the Payroll Director reviews all certifications and PARs for accuracy and appropriate signatures and dates.

Employee Exits

Before an employee separates from duty at North East Carolina Prep, in addition to turning in checked-out keys, supplies and equipment, he or she must complete an exit interview including requirements to complete final timesheets, PARs/certifications, and an exit survey.

POLICY CODE: 301406 CASH MANAGEMENT POLICY FOR FEDERAL AND STATE FUNDS

In accordance with the appropriate federal and state guidelines, North East Carolina Prep will:

- Establish and maintain an "ACH" bank account with the State Treasurer's Office.
- Establish access to the Cash Management System (CMS) at DPI.
- Follow the Cash Management Guidelines and Procedures for Charter Schools.
- Follow state and federal guidelines for cash management policy (G.S.147-86.11), which basically requires that NECP have no more than three (3) days cash (federal or state) on-hand at any given point in time. In an effort to comply, NECP shall attempt to expend all advances of federal funds within three (3) hours of receipt (2 CFR Sec. 200.305(b)).
- NECP will not maintain excessive cash balances.
- Hold federal advance payments in insured, interest-bearing accounts.

- Use the DPI Cash Management System whenever possible to request your state and federal funds.
- Request funds in a timely manner and according to the NCDPI Cash Certification Calendar.
- Reconcile cash balances to those at DPI and NECP bank account on a monthly basis. Notify Charter Schools Finance Staff, in a timely manner, if there are any discrepancies.
- Will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of state and federal funds and disbursements made by NECP, in accordance with the Cash Management Improvement Act (31 CFR 205).
- Spend funds only on services, materials, and items for which they are intended and mandated by federal and state laws.
- Use existing resources available within a program before requesting additional advances. Such resources include program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds (2 CFR 200.305(b)).
- Retain for administrative expense up to \$500 per year of interest earned on federal grant cash balances (2 CFR 200.305(b)).
- Return any excess funds or interest to the appropriate funding agency.

SCHOOL SUPPORT

POLICY CODE: 401402 ACCIDENT PREVENTION & SAFETY PROCEDURES

The use and placement of electrical appliances in the classroom as a part of the instructional program must be approved by the Executive Director. These appliances must be UL approved. The use of electrical appliances in the classroom for the convenience of staff members must be approved by the Executive Director.

POLICY CODE: 401405 SAFETY DRILLS

The school will maintain a fire alarm system which complies with applicable local and state safety regulations.

In addition, the following steps will be taken to assure fire safety in all school buildings:

The school will conduct a minimum of ten fire drills each school year.

The Executive Director will conduct a full safety and fire inspection of the property and building twice each month.

A copy of the school's evacuation plan will be displayed in each classroom.

City or county fire inspectors will conduct fire inspections twice a year at the school.

Building Standards School Inspectors will conduct school inspections twice a year at the school.

Students will be evacuated from the building immediately if any of the following occurs:

- fire drills
- open flame fire
- sound of fire alarm
- official notification to evacuate the building

POLICY CODE: 401407 BUILDING SECURITY AND ACCESS PROCEDURES

The school shall contract with a security vendor to install and monitor an alarm system that will protect against unauthorized entry into any school facility.

During school operating hours, security procedures must be in place limiting entry into the building only by authorized students, personnel, approved contractors/vendors, or approved visitors.

All security procedures are to be reviewed by the board at least every two years or more frequently.

Keys

The following people shall have copies of keys to all facilities:

- Executive Director
- Business Manager
- Chair of the board
- Vice-Chair of the board
- Facilities Manager, if one is hired

The Executive Director may also give facility keys to appropriate front-office personnel and authorized cleaning and maintenance personnel. Cleaning and maintenance personnel must be bonded and/or undergo a criminal background check.

In addition, keys may be provided to other school stakeholders who may need access to the building outside of normal school hours for school-related functions. These stakeholders must undergo criminal background checks and will be required to notify the Director prior to off-hours use of the facilities.

A key list must be maintained in the school office that records all people with copies of building keys. The key list must also have a log of when key copies were given and when they were returned.

If at any time there is deemed to be a loss of keys or an unauthorized copying and/or sharing of keys, the incident must be reported to the Executive Director who will then report the incident to the board along with a recommendation for action, if one is deemed necessary.

POLICY CODE: 401409 TRAFFIC AND PARKING PROCEDURES

Students in the eleventh and twelfth grade are allowed to drive motor vehicles to school under certain regulations drawn up by the North East Carolina Prep school administration. The use of a motor vehicle in coming to school is considered a privilege, which may be limited or revoked at any time by the Executive Director of the school.

The use of unauthorized motor vehicles and the riding and grazing of animals are prohibited on the grounds of the school and service plants at any time. The school and service plant sites will be properly posted prohibiting the operation of such vehicles, as well as the riding and grazing of animals.

The following regulations will pertain to the driving of motor vehicles to school by high school students:

1. Identification of the motor vehicle and permission for the student to drive will be obtained. Motor vehicles driven to school must be registered with the school. The school may issue a registration sticker, which may be sold to students at a price not to exceed \$25.00.'
2. Student drivers must have and maintain a "C" average or better; special hardship cases may be considered on a case by case basis by the Executive Director for students who do not have or maintain a "C" average or better.
3. The school will develop a system for allocating parking stickers to students, which may give seniors priority over other students.
4. A fine may be charged by the school for illegal parking. The fine is not to exceed \$25.00 for each offense.

POLICY CODE: 401411 ENVIRONMENTAL STEWARDSHIP

The Board of Directors believes that North East Carolina Prep must be an effective steward of our natural resources. The Board hereby commits that the school will continue and strengthen its efforts to operate in a manner that protects and conserves our air, water, and land resources, improves the environment, and promotes environmentally sound behavior. Further, the Board will join other local and state governmental entities in initiatives that promote environmentally sound policies and practices.

The Board may direct the Executive Director to develop an Environmental Management System (“EMS”) that may, at the discretion of the Board, be set forth in regulations to accompany this policy. The EMS shall address, at a minimum, the areas listed below, and for each area shall include goals with objectives and strategies to achieve the objectives.

Environmental Compliance
Pollution Prevention
Resource Conservation
Resource Recovery
Sustainable Development
Sustainable Purchasing
Behavioral Change

The Executive Director shall also develop a communication plan to make students, staff and the community aware of the EMS and ways in which they can contribute to the school’s stewardship of natural resources.

In an effort to minimize energy consumption in the school and in any non-school locations, the following regulations shall be observed:

Responsibilities of Maintenance Staff

1. Each building heating system should be programmed to the most economical temperature setting given the conditions inside and outside. Lower temperatures should be maintained in corridors, storage areas, gymnasiums, multipurpose rooms, dining areas, and other high activity and/or low no occupancy spaces. Heating temperatures in unoccupied areas should be no higher than 50°F and no lower than 35°F.
2. Each building cooling system be programmed to the most economical temperature setting given the conditions inside and outside.
3. There is to be at least one person at each location who knows how to operate the heating/ventilating/air conditioning (HVAC) system(s) correctly under both normal and extreme weather and usage conditions.
4. The heating/cooling day is to be shortened as much as possible by minimizing warm up time and maximizing cool down time (reverse during cooling season.) If extreme weather occurs, the building temperature is to be checked prior to occupancy time. It may be necessary to manually lengthen the time required for building warm up or cool down.
5. On unseasonably warm days during the heating season, the boilers are to be manually shut off when the outside temperature reaches 60°F and the inside temperature reaches 66°F.
6. On unseasonably cool days during the cooling season, outside air is to be used for cooling and ventilating when possible. If the HVAC system permits, flush out the building with outside air in the cool morning hours prior to turning on the air conditioning.
7. When scheduling after hour events, energy consumption is to be considered. For after hour use by school groups (including PTA’s, sports teams, clubs, etc.), only the part of the building being used is to be heated/cooled, if zoning permits. For after hour use by non-school groups, no additional heating/cooling is to be provided.
8. Energy usage on days when students are not present is to be minimized.
9. Energy consumption/cost data is to be carefully reviewed and publicized at each site.

10. Energy conservation is to be carried out by:

- a. turning off fluorescent lights when a space is not in use for more than 5 minutes. Incandescent lights (bulbs) are to be turned off when not needed.
- b. cleaning light tubes/bulbs and fixtures on a regular basis so that illumination produced can reach the work area.
- c. turning off equipment (office, audio-visual, vocational, art, home economics, kitchen) when it is not being used.
- d. avoiding or limiting the use of electric heaters or other personal appliances.
- e. reducing hot water temperature and/or eliminating hot water in non-essential locations.
- f. closing shades/blinds at the end of each day to reduce heat loss during the night and opening them in the morning to allow the sun to heat the room and provide natural lighting. Shades/blinds should be used to keep out solar heat when cooling.
- g. avoiding the blocking of heating/cooling outlets with furniture or display materials.
- h. taking advantage of natural light if light switches are wired so that partial lighting can be turned on.
- i. keeping doors closed between air conditioned and non-air conditioned spaces in partially air conditioned buildings.

11. Verified temperature problems (heating less than 70°F/cooling more than 76°F) are to be reported to the maintenance staff immediately. Overheating and overcooling are also to be reported. Only as a last resort are windows and doors to be opened when there is a heating/cooling problem.

POLICY CODE: 401421 SCHOOL BUS ROUTES

Pursuant to NCGS §115C-238.29F(h) The charter school may provide transportation for students enrolled at the school. The charter school shall develop a transportation plan so that transportation is not a barrier to any student who resides in the local school administrative unit in which the school is located. The charter school is not required to provide transportation to any student who lives within one and one-half miles of the school. At the request of the charter school and if the local board of the local school administrative unit in which the charter school is located operates a school bus system, then that local board may contract with the charter school to provide transportation in accordance with the charter school's transportation plan to students who reside in the local school administrative unit and who reside at least one and one-half miles of the charter school. A local board may charge the charter school a reasonable charge that is sufficient to cover the cost of providing this transportation. Furthermore, a local board may refuse to provide transportation under this subsection if it demonstrates there is no available space on buses it intends to operate during the term of the contract or it would not be practically feasible to provide this transportation. In the event that North East Carolina Prep elects to provide transportation through the use of busing, the following policies shall apply:

I. Routing School Buses

A. Whenever practical and/or possible, buses should be routed so that they pass within one mile of the residence of each pupil who resides more than one and one-half miles from the school to which he/she is assigned. Routes will be established so as to insure a minimal time on the bus for each pupil.

B. Bus route schedules will be maintained so that buses will not arrive at school earlier than forty-five minutes before the beginning of the school day.

C. School buses will be routed on main or primary roads and shall not deviate from a general path of direction for a distance of less than one-half mile and then return to the original path except for groups of 10 or more pupils, unescorted pupils (single student) in K-3 or special education pupils; and

1. The side road is a state or city maintained road; and
2. There is a safe place to turn around that is approved by the Executive Director and the transportation coordinator; and
3. The road conditions permit a safe school bus operation.

School buses are not to be routed into cul-de-sacs. Any exceptions (other than those related to special transportation for exceptional children's programs) must be recommended by the transportation coordinator (if applicable) and approved by the Executive Director.

D. School buses may be routed to serve designated pupils who reside within one and one-half miles of the school if the walking route has been declared hazardous. Transportation for students encountering hazardous walking conditions must be approved by the Executive Director and the transportation coordinator. When extra transportation services are required to transport pupils because of hazardous conditions, the Executive Director or designee may assign buses for such transportation.

E. Special routing of school buses will be arranged to provide appropriate transportation for exceptional children who because of their special handicap or condition cannot walk to school or to a school bus stop.

F. Bus routes for the purpose of transporting middle, junior and senior high pupils who actively participate in after school activities may be established on a limited basis, but must not exceed the service provided by a regular school bus route.

II. School Bus Stops

A. The Executive Director, with the assistance of the transportation coordinator, will designate school bus stops.

B. Bus stops will be no closer together than .5 mile unless an exception is made because of safety factors or child disability.

C. School buses will come to a complete stop at each bus stop; if no pupil is in sight, the bus will continue on its route immediately.

D. The school bus driver will report to the Executive Director the name of any pupil who is frequently late in arriving at the bus stop.

Legal Reference: NCGS §115C-238.29F(h)

POLICY CODE: 401422 SCHOOL BUS ACCIDENTS

The school will follow standard procedures in reporting and following up on school bus accidents.

The following procedures will be used in reporting and following up on school bus accidents:

1. The bus driver will call 911 and the Transportation Coordinator or the Executive Director to report the accident. The driver is to provide information including the location, damage, injuries and they type of assistance needed.

2. The Transportation Coordinator will notify the police and emergency medical services if they are not already on the scene. The Transportation Coordinator will then, if appropriate, dispatch any necessary assistance such as a mechanic or wrecker.
3. If there are injuries, a representative of the school will go to the scene and on to the hospital if students are transported there.
4. The school representative is to compile a list of students who are injured. Parents of those students are to be notified by the school office or by the school representative at the hospital.
5. The school is also responsible for making an effort to call the parents of students on the bus who are not injured to inform them of the accident. This is in addition to a letter which is to be sent to all parents after the accident.

POLICY CODE: 401424 BUS TRANSPORTATION FOR SPECIAL OCCASIONS AND ACTIVITY BUSES/VANS

Bus Transportation for Special Occasions

1. A request for special transportation must be filed with the Executive Director at least two weeks prior to the date of the trip.
2. Special transportation shall provide for the transportation of students, teachers, and approved supervisory personnel only to activities, performances, and events directly related to the school curriculum of the North East Carolina Prep.
3. Regular school buses shall not be used for transportation to destinations outside of the State of North Carolina.
4. Drivers used for special transportation must have a valid commercial driver's license with a school bus or passenger endorsement.
5. Student behavior is most important; therefore, teachers shall be responsible for maintaining proper conduct and aiding the driver on all special trips.
6. It is the Executive Director's responsibility to obtain approved, qualified drivers for field trips.

Activity Buses/Vans

1. All activity bus/van drivers must hold a North Carolina Class A or Class B operator's license or a school bus license.
2. Activity buses/vans may be used to transport pupils to and from athletic events and for other school sponsored activities.
3. The maximum permissible speed for an activity bus is 45 miles per hour. All other traffic laws governing the operation of public school buses apply to activity buses. The maximum permissible speed for an activity van is 55 miles per hour.
4. Activity buses and vans are not covered by the State Tort Claims Act. All activity buses and vans will be covered with liability insurance. Buses and vans may only be operated by paid employees or contractors of the schools. Volunteers may not operate buses or vans. In the case of an accident, insurance should not be discussed with the other party or parties involved. The Executive Director should be contacted for assistance if an accident involving an activity bus or van occurs.
5. All activity buses and vans will be assigned an identification number.
6. In order to meet the requirements of the State Board of Directors, all Vehicle Cost Reports shall be filed on

a timely basis with the Finance Officer.

Legal Reference: G.S. 115C-242 (5)

POLICY CODE: 401425 SCHOOL OWNED VEHICLES

Except for buses, heavy-duty trucks, and other vehicles designated by the Board of Directors or its designee, vehicles owned, leased, or rented by the North East Carolina Prep may be assigned to employees for use in connection with school business. Personal use of assigned vehicles is limited to commuting to and from work and minimal potential stops along a reasonable route between school-related business activities and an employee's home, unless authorized by the Executive Director or his or her designee.

All North East Carolina Prep employees who operate school owned, leased, or rented vehicles during the performance of their jobs must do so in a lawful and safe manner and in accordance with any regulations the Board may develop to implement this policy.

Legal References: N.C.G.S. § 14-247

POLICY CODE: 401430 INFORMATION AND ELECTRONIC COMMUNICATION SYSTEMS

The North East Carolina Prep Board of Directors permits the use of highly sophisticated technology in its information and electronic communications systems ("Systems"). These Systems include, but are not limited to, the following:

1. School supplied telephones, cellular phones, pagers and voice-mail facilities;
2. School supplied personal computers, laptops, facsimile machines, copiers, and all related equipment;
3. School supplied e-mail access, both internal and external; and
4. School supplied network tools, such as browsers, Internet and Intranet access facilities.

The school provides access to some or all of its Systems to certain designated employees and non-employees (e.g., subcontractors, temporary workers, independent contractors, volunteers, vendors, agents) for use in the school's business and the performance of individual job responsibilities. Use of the Systems by any such persons is subject to this policy and any accompanying administrative regulations.

These Systems are the sole property of the school. Subject to applicable law and in accordance with the Board policy "Inspection of Property", these systems may be inspected or monitored in accordance with regulations and procedures adopted by the Executive Director or the Board.

Any employee who violates this policy and any accompanying regulations and procedures will be subject to disciplinary action, up to and including termination.

The Executive Director is directed to establish and implement regulations and procedures for the appropriate use of the Systems.

Legal References: 47 U.S.C. § 231

POLICY CODE: 401431 USE OF NORTH EAST CAROLINA PREP NETWORK /COMMUNICATION TECHNOLOGIES

North East Carolina Prep provides an electronic communications network (hereinafter the "North East Carolina Prep network") that allows North East Carolina Prep-authorized individuals internal access to school information resources and external access to the Internet. Access to the North East Carolina Prep network and the Internet is a privilege granted to individuals to support education, research and school business and is therefore subject to certain restrictions as may be set forth by the Board of Directors and/or the Executive

Director. The provisions of these regulations apply to any individual granted access to the North East Carolina Prep network and include all aspects of network use, including any and all information/data. Violation of any provisions of these regulations may result in disciplinary action, up to and including termination.

I. Access to Information

North East Carolina Prep provides individuals access to information systems, including the Internet and the North East Carolina Prep network. North East Carolina Prep is not liable if an individual chooses to access an inappropriate Web site or use network access inappropriately, regardless of the type of system or equipment used.

A. Acceptable Uses

1. Support North East Carolina Prep goals;
2. Promote student achievement;
3. Serve as a resource for information retrieval;
4. Encourage career development and educational advancement;
5. Enhance communication and collaboration among staff, parents and community members;
6. Assist non-instructional staff in performing North East Carolina Prep duties;
7. Personal Use

Individuals may have limited personal Internet use to briefly perform tasks essential to daily living. For example, employee use of the Internet to locate contact information for childcare providers, businesses or medical providers would be acceptable in most cases. However, these activities are limited to those that do not congest, delay or disrupt service or cause any other burden on the North East Carolina Prep network or equipment.

B. Unacceptable Uses

According to the policy herein entitled "Standards of Conduct," the Board of Directors expects all employees to act in a professional and responsible manner at all times. Transmission of material in violation of any federal or state law or regulation or North East Carolina Prep policy or regulation is strictly prohibited.

Unacceptable uses include, but are not limited to, the following types of conduct:

1. Any act that may be harmful to minors including accessing and distributing material that may be harmful to minors;
2. Taking any actions that may disrupt the North East Carolina Prep network;
3. Knowingly introducing or attempting to introduce viruses or other malware into the network;
4. Unauthorized access ("hacking") into computer systems or networks, including logging into a computer with a North East Carolina Prep-issued account and allowing any other individual access. Employees will be responsible for all actions that occur while others are logged into their accounts;
5. Encouraging or committing unlawful acts or using the North East Carolina Prep network to promote illegal activities, including accessing gambling, firearms, hate, criminal, pornographic or obscene or terrorism-related sites;
6. Using discriminatory, defamatory, offensive, threatening, intimidating or harassing statements or language, including degrading others based on their race, national origin, sex, sexual orientation, age,

disability, religious or political beliefs;

7. Violating copyright laws, including illegally duplicating software or plagiarizing;

8. Accessing proxy avoidance sites;

9. Cyberstalking;

10. Cyber-bullying;

11. Utilizing the North East Carolina Prep network for commercial purposes such as operating a business for personal or monetary gain;

12. Providing political or campaign information or lobbying for a political cause or candidate that is not directly connected to an instructional activity or exempted by the Executive Director or designee;

13. Posting a student's photographs or school work on a Web site without confirming that a *Photo and Video Release* form has been signed by the student's parent(s);

14. Sharing protected or confidential North East Carolina Prep information/data with unauthorized persons or for unauthorized purposes;

15. Posting personal information about students or staff without proper authorization;

16. Distributing material protected by trade secret; and

17. Promotion or denigration of a particular religious view or doctrine in email, including email signatures and/or handles with religious or anti-religious statements.

II. Social Computing Guidelines

North East Carolina Prep supports the use of blogs, wikis and other forms of user-generated media; however, inappropriate use of such media can reflect poorly on the charter school and the individual and can be cause for disciplinary action, up to and including dismissal. The following guidelines are provided to guide employees in making appropriate content choices:

- A.** Know and follow North East Carolina Prep Conduct Guidelines. Be aware that all laws, policies, regulations and guidelines describing appropriate conduct between employees and students apply to employee conduct on any social network, whether or not the communication occurs using the North East Carolina Prep Network or other communications technologies.
- B.** Do not use social media or social networking to interfere with your job at NECP, to disparage or reflect negatively in any way on NECP students, or to disrupt NECP operations.
- C.** Avoid disclosing any information to any third party that is confidential or proprietary to NECP, NECP students, or NECP affiliates. While you may generally the kind of work that you do, you should never discuss the details of a specific engagement or project.
- D.** NECP may request that you temporarily confine your web site, social networking or blog commentary to topics unrelated to NECP (or that you temporarily suspend your web site, social networking or blog activity altogether) if it believes this is necessary or advisable to ensure compliance with applicable law or to avoid disruption of NECP operations.
- E.** Do not breach the privacy rights of NECP, NECP students or your co-workers.
- F.** Do not submit anonymous comments on the web that discuss NECP, NECP students, employees, affiliates, or NECP school business.

- G.** Do not link personal web pages and social networking site pages to the North East Carolina Prep web site
- H.** Expect to be held personally responsible for the content published on blogs, wikis or any other form of user-generated media, North East Carolina Prep or non-North East Carolina Prep. Be mindful that online published content will be available in the public domain for an undetermined period of time, over which users have little or no control. Employees must protect their privacy.
- I.** Use name and, when relevant, role at North East Carolina Prep when discussing North East Carolina Prep or North East Carolina Prep-related matters. Write in the first person. Clearly state that content is based on personal opinion and does not represent the position of North East Carolina Prep.
- J.** When publishing content related to work done for or associated with North East Carolina Prep to any website outside of North East Carolina Prep use a disclaimer such as: "The postings on this site are my own and do not necessarily represent North East Carolina Prep's positions, strategies or opinions."
- K.** Respect copyright, fair use and financial disclosure laws.
- L.** Respect the audience for the website. Do not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in North East Carolina Prep' workplace. Show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory.
- M.** Find out who else is blogging or publishing on a particular topic and cite them as a reference.
- N.** Use a personal North East Carolina Prep email account in any communication with students in blogs, wikis or other social networking sites.

III. Monitoring and Filtering

A. Monitoring

North East Carolina Prep has the right to inspect and monitor any North East Carolina Prep system accessed by any individual at all times.

B. Filtering

North East Carolina Prep will maintain centralized software to provide Internet control and filtering. The filtering software is intended to allow Internet access while, to the extent possible, inhibiting access to content that is obscene, pornographic, harmful to minors or that promotes gambling, use of illegal drugs, hate speech or other illegal behavior. The filtering software is also intended to prohibit access to sites for online merchandising, alternative journals and games. North East Carolina Prep will make every effort to update the filtering software daily.

IV. Privileges

The use of any North East Carolina Prep system is a privilege, not a right. Inappropriate access, use or other

violation of the provisions of this regulation may result in disciplinary action under appropriate federal or state statutes or termination from North East Carolina Prep. All activity conducted using North East Carolina Prep property, including but not limited to documents, pictures, Web sites, phone call logs and/or email is the property of North East Carolina Prep; it is therefore not confidential or private and is subject to disclosure under NC Public Records Laws.

V. Disclaimer

The Board of Directors and its Officers will not be responsible for any damages suffered, including loss of data resulting from delays, non-deliveries, service interruptions or an individual's mistakes or negligence, costs incurred by individuals or the accuracy or quality of information received from the Internet. The individual accepts personal responsibility for any information obtained via the North East Carolina Prep network.

VI. Security

Maintaining the security of the North East Carolina Prep network is a high priority. Attempts to tamper with the network, individual accounts or software applications or to access the network using the name and password of another individual or to share a password will result in disciplinary action, up to and including termination. Electronic mail is not private; system administrators have access to all email as part of their normal job functions. Email messages relating to or in support of illegal activities will be reported to the authorities, and appropriate disciplinary action will follow.

VII. Vandalism

Vandalism of the North East Carolina Prep network or computer systems will result in disciplinary action, up to and including termination. Vandalism is defined as any malicious attempt to harm or destroy network or computer equipment and/or data of anyone connected to the network. This includes, but is not limited to, uploading, creating or transmitting computer viruses or worms. Network and computer system vandalism, including unauthorized access, is a criminal law violation.

VIII. Exceptions

Any exception to this policy must be granted on an individual basis by the North East Carolina Prep School Director, his/her designee or other person designated by the Board of Directors.

IX. Email is Public Record

According to the North Carolina Public Records Laws, electronic mail ("email") and other like electronic records are considered public records. There are limited exceptions to public disclosure of email communications, which include: emails associated with personnel actions, emails subject to the attorney-client privilege and emails containing information exempt from public disclosure pursuant to the Family Educational Rights and Privacy Act ("FERPA"); however, the vast majority of the email traffic generated within North East Carolina Prep is a public record. North East Carolina Prep frequently receives public records requests for employee email. When requested, all email, including personal email may be disclosed.

Employees are strongly cautioned not make any assumption of privacy when using North East Carolina Prep email. Employees are also prohibited from using personal email addresses to conduct school business or to circumvent requirements under the Public Records law.

X. Agreement

Upon the initial use of any North East Carolina Prep system, all individuals must accept the terms of the *North East Carolina Prep Network and Communications Technology Usage Agreement*, before they may access any North East Carolina Prep system.

XI. Glossary

Authorized: Given approval to, right to do or participate in specific assignment or area.

Blog: A blog (a contraction of the term *weblog*) is a website, usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video. Entries are commonly displayed in reverse-chronological order. "Blog" can also be used as a verb, meaning *to maintain or add content to a blog*.

Communication: a process by which information is exchanged between individuals through a common system, exchange of information.

Cyber-bullying: Using the Internet, cell phones, video game systems, or other technology to send or post text or images intended to hurt, torment, harass, humiliate, embarrass or otherwise target another person. It is also defined as acts of aggression through computers, cell phones, and other electronic devices.

Cyberstalking: Generally defined, stalking involves repeated harassing or threatening behavior. Today, advances in technology have created a new crime — Cyberstalking. While there is not a universally accepted definition, cyberstalking involves the use of the Internet, email or other means of electronic communication to stalk (or harass) another individual. The use of electronic technology has broadened the ways stalkers can harass their victims.

Hacking: To modify a program, often in an unauthorized manner, by changing the code itself.

Harmful to minors: Any act that can be harmful to minors as defined by the Children's Internet Protection Act and including but not limited to:

Any picture, image, graphic image file or other visual depiction that:

- a. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
- b. depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- c. taken as a whole lacks serious literary, artistic, political or scientific value as to minors.

Information Technology: the technology involving the development, maintenance and use of computer systems, software and networks for the processing and distribution of data.

Internet: an electronic communications network that connects computer networks and organizational computer facilities around the world.

Individual: employee, both full- and part-time; substitute teacher; student teacher; intern; volunteer; contractor; vendor; or other person granted access to use any North East Carolina Prep technology

Intern: an advanced student or graduate usually in a professional field (as medicine or teaching) gaining supervised practical experience (as in a hospital or classroom).

Network: a system of computers, peripherals, terminals and databases connected by communications

lines.

Student teachers: college student pursuing a degree in education who teaches in a classroom under the supervision of an experienced certified teacher in order to qualify for a degree in education.

Use of North East Carolina Prep network and communication technologies: accessing North East Carolina Prep networks or applications with personal computers, telephones, smart phones or other technology.

Vendor: A company which supplies parts or services to another company (also called “supplier”).

Wiki: A wiki is a page or collection of Web pages designed to enable anyone who accesses it to contribute or modify content, using a simplified markup language. Wikis are often used to create collaborative websites and to power community websites.

XII. “Netiquette” Rules (Standards of Conduct)

1. Individuals must abide by North East Carolina Prep network etiquette (“netiquette”) rules. Netiquette rules are as follows:

A. Individuals must use appropriate language; use of profanity, vulgarities, abusive or inappropriate language will not be allowed.

B. In any electronic communications that is not used in support of North East Carolina Prep education, research and business, individuals must not reveal personal information about others, such as full name, personal address or phone numbers.

C. Individuals should release their own personal identification information with discretion, and only when such release supports a student’s education or career development. North East Carolina Prep is not responsible for any damages or injuries suffered as the result of any individual releasing personal identification information.

Legal Reference: Children’s Internet Protection Act, 47 U.S.C. § 254 (h); 20 U.S.C. § 9134; Child Online Protection Act, 47 U.S.C. § 231; The North Carolina Public Record Act, N.C.G.S. §§132 et seq; N.C.G.S. § 14-190.1

POLICY CODE: 401432 Public/Nonschool Use of School Facilities

The primary function of public school facilities is to provide safe, secure, and quality educational environments conducive to student learning. The North East Carolina Preparatory School (NECP) supports occasional community use of public school buildings, facilities, and grounds for civic, cultural, educational, recreational, and other appropriate activities of a noncommercial nature. Such use shall not conflict or interfere with public school functions and activities, any laws or ordinances, the proper care and maintenance of school property, create costs for the school, or jeopardize efforts to maintain a healthy, safe, and secure school environment.

The Board of Directors authorizes the executive director to determine the eligibility and approval of the use of all school facilities. The fee schedule shall be inclusive of all NECP property and users may be required to provide a damage deposit, proof of insurance, and employ security officers, as deemed appropriate by the executive director. Users also shall be required to pay for damages beyond normal wear. A school employee designated by the executive director shall be on the premises at all times during the non-school use of a school facility pursuant to this policy.

The Board of Directors authorizes the executive director to deny use of a public school facility when such use is deemed to conflict or interfere with public school functions and activities, any laws or ordinances, the proper care and maintenance of school property before, during, or after the external event, or has the potential to create unwanted costs for the school or jeopardize its efforts to maintain a healthy, safe, and secure school environment. There is also a restriction on the use of facilities during the months of June and July.

Facilities designated for student use may only be used for single or short-term events. The facilities will not be rented on a continuing or long-term, basis in lieu of an organization's own facilities. The length of a single use of the facility shall be limited to six hours, with an end time not to exceed 9:00 p.m., unless approved in advance by the executive director.

Cafeteria kitchen facilities and equipment are not available for use by outside organizations.

The facilities will not be used for the support of any political candidate or candidates or for any political reason other than a forum open for the participation for all candidates. Meetings, entertainments, and other occasions that are under the exclusive control of, and whose proceeds are to be applied for, the benefit of a society, association, or organization; a religious sect or denomination; or of a fraternal, secret, or exclusive society or organization are strictly prohibited. In renting or making available for use any NECP property, neither the executive director or the Board of Directors(or any district personnel) assume any responsibility for loss or damage to any property placed on the premises by the user or participants, or personal injury which may occur during the use of the facility.

No one shall use NECP facilities/property without having first executed a contract for Non-School Use of School Facilities Agreement.

NORTH EAST CAROLINA PREPARATORY SCHOOL

APPLICATION FOR PUBLIC/NON-SCHOOL USE OF SCHOOL FACILITIES

Date of Application: _____

Organization Requesting Facility: _____

Organization Representative Making Request: _____

Specific Area(s) of the Facility Requested for Use: _____

Purpose of Use: _____

Number of Participants Expected: _____

DATES/TIMES REQUESTED: (attach separate schedule as needed)

Date(s) Requested	Time Frame (include set-up & clean-up)

FEE STRUCTURE: All public/non-school users are expected to pay a facilities use fee at a rate determined to cover the costs of personnel and operating the requested spaces during the requested time period.

Spaces Available	Hourly Rate Two hour minimum required (includes personnel & utilities)
Multipurpose Room	\$100 per hour
Gymnasium	\$200 per hour
Lunchroom (kitchen not included)	\$80 per hour

INSURANCE REQUIREMENT: All users, except school-sponsored groups, must furnish a certificate of insurance for general liability coverage with total limit coverage of \$1,000,000 for each claim made. The user group also shall be required to execute a waiver of liability that states, in accordance with the protection from liability afforded the Board under North Carolina General Statute §115C-524, “no liability shall attach to any board of education, individually or collectively, for personal injury or personal property damage suffered by reason of the use of such school property pursuant to (this) agreement.” The user agrees that at all times the school facilities remain under the control of the agents of the governing board of the school.

NECP FACILITIES USE PERMIT

Date of Permit: _____

Date(s) of Use: _____

Organization: _____

Has Permission to Use: _____

From: _____ **To:** _____
(time) (time)

Authorizing Official: _____

Rules & Regulations

1. An application is required for every instance of public/non-school use of facilities.
2. An authorized custodian will open the building, remain present at all times during the applicant's use, and will close and secure the building at the conclusion of the use.
3. The applicant agrees to assume financial responsibility for any damages or losses sustained to individuals, school buildings, furniture, equipment, or grounds accruing through the occupancy or use of said facilities by the applicant.
4. Any alterations to electrical, structural, or other building features or equipment are prohibited except as approved in writing and supervised by the Director of Maintenance.
5. The applicant agrees to maintain proper use of facilities and restore them to the condition existing prior to the event. If conditions warrant, the school retains the right to assess additional fees to cover the costs of cleaning or restoring the facility to its original condition, and the user's permit will be suspended until payment is received.
6. The applicant agrees to abide by all applicable laws and NECP policies prohibiting weapons, smoking, and consumption or possession of alcoholic beverages, intoxicant or controlled substances in any form on any district property. Violation of this regulation shall be justification for immediate termination of the use or event, closing of the facility, and denial of future use requests by this organization or its representative.
7. The applicant agrees to abide by the hours stipulated in the request and complete cleaning and removal of all materials from the space. All participations will exit the building by the expiration of the time requested.
8. Any permission granted for the use of school facilities may be revoked without prior notice when need of the property for a school purpose is deemed essential or when the building is needed for a community emergency.

Liability Waiver

Date: _____

Date(s) of Use: _____

Organization: _____

From: _____ **To:** _____
(time) (time)

In accordance with the protection from liability afforded the North East Carolina Preparatory School under North Carolina Statute 115C-524, “No liability shall attach to any board of education, individually or collectively, for personal injury or personal property damage suffered by reason of the use of such school property pursuant to (this) agreement.” By signing this form, the user agrees to assume all liability for personal injury or damage to personal property.

Authorizing Official: _____
(Name of User)

ACADEMIC POLICY

POLICY CODE: 501401 SCHOOL CALENDAR

Each year the Board of Directors will adopt a school calendar for the upcoming school year that is consistent with requirements of the North Carolina State Board of Education, the approved charter contract and North Carolina law.

The school calendar shall support the following objectives:

- Provide significant blocks of uninterrupted instructional time;
- Minimize the loss of instructional time;
- Maximize the use of teacher workdays for school-based and in-service opportunities;
- Enhance the ability of school-based personnel and parents to plan ahead; and
- Enhance communication between the school and parents and the community.

The Executive Director shall develop detailed guidelines for developing the calendar, including determining the opening and closing times of the school day for each school.

The school calendar that is recommended by the administration to the Board of Directors for approval shall be consistent with provisions of North Carolina law

1. Holidays:

- a. Veterans Day: When Veterans Day occurs on a weekday, it must be a holiday for students and all school personnel.
- b. Other Holidays: In addition to Veterans Day, the holidays listed below are recognized by the State of North Carolina. Consideration should be given for designating these days as holidays for students and staff:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Thanksgiving Day
Good Friday or Easter Monday Day	Christmas Day
Memorial Day	Independence Day (for 12 month employees, only)

2. Inclement Weather Make-up Days: At least 5 of the days on which teacher workdays or required annual leave days are scheduled shall also be designated as make-up days for instructional days that are canceled because of hazardous weather or other emergency conditions ("inclement weather days"). If schools close on an instructional day, a make-up day shall then be used for instructional purposes. The order in which the make-up days will be used shall be noted on the calendar. In most cases, the inclement weather day shall be treated as the type of day (i.e. workday or annual leave day) as its make-up day. If necessary, in order to make up inclement weather days, instructional days may be scheduled on Saturdays or added as an extension to the school year.

3. Election Day: Consideration shall be given to scheduling a teacher workday on the day of a non-Presidential election (the first Tuesday following the first Monday in November). A teacher workday shall be scheduled on the day of a Presidential election.

4. Religious Holidays: Consideration will be given to scheduling teacher workdays and annual leave days so that they coincide with religious holidays on which high absenteeism is anticipated.

5. Graduation: Every effort will be made to schedule graduation ceremonies for the teacher workdays immediately following the last instructional day for students. If necessary, graduation ceremonies may also be scheduled on weekends.

51. Bell Schedule: The Executive Director shall establish the opening and closing times of each school (the "bell schedule"). The bell schedule shall assure that the school provides for a minimum of 1025 hours of instructional time in a school year.

Legal Reference: N.C.G.S. §115C-84.2

POLICY CODE: 501402 MULTICULTURALISM

I. The North East Carolina Prep Board of Directors is committed to a world class school which supports educational excellence regardless of race, gender, national origin, different abilities, or religion. Equitable academic programs and services which respond to the needs of a diverse student population and which prepare all students for a changing workplace and pluralistic society are essential.

II. The North East Carolina Prep Board of Directors defines multicultural education as that which recognizes values and affirms diversity in a pluralistic environment. Education that is multicultural fosters:

- A. acceptance and appreciation of diversity,
- B. development of greater understanding of cultural patterns,
- C. respect for people of all cultures,
- D. development of positive and productive interaction among people and experiences of diverse cultural groups, and
- E. understanding of historical, political and economic bases of current inequities.

III. Multicultural education is not a limited experience but a continuous process which embraces and accepts the interdependence of national and global groups. These include racial, ethnic, regional, religious, and socio-economic groups, as well as men and women, young and old, and persons with different abilities.

IV. North East Carolina Prep will acknowledge and appreciate the value of diversity throughout the curriculum, instruction, and staff development.

POLICY CODE: 501404 ENROLLMENT AND ADMISSIONS

Purpose

The purpose of this policy is to clarify the procedures and guidelines the Board of Directors of North East Carolina Prep will follow regarding enrollment applications, any required lottery, admissions requirements, admissions documentation, and ultimate enrollment into the school.

Definitions

"Sibling"--Any of the following who reside in the same household: half siblings, stepsiblings, and children residing in a family foster home.

"Multiple Birth Siblings"--Siblings born together as twins or other multiple-birth events.

Applications for Enrollment

Key Dates

- Open Enrollment Period--January 15 to March 15
- Lottery (if necessary)--Prior to March 31st

Enrollment Groupings: Enrollment will be by grade.

Enrollment Preferences

- Child of a founding Board member, for the first year of operation only. NOTE: Board members' children and full-time employees' children, in total, may not make up more than 15% of the total school enrollment.
- Child of a full-time employee as of the lottery date. NOTE: Board members' children and full-time employees' children, in total, may not make up more than 15% of the total school enrollment.
- A student who was enrolled in the school within the prior two school years but left to participate in an academic study abroad program or a competitive admission residential program.
- Sibling of a currently enrolled student as of the lottery date.
- All other applicants.

Application Requirements

- Child's legal name and address
- Parent/Guardian names and addresses
- County of residence
- Phone numbers
- Email addresses
- Indication of a multiple-birth situation (therefore applying as one entry per family) the grade to which they are applying.
- In a multiple-sibling scenario that spans multiple grades, for lottery purposes only, the combined applications will be submitted into the grade with the most open slots.
- Indication of any enrollment preference qualification (e.g. child of teacher, sibling, etc.).
- Attestation of understanding of the enrollment/lottery procedures and the NC Statutes regarding in-state residency.
- Signature of at least one parent and signature of the child.

Application Process

- Prior to the start of the open enrollment period, the school shall select the planned number of open slots for each grade, with Board approval, and make publicly known these numbers. The Board may also choose to "reserve" a number of slots for the children of full-time employees and founding board members (up to a maximum of 15% of the total school population). These slots may be filled at a later time in the process.
- Applications that are received shall be assigned a unique ID and recorded with the receipt time and date.
- Each application is validated for completeness and accuracy, as best can be determined. If an application is deemed invalid, the family will be notified and given the opportunity to resubmit an application within the enrollment period. The original application will be marked "INVALID" and not accepted.
- Any application that is valid but does not contain all the evidence of meeting the Academic Admissions Standards will be marked as "PROVISIONAL".
- At the end of the open enrollment period, all valid applications shall be grouped by grade and then sub-grouped by enrollment preference.
- If any grade has fewer than the planned open positions for that level, then all those applicants will be offered admission to the school.

- If any grade exceeds the number of planned open positions, then the Board may approve to expand the number of open positions within that grade and offer enrollment to those who submitted a timely application. In doing so, the Board may choose to also reduce the number of open positions in another under-applied-for grade as long as the new number of open positions doesn't go below the number of applicants in that grade (i.e., no new waiting list is created as a result).
- For each over-applied-for grade, in order by sub-group, all members of each sub-group shall be offered admission if there remain enough open positions. If a sub-group is reached that exceeds the number of remaining open positions, then applications shall be selected from that sub-group, via a randomized lottery, until the remaining open positions are filled.
- All applicants that were not chosen for admission via the specified procedure shall have their applications entered into a waiting list for their grade. Each waiting list shall be grouped and ordered by enrollment preference. Each group shall then be further ordered via a randomized lottery up to a maximum sized waiting list, as specified by the Board of Directors.
- All new and valid applications received after the end of the open enrollment period shall be treated on a "first come, first served" basis. They will be added to the end of the waiting list for their grade or offered admission if there are remaining open slots.
- Prior to the first day of school, any reserved slots may be filled by children of full-time employees and founding board members, if any have applied and meet all admissions requirements for their grade. If there are more applicants than open slots, then a special lottery may be held for these applicants if the Board doesn't choose to expand enrollment. If there are fewer applicants than open slots, then they will be offered admission and the remaining slots will be offered to applicants on the waiting list.

Admissions

Key Dates

- All students offered admission by July 1st must accept/decline enrollment and provide all required admissions information must by July 21st.
- All students offered admission after July 1st must accept/decline enrollment and provide all required admissions information within 20 calendar days.
- All students offered admission after August 1st must accept/decline enrollment and provide all required admissions information within 5 calendar days.

Required Admissions Information

- An affirmation that students intend to attend the school;
- All contact information;
- Any required immunization records and other necessary medical documentation;
- Transcripts from their prior schooling;
- Evidence that the student has been promoted to their applied-to grade by their prior school;
- All new and returning students must sign to acknowledge that they have received and reviewed the Student/Parent Handbook at the beginning of each school year;
- IEP's or 504 plans, if applicable.

Reasons for Denial of Admission

- The school administration will make efforts to obtain any missing information from the family, but failure to receive the information will result in the placement of that application at the end of the waiting list for their grade.
- In the event that a student was not promoted to the applied-for grade, the student will be moved down a grade (e.g. 10th to 9th). If that grade is full, then the student will be placed in the waiting list for that grade at the top of their enrollment preference sub-group.

- NECP reserves the right to refuse to enroll any student currently under a term of expulsion or suspension by his or her school until that term is over.
- NECP reserves the right to refuse to enroll a student if a parent willingly and knowingly provided incorrect information on the enrollment application.
- If a student has accepted enrollment at the school, but does not appear at the school in the first two days of school, the school will make reasonable attempts to contact the parents. If there is no response from the parent by the 5th day of school, the school reserves the right to remove the student from the enrollment roster and offer the next student on the wait list the spot.

Waiting List Admissions

When it is determined that an admitted student will not be attending the school, the next person on the waiting list for their grade will be offered a position in the school. If he or she does not accept, then the next student will be notified, and so forth, until the list is exhausted.

Non-Waiting List Admissions

After the open enrollment period(s), if a particular grade has open positions and no waiting list exists for that level, then additional applicants will be accepted on a first-come first-served basis.

Returning Students

- Current students at NECP will not be required to re-enroll. They will be asked to sign a letter of intent for the coming year during the first week of February to allow the school to plan appropriately for the lottery.
- At the end of each year, a new application must be submitted for all students who are not currently enrolled at NECP, including any student who is on the waiting list from the previous year.

Appeals Process

- All appeals must be received in writing to the Executive Director by July 31st or within 1 calendar month after a student was offered or denied admission, whichever comes later.
- The Executive Director shall first attempt to resolve the appeal and forward any unresolved issues, with recommendation, to the Board of Directors for review and a final decision.
- Any remaining appeals shall be reviewed and decided by the Board of Directors. These decisions shall be considered final.
- Any decisions made by the Executive Director or the Board shall be in conformance with the enrollment and admissions policies as best as possible based on the unique conditions of the appeal.

POLICY CODE: 501410 SPECIAL EDUCATION/PROGRAMS FOR HANDICAPPED/DISABLED/EXCEPTIONAL STUDENTS

It is the policy of the North East Carolina Prep to comply with applicable federal and state laws relating to the education of children with special needs, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973 and applicable amendments thereto. Information regarding procedures for compliance will be made available to the public at the school from the Exceptional Children Program Coordinator (if applicable).

Legal Reference: 20 U.S.C. §1400 et seq., 29 U.S.C. § 794(a)

POLICY CODE: 501412 GRADUATION REQUIREMENTS

The graduation requirements shall be approved by the board and shall remain consistent with the approved charter. Graduation requirements, if modified, will always exceed state requirements.

POLICY CODE: 501413 ACADEMIC CREDIT FOR INCOMING STUDENTS

I. Transfer of High School Credits from Accredited Schools

For a student who enrolls from an accredited public or private school, previous academic work will be recognized in the following manner:

1. Accept grades for course work and award corresponding credits based on successful completion of course work. Successful completion is defined at a score of 75% on a nationally or state normed final exam for Math I and a course grade of 70% for all other courses;
2. Place student at next appropriate level in the course sequence. Director may require that a student participate in remediation if the transferred grade is below 80%.
3. Create a transcript with previous grade history (expressed as whole letter grades with corresponding quality points) included for GPA calculation. High school courses taken in middle school count as credit but grades do not count towards GPA calculation.
4. Count the previous course work towards satisfaction of graduation requirements, as appropriate. In order to determine if a course fulfills a specific graduation requirement, the director may require that a student provide course curriculum and content descriptions.

II. Transfer Credits from NC Home Schools or Non-Accredited Schools

For a student who enrolls from a home school or non-accredited school, previous academic work will be acknowledged in the following manner:

1. For course work based on NC Standardized Testing Standards:
 - a. Accept grades as pass/fail and award corresponding credits based on successful completion (grade of 70 and above) of course work; and
 - b. Place student at next appropriate level in grade and in course sequences. Director may require that a student participate in remediation if the transferred grade is below 80%.
2. For course work not based on NC Standardized Testing Standards:
 - a. if scores are available from a nationally standardized test or other non-NC state standardized tests, a score of 80% will be required to show that the student has mastered the course content and to identify the appropriate placement of the student in a grade level or course;
 - b. if the test scores are not adequate or are not available, student may be eligible to place out of the course using the credit by demonstrated mastery process.
 - c. determine proper award of credit, and place in appropriate course sequence(s).
3. Create a transcript. All grades transferred from home schools will be recorded as pass/fail.
4. Count the previous course work towards satisfaction of graduation requirements, as appropriate. In order to determine if a course fulfills a specific graduation requirement, the director may require that a student provide course curriculum and content descriptions.

III. Accelerated Admission and Credit by Demonstrated Mastery

1. Credit by Demonstrated Mastery is the process by which, based upon a body-of-evidence, credit in a particular course is awarded without requiring the student to complete classroom instruction for a certain amount of seat time.
2. "Mastery" is defined as a student's command of course material at a level that demonstrates a

deep understanding of the content standards and application of knowledge.

3. Students shall demonstrate mastery through a multi-phase assessment, consisting of (1) a standard examination, which shall be the EOC where applicable, or a teacher developed final exam, (2) a performance based assessment which requires the student to apply knowledge and skills relevant to the content standards (3) review of any completed work related to the course objectives by the course instructor and (4) an interview with a committee designated by the director.

4. This multi-phase assessment process builds a body-of-evidence that allows the committee to determine if the student has a deep understanding of the standards for the course or subject area, as defined by the North Carolina Standard Course of Study, thereby earning credit for the course without experiencing it in the school setting.

5. Courses granted credit by demonstrated mastery will be recorded on the student transcript pass/fail and will not count towards graduation requirements or the calculation of student GPA.

6. Credit by demonstrated mastery cannot be used to receive credit for laboratory science, advanced placement courses.

7. It is the policy of North East Carolina Prep to accept any child that meets the academic admissions standards of the school that is at least 13 years of age as of the first day of school. Any applicant that doesn't meet the age requirement can ask for an exception. An "Accelerated Admissions Committee", as selected by the Executive Director, will evaluate the student's readiness for high school and make a recommendation to the Board of Directors. The Board of Directors shall make the final decision to accept or deny admission to that student.

POLICY CODE: 501415 CONCURRENT ENROLLMENT

The Board authorizes the Executive Director to develop concurrent enrollment partnerships with area colleges, universities, and community colleges for the purpose of providing opportunities to students to accelerate learning beyond courses currently offered by North East Carolina Prep.

POLICY CODE: 501420 STUDENT INTERNET USE

I. North East Carolina Prep Network

North East Carolina Prep offers an electronic communications network ("North East Carolina Prep network") that allows students internal access to North East Carolina Prep information resources and external access to the Internet. Access to the North East Carolina Prep network and the Internet is provided to students solely to support student education, research, and career development. Use of the North East Carolina Prep network is a privilege, not a right. Therefore, students who violate any part of this policy or its accompanying regulations may be subject to cancellation of their privileges to use the North East Carolina Prep network and possible disciplinary actions.

II. Personal Technology Device

To encourage growth, creativity, collaboration, and higher achievement, with the Executive Director's authorization, students will be permitted to bring Personal Technology Devices ("PTD") to school to use to support student education, research, and career development. A PTD is a portable Internet-accessing device designed to share information, record sounds, process words, and/or capture images, such as a laptop, tablet, smart phone, cell phone, PDA, or e-book reader.

III. Accessibility

The Internet connects computers, computer networks, and individual subscribers around the world. Through

the North East Carolina Prep network, students may have access to information and news, some of which may include advertisements, public domain information, and information in university libraries, the Library of Congress, and other research institutions. Students may also create individual web pages and help to create and maintain school web pages.

IV. Restrictions

The North East Carolina Prep network is not a public access service or a public forum. North East Carolina Prep retains the right to place restrictions on material accessed or transmitted by students. North East Carolina Prep employees may access student accounts, e-mail messages, or web pages at any time in order to assure that the system has not been used for inappropriate purposes. Students are directed not to access information that does not have an educational purpose, is obscene, advocates or condones unlawful or dangerous acts, or advocates or condones violence or discrimination towards other people. Further, students should have no expectation of privacy for any information created, transmitted, recorded, stored, or posted on or through the North East Carolina Prep network. Other restrictions on student use are included in the regulations accompanying this policy.

V. Filters and Monitoring

North East Carolina Prep will use filters that, within the limits of technology, control and screen out information that is inappropriate, obscene, pornographic, or harmful to minors. Further, teachers and other staff will monitor student activity while using the North East Carolina Prep network. However, despite the filtering of information and monitoring by teachers and staff, students might access information that parents consider objectionable. Parents should instruct their child(ren) regarding any additional parental restrictions on information that is allowed to be accessed. However, North East Carolina Prep does not accept responsibility for enforcing restrictions imposed by parents. It is the responsibility of parents to install parental controls on any PTD their child brings to school to prevent access to information they consider inappropriate.

VI. Digital Citizenship

North East Carolina Prep will provide digital citizenship education to all students that addresses appropriate online behavior, including interactions with other individuals on social networking sites and in chat rooms, and cyberbullying awareness and response.

VII. Student Acceptable Use Policy

Before students are given access to the Internet from North East Carolina Prep computers or otherwise allowed to use the North East Carolina Prep network, they must accept the terms of the "Student Internet Use Agreement." This Agreement defines the educational objectives and guidelines for use, informs student users that their online activities are subject to monitoring, and sets forth unacceptable uses that may lead to revocation of access and possible legal action. Parents of students younger than age 18 who do not want their children to use the North East Carolina Prep network and/or to access the Internet at school must notify the school in writing.

VIII. Disclaimer

North East Carolina Prep is not responsible for theft, loss, or damages to any PTD brought to school, or any injuries suffered as a result of a student's use of the North East Carolina Prep network or a PTD. Students and parents maintain sole responsibility for all PTDs brought to school.

IX. Security

Anyone who becomes aware of suspicious or inappropriate use of data, North East Carolina Prep network or computer system abuse, or breaches of security should alert a teacher or other supervisory staff as soon as possible. Any person who accidentally accesses sites that violate this policy should report such sites to the appropriate teacher or other staff member.

X. Regulations

The Executive Director will approve regulations to accompany this policy.

Legal Reference: Children's Internet Protection Act - 47 U.S.C. § 254 (h); 20 U.S.C. § 9134; Protecting Children in the 21st Century Act – Pub. L. 110-382, 15 U.S.C.A. §6551

POLICY CODE: 501421 STUDENT NETWORK ACCESS

I. Purpose

North East Carolina Prep provides an electronic communications and wireless connection network (hereinafter the “North East Carolina Prep network”) that allows students internal access to North East Carolina Prep information resources and external access to the Internet. Access to the North East Carolina Prep network and the Internet is a privilege provided to students solely to support student education, research, and career development, and is therefore subject to certain restrictions as may be set forth by the Board of Directors or the Executive Director. The provisions of this policy apply to all students and include all aspects of network use, whether via desktop or laptop computer, or personal technology device (PTD) owned by North East Carolina Prep or the individual student, parent, or other third party. Violations of any provision of these policies may result in cancellation of the student’s access to the North East Carolina Prep network and possible disciplinary actions. Disciplinary consequences for violations of this policy will be imposed according to rules set forth in the current North East Carolina Prep Discipline policy, as set forth in the Student Handbook.

II. Access to Information

The Internet provides access to computer systems located all over the world. The school shall inform student users and the parents of minor students that North East Carolina Prep cannot completely control the content of the available information. The information accessed by students may be controversial and offensive to certain students and parents. However, the benefits from the valuable information and interaction available to students outweigh the disadvantages of the possibility that students may find inappropriate material. North East Carolina Prep does not condone the access to or use of such information and takes precautions to inhibit access to it. The responsibilities accompanying freedom of speech and access to information will be taught to all student users. Parents are encouraged to instruct their children regarding materials they do not want them to access. However, North East Carolina Prep does not accept responsibility for enforcing parental restrictions that go beyond those imposed by the school.

III. Goals and Accessibility

A. North East Carolina Preparatory Network Goals for Student Use

1. To support the implementation of local curricula and the North Carolina Standard Course of Study;
2. To enhance learning opportunities by focusing on the application of skills in information retrieval, searching strategies, research skills, critical thinking, communication, collaboration, and creativity;
3. To encourage appropriate career development; and

4. To promote life-long learning.

B. Access to Information

Students will be able to access information that may include:

1. Information, news, and resources from businesses, libraries, educational institutions, government agencies, research institutions, North East Carolina Prep online school media center catalogs, online textbooks and tutorials, other digital media content, and a variety of other sources;
2. Public domain and shareware software; and
3. Telecommunications with individuals and groups around the world.

C. Digital Citizenship Education

North East Carolina Prep will provide digital citizenship education to all students that addresses appropriate online behavior, including interactions with other individuals on social networking sites and in chat rooms, as well as cyberbullying awareness and response.

IV. Acceptable Uses

A. Purposes of Use

All North East Carolina Prep network activity must have an educational purpose or further student career objectives and comply with the student behavior guidelines of the North East Carolina Prep. Students may also, under the direction of appropriate staff, create and maintain school webpages, individual webpages, email communications, or other collaborative media sites.

B. Digital Citizenship Rules Students shall be taught the importance of discretion and appropriate, safe behavior when using the North East Carolina Prep network to access information over the Internet. Users must abide by digital citizenship rules, which include, but are not limited to:

1. Students must be polite; rudeness will not be tolerated;
2. Students must use appropriate language; use of profanity, vulgarities, or abusive or inappropriate language will not be allowed;
3. Students must practice appropriate online behavior when using PTDs; cyberbullying will not be permitted;
4. In any electronic communications, students must not reveal any personal information about others, such as full name, personal address, or phone numbers; and
5. Students should release their own personal identification information with discretion, and only when such release supports a student's education or career development. As set forth in Section IX, below, North East Carolina Prep is not responsible for any damages or injuries suffered as the result of a student releasing personal identification information.

V. Unacceptable Uses

A. Penalties for Unacceptable Uses Students who violate any of the following rules are subject to disciplinary consequences set forth in the Discipline policy or its equivalent, which may include suspension or expulsion from school as well as possible criminal prosecution or civil penalties under federal or state law.

B. Unacceptable Uses Transmission of material in violation of any federal or state law, policy, or North East

Carolina Prep policy or regulation is prohibited. Unacceptable uses include, but are not limited to, the following types of conduct:

1. Taking any actions that may disrupt the North East Carolina Prep network;
2. Knowingly introducing or attempting to introduce viruses or other malware into the network;
3. Unauthorized access ("hacking") into computer systems or networks;
4. Logging into the network on a personal account and allowing others to access that account, unless permitted by an instructor for collaboration purposes;
5. Accessing proxy avoidance sites;
6. Encouraging or committing unlawful acts, violations of the North East Carolina Prep Discipline policy, or using the North East Carolina Prep network to promote illegal activities;
7. Accessing or using threatening or obscene material;
8. Accessing pornography;
9. Using discriminatory, defamatory, offensive, or harassing statements or language including disparagement of others based on their race, color, ancestry, national origin, sex, sexual orientation, socioeconomic status, academic status, gender identity or expression, age, disability, religious, or political beliefs through any means including phone, online, or other digital communications;
10. Sending or soliciting abusive or sexually oriented messages or images;
11. Accessing material that is harmful to minors;
12. Violating copyright laws, including duplication of software or plagiarism;
13. Utilizing the North East Carolina Prep network for commercial purposes;
14. Providing political or campaign information or lobbying for a political cause or candidate unless directly connected to an instructional activity;
15. Operating a business for personal gain, sending chain letters, or soliciting money for any reason;
16. Posting photographs or school work of an individual student on student-created webpages without confirming that a *Photo and Video Release* form has been signed by the student's parents;
17. Posting personal information about students or staff without proper authorization;
18. Forwarding personal communications without the author's prior consent;
19. Distributing material protected by trade secret;
20. Accessing the Internet via personal Wi-Fi accounts, through individual PTD accounts, or by any manner other than connecting through the secure wireless connection provided by North East Carolina Prep; and
21. Downloading, installing, or otherwise using unauthorized games, music, public domain, shareware, or other unauthorized programs on any school computer or network.

VI. Monitoring and Filtering

A. Monitoring North East Carolina Prep will monitor the online activities of students.

B. Filtering North East Carolina Prep will maintain centralized software in order to provide Internet control and filtering. The filtering software is intended to allow valuable online Internet access while, to the extent possible, inhibiting access to content that is obscene, pornographic, harmful to minors, or whose purpose is

to promote, encourage or provide the skills to commit illegal activities, including gambling, use of illegal drugs, hate speech, or criminal skills. The filtering software is also intended to prohibit access to sites for online merchandising, alternative journals, and games. North East Carolina Prep will make every effort to update the filtering software on a daily basis.

VII. Privileges

Use of the North East Carolina Prep network is a privilege, not a right. Inappropriate use or other violation of the provisions of this policy may result in limitation or cancellation of user privileges and possible disciplinary actions under appropriate federal or state statutes or the North East Carolina Prep Discipline policy or its equivalent. Activity by users is not confidential or private.

VIII. Personal Technology Device (PTD) Rules

To encourage growth, creativity, collaboration, and higher achievement, the Executive Director may authorize the use of PTDs during school hours by students at selected schools. Students at those schools will be permitted to use PTDs for educational purposes only. At sites where such use is permitted, the following rules are applicable:

A. Internet Access

Students may access the North East Carolina Prep wireless Internet network via PTDs while on North East Carolina Prep property only when authorized by the Executive Director. Personal Internet, other Wi-Fi, or outside resources are not to be used at any time.

B. Security and Damages

The security and maintenance of a PTD rests solely with the individual owner. North East Carolina Prep, employees, or staff members are not liable for any device not owned by North East Carolina Prep that is stolen, lost, damaged, or infected with a virus while on North East Carolina Prep property.

C. Student Agreement

Possessing and using a PTD at school is a privilege. Students do not have the right to use cell-phones, laptops, or other electronic devices while at school. If these privileges are abused, they may be taken away. Students and parents must agree to the Discipline policy, all North East Carolina Prep Board Policies (in particular – Student Internet Use), and this policy.

1. All PTDs:

- a. Must be in silent mode while on North East Carolina Prep property;
- b. May not be used to cheat on assignments or tests, to violate any provision of the Discipline policy, or for non-instructional purposes (such as making personal phone calls and text/instant messaging);
- c. May not be used to record, transmit, or post photographic images or videos of any person or persons on North East Carolina Prep property during school activities and/or hours unless such uses are for educational purposes and with a teacher's approval and supervision;
- d. May be used to access files on the PTD or Internet sites that are relevant to the classroom curriculum; and
- e. May not be used to access unauthorized games, movies, or other applications.

2. Students acknowledge that:

- a. The North East Carolina Prep network filters will be applied to their connection to the

Internet. Attempts to bypass the filters are in violation of this policy;

b. Bringing on premises or infecting the network with a virus, Trojan, or program designed to damage, alter, destroy, or provide access to unauthorized data or information is in violation of this policy;

c. Processing or accessing information on North East Carolina Prep property related to “hacking,” altering, or bypassing network security policies is in violation of this policy;

d. North East Carolina Prep has the right to collect and examine any PTD that is suspected of being used to violate the Discipline policy or was the source of an attack or virus infection;

e. Printing from a PTD is allowed on North East Carolina Prep property only if authorized by the supervising teacher; and

f. A PTD must be charged prior to being brought to school and must be battery-powered while in use on North East Carolina Prep property. A PTD may be charged on North East Carolina Prep property only with prior approval from the supervising teacher.

D. Additional School-Specific Policies

School Directors are authorized to develop and implement additional rules for the use of PTDs on school campuses under their control. Any such rules shall be communicated to the students.

IX. Disclaimer

The Board of Directors is not responsible for any damages suffered, including loss of data resulting from delays, non-deliveries, service interruptions, a student’s mistake or negligence, costs incurred by students or their parents, or the accuracy or quality of information received from the Internet. The user accepts personal responsibility for any information obtained via the North East Carolina Prep network. Additionally, North East Carolina Prep and the Board of Directors are not liable for any damages occurring to PTDs on school property, regardless of whether North East Carolina Prep granted permission for the PTD to be brought onto school property or used in school. Students are responsible for keeping track of their PTDs. North East Carolina Prep will take reasonable precautions to prevent theft, loss, or damage to any PTD but such action is not an assumption of risk by the school.

X. Security

Security on the North East Carolina Prep network is a high priority. Attempts to tamper with the network, individual user accounts, software applications, to access the network using the name and password of another user, or to share a password may result in cancellation of user privileges. Email is not guaranteed to be private; system administrators have access to all email. Email messages relating to or in support of illegal activities will be reported to the authorities, and appropriate disciplinary action will follow.

XI. Vandalism

Vandalism will result in cancellation of user privileges and disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy network or computer equipment and/or data of anyone connected to the network. This includes, but is not limited to, uploading, creating, or transmitting computer viruses or worms. Vandalism of networks and computer systems, including unauthorized access, may be a violation of criminal law.

XII. Agreement

All students must accept the terms of the *Student Internet Use Agreement* prior to accessing the

network. Parents of students younger than age 18 who do not wish for their children to be allowed to use the network must make such requests in writing to the school. The Executive Director shall provide a form for this purpose.

Legal Reference: Children's Internet Protection Act - 47 U.S.C. § 254(h); 20 U.S.C. § 9134; Protecting Children in the 21st Century Act – Pub. L. 110-382, 15 U.S.C.A. §6551

STUDENT CONDUCT AND DISCIPLINE POLICY

POLICY CODE: 601402 HARASSMENT OF STUDENTS BY EMPLOYEES

I. Prohibited Harassment

The Board of Directors forbids harassment of any student by employees on the basis of race, color, religion, sex, age, national origin or disability.

Harassment is conduct that has the purpose or effect of substantially interfering with a student's educational opportunity; creates an intimidating, hostile or offensive school environment; or otherwise affects a student's education.

Harassment may include, but is not limited to:

- A. Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age or disability, or that of his or her relatives, friends or associates;
- B. Epithets, insults, jokes, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, color, religion, sex, national origin, age or disability; or
- C. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, sex, national origin, age or disability that is placed, disseminated or circulated in the work place.

Harassment also includes unwelcome sexual advances, unwelcome requests for sexual favors and other unwelcome conduct of a sexual nature if:

- A. Submission to or tolerance of such conduct is made either an explicit or implicit condition of student activities;
- B. Submission to or tolerance or rejection of such conduct is used as a basis for a decision affecting a student;
- C. The conduct has the purpose or effect of substantially interfering with a student's performance;
- D. The conduct creates an intimidating, hostile or offensive school environment; or
- E. The conduct otherwise adversely affects a student's educational opportunities.

II. Other Prohibited Conduct

The Board of Directors also prohibits any conduct of a sexual nature directed toward students by employees.

Employees are prohibited from kissing students, dating students, asking students for kisses or dates, engaging in lascivious or romantic activities with students, asking students to engage in lascivious or romantic activities, or engaging in any activities designed to encourage or which does encourage an inappropriate romantic or sexual relationship with a student.

III. Reporting by Employees

Any employee who believes that a student is being subjected to harassment by another employee, including sexual harassment, or other conduct prohibited by this policy, shall report such conduct to the Executive Director or to the Chairperson of the Board of Directors.

Any person who has cause to suspect child abuse or neglect shall report the case of the child to the Executive Director in accordance with the policy entitled, "Reporting Child Abuse, Neglect and Dependency/Child Protection".

IV. Reporting by Students Claiming Harassment

Any student who believes that he or she has been subjected to harassment by an employee, including sexual harassment, or other conduct prohibited by this policy, shall report such conduct to the Executive Director or to the Chairperson of the Board of Directors.

V. Alternative Reporting Option

If there is no School Director to whom the student feels comfortable reporting, the student may bypass the school administrators in the reporting process and report directly to the Chairperson of the Board of Directors.

VI. Investigative Process

The Executive Director should report to the Board of Directors any reports made to the Executive Director under this policy.

All reports under this policy should be reviewed and/or investigated as deemed appropriate by the administration and/or the Board, and appropriate action taken to address the matter.

During the investigative process, information should be shared on a need to know basis so as to be sensitive to the privacy concerns of the reporting student.

If at any time during the reporting process, or thereafter, additional conduct occurs which the student believes is a violation of this policy, the student immediately shall report such conduct as a new violation in accordance with the procedures in this policy.

VII. Non-Retaliation

Any attempt to coerce, intimidate or retaliate against anyone who makes a report about conduct prohibited by the policy, or who assists in an investigation of such matters, will not be tolerated and will result in disciplinary action, up to and including termination.

Legal References: 20 U.S.C. §§ 1681 et seq.; 16 NCAC 6C.0602

POLICY CODE: 601410 STUDENT DRESS

Extreme styles in clothing and grooming may be detrimental to the maintenance of discipline, student safety, and morale in school. Student dress or grooming that is substantially and materially disruptive to the learning environment or to student health or safety is prohibited. The Executive Director or his/her designee may establish rules regarding proper dress and grooming that are applicable to all students. The Executive Director and his/her staff are responsible for determining additional rules and enforcing all rules established for his/her school governing proper dress and grooming of students.

For rules regarding implementing a student uniform program at a particular school, see policy entitled, "School Uniforms."

POLICY CODE: 601411 SCHOOL UNIFORMS

With the approval of the Board of Directors, North East Carolina Prep may implement plans in which students are required to wear uniforms at school during the regular school day. The purpose of such programs is to allow students to focus on instructional objectives of the school, favorably impact student attitude, promote harmony among students, increase safety, and enhance the image of the schools. Uniform plans adopted by the school shall not prohibit students from wearing particular attire that is part of their religious practice or from wearing or displaying items that do not contribute to disruption or interfere with discipline or the rights of others.

The Executive Director is directed to develop regulations to implement this policy, which shall include details of how the school is to implement any uniform plan authorized by the board, guidelines for permissible types of uniforms, provisions for students from families lacking the means to purchase uniforms and the process by which such uniform plans will be enforced at the school-level.

Legal Reference: N.C.G.S. § 115C - 16

POLICY CODE: 601420 SMOKING AND USE OF TOBACCO PRODUCTS BY STUDENTS

Smoking and use of other tobacco products shall be prohibited on all North East Carolina Prep property and in school owned vehicles, whether the property or vehicles are owned, leased, used, or rented by the school.

Any person or organization using school owned facilities shall agree to abide by this policy as a condition of agreement for the use of the facilities.

Programs to help students and employees understand the dangers of using tobacco products will be provided by the school.

School property includes the physical premises of all school campuses and properties, bus stops, all vehicles under the control of the school, and all school sponsored curricular or extra-curricular activities, whether occurring on or away from a school campus.

Legal Reference: N.C.G.S. § 14-313

POLICY CODE: 601421 DRUG AND ALCOHOL USE BY STUDENTS

It is the policy of the North East Carolina Prep to provide a safe and healthy environment for students and to accept a shared role with the community to educate, prevent and intervene in the abuse of drugs and alcohol by the entire student population.

The Board recognizes the importance of prevention, early identification, and effective treatment of drug and alcohol abuse, and seeks to provide a curriculum, classroom activities, community support and resources, a strong and consistent administrative and faculty effort, and rehabilitative and disciplinary procedures to educate students effectively and address potential and current misuse by students. Further, the Board will work with public law enforcement agencies in the control of drugs and drug traffic in the school and at school activities.

Disciplinary procedures for students involved with alcohol or illegal drugs on school property or at any school function are outlined in the North East Carolina Prep Student Handbook.

In order that students are prepared to thrive in an environment that involves many risks, including those posed by alcohol and other drugs, they must be: (1) equipped to identify and make such choices and (2) given

appropriate and timely information and skills by parents, teachers, administrators and others.

A. Possession, Use and/or Sale of Alcohol or Drugs

1. "Alcohol or Drug Use" includes but is not limited to a student's possession, use, being under the influence of, manufacture, sale or distribution, dispensation, or transportation of alcohol or illegal drugs; or a student's use of a controlled substance without authorization by a physician or in a manner that is not authorized by the prescribing physician.
2. "Possession" shall mean having the power or intent to control a prohibited substance and shall apply to a student's automobile, locker, book bag or desk, or a student's person on school property or at any school sponsored activity.
3. The word "use" shall mean the consumption, injection, inhalation, or absorption of a prohibited substance into a student's body by any means, at any time, on school property or at a school sponsored activity.
4. The word "sale" shall mean the exchange of a prohibited substance for money or other consideration.
5. "School property" shall mean the physical premises of all school campuses and properties, bus stops, all vehicles under the control of North East Carolina Prep, and all school sponsored curricular or extra-curricular activities, whether occurring on or away from a school campus.
6. For purposes of this regulation, "parent" shall mean, unless otherwise stated, one or both of a student's parents, the legal guardian or legal custodian of a student, or the person acting *in loco parentis* to the student.

B. Student Assistance Program (SAP) for Prevention and early intervention

1. The Board shall establish a Student Assistance Program (SAP) under the direction of the Executive Director and the appropriate staff which will make services or referrals for services available for assessment, counseling, support groups and liaison with community services for students affected by their own or others' drug and alcohol related problems.
2. Through SAP, North East Carolina Prep shall provide referrals for services for individual and group counseling, parent conferencing and intervention, and, when needed, screening of students for level of involvement, to determine appropriate services and community resource referrals. The school will provide referrals for such services through a designated SAP counselor, who shall receive referrals from school counselors, teachers, administrators, intervention teams, grade level teams, students and parents. Students should be referred to the SAP counselor when they have violated a rule regarding the use or possession of alcohol, tobacco, or other drugs.
3. The SAP Counselor shall also provide follow-up and continuing treatment or support resource referrals for students returning from an alternative school assignment and for students returning from outside treatment agencies in the community.
4. Further, The SAP Counselor shall assist school administrators with identifying educational programming opportunities for students and parents surrounding dependency and substance abuse.

C. Parent/Guardian Responsibilities

The administration shall encourage parents to:

1. Teach their child the laws regarding involvement with alcohol and illegal substances, and to support those laws by their actions.
2. Familiarize their child with the school's drug and alcohol abuse policy and regulations.

3. Provide their child's school with a current telephone number through which the parent can be reached during the school day, and to be available for conferences when necessary.
4. Come to the school when necessary to pick up their child.
5. Provide appropriate medical, social and emotional support when the child's behavior indicates professional services are needed.
6. To comply with assignment by the Executive Director and/or the SAP Counselor for student and parent to attend educational programming regarding alcohol and other drugs.
7. To otherwise cooperate with the school for the benefit of the child.

D. Student Responsibilities

1. To participate in all phases of the curriculum designed to educate, prevent and intervene in the abuse or use of alcohol and other drugs.
2. To be aware of the state laws regarding adolescents' use or involvement with alcohol and/or illegal substances.
3. To be aware of and follow school wide policy and regulations and school guidelines regarding acceptable behavior.
4. To refrain from the use of alcohol or drugs (as defined in Section A. 1.) in class, on school property or at any school related activity.
5. To comply with assignment by the Executive Director and/or the SAP Counselor for student and parent to attend educational programming regarding alcohol and other drugs.

E. Teacher Responsibilities

1. To consider the physical, social, intellectual, and emotional development of the students.
2. To participate in staff development activities that offer instruction in K-12 curriculum areas, identification criteria, the process of referral, and re-entry requirements.
3. To provide appropriate learning experiences designed to educate students to make appropriate decisions and exhibit acceptable behavior.
4. To confer with support personnel for possible solutions and to assist in the identification and referral of students involved with alcohol and other drugs to the SAP Counselor.
5. To inform students of North East Carolina Prep's expectations in regard to appropriate and acceptable behavior.
6. To follow due process in correcting inappropriate conduct.
7. To provide information requested by administrators, student service personnel, and the SAP Counselor regarding behaviors that might indicate involvement with alcohol or illegal substance(s).
8. To refer a student to the school administrator for disciplinary action if the student is suspected of violation of the substance abuse policy including use, possession, being under the influence of or solicitation to purchase or distribute alcohol, illegal drugs, or unauthorized controlled substances.
9. To participate in necessary conferences.
10. To refer a student to the Student Assistance Program, described above in Section B., when a substance abuse related problem is suspected or high risk behavior is evident.

F. School Director Responsibilities

1. To assume the overall administrative responsibility for learning experiences designed to educate students to make appropriate decisions and exhibit acceptable behavior.
2. To ensure that all laws, system-wide regulations, and school rules regarding alcohol and other drugs are applied consistently.
3. To develop with the faculty additional procedures designed to facilitate successful implementation of this policy.
4. To inform parents, students and faculty of substance abuse policies, school rules and Student Assistance Program policies.
5. To take prompt intervention and disciplinary action for any student in violation of the substance abuse policy.
6. To verbally inform the parent/guardian and student when disciplinary action is needed.
7. To refer students in violation of the substance abuse policy or suspected of related problems or behavior to the Student Assistance Program.
8. To give support to faculty in making referrals and to advise them of appropriate methods of referral for disciplinary action.
9. To appoint an SAP Counselor who will have responsibility for implementing a program for the purpose of assessing, intervening, supporting and facilitating transition from treatment for students who are substance abusers.
10. To inform local law enforcement of violations on the school campus or at school sponsored events.

G. School Counselor and SAP Counselor Responsibilities

1. To participate in staff development activities that offer instruction in identification criteria, the addiction process, the referral process, substance using or abusing adolescents.
2. To confer with outside agencies for possible solutions and to assist in the identification and referral of students with substance abuse problems.
3. To serve as a resource to teachers, administrators, parents and students.
4. To act as a liaison between the school and treatment facilities to minimize any interruption in a student's educational process.
5. To provide individual counseling to the extent permitted by the counselor's credentials as needed to students whose lives are affected by alcohol and other drugs.
6. To facilitate student support groups for students returning to school from treatment.
7. To maintain confidential records on students who have been involved with alcohol and other drugs.
8. To stay abreast of current issues in the identification, intervention, treatment and recovery of chemically dependent teenagers.

H. Administrative Staff Responsibilities

1. To give counsel, advice, and firm support to parents, students, teachers, and the Executive Director.
2. To ensure the consistent application of the alcohol and drug policy and regulations.

J. Corrective Action

The purpose of these regulations is to foster and maintain conditions in the school that are conducive to learning. When corrective action is necessary, the teacher and/or administrator will initiate action in accordance with North East Carolina Prep policy and procedures.

POLICY CODE: 601430 WEAPONS POSSESSION

With the exception of authorized law enforcement, firefighter, emergency service and other authorized personnel, the North East Carolina Prep strictly prohibits the possession, use, sale, distribution, transportation or manufacture of weapons of any type by: (1) employees during working time, any School sponsored event or curricular or extracurricular activity, or when otherwise representing the North East Carolina Prep; (2) employees, students and visitors on School property or motor vehicles, including parking lots, whether such property or vehicles are owned, used, leased or rented; and (3) employees, students and others during any School sponsored event or curricular or extracurricular activity. These prohibitions include both visible and concealed weapons unless the owner is exempt from or has obtained and holds as current the necessary concealed handgun or other permits in which case a person who has a valid concealed handgun permit, or is exempt from obtaining a permit, may possess a handgun on school property if the handgun is secured in a closed compartment or container within the person's locked vehicle or the handgun is in a locked container securely affixed to the person's vehicle. This individual may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit of the vehicle. While this list is not all-encompassing, weapons are further defined to include firearms, BB guns, air guns, knives (does not include plastic knives for the purposes of food service), razors, explosives, incendiary devices, ammunition, stun guns, tasers, metallic knuckles, blackjacks, pocket knives, throwing stars, destructive devices, or any other deadly weapon or object.

POSSESSION OF A CONCEALED HANDGUN PERMIT DOES NOT ALLOW INDIVIDUALS AT ANY TIME TO CARRY ON THEIR PERSON OR MAINTAIN A FIREARM OR ANY OTHER WEAPON ON SCHOOL PROPERTY OR UNSECURED IN A VEHICLE OR SECURED IN AN UNLOCKED VEHICLE OR AT SCHOOL- SPONSORED EVENTS OR ACTIVITIES. MOREOVER, VIOLATORS OF THIS POLICY WILL BE SUBJECT TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION, AND/OR CRIMINAL PROSECUTION AND, AS APPROPRIATE, STUDENT LONG-TERM SUSPENSION OR EXPULSION.

In addition, students who possess or bring onto school property a firearm or destructive device must be suspended for 365 days, unless the Executive Director modifies, in writing the required 365-day suspension for an individual student on a case-by-case basis. However, the Executive Director cannot modify the 365 day suspension for students who bring onto school property a firearm or destructive device with the explicit or implicit intention to do bodily harm to another person or persons.

The Executive Director shall not impose a 365-day suspension if the Executive Director determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, and (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

All employees who have knowledge or suspicions of any employee, student or others who is in possession of a weapon on school property or vehicles, at school-sponsored events or activities, or of any other violation of this policy should notify their immediate supervisors and/or law enforcement personnel immediately as applicable.

This policy does not apply to weapons used solely for educational purposes or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose

supervision has been approved by the appropriate school authority. Students who possess weapons under such circumstances are required to inform the Executive Director or appropriate adult supervisor that they are in possession of a weapon.

Legal Reference: Gun-Free Schools Act, 20 U.S.C. 7151; N.C.G.S. §§ 14-17, -18, -27.2 through -27.5A, -32, -33, -34 through -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.2, -208.18, -269, -269.2, 14-269.7, 14-315; §§115C-47, -276(r), -288, -307, -390.1, -390.2, -390.9, -390.10

POLICY CODE: 601440 BULLYING

It is the policy of the North East Carolina Prep to maintain learning environments that are free from harassment or bullying. This freedom includes, but is not limited to, freedom from harassment or bullying

based on an individual's real or perceived race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; physical appearance; sexual orientation; physical, mental, developmental, or sensory disability; creed; political belief; age; linguistic or language differences; height; weight; marital status; parental status; or

because of an association with a person who has or is perceived to have one or more of these characteristics.

North East Carolina Prep prohibits any and all forms of harassment or bullying on school property or at school-sanctioned events.

All persons on the North East Carolina Prep campus or present at school-sponsored events are expected to conduct themselves in ways that promote a positive environment, consistent with the behavioral expectations set forth in this policy.

It shall be a violation of this policy for any student, teacher, administrator, other school personnel, or any third party, including but not limited to those subject to supervision and control of the North East Carolina Prep, to harass or bully any person based upon any differences of status including, but not limited to, those listed above. It shall also be a violation of this policy for any teacher, administrator or other school personnel to tolerate such harassment or bullying of any person by a student, teacher, administrator, other school personnel, or by any third parties, including but not limited to those persons subject to supervision and control of North East Carolina Prep.

The Board directs the Executive Director to establish programs to enforce this policy and to help eliminate harassment and bullying as well as to foster an environment of understanding and respect for all individuals. The Executive Director shall implement this policy by all appropriate means including, without limitation, the following: (a) publishing this policy to school personnel and students; (b) developing a process by which targets may report harassment or bullying which includes the ability to make such a report anonymously; (c) developing a procedure for prompt investigation of such claims; (d) assuring that North East Carolina Prep strictly prohibits reprisal or retaliation against any person who reports an act of bullying or harassment and that there are consequences for such behavior; and (e) designating staff to prepare and conduct annual training for North East Carolina Prep staff, students, and community about techniques to support enforcement of the policy; and (f) determining and implementing methods to gather and measure data regarding harassment and bullying within North East Carolina Prep.

The Executive Director shall develop a regulation which sets forth the details of the processes through which this policy shall be effectively implemented and enforced. The Board of Directors and the Executive Director shall assure that consequences for violation of this policy are set forth in the Student Handbook and appropriate policies and regulations governing employee behaviors.

Legal Reference: N.C.G.S. § 115C – 407.5 - 407.8, School Violence Prevention Act; SBE Policy HRS-A-007

POLICY CODE: 601445 PREGNANT AND PARENTING STUDENTS

The North East Carolina Prep will provide all pregnant and parenting students with the same educational instruction or its equivalent as other students. Pregnant and parenting students shall not be discriminated against or excluded from school or any program, class or extracurricular activity because they are pregnant or parenting.

In accordance with State law, in providing programs for pregnant and parenting students, if adequate funds are not available from other funding sources, the Executive Director is directed to use supplemental funds from the At-Risk Student Services allotment.

Students who are pregnant or parenting shall be given excused absences from school for pregnancy and related conditions for the length of time the students' physicians find medically necessary. This includes absences due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent. Homework and make-up work shall be made available to pregnant and parenting students to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school, and, to the extent necessary, a homebound teacher shall be assigned.

Pregnant students are entitled to the same educational opportunities as their non-pregnant peers. Students who are pregnant shall not be denied the opportunity to participate in extracurricular and co-curricular activities merely because they are pregnant.

I. Participation in the Regular School Environment

1. Upon receiving notification that a student is pregnant, the Executive Director shall designate a counselor to meet the student to advise her of all of her educational options. These options include remaining in her current school assignment or attending other school-developed options that are capable of meeting her educational needs.
2. Pregnant students shall be allowed to remain in their current school environment in the appropriate educational program, if they so choose.
3. If the Executive Director questions the ability of the pregnant student to physically continue in their current curriculum, i.e. physical education, s/he shall schedule a meeting with the appropriate instructional staff, counselor and the student to discuss the concerns, develop alternate activities and/or request a release from the student's treating physician.

II. Participation in Extracurricular Activities

1. Students shall be allowed to continue to participate in all extracurricular activities in which they were involved prior to the pregnancy, unless the activity requires activity that, in the opinion of the Executive Director after consultation with the school nurse, may present a health risk.
2. If the extracurricular activity requires such activity, the Executive Director can request an authorization from the student's treating physician to allow the student to continue to participate.

III. Attendance

1. All provisions of the North Carolina Compulsory Attendance Statutes and Regulations shall be applied to all students, regardless of pregnancy.
2. After the student delivers the baby, the student will be entitled to four (4) weeks of excused absences unless her treating physician requests additional time in writing. During the entire period of her absence, a

counselor designated by the Executive Director will work with the student and the school to ensure that materials and assignments for that student are being provided to the student and are completed and returned in a timely manner. If the student adequately maintains her school work and communication with the school, her absences will be coded as Hospital/Homebound. During this time, the student may be eligible to receive homebound services if she qualifies under the guidelines developed by the school. However, if she fails to complete her school work and maintain communication with the school, the absences will be coded as either excused or unexcused, depending upon the reason for the absence, and the student will be subject to the rules regarding excessive absences set forth in North Carolina law.

Legal Reference: 20 U.S.C. § 1681, et. seq. (Title IX of the Education Amendments of 1972), N.C.G.S. §§ 115C-375.5, -378 to -383

POLICY CODE: 601450 USE OF TRAINED DOGS TO INSPECT FOR CONTRABAND SUBSTANCES OR ITEMS

The North East Carolina Prep is committed to the maintenance of order and discipline in school and to the safety and welfare of students. Therefore, school authorities, with the assistance of law enforcement, may use specially trained dogs to sniff students' lockers, desks, book bags, automobiles, and other personal property at any time in an effort to detect the presence of prohibited substances and items on school property. Authorities may search personal property in or about which trained dogs have detected prohibited substances or items and may seize such substances or items found as a result of these searches. Students shall be subject to consequences set forth in the North East Carolina Prep Student Handbook for the possession of any prohibited items seized as a result of inspections by trained dogs and may also be subject to criminal prosecution.

School authorities must take all necessary steps to assure that students are never present in areas where trained dogs are located and that the trained dogs at no point have contact with students. Trained dogs must at all times remain in the direct control of their canine handlers, who must be sworn police officers from local law enforcement agencies. Law enforcement must be present while trained dogs are on campus. School administrators, including but not limited to School Directors and campus security associates, shall work with law enforcement to designate and manage areas where the trained dogs are used to sniff.

This policy shall be published in the North East Carolina Prep Parent/Student Handbook and otherwise widely distributed to students and parents throughout the school. However, the school has no obligation to notify students or obtain consent prior to conducting dog sniff inspections. Failure of the school to notify a particular student or parent of the provisions of this policy or of the intention to use trained dogs to inspect a school or a designated area inside or outside of a school does not constitute a defense to or waiver of any disciplinary consequences imposed as a result of the seizure of any contraband items pursuant to this policy.

General Procedure for Use of Trained Dogs

1. The use of trained dogs shall be authorized by the Executive Director only, acting with the support of law enforcement. Law enforcement will work with School Director to arrange a specific time for the inspection to occur.
2. Trained dogs must be procured from local law enforcement agencies. Trained dogs and their handlers must be certified by an appropriate certification agency and must remain under the direct control of the canine handler at all times while on school campuses.
3. When trained dogs are on a school campus, the Executive Director, security associate, school resource officer, a member of law enforcement and a canine handler from a local law enforcement agency must be

present at all times.

4. Prior to trained dogs entering school property, students shall be placed on lockdown in classrooms with teachers. If student personal property is to be inspected, students shall be directed to place their book bags and other personal items in the hallway before being placed on lockdown to allow the dogs to sniff these items without coming into contact with students. Campus security staff shall supervise the placement of book bags and other personal property in hallways to ensure that students' personal property is secure.
5. Trained dogs may sniff lockers, desks, book bags, automobiles, and any other area or other personal items the school administration deems necessary.
6. If the Executive Director finds it necessary to have trained dogs sniff a classroom, students shall first be relocated into another classroom or secure location. The dogs may enter the designated classroom and sniff only after students have cleared the classroom and moved to another secure area in the school.
7. If another area in the school, such as a cafeteria, gymnasium or parking lot, is to be searched, the Executive Director must assure that no students are present in the area and that all students are located in an area that has been locked down.
8. If a dog indicates it has detected a contraband substance or item in a locker or personal property, school administrators must notify the student that a trained dog has made such an alert. Based upon this reasonable suspicion, school administrators may then search the student's locker or personal property. Trained dogs must be removed from the area before a student is allowed to return to or reclaim his or her locker or personal property.
9. Students will be subject to discipline for any prohibited items seized as the result of such searches according to the North East Carolina Prep Student Handbook, and may also be subject to criminal prosecution.
10. Students may come out of lockdown only after all trained dogs have exited the building and left school property.
11. The school has no obligation to notify students or obtain consent prior to conducting dog sniff inspections. Failure of the school to notify a particular student or parent of the provisions of this policy or of the intention to use trained dogs to inspect a school or a designated area inside or outside of a school does not constitute a defense to or waiver of any disciplinary consequences imposed as a result of the seizure of any contraband items pursuant to this policy.

Legal Reference: U.S. Const. amend. IV; N.C.G.S. §§ 115C-47, -288, -307, -391

POLICY CODE: 601460 SUSPENSION, EXCLUSION, EXPULSION OF STUDENTS, DUE PROCESS HEARINGS, APPEALS

The mission of North East Carolina Prep is to maximize academic achievement by every student in school. In order to realize this mission, the Board is committed to the provision of safe and orderly learning and working environments at the North East Carolina Prep. Accordingly, the teacher shall be the recognized authority in the classroom and students are expected to conduct themselves in ways that foster their own learning and the learning of those around them. Discipline policies are provided to establish expected standards of student behavior, procedures for addressing willful student misconduct and consequences for violations of student behavior standards.

Rules for appropriate student behavior on school property and ranges of disciplinary responses shall be set by the Board of Directors and published in the student handbook, which shall be made available to students and parents. Specific responses for violations of the discipline policy shall be imposed according to provisions set forth in the policies and procedures set forth in this policy. As permitted by NC law, the Board authorizes the discipline of students for conduct occurring away from school property if the conduct otherwise violates the

discipline policy and has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

I. Definitions

For purposes of this policy, the following definitions apply:

- 365-Day suspension - the disciplinary exclusion of a student from school for 365 calendar days
- Alternative School - a full-time educational program that meets the academic requirements of the NC Standard Course of Study and provides the student with the opportunity to make timely progress towards graduation and grade promotion. An alternative school is not a required alternative for charter schools and referral to an alternatives school may only be available upon consent of the local school district;
- Delivery of notice - unless otherwise specified, includes delivery by telephone, certified or regular mail, facsimile, email, hand delivery, or by any other means reasonably designed to achieve actual notice;
- Destructive device - an explosive, incendiary, or poison gas, including bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device like any of the previously listed devices;
- Exclusion - the removal of a student from school for disciplinary purposes;
- Expulsion - the indefinite exclusion of a student from school enrollment for disciplinary purposes;
- Firearm - a weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer. It does not include an inoperable antique firearm, a BB gun, stun gun, air rifle or air pistol;
- Long-term suspension - the disciplinary exclusion of a student from school for more than 10 school days;
- Parent - a birth-parent, legal guardian (including foster parent), or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school under NC law and North East Carolina Prep Policy;
- Permanent exclusion – removal of a student from NECP that allows for the student to return to another school in his or her local administrative unit per N.C. Gen. Stat. § 115C-218.60;
- School Property - the physical premises of all school campuses and properties, bus stops, all vehicles under the control of the school, and all school sponsored curricular or extracurricular activities;
- Short-term suspension - the disciplinary exclusion of a student from school for 10 or fewer school days;

II. Discipline Options and Alternatives

Unless circumstances dictate otherwise, consequences for violating the discipline policy should be progressive in nature. Administrators and teachers are encouraged to use a full range of discipline responses to student misconduct, such as parental involvement, conferences, isolation or time-out for short periods of time, behavior improvement agreements, instruction in conflict resolution and anger management, peer mediation, individual or small group sessions with the school counselor, academic intervention, in-school suspension (ISS), detention before and/or after school or on Saturday, community service, exclusion from graduation ceremonies, exclusion from extracurricular activities, suspension from bus privileges, and disciplinary placement in an alternative school.

A violation of the discipline policy may also result in a short-term suspension, a long-term suspension, a 365-day suspension or an expulsion. Detailed rules for these suspensions are set forth below.

When a student is violent or out of control, a crisis intervention team will be activated upon the request of the executive director. This team will develop a crisis intervention plan to meet the needs of the student and family.

III. Short Term Suspension

A short-term suspension is the disciplinary exclusion of a student from school for 10 or fewer school days. The assistant principal, principal, dean of students, and/or executive director has the authority to determine when a short-term suspension is appropriate and to impose the suspension, in accordance with the procedures set forth below. The assistant principal, principal, dean of students, and/or executive director is also authorized to impose other disciplinary consequences in addition to short-term suspension, such as those set forth above. Students shall not receive short-term suspensions of more than two days for violations of discipline policy rules regarding truancy or tardiness.

To impose a short-term suspension, the assistant principal, principal, dean of students, and/or executive director must follow these procedures:

A. Investigation and Informal Hearing

When a student is alleged to have violated a provision of the discipline policy that may result in a short-term suspension, the assistant principal, principal, dean of students, and/or executive director shall:

- a. Investigate the incident and, whenever possible, obtain written accounts from eyewitnesses;
- b. Give oral and/or written notice to the student of the alleged rule violation;
- c. Promptly provide to the student the opportunity to have an informal hearing with the principal or executive director, except in the circumstances described in paragraph d, below.
 1. The informal hearing may be held immediately after giving notice of the charges to the student; and
 2. The student has the right to be present, to be informed of the basis for the charges and to make statements in defense or mitigation of the charges.
- d. The assistant principal, principal, dean of students, and/or executive director may impose a short-term suspension without providing the student the opportunity for an informal hearing if the presence of the student creates a direct and immediate threat to the safety of other students or staff, or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In this case the executive director shall give notice of the charges and provide the opportunity for the informal hearing as soon as practicable.

B. Imposition of Short-term Suspension

After considering the available evidence, the assistant principal, principal, dean of students, and/or executive director shall decide the disciplinary consequences to impose on the student. The consequence may include a combination of measures included in the discipline policy, as well as a suspension of 10 or fewer days.

During the term of the suspension, the student shall not come on school property for any purposes unless so authorized by the assistant principal, principal, dean of students, and/or executive director.

A student under a short-term suspension must be provided with:

- The opportunity to take textbooks home for the duration of the suspension;
- Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to student regarding such assignments; and
- The opportunity to take any quarterly, semester or end-of-grading period tests missed during the suspension period.

C. Parent Notice

The assistant principal, principal, dean of students, and/or executive director shall provide notice to the student's parent of a short-term suspension, which shall include:

- the term of the suspension, including beginning and ending dates;

- reference to the discipline policy and a description of the student conduct upon which it is based;
- the extent to which the student is prohibited from or permitted to be on school property during the period of suspension;
- information about how to request student class assignments, take home books and take tests (as set forth in Section B, above);
- any other conditions imposed; and
- the offer to meet with the parent.

The notice must be provided to the parent by the end of the workday on which the suspension was imposed when reasonably possible. In any case, the notice must be provided no more than two days after the suspension is imposed.

The notice may initially be given by telephone, but it must be followed by timely written notice delivered via email, facsimile, certified mail or any other method designed to achieve actual notice. The assistant principal, principal, dean of students, and/or executive director shall document the manner and date on which notice is provided and shall maintain a copy of the notice in the student's educational record.

If English is the second language of the parent, the notice must be provided in English and in the parent's primary language, if appropriate translation resources are reasonably available.

D. Appeals

As provided by NC law, a student is not entitled to appeal a short-term suspension to the executive director or the North East Carolina Prep Board of Directors or to seek judicial review of such a decision. The student may petition the Board for an appeal only as otherwise provided by NC law.

E. Students with Disabilities

Multiple short-term suspensions of students with disabilities must be handled in accordance with the *Policies Governing Services for Children with Disabilities* and other applicable state and federal laws.

IV. Exclusions for More Than 10 Days and Expulsions

A. School Disciplinary Team (SDT)

The executive director, upon advice and consent of the Board of Directors, shall appoint annually a School Disciplinary Team (SDT). The SDT shall be composed of 5 members. Two of the members shall be teachers, one member shall be the school counselor (or another teacher if the school does not employ or contract with a counselor) and two parents. No member of the SDT may be serving as a member of the North East Carolina Prep Board of Directors. The SDT does not include the executive director among its membership. The purpose of the SDT is to conduct due process hearings and to meet and decide on recommendations by the executive director for long-term suspension, permanent exclusion or expulsion of a student. Only the SDT may make a final recommendation to the Board for permanent exclusion or expulsion of a student and for readmission of a student following a Request for Readmission (see Section VII).

B. Long-term suspension

A long-term suspension is the disciplinary exclusion of a student from school for more than 10 school days.

If the offense leading to the long-term suspension occurred before the final quarter of the school year, the exclusion shall be no longer than the remainder of the school year in which the offense was committed. If the offense occurred during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and extend through the first semester of

the following school year. (Mandatory 365-day suspensions may be imposed only as allowed by Section IV.C, below).

- Only the executive director has the authority to recommend a long-term suspension, which may be imposed only after review and approval by the School Discipline Team (SDT).
- With limited exceptions, the executive director may recommend a long-term suspension of a student to the SDT only for situations in which a student willfully engages in conduct that violates a provision of the discipline policy that authorizes long-term suspension. Long-term suspension is appropriate only for serious violations of the discipline policy in which the student conduct threatens the safety of students, staff or school visitors, or threatens to substantially disrupt the educational environment.
- The executive director may recommend long-term suspension to the SDT for a minor violation if aggravating circumstances justify treating the student's behavior as a serious violation.
- Students shall not receive long-term suspensions based solely on violations of discipline policy rules regarding truancy or tardiness.
- If a teacher is assaulted or injured by a student and a long-term suspension or other punishment is imposed on the student, he or she shall not be returned to the teacher's classroom upon completion of the disciplinary consequence unless the teacher consents.
- The procedure for imposing a long-term suspension is found in Section V, and the procedure for appealing a long-term suspension is found in Section VI.

C. Permanent Exclusion from NECP

Permanent exclusion is the removal of a student from NECP following due process. Pursuant to N.C. Gen. Stat. § 115C-218.60, NECP may exclude a student from its school and return the student to another school in his or her local school administrative unit. This decision may be rendered only by the Board of Directors upon recommendation of the SDT and Executive Director. While under an order of permanent exclusion, the student is not entitled to be present on NECP property and is not considered a student of NECP. Permanent exclusion is appropriate only in the following circumstances:

- The student violated a discipline policy provision that indicates his or her continued presence in school constitutes a clear threat to the safety of employees or other students; or
- As the result of more than one incident or disciplinary action, the Executive Director believes the student substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school.

D. Mandatory 365-Day Suspension

A 365-day suspension is the disciplinary exclusion of a student from school for 365 calendar days. The executive director may impose such a suspension only for violations of rules involving firearms and destructive devices (as defined in Section I). Students who possess or bring onto school property a firearm or destructive device must be suspended for 365 days, unless the executive director modifies in writing the required 365-day suspension for an individual student on a case-by-case basis. However, the executive director cannot modify the 365-day suspension for students who bring onto school property a firearm or destructive device with the explicit or implicit intention to do bodily harm to another person or persons.

The executive director shall not impose a 365-day suspension if he/she determines that the student:

- took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, and
- delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel, and
- had no intent to use the firearm or destructive device in a harmful or threatening way.

The procedure for imposing a 365-day suspension is found in Section V, and the procedure for appealing a 365-day suspension is found in Section VI.

E. Expulsion

Expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. This decision may be rendered only by the Board of Directors upon recommendation of the School Disciplinary Team (SDT) acting in accordance with standards and procedures established by NC law and this policy. While under an order of expulsion, the student is not entitled to be present on school property and is not considered a student of the school. Expulsion is appropriate only in the following circumstances:

The student must be at least 14 years of age and have violated a discipline policy provision that indicates his or her continued presence in school constitutes a clear threat to the safety of employees or other students; or the student is subject to the provisions of N.C.G.S. § 14-208.18, -208.25A ("The Jessica Lunsford Act").

V. Procedures for Imposing Suspension of More Than 10 Days or Expulsion

If a student subject to exclusion for more than 10 days or expulsion is a child with disabilities, he or she shall be provided due process and educational services in accordance with the *Policies Governing Services for Children with Disabilities* and other applicable state and federal laws

Executive Director Decision to Suspend for More than 10 Days or Recommend Permanent Exclusion or Expulsion

After following the process for imposing a short-term suspension, upon recommendation of the principal, the executive director may determine that a suspension of more than 10 days (either long-term or 365-day), permanent exclusion or an expulsion is an appropriate consequence, in accordance with the criteria set forth in Section IV. The executive director may recommend the disciplinary penalty in accordance with this policy based upon a review of the nature of the incident and student's culpability in the incident, degree of danger presented by the student, intent, disciplinary and academic history, potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors. The executive director shall make a recommendation for long-term suspension to the SDT, and the SDT shall determine whether to impose or deny the recommendation for long-term suspension. For permanent exclusions and expulsions, the executive director shall refer the matter to the SDT for recommendation to the Board.

In addition to providing notice to the Board of Directors and to parent within one school day of making the determination to recommend a longer term of suspension, the executive director must contact the Board Chairperson by telephone or email regarding the recommendation. In the case of permanent exclusion or expulsion, the Chairperson of the SDT shall contact the Board Chairperson as prescribed herein.

By the end of the workday (when reasonably possible) on which the long-term suspension, permanent exclusion, 365-day suspension or expulsion is recommended, the executive director must provide to the student's parent written notice of the recommendation. The notice must include the following information:

- Nature of the notice (long-term suspension, permanent exclusion, 365-day suspension or expulsion);
- A description of the incident and the student's conduct that led to the recommendation;
- The specific discipline policy alleged to have been violated, including the corresponding discipline guidelines, if any, stated in the Handbook;
- An invitation (including date/time/place) to a meeting (see "Parent-Executive Director Meeting" below) to seek parent input into the executive director's decision or recommendation regarding the disciplinary consequence (however, for serious offenses for which the executive director may

recommend permanent exclusion or expulsion, the notice will indicate that the meeting will **not** occur and the student will be offered the opportunity for a due process hearing);

- The specific process by which a student may request a due process hearing conducted by the SDT, and that the deadline for making the request is three days from the date of the letter from the executive director informing the parent of his/her decision; and
- If student requests a due process hearing, the executive director must provide written notice of the specific process by which a due process hearing will be conducted by the SDT, including:
 - Information that the parent is entitled to retain legal counsel to represent the student at the due process hearing;
 - Information that non-attorney advocates are not permitted to attend due process hearings to assist the student at the hearing;
 - Notice of the right to review and obtain copies of the student's educational records prior the hearing, if such records are requested;
 - Information about the procedures for expunging student discipline records; and
 - The identity and phone number of a school employee who the parent may contact to obtain assistance in receiving a Spanish translation of the English language portions of the document (this information must be provided in English and Spanish on the form).
 - When it is not reasonably possible to provide the written notice by the end of the workday on which the suspension is recommended, the notice must be provided as soon thereafter as is practicable. The notice may be delivered by certified mail, facsimile, email or any other method reasonable designed to achieve actual notice of the executive director's recommendation.
 - When school personnel are aware that English is not the primary language of the parent, the notice shall be written in both English and the primary language of the parent when appropriate foreign language resources are readily available.

Parent-Executive Director Meeting

Upon receipt of the Recommendation for Long-term Suspension or 365-Day Suspension and prior to the final decision to impose a Long-Term Suspension or 365-Day Suspension, the executive director shall set up a meeting with the parent. The parent shall be informed of the meeting and the following procedures must be followed:

- The meeting must be scheduled within 10 days of the offense (within the time of the short-term suspension);
- The parent will be notified of the date, time and place of the meeting by letter, telephone or email or other means designed to achieve actual notice to the parent; and
- Participants in the meeting shall include the executive director and the parent. If the parent elects not to participate, the meeting will not occur and the parent will be notified of the final decision regarding the disciplinary consequence. The executive director will review the school's investigation, due process procedures and any additional information provided by the parent and consider whether to make a recommendation to the SDT. Neither attorneys nor non-attorney advocates are permitted to participate in or observe the meeting.

Due Process Hearing Procedures

The due process hearing shall be conducted by the SDT upon request of the parent or upon recommendation of permanent exclusion or expulsion from the executive director. The purpose of the hearing will be to determine the facts relevant to the alleged misconduct and the credibility of witnesses based on the substantial evidence presented at the hearing. If neither the parent nor student appears at a properly noticed due process hearing, the parent and student are deemed to have waived the right to the hearing and the discipline will be imposed.

The following procedural due process is required for such hearings:

- Students have the right to be represented by legal counsel at the hearing;
- When the student is represented by an attorney, an attorney for North East Carolina Prep will also be present to represent the executive director;
- The SDT shall provide for a record to be made of the hearing, including any findings or conclusions made by the SDT. The student has the right to make his or her own audio recording of the hearing;
- Students and parents have a right to be present at the hearing;
- The student, his/her parent and the student's attorney have the right to review before the hearing any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, any information supporting the suspension that may be presented as evidence at the hearing, including statements made by witnesses. School officials may hold confidential the names of witnesses or other information that could allow the student or his or her legal counsel to identify witnesses when such identification could create a safety risk for the witnesses;
- The school representatives, which may include the executive director, principal, teacher, or other school employee, have the burden of proving, based on substantial evidence, that the violation of the discipline policy occurred and the appropriateness of the recommended consequence for the violation;
- The school representatives will present witnesses and documentary evidence, which may include witness statements, first;
- After the school representatives have presented their evidence, the student or his or her attorney may present evidence related to the alleged rule violation, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements and other documents;
- If a student wishes to call another student as a witness, he or she must provide written consent from that student-witness's parent, unless the student is an emancipated minor or age 18 or over;
- If a student wishes to call a school staff person as a witness, he or she must provide notice to the school sufficient for the executive director to arrange for staff to cover the staff-witness's job responsibilities, if necessary;
- Both the school representatives and the student or his/her parent or attorney may examine the witnesses presented by the other side. The SDT may limit questioning if, in his or her judgment, the questioning is unproductive, unnecessarily lengthy repetitive, abusive or irrelevant; and
- Following the hearing, the SDT will issue a written determination of the facts of the student's offense. The determination shall be based on the substantial evidence presented at the hearing.

Following the due process hearing, the SDT shall issue a written decision upholding, modifying or rejecting the executive director's recommendation of suspension. The SDT may also decide to recommend to the Board that the student be permanently excluded or expelled. The decision shall be based on substantial evidence presented at the hearing and shall include the information set forth below:

- The basis for the decision, including a reference to any policy or rule that the student is determined to have violated;
- Notice of what information will be included in the student's official record pursuant to N.C.G.S. 115C §402, including the process to request an expungement of the suspension notice;
- Information about the student's right to appeal the decision to the Board and notice of the procedures for submitting such appeal (see Section VI);
- If the decision is to suspend the student for 365 days, notice of the student's right to petition the Board for readmission, according to procedures set forth below in Section VII; or
- If the decision is to recommend permanent exclusion or expulsion, notice of the procedures that will

- be followed in conducting the hearing before the Board;
- The executive director, at the direction of the SDT, shall send written notice of the decision via certified mail or other means designed to assure delivery;
- Following the issuance of a decision to impose a long-term suspension, the terms of the decision shall be imposed;
- Any days of suspension imposed by the executive director will not be delayed if the student appeals the decision to the Board; and
- If the SDT decides to recommend to the Board that the student be expelled from North East Carolina Prep, the student shall be subject to a period of long-term suspension, which may or may not include an alternative education assignment, pending the Board's action on the expulsion recommendation.

VI. Board Proceedings – Appeals and Hearings

A. Appeals of Executive Director/SDT's Decision of Long-term Suspension or 365-Day Suspension

- The student is entitled to appeal a long-term or 365-day suspension imposed by the SDT. In order to do so, the student or his or her parent must send a written notice of appeal to the Board within 10 days of receiving the decision rendered by the SDT.
- Upon receipt of the notice, the executive director will work with the Board Chairperson to schedule an appeal hearing.
- The student and parent will be given reasonable written notice of this hearing through U.S. Postal Service mail or other means designed to assure prompt delivery.
- The executive director and/or his designee will represent the School and the Board or a panel of the Board will be the decision-maker. In addition, a member of the SDT will be present.
- Students have the right to be represented by legal counsel at the appeal hearing. If so, the school will be represented by an attorney.
- Unless the Board requests otherwise, the Board will limit presentations of testimony to the student, his or her parent and attorney, the executive director, the SDT and the school's legal counsel. Presentations of documentation will be limited to the records presented at the due process hearing.
- In addition the Board will review any records created by the SDT or by the Executive Director while making his or her decision. The executive director will provide any such records to the parent before the hearing.
- The Board will review the SDT's decision to assure that there was a reasonable basis for the determination that the student violated the discipline policy that the consequence imposed was permitted by Board policy and the discipline policy, and that student was accorded due process procedures established by NC law and Board policy.
- The Board will render a decision upholding, modifying, or rejecting the SDT's decision and provide written notice of the decision to the executive director, the SDT and to the student and his/her parents by mail or other means designed to assure actual notice.
- The written decision must also include notice of the right to petition for readmission as described in Section VII.
- As required by NC law, the appeal hearing must be conducted and a final written decision issued by the Board in not more than 30 calendar days following receipt of the notice of the appeal.
- Appeal hearings will be delayed only upon request of the parent and upon a demonstration of good cause. In that case, the hearing will be delayed only if the parent agrees to waive the 30 calendar day period in which the decision must be issued.
- If neither the parent nor student attends a properly noticed appeal hearing for which no delay has been granted, they will be deemed to have waived the right to the appeal and the discipline imposed by the executive director will continue.

B. Board Hearings on Executive Director/SDT Recommendations of Permanent Exclusion or Expulsion

- The executive director is directed to bring to the SDT for approval all recommendations of permanent exclusion or expulsion. The SDT is directed to bring its recommendations for permanent exclusion or expulsion to the Board for approval.
- The parent and student shall be provided reasonable notice of the time and place of the permanent exclusion or expulsion hearing.
- The permanent exclusion or expulsion hearing will be conducted in the same manner as an appeal of a long-term suspension or 365-day suspension, except that the Board's determination must be based on clear and convincing evidence that the student's behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or school employees, or is a substantial disruption to the educational environment. The Board must make written document of this determination.
- In addition, the Board must consider if there is an alternative program offered by the School that may provide educational services to the student.
- If the Board decides that a student subject to the Jessica Lunsford Act is to be provided educational services on school property, the student must be under the supervision of school personnel at all times while on school property.
- Upon rendering a decision, the Board will provide written notice of the decision to the executive director, the SDT and to the student and his/her parents by mail or other means designed to assure actual notice.
- The written decision must also include notice of the right to petition for readmission as described in Section VII.
- Permanent exclusion or expulsion hearings will be delayed only upon request of the parent and upon a demonstration of good cause.
- If neither the parent nor student attends a properly noticed expulsion hearing, the hearing will proceed in their absence.
- When appropriate, incidents will be referred to the appropriate law enforcement agency.

VII. Requests for Readmission

A. Requests for Readmission/Scheduling of Hearing

A student who has been suspended for 365 days, permanently excluded or expelled may submit a written request to the Board for readmission any time after 180 calendar days from the date of the beginning of the student's suspension, exclusion or expulsion. The board will immediately forward any request of a student requesting readmission following a 365-day suspension to the executive director. The executive director will decide, based on the request and the record, to recommend to the board readmission or non-readmission. The board will immediately forward any request of a student requesting readmission following an expulsion to the SDT. The SDT will decide, based on the request, input from the executive director and the record, to recommend to the board readmission or non-readmission of the student.

B. Notice of Hearing and Hearings on Requests by Students Suspended for 365 Days

Notice shall be sent to the parent and the hearing will be conducted in accordance with the procedures set forth in Section VI. After considering the student's request and the executive director's recommendation regarding readmission, if the board determines that the student has satisfactorily demonstrated that his or her presence in school no longer constitutes a threat to the safety of other students or employees, the board will readmit the student. The board shall conduct the hearing and notify the student, the student's parents and the executive director in writing of its decision within 30 days of the submission of the request for readmission.

C. Notice of Hearing and Hearings on requests by Students Expelled by the Board

Notice shall be sent to the parent and the hearing conducted in accordance with the procedures set forth in Section VI. After considering the student's request and the SDT's recommendation regarding readmission, if the board determines that the student has satisfactorily demonstrated that his or her presence in school no longer constitutes a clear threat to the safety of other students or employees, the board will readmit the student. The board shall conduct the hearing and notify the student, the student's parents, the SDT and the executive director in writing of its decision within 30 days of the submission of the request for readmission.

D. Decisions to Readmit

If the board decides to readmit the student, the notice will include the date of readmission, the school or program to which the student will be assigned and any reasonable restrictions placed on the readmission.

E. Classroom Placement

If the student was expelled because of assaulting or injuring a teacher, the student will not be returned to that teacher's classroom following readmission without the teacher's consent.

F. Subsequent Petitions for Readmission

If the permanently excluded or expelled student's request for readmission is denied, the board will not consider a subsequent request for readmission of that student until six months after the submission of the previous request.

G. Judicial Review

There is no right of judicial review of the Board's decision not to readmit a student under this section.

ND: 4849-6367-1212, v. 2

POLICY CODE: 601470 STUDENT WELLNESS

North East Carolina Prep Board of Directors is committed to providing school environments that promote and protect children's health and well-being, reduce childhood obesity, and enhance students' ability to learn by supporting healthy eating, physical activity, and the development of lifelong wellness practices.

To further these goals, and in compliance with federal and North Carolina statutes and North Carolina Board of Education requirements, the Board requires the following:

All North East Carolina Prep students will have opportunities, support, and encouragement to be physically active on a regular basis. The school will comply with the requirement of the North Carolina Board of Education policy HSP-S-000 that requires a minimum of 30 minutes a day of moderate to vigorous physical activity for all students in grades K - 8.

North East Carolina Prep will provide nutrition education to foster lifelong habits of healthy eating through its curriculum.

The school shall meet or exceed the nutrition standards established by the State Board of Education for school meals, á la carte foods and beverages, and food served in the After School Snack Program, if applicable.

The Executive Director shall assure that all products offered for sale in vending machines on the school campus meet the nutritional standards for vending sales of beverages and snack foods established in North Carolina law and are sold only during the times allowed by North Carolina law. In addition, the Executive Director shall assure that students in elementary school (if applicable) do not have access to snack products from vending machines.

The Executive Director shall establish nutritional goals for foods and beverages available to students on campus during the school day other than in the school cafeteria, After School Snack Program, and vending machines.

The Executive Director shall develop regulations setting forth the detailed procedures to implement the requirements of this policy. In addition, the Executive Director shall develop a plan to measure implementation of this policy and its accompanying regulations and shall designate a person(s) to assure that each school complies with the policy and regulation.

Legal Reference: Child Nutrition and WIC Reauthorization Act of 2004, Pub. L. No. 108-265 § 204; National School Lunch Act, as amended, 42 U.S.C. § 1751, et seq.; N.C.G.S. §§ 115C-264, -264.2, -264.3; SBE Policies EEO-S-000, HSP-S-000, Eat Smart: North Carolina's Recommended Standards for All Foods Available in School, NC Department of Health and Human Services, NC Division of Public Health (2004)

POLICY CODE: 601471 STUDENT INSURANCE PROGRAMS

Student accident insurance will be made available under certain guidelines established by North East Carolina Prep. These guidelines are as follows:

1. Selection of the insurance company and/or agency will be made on the basis of competitive proposals.
2. No company will be allowed to alter its coverage or premium rate after the deadline for submitting proposals.
3. The student accident insurance program selected may be continued for up to five consecutive years, subject to mutual agreement by the company and school without seeking new proposals on the open market provided there is no change in coverage, any change in premiums is justified and acceptable, and the service rendered is satisfactory.
4. Scheduled or limited coverage will be offered in order to keep the premium within the reach of the majority of students.
5. The student insurance offered will be compulsory for all students participating in middle, junior and senior high school athletics unless an Insurance Waiver form is signed by the parent indicating adequate personal insurance and releasing North East Carolina Prep, its officers, directors and its employees from responsibility for any claim due to injuries received while participating in a school sponsored athletic program.
6. Once the student accident insurance has been selected and implemented, it becomes primarily a matter between the student (or parent) and the insurance company, with the school participating only to the extent of filling out and turning over to the student (or parent) that portion of the claim form necessary to certify the time, location, and circumstances of the accident, and to identify the student as a participant in the student accident insurance program.
7. The underwriting company (if not located in North Carolina) must maintain an agent within the State with authority to handle, adjust, and process claims so that final claim determination will be made within the State of North Carolina.
8. The agency and/or underwriting company selected must provide access to knowledgeable, local representation to follow up problem claims, answer questions concerning coverage and procedures, and generally expedite the entire program from the standpoint of communication among the claimant, the medical treatment source, and the claims office.
9. Within the framework established by these guidelines, student accident insurance will be treated entirely as an administrative matter.

POLICY CODE: 601472 IMMUNIZATION OF STUDENTS

Each student must have immunizations for the following diseases before the first day of attendance in school: diphtheria, tetanus, whooping cough, poliomyelitis, red measles, rubella, and for any other disease that is determined by the Commissioner of Public Health to be in the interest of the public health.

If the parent has a bona fide religious belief that is contrary to the immunization, the parent must provide to the Executive Director a written statement of the bona fide religious belief in which the parent identifies the opposition to the immunization requirement. Upon receipt of this statement, the child shall be allowed to attend school without the immunization.

If a physician licensed to practice medicine in the State of North Carolina certifies that, based upon a contraindication adopted by the Commission for Health Services, a required immunization may be detrimental to the health of the child then the child may be allowed to attend school without the immunization.

Certificates of Immunization

1. Subject to the exceptions set forth in this policy, a certificate of immunizations, completed by a qualified professional, must be presented to the Executive Director on or before the child's first day of attendance. If not received before the child begins attendance, the Executive Director shall submit a Notice of Deficiency to the parent.
2. The certificate of immunizations must then be provided within 30 calendar days of the first day of attendance. An extension beyond 30 days may be allowed upon certification by a physician that additional time is necessary in order to administer vaccine in medically approved doses.
3. The Executive Director shall exclude children who have not provided the certificate of immunizations within the above timeframe.
4. The Executive Director shall maintain the certificate of immunizations and transmit, upon request, a copy to any new school of enrollment. The Executive Director shall also maintain a copy of any statement presented by the parents based on either the religious or medical exemptions set forth in this policy.
5. Within 60 calendar days after the commencement of the school year, the school is required to file an immunization report with the North Carolina Department of Health and Human Services on forms provided by the department.

Legal References: N.C.G.S. §§ 130A-152 to -157; 15 NCAC 19A.0401

POLICY CODE: 601473 COMMUNICABLE/INFECTIOUS DISEASES

North East Carolina Prep recognizes its responsibility to provide a safe and orderly environment for all students and employees. The school will maintain a balance among the needs to educate all eligible students, to protect students' and employees' rights, including the rights to privacy and confidentiality, and to control communicable diseases, including HIV and AIDS. Under certain circumstances, students with communicable diseases may pose a threat to the health and safety of other students and staff. Decisions regarding the educational status of students with communicable diseases will be made on a case-by-case basis in accordance with this policy. Nothing in this policy is intended to grant or confer any school attendance or education rights beyond those existing by law. The administration is directed to adopt regulations that implement the requirements of this policy.

I. Definition of Communicable Disease

A communicable disease is defined as an illness due to an infectious agent or its toxic products that is

transmitted directly or indirectly to a person from an infected person or animal. The term "communicable disease" includes "communicable condition," which is the state of being infected with a communicable agent but without exhibiting symptoms.

II. Precautions

In order to prevent the spread of communicable diseases, guidelines for necessary health and safety precautions shall be distributed by the administration and followed by all school employees. Employees are also required to follow the school's bloodborne pathogens exposure control plan, set forth in this policy which contains standard precautions and specific work practice controls relating to the handling, disposal and cleanup of blood and other potentially infectious materials. A student should not be involved in the handling, disposal and cleanup of potentially infectious materials unless the student has been specifically trained in the handling of such materials and is qualified to perform first aid services. Faculty should take reasonable precautions to prevent student contact with these substances.

III. Curriculum

The school will include health, hygiene and safety education in its curriculum. The curriculum will include age-appropriate information concerning safe health practices that will inhibit and prevent the spread of diseases, including HIV and AIDS. A parent may elect to "opt-out" of having their child participate in the health and hygiene curriculum on the basis of personal, philosophical or religious beliefs.

IV. Reporting and Notice Requirements

In accordance with G.S. 130A-136, the Executive Director will report suspected cases of reportable communicable diseases to the designated staff in the County Health Department ("Health Department"). The law protects the confidentiality of such reports. The Executive Director is presumed by law to be immune from liability for making such reports in good faith. Additionally, a student's parent shall be notified in a timely manner when the student has potentially been exposed to a communicable disease through the exchange of blood with another individual. In such cases, students must be evaluated by the school nurse, who will follow the procedures set forth in the applicable rules, standards of professional conduct and procedures for managing exposure to communicable diseases.

The Executive Director is responsible for determining which school personnel will be informed of the identity of a student with AIDS or HIV infection or other communicable diseases required to be reported. Any employee who is informed or becomes aware of the student's condition shall respect and maintain that student's right of privacy and the confidentiality of his or her records and may not share that information unless specifically permitted to do so by the health director, the student's parents or legal guardian or by other applicable state or federal laws or regulations. Any documents relating to a student's HIV or AIDS infection or other reportable communicable disease shall be maintained in a strictly confidential manner and shall be released or shared only as necessary to comply with this policy. Employees who are informed of the student's condition shall also be provided with appropriate information concerning necessary precautions and made aware of the strict confidentiality requirements. Release of this confidential information or records, except as permitted by law, constitutes a misdemeanor and may subject the employee to further discipline.

In order to address the needs of the student within the school environment, school employees are required to notify the Executive Director if they are aware or become aware of any student suffering from a communicable disease. Parents shall be encouraged to notify the Executive Director as well.

Students who are immunodeficient, whether due to AIDS or other causes, face increased risk of severe complications from exposure to communicable diseases that may appear in the school setting. Accordingly, students and their parents or guardians are encouraged to inform the Executive Director in the event a

student suffers from any such immunodeficiency. If notified that a student suffers from such an immunodeficiency, the Executive Director should request that the notifying party provide information about what types of exposures might put the student at risk and what reasonable practices can be taken in the school setting to minimize risk to the student. Whenever possible, the Executive Director of a school should notify the parents or guardians of an infected or immunodeficient student (or the student him/herself, where appropriate) about the presence of chicken pox, influenza, meningococcus, measles or tuberculosis or other contagious disease occurring in the school that may represent a serious threat to the student's health. Students who are removed from school as a result of such conditions will be provided instruction in an appropriate alternative educational setting.

V. Education/School Attendance for Students with AIDS/HIV Infection

Students with AIDS and HIV infection will be permitted to attend school without special restrictions except in accordance with 15A N.C.A.C. 19A.0202, and this subsection.

When the Executive Director determines that a student with AIDS or HIV infection may pose a significant risk for transmission, the Executive Director shall appoint an interdisciplinary committee in accordance with state health regulations and procedures established by the Executive Director and/or the Board. The committee is to consult with the Executive Director and county health officials regarding the risk of transmission and advise the Executive Director regarding the placement of the student. The committee shall include appropriate school personnel, medical personnel and the student's parent or guardian and may include legal counsel. The parent may request additional participants as necessary to appropriately evaluate the risk. The Executive Director shall be responsible for determining whether to add additional members that may be requested by the parents. The Executive Director is also to inform the Board of Directors whenever a committee has been formed and will advise the board of the professional composition of the committee.

The interdisciplinary committee will review each case individually in consultation with the Executive Director and county health officials to determine (1) the degree to which the student's conduct or presence in school exposes others to possible transmission or other harm, and (2) what risk the school environment may pose to the infected student. If the Executive Director concludes that a significant risk of transmission exists in the student's current placement, the committee must determine whether an appropriate adjustment can be made to the student's school program to eliminate this risk. If that is not possible, the student shall be provided instruction in an appropriate alternative educational setting that incorporates protective measures required by the Executive Director.

If the administrative or instructional personnel on the committee determine that the student has limited strength, vitality or alertness due to a chronic or acute health problem that adversely affects the student's educational performance, they must refer the student for possible identification and placement as a student with special needs.

All deliberations of the interdisciplinary committee will be kept strictly confidential and shared only as allowed by law.

VI. Informing Employees of Requirements

The administration shall assure that each school level employee is informed of the requirements of this policy. In addition, the requirements of this policy shall be included in the initial orientation for new employees and shall be part of any written information provided to them.

Legal Reference: N.C.G.S. §§ 115C-36, -81; §§ 130A-2, -25, -136, -142 -144, -152 -157; 15A N.C.A.C. 19A.0201 - .0204

POLICY CODE: 601475 ADMINISTERING MEDICATIONS TO STUDENTS

This policy addresses the administration of medications to students. For rules regarding the administration of emergency health care and first aid to students refer to the policy entitled "First Aid and Emergency Medical Care".

Medication (including over-the-counter and prescription medications) will be administered to students during school hours and during school-sponsored activities only upon receipt of a written parental request and a valid medical authorization.

The administration of drugs or medications, duly prescribed and authorized by a physician, is within the scope of duty of a teacher, including substitute, teacher assistant or student teacher, and any other public school employee as authorized by the North East Carolina Prep Board of Directors (the "Board"). The Board designates the Executive Director of the school as its designee to authorize employees, contracted agencies or staff at the school to administer medication to students in accordance with state law. The Executive Director shall authorize named individuals to administer medication, provided that no one shall be required to administer drugs or medication. Each person designated to administer medication shall receive annual training.

The Executive Director shall develop regulations to implement the provisions of this policy that include detailed rules regarding the circumstances in which students may self-administer medications.

I. General Rules for Administering Medications to Students

School employees (including substitutes and student teachers) may administer medications to North East Carolina Prep students only in the following circumstances:

1. Prescription medications shall be administered only when accompanied by a Medication Authorization for North East Carolina Prep Students form (hereinafter "Medication Authorization Form") signed by a licensed health care provider with prescribing privileges and by the student's parent.
2. Non-prescription ("over-the-counter") products may be administered only when accompanied by a Medication Authorization for North East Carolina Prep Students form signed by the parent/guardian.
3. Emergency medications may be given only by trained personnel pursuant to the health department's established protocol in life-saving situations.

II. Detailed Procedures

A. Required Permissions to Bring Medications to School

Students may bring medications to school only if the standardized Medication Authorization form is filled out and accompanies the medications. For record keeping purposes, a separate form is required for each medication.

1. Information on the Medication Authorization form must include the student's name, birth date, school, school telephone/fax number, name of medication, the strength of dose, specific dosing instructions, expected side effects or adverse reactions, length of treatment, special instructions, the health care provider's signature, date, office telephone/fax numbers, and parent/guardian signature. The parent/guardian signature on the Medical Authorization form is not required if separate written notes from parents or guardians authorizing medication administration are permanently attached to the Medication Authorization form signed by the health care provider.
2. A new Medication Authorization form is required at the beginning of every school year or when a student begins to take a new medication or when the dose or schedule of a previously authorized

medication is changed.

3. Medication Authorization forms transmitted or received by fax from the office of a licensed health care provider are acceptable. Medication Authorization forms signed by an out-of-state health care provider will be accepted if a student does not have a local source of health care. Forms signed by an out-of-state health care provider are acceptable only for 90 days.

4. Medication Authorization forms from health care providers who have developed their own forms may be accepted in place of the North East Carolina Prep Medication Authorization form if they include the required information and the parental/guardian consent.

B. Medications at School

1. Bringing Medications to School

It is expected that the parent/or guardian will bring the medications to school and give them to the designated school official or the teacher. When this is not possible, the student may bring the medication to school so long as the parent notifies school personnel and the medication is accompanied by a note, signed by the parent, specifying the exact amount of the medication that is being brought by the student. The medication must be taken immediately to the staff person designated to administer medicines to students.

2. Medication Storage Containers

All medications to be administered at school must be in their original containers. In the case of prescribed products, the medications must also be in properly labeled containers from the pharmacy or health care provider's office.

3. Access to Medication

Only designated personnel, the Executive Director, and school nurses and their supervisors will have access to student medications and medication records.

C. Administering Medications

1. Persons Authorized to Administer Medications at School

In order to ensure the safety of students, authorized medications will be administered by designated personnel or school nurses. The Executive Director shall designate persons to be responsible for the administration of medications to students. No employee or staff member shall be required to administer medications.

2. Required Training

All designated personnel shall receive formal initial and on-going training in all aspects of medication administration by the Department of Public Health or by an organization providing comparable training.

3. Detailed Procedures for Administering Medications

Designated personnel will follow established policies and procedures for the safe and efficient administration of medication to students.

a. Location: Medications should be administered in a consistent central location in each school. Administration in the classrooms is discouraged on the basis of storage requirements, training and supervision, record keeping, maintenance of confidentiality, and management of unexpected side effects or emergencies. When it is not feasible for medications to be administered in a central location, special exceptions may be granted by the Executive Director in consultation with the school nurse. Except for students authorized to self-administer medications, students must take the medication in the presence of the designated personnel.

- b. Storage: Each school will provide safe, secure, and proper storage, including refrigeration, for all medications administered at school and during school-sponsored activities.
- c. Record keeping: Designated personnel will follow all established policies and procedures regarding record-keeping requirements for medication administration. Records will be maintained for appropriate periods of time as defined in the medication administration guidelines.

D. Self-Medication

Students with chronic conditions such as asthma, diabetes, severe allergies, etc., and those who require frequent administration of non-prescription products, etc. may be eligible to administer their own medications upon meeting the conditions set forth below. Students who take controlled substances such as psycho-stimulants (methylphenidate, Dexedrine, etc.) are not eligible to self-administer their own medications, except as permitted in Section E, 3. The Board and its designees do not assume responsibility for self-medication by students.

1. The student must be mentally, emotionally, and physically capable of self-administering medication.
2. The student must have been instructed in proper use and safe-keeping of their medications.
3. The student must demonstrate mature and responsible behavior using their medications.
4. These students must be approved for self-medication by their health care provider, parent/guardian, School Director or designee, and the school nurse. The student must also accept this responsibility in writing. The required signatures must be obtained on the Medical Authorization form.
5. Students must keep their medication secure on their own person or in some other manner as agreed upon with the school nurse and the school administration. In general, only a limited amount of the medication should be maintained at school.
6. The medication must not be shared with or displayed to other students.
7. School personnel who suspect that a student may be misusing or abusing medication should notify the Executive Director and school nurse. The privilege of being allowed to self-medicate may be revoked by the school in consultation with the prescribing health care provider and parent/guardian if there is any just cause. Responsibility for self-medication can be re-instated after consultation with the student and other designated persons. Failure to abide by the above provisions may also result in disciplinary action pursuant to the behavioral guidelines found in the student handbook.

E. Special Circumstances

1. Extra-curricular Activities

Since medications may need to be administered during school-sponsored extra-curricular activities such as field trips, athletic events, or other activities, school staff should make provisions to ensure that students receive medications as authorized.

Permission slips for these activities must include information about medications which need to be administered. Other significant medical information should also be included (allergies, etc.) on these permission slips. Classroom teachers, chaperones, and/or coaches who will be responsible for students during these activities must be familiar with proper administration of authorized medications.

2. Before and after-school programs

The administering of medications during before and after-school programs shall be subject to the same policies and procedures that apply to administering of medications during normal school hours of operation.

3. Special medical need

In rare instances when a physician, parent and nurse agree that a student may safely carry and self-administer a controlled substance, and when timely use of the specific medication is likely to prevent a potentially harmful medical episode, such as a seizure, the Executive Director, in consultation with the physician, parent and school nurse may authorize the self-carry of a single dose of medication that is a controlled substance. The rules and procedures for bringing medications to school and self-medicating described above are applicable. Following any use of such medication, the student must report to the school nurse/office as soon as possible. The administration of this medication must then be documented on the Medication Log.

F. Confidentiality

The state laws of North Carolina regarding confidentiality of student records apply to all medication information in the schools. Employees will not share confidential information about students' medications. This includes knowledge about prescribed medications, treatment, and diagnoses.

Need for strict confidentiality: On some occasions it is necessary to protect a student's privacy by keeping his/her medical diagnosis and/or treatment confidential. In these cases, the student's health care provider and/or family should initiate contact with the Executive Director or school nurse to make arrangements so that only those with a "need to know," which always includes the Executive Director and nurse, are aware of the situation.

G. Financial Liability

The Board assumes no responsibility for the purchase of medications for students. It is the sole responsibility of the parent/guardian to supply all medications for administration to their child.

Legal Reference: N.C.G.S. § 115C- 307

POLICY CODE: 601477 FIRST AID AND EMERGENCY MEDICAL CARE

The administration of emergency health care and performance of other first aid or life saving techniques are within the scope of duty of a teacher, including substitute teacher, teacher assistant or student teacher, and any other public school employee as authorized by the North East Carolina Prep Board of Directors (the "Board"). The Board designates the Executive Director as its designee to authorize employees, contracted agencies or staff at each school to perform the required emergency health care, first aid or other life saving techniques.

The personnel designated by the Executive Director authorized to give emergency health care when delay would seriously worsen the physical condition or endanger the life of a student, and to perform any other first aid or lifesaving technique in which the employee has been trained in a program approved by the State Board of Education. Notwithstanding the above provisions, no employee or staff shall be required to attend life saving techniques training.

The administration at a school shall not prevent or discourage adults from placing 911 emergency telephone calls in emergency medical situations. Any staff or other person at a school who telephones 911 for emergency purposes must notify the school's administration immediately upon making the call.

Legal Reference: N.C.G.S. § 115C- 307(c), -375.1; § 90-21.14, -21.15

POLICY CODE: 601478 STUDENTS WITH FOOD ALLERGIES

North East Carolina Prep recognizes the increasing frequency and intensity of allergic reactions to foods by certain students and the impact these reactions may have on all children in the educational environment.

Therefore, North East Carolina Prep will:

- Make every reasonable effort to promote and protect the health of children in school by providing food choices that are safe as well as nutritious;
- Provide environments that reduce the risk of ingestion or contact with foods that trigger allergic reactions for students with known life-threatening food allergies; and
- Develop prevention and management educational materials and make them widely available to school staff, students and parents.

The Executive Director will adopt regulations setting forth a detailed plan for how the school will accomplish the above objectives that shall include information regarding the development of appropriate accommodations or healthcare plans for individual students with life-threatening allergies to foods.

Plans for Students with Life-Threatening Allergies to Foods

North East Carolina Prep recognizes that it is not possible for the school to totally eliminate the risk of exposure of students with life-threatening allergies ("identified students") to foods that trigger allergic reactions. However, the school takes seriously its responsibility to take reasonable steps to protect the safety of its students. Therefore, in an effort to identify students with life-threatening allergies to foods, initiate safety precautions to avoid allergic reactions by these students and prepare school staffs to deal with such allergic reactions should they occur, North East Carolina Prep adopts the following guidelines:

1. Parents of a student with a life-threatening allergy to a food must provide the Executive Director with documentation from a licensed healthcare provider describing the specific allergic condition of the child.
2. After receiving the required documentation, the school shall work with the parents of the identified student to develop a healthcare plan to minimize the specific risks to the student. Schools should also work with the parents to develop an emergency healthcare plan for use in the event of an allergic reaction by the identified student. Staff who should work in partnership with the parent to develop this plan may include, but are not limited to, the Executive Director, school nurse, the student's teacher and the cafeteria manager.
3. The healthcare plan should address various ways to limit the identified student's exposure to food(s) containing the specific allergen. While not exhaustive, following are examples of provisions that may be considered for inclusion in a healthcare plan. (This list is intended to be illustrative; only the provisions that are appropriate should be included in the healthcare plan and other accommodations should be added, as necessary.
4. The development and implementation of such healthcare plans shall be carried out in a supportive manner that protects student confidentiality. Healthcare plans may be included in the provisions of a 504 Plan, but are not intended to discourage the development of 504 Plans in appropriate circumstances.
5. When there is an identified student(s), the school will provide a table in the cafeteria that is to be kept free of the types of allergen(s) that impact the identified student(s) (e.g. a "nut-free" table). While this table shall be available to the identified student(s), they shall not be required to eat only at this table.
6. The Executive Director should make reasonable efforts to assure that all members of the school staff who have substantial direct contact with an identified student are made aware of the student's emergency healthcare plan and are trained to recognize the symptoms of and respond to an allergic reaction.
7. Should an identified student be suspected of having an allergic reaction, all staff who have been trained to perform first aid or a lifesaving technique are authorized to provide treatment according to the student's emergency healthcare plan. Staff must also call 911 and contact the student's parent.

Legal Reference: 20 U.S.C. §1400 et seq., 29 U.S.C. § 794(a); N.C.G.S. §§ 143-508(11) & -509(9); 10A N.C.A.C. 13P .0509

POLICY CODE: 601480 REPORTING CHILD ABUSE, NEGLECT AND DEPENDENCY/CHILD PROTECTION

The North East Carolina Prep recognizes the serious problem of child abuse, neglect, and dependency and the crucial role of school personnel in regard to this problem. Therefore, any school employee who has cause to suspect that any child is an abused, neglected, or dependent child must report the case of such child to the Director, or his authorized representative, of the County Department of Social Services, as is required by North Carolina law, and to the Executive Director. The Executive Director shall issue regulations addressing the manner and timing of this report.

In a school setting a child is observed daily by numerous people who have the opportunity to identify significant differences or changes in the child's appearance or behavior. Therefore, school employees are in a unique position to identify and to help abused, neglected, and dependent children and their families. All school employees should constantly be on the alert in observing changes that might indicate abuse, neglect, or dependency.

A. Reporting Child Abuse, Neglect, or Dependency

All school employees are required to report known or suspected cases of child abuse, neglect, or dependency and, to the extent possible all acts alleged to have been committed by any adult against a child that would constitute abuse, neglect or dependency if they were perpetrated by a child's parent, guardian, custodian or caretaker. The report should be made within twenty-four hours of the time the employee becomes aware of or suspects that a child has been abused or neglected or is a dependent child. The employee must make the report to the Director (or his authorized designee) of the local County Department of Social Services, Youth & Family Services Division, or other appropriate department, and, if the employee is on staff at the school, to the Executive Director.

The report may be made in person or by telephone or by facsimile transmission. The employee should also report the information to the Executive Director. However, making the report to the Executive Director does not excuse the employee of the responsibility of making the report to DSS.

Information regarding suspected cases of abuse, neglect, or dependency is confidential; therefore, employees must use discretion in discussing suspected cases with other employees. Such information should be discussed with other employees only when necessary to promote the best interests of the student. The employee must not discuss the information with non-North East Carolina Prep personnel except as required by law or authorized by the employee's immediate supervisor.

B. Contents of the Report

The report should include as much of the following information as is known:

1. Name and address of the child;
2. Name and address of the child's parent, guardian, caretaker, or, if known, the other adult who allegedly perpetrated the acts against the child;
3. The age of the child;
4. The names and ages of other children in the home;
5. The present whereabouts of the child if not at the home address;
6. The nature and extent of the child's injury or condition resulting from abuse, neglect or dependency; and

7. Any other information that might be useful.

Lack of any of the above information must not deter the reporting.

C. Definitions

In determining whether a child is abused, neglected, or dependent, the following definitions shall be used:

1. An abused child is defined as a juvenile less than eighteen (18) years of age whose parent, guardian, custodian, or caretaker:
 - a. Inflicts or allows to be inflicted upon such child a serious physical injury by other than accidental means; or
 - b. Creates or allows to be created a substantial risk of serious physical injury to the child by other than accidental means; or
 - c. Uses or allows to be used upon the child cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior; or
 - d. Commits, permits, or encourages the commission of any sex act or offense against the public morality or decency involving a child, in violation of law; or
 - e. Creates or allows to be created serious emotional damage to the child, as evidenced by a child's severe anxiety, depression, withdrawal or aggressive behavior toward himself or others; or
 - f. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the child.
2. A neglected child is defined as a juvenile less than eighteen (18) years of age:
 - a. who does not receive proper care, supervision or discipline from the child's parent, guardian, custodian, caretaker; or
 - b. who has been abandoned; or
 - c. who is not provided necessary medical care or necessary remedial care; or
 - d. who lives in an environment injurious to the child's welfare; or
 - e. who has been placed for care or adoption in violation of law.
3. A dependent child is a juvenile less than eighteen (18) years of age who is in need of assistance or placement because:
 - a. the juvenile has no parent, guardian, or custodian responsible for the juvenile's care or supervision; or
 - b. the parent, guardian, custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement.

C. Immunity Provisions

In accordance with North Carolina law, school personnel making a report, cooperating with the Department of Social Services in an investigation, or testifying in any judicial proceeding resulting from the report shall be immune from any civil or criminal liability that might otherwise be incurred or imposed for those actions unless such person acted in bad faith or with malicious purpose in taking such action(s).

Legal Reference: N.C.G.S §7B-101, -301, -309; §115C-400

POLICY CODE: 601485 STUDENT RECORDS

North East Carolina Prep is committed to engaging families and the community in the education process to enhance learning and academic achievement. The Board also seeks to operate effectively and efficiently with fiscal accountability. Therefore, the Board encourages students, families, and school personnel to be fully informed when it comes to rights regarding student records.

The Board, in accordance with the provisions of the Family Educational Rights and Privacy Act ("FERPA") and regulations adopted pursuant to FERPA, recognizes the rights of parents, guardians and eligible students to have access to a student's education record and the rights of parents, guardians and eligible students to limited control over the disclosure of those records.

I. Definitions

A. *"Dependent Student"* means a student who is a qualifying child or qualifying relative as set forth in the Internal Revenue Code at 26 U.S.C. §152.

B. *"Directory Information"* means information contained in an education record that may be disclosed by the school if proper notification is given to parents, guardians, and eligible students. Directory information may include student name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, academic recognitions and awards received, and the most recent educational agency or institution attended. Directory information is generally not considered harmful or an invasion of privacy if released. Each year the school will designate what information is considered directory information, as provided in Section II, below.

C. *"Education Records"* means those records that are directly related to a student and maintained by an educational agency or institution, including records kept in handwritten, digital, and other formats.

D. *"Eligible Student"* means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

E. *"Long-term Suspension"* means a disciplinary exclusion of a student for more than ten (10) consecutive school days from the school to which the student was assigned at the time of the disciplinary action.

F. *"Parent"* means a parent of a student and includes a natural parent, guardian, or individual acting as a parent in the absence of a parent or guardian.

G. *"Personally Identifiable Information"* includes, but is not limited to, the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

H. *"Short-term Suspension"* means a disciplinary exclusion of a student for up to ten (10) consecutive school days from the school to which the student was assigned at the time of the disciplinary action.

II. Management of Directory Information

At the beginning of every school year, the school shall notify parents of currently enrolled students and eligible students of:

- A. The types of personally identifiable information that the school has designated as directory information;
- B. A parent's or eligible student's right to refuse to let the school designate any or all of those types of information about the student as directory information; and
- C. The period of time within which a parent or eligible student has to notify the school of such refusal, by writing to the student's current school that he or she does not want any or all information about the student designated as directory information.

III. Notice Requirements

At the start of each school year, the school shall provide written notification to parents and eligible students of the following with respect to education records:

- A. The right of parents or eligible students to inspect and review education records, any procedures that must be followed in order to inspect and review records, and that a reasonable fee may be charged for copies of records.
- B. Circumstances under which personally identifiable information will be released from a student's education records without the parent or eligible student's prior written consent.
 - 1. Directory information may be released to outside organizations that offer and/or supply school memorabilia such as companies that manufacture class rings, publish yearbooks, or provide graduation products.
 - 2. Two federal laws require local educational agencies ("LEA") receiving assistance under the Elementary and Secondary Education Act of 1965 ("ESEA") to provide military recruiters, upon request, with three directory information categories – names, addresses, and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.
- C. An explanation of directory information and notice that this information may be provided to others without prior written consent of the parent or eligible student, unless the parent or eligible student notifies the Executive Director in writing that he does not wish for directory information to be disclosed regarding his child without prior written consent.
- D. Notice that the Board has a policy dealing with student records and the right of a parent or eligible student to obtain a copy of this policy.
- E. Notice that school officials may have access to education records when the officials have a legitimate educational interest.
- F. A statement that a record of disclosures of the education records will be maintained and that a parent may inspect and review that record.
- G. Notice that the Board permits a parent or eligible student to request correction of the student's education records, to obtain a hearing, and to add a statement to the education records and the procedures for doing this.
- H. The right of parents and eligible students to file with the United States Department of Education a complaint concerning alleged failures by the school to comply with the requirements of FERPA.

IV. Access to Education Records

A parent, eligible student, or individual who has secured proper consent for access to a student's education records may not be denied the right to inspect and review such records. This right may be exercised during normal business hours and may not interfere with the normal functioning of the school. School personnel shall comply with a parent or eligible student's request to inspect and review the records within a reasonable period of time, but in no event shall compliance with such a request exceed forty-five (45) days.

A reasonable fee, which shall be approved by the Board, may be charged to the individual or entity requesting a copy of education records.

Prior to complying with any student records request, the school employee responsible for complying with such requests shall verify whether the requesting individual or entity has the right to inspect the student's education records.

V. Disclosure of Student Records

A. Education records may not be released to third parties without the signed written consent of parents or eligible students, unless the conditions of Section V.B. are met. For the purpose of consenting to the release of education records, either parent may consent unless a court order governing the rights of the parents provides otherwise.

B. Personally identifiable information regarding a student may be released from education records without the consent of a parent or eligible student in the following circumstances:

1. The disclosure is to other school officials, including teachers, who have a legitimate educational interest.

- a. A school official is:

- i. A person employed by the school as an administrator, supervisor, instructor, or support staff member; or

- ii. A member of the Board; or

- iii. A person employed by or under contract to the school to perform a special task, such as an attorney, auditor, medical consultant, or therapist.

- b. A school official has a legitimate educational interest if the official is:

- i. Performing a task that is specified in his job description, by an employment contract, or under the direction of his supervisor; or

- ii. Performing a task related to a student's education; or

- iii. Performing a task related to the discipline of a student; or

- iv. Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

2. The disclosure is to officials of another school, school, or institution of postsecondary education where the student seeks or intends to enroll.

3. The disclosure is authorized representatives of the Comptroller General of the United States, the Secretary of Education, or to State and local educational authorities.

4. The disclosure is in connection with financial aid for which the student has applied or which the student has received.

5. The disclosure is to State and local officials or authorities, if a State statute adopted before November 19, 1974, specifically requires disclosure, such as the Child Abuse and Neglect Reporting Statute (N.C.G.S. § 7B–301) and the Compulsory Attendance Law (N.C.G.S. § 115C–378).
6. The disclosure is to organizations conducting educational studies in accordance with board policy and personally identifiable information regarding the student and the parents is not released to individuals outside of the agency conducting the study.
7. The disclosure is to accrediting organizations to carry out their accrediting functions.
8. The disclosure is to parents of a dependent student.
9. The disclosure is to comply with a judicial order or a lawfully issued subpoena when the school makes a reasonable effort to notify the parent of the order or subpoena in advance of compliance, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required. Child abuse and neglect is defined as any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.
10. The disclosure is to appropriate parties and is in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
11. The disclosure is information this policy has designated as “*Directory Information*” and the annual notification has been given to the parents or the eligible student by the school the student whose records are sought attends.
12. The disclosure is to an agency caseworker or other representative of a State or local child welfare agency, or tribal organization who has the right to access a student’s case plan when such agency or organization is legally responsible for the care and protection of the student. Tribal organization means the recognized governing body of any Indian tribe as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 450b).

VI, Parental Right to Challenge Records

A. Requesting Amendment

1. If a parent believes that the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student’s rights of privacy, he or she may ask the Executive Director of the school that the child attends to amend the records.
2. The Executive Director shall decide whether to amend the records as requested within a reasonable time, not to exceed thirty (30) days, after receiving the request.
3. If the Executive Director decides not to amend the records as requested, he shall inform the parents in writing of his or her decision and of the right to a hearing.

B. Appeal Rights

1. If a parent believes that his or her child’s education records contain information that is inaccurate, misleading, or in violation of the student’s rights of privacy, he or she may have a hearing on the issue before the Executive Director or the Executive Director’s designee.
2. If, as a result of the hearing, the Executive Director or the Executive Director’s designee believes the

information in the education records is not inaccurate, misleading, or otherwise in violation of the privacy of other rights of the student, he shall inform the parents of their right to place a statement in the records commenting on the contested information in the records. If a statement is placed in the education records, it shall be maintained as long as the contested part of the records is maintained.

3. If a parent disagrees with the decision of the Executive Director or the Executive Director's designee, he or she may appeal to the Board.

C. Special Disciplinary Information

1. A student's records shall contain notice of any long-term suspension or expulsion and the conduct for which the student was suspended or expelled. Each such notice shall be expunged if all of the following criteria are met:

a. One of the following persons makes a request for expungement:

i. The student's parent, legal guardian, or custodian; or

ii. The student, if the student is at least sixteen (16) years old or is emancipated.

b. The student either graduates from high school or is not expelled or suspended again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension.

c. The Executive Director determines that maintenance of the records is not required to maintain safe and orderly schools; and

d. The Executive Director determines that maintenance of the records is no longer needed to adequately serve the child.

2. Notwithstanding subdivision (C)(1)(a), the Executive Director or the Executive Director's designee may expunge from a student's education records any notice of suspension or expulsion provided all other criteria under (C)(1) are met.

3. A copy of the notice of suspension or expulsion shall be provided to the Executive Director for purposes of compiling school data regarding school safety. The official file of these records shall be kept on file in the school where they shall be available solely for the purpose of compiling such data.

4. The Board directs the Executive Director to develop regulations to accompany this policy that include specific rules for expungement.

VII. Use of Juvenile Court Information

A. As required by North Carolina law, School Directors occasionally receive information from juvenile court counselors regarding delinquency petitions for students when the petition alleges an offense that would be felony if committed by adult, as well as other statutorily prescribed information. Juvenile court information is not part of a student's education records. Therefore, School Directors shall keep such information confidential and store such information in a safe, locked location, separate from the student's education records.

B. School Directors shall shred, burn, or otherwise destroy juvenile court documents when they receive notification that the court dismissed the juvenile petition, the court transferred jurisdiction over the student to superior court, or the court granted the student's petition for expunction of the records.

C. School Directors shall shred, burn, or otherwise destroy juvenile court information when they find that the school no longer needs the information to protect the safety of or to improve the educational opportunities for the student or others. School Directors shall not make copies of juvenile court

information.

D. Juvenile court documentation received under this section shall be used only to protect the safety of or to improve the education opportunities for the student or others and shall not be the sole basis for a decision to suspend or expel a student.

E. Upon receiving juvenile court documentation, the Executive Director shall share the document with those individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student, and (ii) a specific need to know in order to protect the safety of the student or others. Individuals with whom such information is shared shall indicate in writing that they have read the document and that they agree to maintain its confidentiality.

F. If a School Director has received juvenile court documentation about a student who graduates, withdraws from school, is suspended for the remainder of the school year, is expelled, or transfers to another school, the Executive Director shall return all documents not already destroyed in accordance with subsections B and C of this section to the juvenile court counselor and, if applicable, shall provide the counselor with the name and address of the school to which the student is transferring.

VIII. Creation, Maintenance, and Disposal of Records

A. The education records for all students in North East Carolina Prep shall include, at a minimum, the following items:

1. Date of birth
2. Attendance data
3. Grading data
4. Promotion data
5. Notice of any long-term suspension or expulsion imposed pursuant to N.C.G.S. § 115C-390.7 – 390.11 and the conduct for which the student was suspended or expelled.

B. All education records must be kept under a student's legal name as recorded on a birth certificate, court order, or certificate of adoption.

When a student initially enrolls at North East Carolina Prep a birth certificate or other satisfactory evidence of birth must be present within the child's education file so that the student's legal name and date of birth may be ascertained. If a birth certificate is not present in the file it will be requested of the parents. If the parent does not have, or cannot obtain a birth certificate, then the name and birth date used on the records of such student must be that as shown on a document that is acceptable to the school as proof of date of birth.

The name used on the records of a student entering North East Carolina Prep from another school must be the name as shown on records from the school previously attended unless evidence is presented that such name has been legally changed through a court as prescribed by law.

The school reserves the right to request a copy of a birth certificate or court order at any time during a student's enrollment when either the legal name or the birth date is in question.

Once education records for a student have been established, a request for a change of name on the student's records will not be honored unless evidence is presented that the name of the pupil has been legally changed by a court as prescribed by law. In the case of a stepparent adoption or an adoption arranged by an authorized adoption agency, the name may be changed when a certified letter is received from the clerk of court stating that the petition of adoption has been filed with the court.

- C. All education records are to be stored in lockable files with a key to be maintained by the Executive Director.
- D. Information not listed in “A” above may be disposed of pursuant to regulations regarding the disposal of public records in North Carolina.
- E. Participants in the State of North Carolina’s Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes shall be kept confidential from the public and shall not be disclosed except as provided by law. When presented with a request for copies of education records and proper documentation of participation in the Address Confidentiality Program, the school shall redact any personally identifiable information that may plausibly disclose the identity of the participant.

IX. Serving Students of Military Families

- A. School administrators shall make every effort to comply with N.C.G.S. § 115C-407.5 in serving students of military families.
- B. Upon receipt of a request for education records of a student of a military family, the school that has such records shall send a copy of the student’s records to the requesting school within ten (10) days.

Legal Reference: 10 U.S.C. § 503(c), 20 U.S.C. § 1232g, -7908, 25 U.S.C. § 450b, 26 U.S.C. § 152, 42 U.S.C. § 5101 note; N.C.G.S. §§ 7B-301, -3100, -3101, 15C, 115C-47, -378, -384, -390.7 – 390.11, -402, -404, -407.5

POLICY CODE: 601486 STUDENT/PARENT GRIEVANCE

A. OPTIONS FOR RESOLVING COMPLAINTS

North East Carolina Preparatory School strives to resolve concerns and complaints of students and parents whenever possible. To this end, the Board has provided opportunities for students and parents to express their concerns through processes established in Board policies. This policy identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the Board encourages resolutions of complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or if the informal process did not produce satisfactory results. This policy provides a complaint procedure that may be used as described below.

Any parent or student who has questions about the options for proceeding with a complaint or concern may contact the principal or Executive Director for further information and copies of all applicable Board policies.

B. DEFINITIONS

1. Grievance

A grievance is a formal written complaint that a student or parent has been adversely affected by a final administrative decision and that the decision violated a specified federal law, State law, State Board of Education policy, State rule, or local board policy. The term "grievance" does not include any matter for which the method of review is prescribed by law, for which there is a more specific Board policy providing a process for addressing the concern, or upon which the Board is without authority to act. Recommended decisions are not grievable. Other matters that are not appropriate for grievances under this policy include:

- a. Claims of harassment or bullying, including discrimination on the basis of disability;
- b. Appeals of long-term suspensions or expulsions;
- c. Complaints about matters related to the identification, evaluation, or educational placement of a child with a disability or other decisions of an IEP team, which should be pursued using the methods provided in the Parents Rights Handbook.

2. Grievant

The grievant is the student or parent/guardian of a student making the claim.

3. Final Administrative Decision

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

4. Days

Days are working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the grievance.

For any time period provided by this policy, receipt of notification may occur through hand delivery, regular mail, or email.

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 shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays that interfere with the exercise of the grievant's legal rights are not permitted.

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

D. GENERAL REQUIREMENTS

1. No reprisals of any kind will be taken by the Board or by a school employee against any grievant or other student or employee because of his or her participation in a grievance filed and decided pursuant to this policy.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. Grievances will generally be handled on an individual basis, rather than as a group. If grievants request to be heard as a group, the Board and school officials may grant or deny that request in their discretion.
4. A grievance may be voluntarily withdrawn at any level. Once a grievance is withdrawn, it cannot be reopened. If at any time during the grievance process the school grants the relief request, the grievance shall be terminated at that time.
5. The student may be represented by a non-parent advocate or attorney at a hearing before the Board of Directors. No attorneys or advocates may attend the meeting with a principal. If the grievant intends to be represented by legal counsel at the Board hearing, he or she must notify the Executive Director in advance so that school personnel and/or the Board also will have the opportunity to be represented by legal counsel.

E. PROCESS FOR GRIEVANCE

1. Filing a Grievance
 - a. A grievance must be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the grievance. Grievances filed after 30 calendar days will be reviewed by the school as a complaint outside the grievance process.
 - b. All grievances must be submitted to the school principal, except:
 1. Grievances regarding transportation issues should be directed to the Director of Transportation.

2. Grievances regarding final administrative decisions of the Executive Director should be directed to the Chair of the Board of Directors.

c. A student or parent or guardian who has a grievance must provide the following information in writing: (1) the name of the school employee or other individual whose decision is at issue; (2) the specific decision(s) at issue; (3) any Board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific administrative decision at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in this policy is appropriate, and the principal shall address the concern following that policy.

d. Even if the principal is the employee whose decision is at issue, the student must submit the grievance first to the principal in order for the principal to address the issue within the formal process.

2. Level One

a. The principal shall schedule and hold a meeting with the student and/or parent or guardian within ten school days after the grievance has been filed with the principal. The student may be accompanied by a parent or guardian.

b. The principal shall conduct any investigation of the facts necessary before rendering a decision.

c. The principal shall provide a written response to the written grievance within ten days of the meeting. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.

d. A copy of the grievance and the principal's response will be filed with the Executive Director. The principal should maintain a record of the grievance, including the grievance, response, and any investigative or supporting documents provided by the grievant or relied upon by the principal. These documents should be forwarded to the Executive Director in the event of an appeal.

3. Level Two

a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the Executive Director. The appeal must be made in writing within ten days of receiving the principal's decision and should specify the reasons for appeal.

b. The Executive Director may review the written documents, gather any additional information he or she deems necessary, and respond in writing to the grievant. The Executive Director may affirm, reverse, or modify the principal's decision. The Superintendent shall provide a written response within thirty days after receiving the Level Two grievance. In responding, the Executive Director may not disclose information about other students or employees that is considered confidential by law.

4. Level Three

If the grievant is not satisfied with the Executive Director's decision, the grievant may submit a written appeal to the Board of Directors within ten (10) days. Level Three grievance requests should be submitted in writing to the Executive Director, who will forward the information to the Board Chair.

a. Upon receipt of the appeal, the Board Chair shall appoint a panel of not less than two members of the Board to hear and decide the grievance.

b. The panel shall make reasonable efforts to meet and consider the appeal within twenty (20) days after the chairperson refers the grievance to the panel. Notice of the appeal hearing will be given to the parties.

c. The panel shall review the grievance on the record unless it determines that additional information may be presented. No new evidence, written or verbal, may be presented without the prior knowledge and consent of both parties. Each party may make a brief oral presentation of no more than fifteen (15) minutes to summarize his or her position. The panel has the authority to ask questions, extend time limits, exclude extraneous or duplicative information, and otherwise maintain an efficient and fair appeal hearing. The hearing will be recorded and shall be held in closed session.

d. The Board panel may affirm, reverse or modify the decision of the Executive Director. Level Two decision will be reversed only if the decision was:

- 1) in violation of constitutional provisions;
- 2) in excess of the statutory authority or jurisdiction of the school system;
- 3) made upon unlawful procedure;
- 4) affected by other error of law;
- 5) unsupported by substantial evidence in view of the entire record as submitted; or
- 6) arbitrary or capricious.

Substantial evidence refers to relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

e. The Board panel will provide a final written decision within 20 days of the Level Three hearing unless the panel determines that additional time is needed for further review. The decision of the Board panel shall be final.

F. PROCESS FOR APPEALS OF NON-GRIEVANCES

1. If student or parent believes he or she was aggrieved by a final administrative decision but the complaint does not meet the definition of "grievance" in this policy because it does not allege a violation of a specified law or policy, the student or parent may still submit the complaint to the principal, and the principal will respond as provided under Level 1 of this Policy. If the complainant is not satisfied with the principal's response, the complainant may request review by the Executive Director as provided in Level 2. If the complainant is not satisfied with the Executive Director's response, the complainant may request a discretionary Board hearing by filing a written appeal within ten (10) days. The appeal shall state the specific reason(s) why a hearing is necessary and shall be submitted to the Executive Director.
2. The Executive Director shall forward timely appeals for a discretionary hearing to the Board Chair. The Board Chair will determine whether a discretionary hearing will be granted.
3. If the Chair approves the request for a discretionary hearing, the grievant will be provided notification of the scheduled discretionary hearing. A discretionary hearing will follow the same procedures as a Level Three hearing.
4. If the Board chairperson denies the request for a discretionary hearing, the decision of the Executive Director will be final and the grievant will be notified of the decision to deny the appeal for a discretionary hearing.

G. NOTICE

The Executive Director is responsible for providing effective notice to students, parents and school employees of the procedures for reporting and investigating grievances.

H. RECORDS

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

Legal References: G.S. 115C-45(c); 126-16; 150B-43 *et seq.*

PERSONNEL

POLICY CODE: 701401 SCHOOL VOLUNTEERS AND VOLUNTEER SCREENING

The North East Carolina Prep supports community involvement by encouraging the development and maintenance of strong volunteer programs. These programs provide varied opportunities for parents and community members to be actively engaged in the academic, cultural and social development of students and families. The Board also promotes the use of innovative strategies that support families and their involvement in school-related activities.

North East Carolina Prep will recruit volunteers who contribute to the intellectual, physical and/or emotional development of students and to the well-being of the schools.

Screening of Volunteers

Before a volunteer is assigned to a task in the school, he or she will be screened.

A. Purpose of Screening

1. The objective of screening is to ensure, so far as is reasonably possible, that students are safe in school environments. Screening of volunteers is crucial because of the vulnerability of the school-aged population served, some of whom are students with disabilities.
2. Screening will be used to identify volunteers who may pose an unacceptable risk to students or to the school. The screening process is a means to assess the potential of an individual volunteer to contribute physical and/or emotional harm to others, steal or damage property, and/or violate North East Carolina Prep confidentiality procedures.
3. Screening helps to:
 - a) Identify individuals who, if placed in certain unsupervised situations, may create an unacceptable level of risk;
 - b) Prevent the inappropriate placement of individuals;
 - c) Exclude dangerous individuals; and
 - d) Exclude individuals who may be considered inappropriate for a specific task.

B. Methods of Screening

The North East Carolina Prep will use responsible, reasonable methods to screen volunteers. The level of screening is dependent upon the task assigned to a volunteer, the degree of supervision of the volunteer by a supervisor and the nature of the volunteer's contact with students. The level of scrutiny in screening will increase as a volunteer's contact with a student increases and the degree of staff supervision decreases.

Screening methods may include:

- a) Completion of the North East Carolina Prep Volunteer Profile Form
- b) Interviews by appropriate North East Carolina Prep staff
- c) Reference Checks
- d) Record Checks (criminal history, driving record, and credit bureau for bookkeeping, fundraising or financial positions)

e) Orientations

f) Attendance at school and/or other trainings

C. Task Assignment Descriptions

Task Assignment descriptions will be written before a volunteer is placed in the school in order to provide a framework to match a volunteer to tasks for which he or she is qualified.

D. Non-discrimination

North East Carolina Prep does not discriminate on the basis of race, sex, religion, ethnic origin, marital status or disability in its recruitment, screening and placement of volunteers.

Legal Reference: 42 U.S.C. §5119a (1998); 42 U.S.C. §14501-05 (1997); N.C.G.S. §115C-209.1

POLICY CODE: 701402 EMPLOYEE CLASSIFICATIONS

In accordance with State Board of Education/Department of Public Instruction policy and regulations, at the time of hire, North East Carolina Prep employees are classified as: (1) full-time or part-time; and (2) permanent or temporary. Unless otherwise specified by the terms of the Employee Handbook, the following definitions apply to the classification of North East Carolina Prep employees for purposes of such manual and applicable North East Carolina Prep policies and administrative regulations:

1. Full-Time Employee. "Full-Time Employee" means an employee whose regular workweek is the number of hours set as full-time in his or her position, but not less than thirty (30) hours per week. In addition, two or more part-time positions worked by an individual employee may be combined to produce full-time employment, as applicable.
2. Part-Time Employee. "Part-Time Employee" means an employee who regularly works at least twenty (20) hours per week, but less than the number of hours set as full-time for that position. North East Carolina Prep personnel may be employed less than full-time on an annual basis, not to extend beyond the school year in which employment is offered. Job sharing of one position may constitute part-time employment. In addition, time spent by certified personnel when employed to fill a part-time position shall not count towards such employees' potential future eligibility for election to career status.
3. Permanent Employee. "Permanent Employee" means an employee who is either:
 - (a) Employed with the school's expectation of permanent employment to fill a position that is to be permanent if present needs and funds continue; or
 - (b) Employed with the school's expectation of at least six (6) consecutive monthly pay periods of employment to replace one or more employees who are on leave of absence without pay.

Permanent employees may be employed either on a full-time or part-time basis. However the regular workweek of a permanent employee must be at least twenty (20) hours per week.

Eligibility by permanent full-time or permanent part-time employees for insurance, retirement and tax sheltered annuities, 401(k) and 403(b) plan participation, employee leave and other potential current or future benefits varies in accordance with North East Carolina Prep and North Carolina State Board of Education/Department of Public Instruction policy and regulations, as applicable.

4. Temporary Employee. "Temporary Employee" means (a) an interim employee whom the school expects to be employed for less than six (6) full monthly pay periods; or (b) an employee whose regular workweek is less than twenty (20) hours per week.

Note: Temporary employees are not eligible to: (a) participate in the 401(k) or 403(b) plans; or (b) receive or purchase health or other group insurance benefits. Temporary employees also are not eligible to earn, accrue or use annual vacation, sick, voluntary shared, personal, educational or professional leave, non-FMLA related parental leave, leave for injury caused by episodes of violence, or paid holidays. Eligibility by temporary employees for other available leave or benefits varies in accordance with applicable North East Carolina Prep and North Carolina State Board of Education/Department of Public Instruction policy and regulations, as applicable. In addition, time spent by certified personnel when employed to fill a temporary position shall not count towards such employees' potential future eligibility for election to career status.

5. Non-Exempt Employee. "Non-Exempt Employee" means an employee who is required to be paid overtime at the rate of time and one-half his or her regular rate of pay for all hours worked over 40 in a workweek, in accordance with the Fair Labor Standards Act (FLSA) and state wage and hour law.

6. Exempt Employee. "Exempt Employee" means an employee who is exempt from the overtime provisions of the FLSA/state law and is not eligible to receive overtime pay. Teachers, academic administrative personnel, executives, professional employees, outside sales representatives, and certain employees in administrative and IT positions as defined by the FLSA typically are exempt.

The above policy and employee classification terms and definitions are not intended to be, nor do they constitute, an express or implied contract of any kind in favor of employees, nor shall any employee or applicant for employment have any contractual rights, claims or privileges against the North East Carolina Prep by virtue of this policy. Nothing in this policy shall be interpreted to provide any employee with a right to continuing employment for any fixed period of time, and nothing in this policy is intended to create any type of agreement for employment or continued employment or guarantee of compensation or hours of work. In addition, unless otherwise specifically set forth in federal or state law or agreed to in writing by the North East Carolina Prep Board of Directors, all employment with the school is employment-at-will.

Legal References: 16 NCAC 6C.0101;

POLICY CODE: 701403 EMPLOYMENT AT WILL

Except as limited by any contract entered into by an employee with the North East Carolina Prep, or as otherwise required by statute or applicable law including N.C.G.S. §115C-325, all employees of the North East Carolina Prep are terminable at will and may be terminated at any time. As a general rule, at-will employees may, in turn, voluntarily resign their employment with the school at any time.

The policies, procedures and administrative regulations of the North East Carolina Prep are not intended to be, nor do they constitute, an express or implied contract of any kind in favor of employees, nor shall any employee or applicant for employment have any contractual rights, claims or privileges against North East Carolina Prep by virtue of such policies, procedures and regulations.

Legal References: N.C.G.S. § 115C-265, -271, -278, -287.1, -315, -325

POLICY CODE: 701404 EQUAL OPPORTUNITY

It is the policy of the North East Carolina Prep that all applicants for employment and employees will not be discriminated against on the basis of race, color, religion, sex, age, national origin or disability. This policy applies to all personnel actions, including recruiting, hiring, assignments, promotions, evaluations, transfers, compensation, training, discipline, termination and other terms and conditions of employment.

Legal References: 42 U.S.C. § 2000e et seq., 29 U.S.C. § 621 et seq., 42 U.S.C. § 12191 et seq.; N.C.G.S. § 168A-1 et seq., § 143-422.2

I. Prohibited Harassment

North East Carolina Prep forbids harassment of any employee on the basis of race, color, religion, sex, age, national origin, sexual orientation or disability. Such prohibited harassment includes harassment of employees by management, supervisory or non-supervisory personnel. Such prohibited harassment also includes harassment of employees by students, parents, vendors, and other third parties.

Harassment is conduct that has the purpose or effect of substantially interfering with an employee's employment; creates an intimidating, hostile or offensive work environment; or otherwise affects an employee's employment.

Harassment may include, but is not limited to:

- A. Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, sexual orientation, age or disability or that of his or her relatives, friends or associates;
- B. Epithets, insults, jokes, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, color, religion, sex, national origin, age or disability; or
- C. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, sex, national origin, age or disability that is placed, disseminated or circulated in the workplace.

Harassment also includes unwelcome sexual advances, unwelcome requests for sexual favors and other unwelcome conduct of a sexual nature if:

- A. Submission to or tolerance of such conduct is made either an explicit or implicit condition of employment;
- B. Submission to or tolerance or rejection of such conduct is used as a basis for an employment decision affecting an employee;
- C. The conduct has the purpose or effect of substantially interfering with an employee's performance;
- D. The conduct creates an intimidating, hostile or offensive work environment; or
- E. The conduct otherwise adversely affects an employee's employment.

If an employee has welcomed sexual advances or conduct by active participation in or encouragement of such activity, he or she should specifically inform the alleged harasser if such conduct is no longer welcome in order for any subsequent conduct to be deemed unwelcome. However, failure to give such notice in no way prevents the school from taking appropriate disciplinary action against the alleged harasser for his or her behavior.

II. Reporting by Other Employees

Any employee who believes that another employee is being subjected to harassment, including sexual harassment, or other conduct in violation of this policy, shall report such conduct to the Executive Director.

III. Reporting by Employees Claiming Harassment

Any employee who believes that he or she has been subjected to harassment, including sexual harassment, or other conduct in violation of this policy, shall report such conduct to the Executive Director.

IV. Alternative Reporting Options

If the employee feels uncomfortable reporting the matter to the Executive Director, the employee may bypass the Executive Director and report directly to the Chairperson of the Board of Directors.

V. Investigative Process

The Executive Director should report to the Board of Directors any reports made to the Executive Director under this policy.

All reports under this policy should be reviewed and/or investigated as deemed appropriate by the administration, and appropriate action taken to address the matter.

During the investigative process, information should be shared with others on a need to know basis only, so as to be sensitive to the privacy concerns of the reporting employee. In the event that the investigation results in findings of fact consistent with the report, the matter shall be referred for appropriate discipline.

If at any time during the reporting process, or thereafter, additional conduct occurs that the employee believes is a violation of this policy, the employee immediately shall report such conduct as a new violation in accordance with the procedures in this policy.

VI. Non-Retaliation

Any attempt to coerce, intimidate or retaliate against anyone who complains of harassment or who is involved in an investigation will not be tolerated and may result in disciplinary action, up to and including termination.

Legal References: 42 U.S.C. § 2000e et seq., 29 U.S.C. § 621 et seq., 42 U.S.C. § 12191 et seq., N.C.G.S. 115C-335.5, N.C.G.S. § 168A-1 et seq., § 143-422.2

POLICY CODE: 701406 EMPLOYEE PROTECTION (WHISTLEBLOWER) POLICY

The purpose of this policy is to encourage Board members, staff (paid and volunteer) and others to report suspected or actual occurrence(s) of illegal, unethical or inappropriate events (behaviors or practices) without retribution.

If any employee reasonably believes that some policy, practice, or activity at North East Carolina Preparatory (NECP) is in violation of the law, a written complaint must be filed by that employee with his/her immediate Supervisor. If the Whistleblower would be uncomfortable or otherwise reluctant to report to his/her Supervisor, then the Whistleblower could report the event to the Executive Director or the Board Chair. He/she can report the event with his/her identity or anonymously.

It is the intent of NECP to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of NECP and provides the NECP with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

NECP will not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of NECP, or of another individual or entity with whom NECP has a

business relationship, on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.

NECP will not retaliate against employees who disclose or threaten to disclose to a supervisor or a public body, any activity, policy, or practice of NECP that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

A whistleblower who makes a report that is not done in good faith is subject to discipline, including termination from the Board or employee status, or other legal means to protect the reputation of NECP and members of its Board and staff.

The Executive Director or Board Chair, whichever receives the report must promptly act to investigate and/or resolve the issue. The Whistleblower shall receive a report within five business days of the initial report, regarding the investigation, disposition or resolution of the issue.

If the investigation of a report, that was done in good faith and investigated by internal personnel, is not to the Whistleblower's satisfaction, then he/she has the right to report the event to the appropriate legal or investigative agency.

The identity of the Whistleblower, if known, shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement, in which case members of the organization are subject to subpoena.

Anyone who retaliates against the Whistleblower (who reported an event in good faith) will be subject to discipline, including termination from the Board or employee status.

POLICY CODE: 701407 CRIMINAL BACKGROUND CHECKS

An applicant's or employee's criminal history may indicate that the applicant or employee is not fit to work in the North East Carolina Prep. Therefore, in accordance with N.C.G.S. §11SC-332, a criminal records check of an individual's county, state, or federal criminal history will be conducted on all applicants for employment who accept an offer of employment or re-employment, including full-time, part-time, substitute and temporary employees. A criminal records check may also be conducted on a selective, random, or rotating basis for any current employees, annually rehired employees, and employees whose contracts are scheduled to be renewed.

In order to conduct an accurate check of criminal records, all applicants for employment will be required to submit to fingerprinting, and any current employee may be required to submit to fingerprinting. The refusal to consent to a criminal records check or fingerprinting will result in the applicant not being offered employment, or if a conditional offer has been made, the offer will be withdrawn or the employee's employment will be terminated, as applicable.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted of a criminal offense, other than a minor traffic violation, the Executive Director shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to full the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the

offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the Executive Director may exclude a final candidate based on his or her past criminal convictions, the Executive Director must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. The Board has determined that every position with the school, regardless of whether the position is located in school or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender will be hired for any position with NECP. In addition each contract executed by the Board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries.

If a person omits information or gives false information concerning his or her criminal history on his or her employment application, background check form, resume or any other required or submitted application related document, that person may not be offered employment. If the person has been hired or offered employment conditioned on the results of a criminal history check, the person will be subject to disciplinary action up to and including dismissal or the offer of employment will be withdrawn, as applicable.

School officials shall not require candidates to disclose expunged arrests, charges, or convictions, and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The Executive Director shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy.

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

Information obtained through the implementation of this policy shall be kept confidential as provided in Article 21A of Chapter 115C of the North Carolina General Statutes, and N.C.G.S §115C-332(e). However, the criminal history received on any person who is certificated, certified or licensed by the State Board of Education will be provided to the State Board as required by N.C.G.S. §115C-332(e).

Procedures for implementing this policy will be developed and administered by the Executive Director.

Legal Reference: N.C.G.S. §115C-332

POLICY CODE: 701408 STAFF CONFLICTS IN SUPERVISION AND EVALUATION

No assignment shall be made which places one member of a family in direct supervisory or evaluating relationship with another member of his/her immediate family. Where there is an indirect supervisory relationship, the supervisor shall remove himself or herself from the evaluation process. A member of the immediate family shall be defined as: spouse, children, parents, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, and stepfather.

I. General

By accepting employment with the North East Carolina Prep, employees have a responsibility to the school system, to their fellow employees and to the students that they serve to adhere to certain standards of behavior, performance and conduct. No set of rules can address all forms of unacceptable behavior. However, generally speaking, the school expects each of its employees to act in a professional and responsible manner at all times. In addition, examples of some of the more obvious unacceptable behaviors that may subject an employee to disciplinary action (including termination) are set forth below.

II. Standards of Conduct

Although not all-inclusive, any of the following types of conduct by an employee is grounds for discipline, up to and including immediate termination.

- (1) Violation of any Board policy or administrative rule, procedure or regulation, including, but not limited to, any Board policy or administrative rule, procedure or regulation concerning sexual behavior, discrimination, harassment, alcohol, illegal drugs, unlawful behavior, security or safety.
- (2) Violation of any applicable State Department of Public Instruction policy, rule, procedure or regulation, including, but not limited to, any violation of the Code of Professional Practice and Conduct for North Carolina Educators contained in the North Carolina Administrative Code.
- (3) Violation of any applicable federal, state or local statute, regulation or ordinance governing public school employees.
- (4) Violation of any written rules or procedures published by the Board or supervisors to school employees, provided that such rules and procedures do not violate or conflict with any Board policy or administrative rule, procedure or regulation.
- (5) Engaging in any unlawful behavior (with the exception of minor traffic violations outside of work hours), whether on school property, on student or vendor property, during work time, while in the course of school business, or otherwise, and whether or not the employee is convicted for such behavior.
- (6) Any federal or state court felony criminal conviction, guilty plea, plea of nolo contendere/no contest, deferred prosecution or prayer for judgment continued (or similar criminal convictions, pleas, deferred prosecutions or prayers for judgment rendered in foreign jurisdictions). A conviction includes any finding or admission of guilt and/or any imposition of a fine, jail sentence, probation or other penalty.
- (7) Any federal or state court criminal conviction, guilty plea, plea of nolo contendere/no contest, deferred prosecution or prayer for judgment continued (or similar criminal convictions, pleas, deferred prosecutions or prayers for judgment rendered in foreign jurisdictions) of any kind, whether felony or misdemeanor, involving minors under 18 years of age or involving public or private school funds, property, employees, visitors or students. A conviction includes any finding or admission of guilt and/or any imposition of a fine, jail sentence, probation or other penalty.
- (8) Being under the influence or the manufacture, sale, distribution, possession, dispensation, transportation or use of alcohol during work time or on school or student property; or being under the influence or the manufacture, sale, distribution, possession, dispensation, transportation or use of illegal drugs or the unlawful abuse of prescription drugs at anytime.
- (9) Possession of any unauthorized visible or concealed firearms, weapons or explosives during work time or on school property or bringing such items onto school property, including but not limited to weapons for which the owner has obtained a concealed handgun or weapons permit.

- (10) Failure to maintain appropriate licensure or certification required: (a) for the particular job(s) or duties being performed by an employee; or (b) to operate school property or equipment necessary for the performance of an employee's work responsibilities.
- (11) Failure to report an on-the-job injury or accident to an immediate supervisor as soon as the employee has knowledge of such injury.
- (12) Failure to observe specified school safety or security practices while on school property, on student or vendor property, during work time, or while in the course of school business.
- (13) Awareness of a safety or security hazard with respect to school property, employees, visitors or students and not acting timely to report such hazard to appropriate administration, supervisory or outside officials or to correct such hazard where possible.
- (14) Awareness of damage or an accident on or involving school property, employees, visitors or students and not acting timely to report such accident or damage to appropriate administration, supervisory or outside officials.
- (15) Harassment of fellow employees, visitors, students, or a student's parent or guardian at any time, whether on school property, on student or vendor property, during work time, while in the course of school business, or otherwise.
- (16) Threatening, intimidating, provoking a fight, striking or in any way fighting with: (a) a fellow employee, visitor, student, or a student's parent or guardian at any time; or (b) with any other individual when representing the school system.
- (17) Gambling, betting or taking bets during work time or on school property or with students at anytime.
- (18) Behaving indecently or engaging in immoral or abusive conduct: (a) during work time or while in the course of school business; or (b) on school property or with students at anytime.
- (19) Behaving in any unethical or lascivious conduct at any time, if there is a reasonable and adverse relationship between the underlying conduct and the continuing ability of the employee to perform any of his/her professional functions in an effective manner.
- (20) Falsification or inappropriate alteration of or making false statements or misrepresentations regarding information used or contained in any employment records, including but not limited to applications for employment, time cards, leave forms, payroll data, expense records, personnel file materials, government reports, and any other like documents.
- (21) Falsification or inappropriate alteration of or making false statements or misrepresentations regarding information used or contained in any student records, including but not limited to report cards, grades, attendance records, testing data, testing scores, drop-out summaries, transfer sheets, government reports, and any other like documents.
- (22) Falsification or inappropriate alteration of or making false statements or misrepresentations regarding information used or contained in any school financial records, including but not limited to asset listings, ledgers, purchase orders, financial statements, deposit and withdrawal slips, grant data, government reports, and any other like documents.
- (23) Submitting false requests or claims to the school or the administration, including, but not limited to, claims or requests relating to jury duty, leave, medical claims, supplies and expense reimbursements.
- (24) Dishonesty or making false statements or misrepresentations regarding any school or work-related matter.
- (25) Insubordination, including, but not limited to, intentional refusal to cooperate in any school system-related investigation or to follow and/or carry out work related instructions of a supervisor or any

employee with administrative authority.

(26) Interference with another employee's job performance.

(27) Unauthorized use of school property at any time, including, but not limited to, motor vehicles, software, information systems, communication systems, or other school-owned, leased or rented equipment.

(28) Engaging in personal business during work time, including, but not limited to, the use of school property or equipment for personal profit.

(29) Unauthorized possession, removal or use of school equipment or property or use of school facilities for any purpose other than official school business.

(30) Unauthorized possession, use or distribution of school keys, access codes or passwords.

(31) Theft, embezzlement or misuse of school, fellow employee, student, parent, supplier, visitor, or school club or organization funds or property or the removal of such funds or property without authorization. Deliberate sabotage, destruction or damage of school, fellow employee, student, parent, supplier, visitor, or school club or organization property or equipment, or the commission of acts intended to cause destruction or damage to such property.

(32) Unauthorized disclosure or use of confidential school information or records, including but not limited to violation of the school's or the State Department of Public Instruction's confidentiality policies, or administrative rules, procedures and regulations with respect to personnel, student and testing data.

(33) Careless or reckless driving of any vehicle on school property or while transporting school employees or students, or careless or reckless driving of a school vehicle at any time (whether owned, leased or rented).

(34) Transporting students in personal vehicles without parental consent.

(35) Smoking or use of other tobacco products at any time while on school property (including, but not limited to, school vehicles, whether owned, leased or rented).

(36) Sleeping during work hours.

(37) Failure to dress in a professional manner consistent with an employee's job duties.

(38) Failure to notify an appropriate supervisor when leaving school property before an employee's regularly scheduled quitting time or when arriving after the regularly scheduled starting time.

(39) Failure to follow applicable school policies, rules, procedures or regulations regarding the reporting or taking of absences from regularly scheduled duties, including but not limited to any rules or procedures established or published by the Board or supervisors to school employees.

(40) Use of profanity or obscene or abusive language toward or in the presence of any student, or toward or in the presence of any fellow employee, visitor, or a student's parent or guardian.

(41) Any form of unwelcome or inappropriate physical contact with a fellow employee, except for the purposes of self-defense.

(42) Any form of unwelcome or inappropriate physical contact with a student, except for the purposes of appropriate instruction, self-defense or necessary and appropriate physical restraint.

(43) Conducting or allowing a "strip" search of students by individuals other than federal or state public law enforcement personnel acting within the scope of their public duties (excluding reasonable requests for students to take off shoes, socks, hats or outer garments such as coats, scarves, gloves, etc.).

(44) Any form of sexual, lascivious or romantic contact with or solicitation of a student, including, but not

limited to, kissing (regardless of whether such activity is welcome or unwelcome).

(45) Dating or attempting to date students, or engaging or attempting to engage in any activity designed to encourage or which does encourage an inappropriate relationship with students.

(46) Awareness of actual or potential: (a) unwelcome or inappropriate physical contact with a student by an employee (except for the purposes of appropriate instruction, self-defense or necessary and appropriate physical restraint); (b) sexual, lascivious or romantic contact with or solicitation of a student by an employee, regardless of whether such activity is welcome or unwelcome; or (c) dating or attempting to date students, or engaging or attempting to engage in any activity designed to create or which does create an improper relationship with students, and not acting to report such matters to appropriate administration or supervisory officials and/or, where required by law, to outside officials in a timely manner.

POLICY CODE: 701410 ALCOHOL AND ILLEGAL DRUG USE: APPLICANTS AND EMPLOYEES

The North East Carolina Prep is committed to providing its students and employees with a school and work environment that is free of alcohol or illegal drug use, including the abuse of prescription drugs. Certain school employees may be further covered by U.S. Department of Transportation ("DOT") regulations, which require that employers regulated by the Federal Motor Carrier Safety Administration ("FMCSA") implement various drug and alcohol testing programs. *See, e.g.,* 49 C.F.R. Part 40 and 49 C.F.R. Part 382.

It is the purpose of this policy to ensure that all employees are (1) free of alcohol while on duty and (2) free from the use or influence of illegal drugs at all times, so that they may perform their tasks safely. All applicants and employees should also be aware of the harmful effects and dangers of substance abuse.

This policy is not meant to limit the right of the school or the administration to manage employees or to discipline employees in any way. In addition, this policy does not constitute a guarantee or right of employment or continued employment, nor does it create an express or implied obligation or contractual right of any kind by the school with respect to any of its employees.

I. Definitions

For purposes of this policy, the following definitions shall apply:

A. Category A Driver. "Category A Driver" means any "DOT Driver" (as defined below) or any person who is not a DOT Driver but who in the course of his or her duties transports students on a regular basis, such as activity bus or pupil van drivers.

B. DOT Driver. "DOT Driver" means any: (1) person who operates a commercial motor vehicle, as defined by the Department of Transportation ("DOT"), as an employee of the school, including but not limited to full-time regularly employed drivers, and casual or intermittent drivers, who drive: (a) a vehicle with a gross combination vehicular weight rating of 26,001 lbs. or more inclusive of towed units and with a gross vehicular weight of more than 10,000 lbs.; (b) a vehicle with a gross vehicular weight rating of 26,000 lbs. or more; (c) any size vehicle that carries hazardous materials that require hazardous placarding; or (d) any vehicle designed or used to carry sixteen passengers or more, including the driver; or (2) heavy equipment operator who is required to maintain a commercial driver's license.

C. Illegal Drug. "Illegal Drug" means: (1) any drug or controlled substance the manufacture, distribution, purchase, dispensation, possession, transportation, sale or use of which is illegal, including but not limited to controlled substances as defined in the North Carolina Controlled Substances Act (N.C. Gen. Stat. Ch. 90, Art. 5) and the United States Controlled Substances Act (21 U.S.C. Section 801, *et seq.*); (2) any prescription drug or controlled substance when unlawfully obtained or used for non-medically

authorized purposes or for which an applicant or employee does not have a valid and current prescription; or (3) other unlawfully used substances which may affect or alter bodily functions, judgment, or perception when used for non-medical purposes, whether listed as a controlled substance or not.

D. Alcohol. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol, including methyl and isopropyl alcohol. This definition also includes alcohol that is found in certain over-the-counter or prescription medications.

E. Being Under the Influence. "Being Under the Influence" means when an employee's behavior, perception, judgment or performance is adversely affected by the use of any Illegal Drug, prescription or over-the-counter drug, Alcohol or other substance.

F. On-Site. "On-Site" means any location where the school conducts its business or renders services to any of its students, including but not limited to school facilities and property, school vehicles (whether owned, leased or rented), and work sites.

G. On-Duty - Category A Drivers, Mechanics and Security Officers. "On-duty" for all Category A Drivers, mechanics and security officers means all time from when that employee begins to work or is required to be ready to work until the time he or she is relieved from work and the responsibility for performing work, including but not limited to, all time: (1) waiting to be dispatched (unless relieved); (2) inspecting, servicing and conditioning vehicles and equipment; (3) driving; (4) in or upon any motor vehicle other than driving time; (5) loading and unloading a vehicle; (6) assisting in or supervising the loading or unloading of a vehicle; (7) performing accident-related driver requirements; (8) repairing, obtaining assistance or remaining with a disabled vehicle; (9) driving any vehicle on school property, transporting school employees or students, or driving a school vehicle at any time (whether owned, leased or rented); (10) on school business, acting in an official capacity on behalf of the school, or otherwise rendering services for the benefit of the school or its students; or (11) for which the driver is compensated by the school, regardless of whether an employee is on school facilities or property.

H. On-Duty - All Employees. "On-duty" for all employees means all time: (1) for which an employee is compensated by the school, regardless of whether an employee is on school facilities or property; (2) driving any vehicle on school property, transporting school employees or students, or driving a school vehicle at any time (whether owned, leased or rented); or (3) on school business, acting in an official capacity on behalf of the school, or otherwise rendering services for the benefit of the school or its students.

I. Safety-Sensitive Functions. "Safety-Sensitive Functions" means functions (1) through (9) set forth in the definition of "On-Duty - Category A Drivers, Mechanics and Security Officers" or all other essential job functions for Category A Driver, mechanic and security officer positions.

J. Adulterated Specimen. "Adulterated Specimen" means a specimen that contains a substance that is not expected to be present in human urine, or that contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

K. Substituted Specimen. "Substituted Specimen" means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine or a specimen that is from an individual/source other than the applicant or employee in question.

L. Conviction. A "conviction", as defined in this policy only, includes any finding or plea of guilt and/or any imposition of a fine, jail sentence, probation or other penalty, regardless of whether the penalty is rebated, suspended or probated. A conviction includes the imposition or payment of a fine or court cost, the violation of a condition of release without bail, or a forfeiture of bail or collateral deposited to secure a person's appearance in court that has not been vacated. A conviction also includes participation in pre-trial diversion programs, which include deferred prosecutions, entry of prayers for judgment continued, suspended

sentences, court ordered community supervision/service, and other similar programs where suspension, postponement or eventual dismissal of criminal charges occurs when an individual agrees to enter into treatment or rehabilitation, provide restitution, or undergo other alternatives to criminal prosecution.

M. Accident. An "accident" that would require Illegal Drug and/or Alcohol testing as provided under this policy means *any motor vehicle or mechanical equipment accident* involving a school employee On-Site or On-Duty or in which a school vehicle or piece of mechanical equipment is involved and in which any of the following occurs:

There is an injury or fatality;

Any vehicle or equipment involved in the accident is damaged beyond operation and must be towed or transported away from the scene;

The employee driver/operator is cited for a violation;

Any individual involved in the accident is treated at the scene or injured enough to require seeking medical attention away from the scene;

The accident or occurrence results in more than \$1,000 in damage to school property; or

The accident or occurrence results in damage to any non-school property.

In addition, an "accident" that would require Illegal Drug and/or Alcohol testing as provided under this policy further means any incident, accident or other occurrence involving a school employee On-Site or On-Duty that:

Requires medical treatment of anyone beyond limited on-site first aid, including any fatalities;

Results in more than \$1,000 in property damages; or

Is a reportable accident under Workers' Compensation.

II. Prohibited Acts and Penalties – Automatic Dismissal

The following prohibited acts shall result in dismissal, even for a first offense:

A. Ingesting, inhaling, injecting, being under the influence, or the manufacture, distribution, purchase, dispensation, possession, transportation, sale or use of any Illegal Drug at any time, whether On-Site or off-site, or On-Duty or off-duty.

B. Testing positive for any Illegal Drug under Section V of this policy.

C. Consuming, possession of an *open* container, possession of a closed container other than in a personal vehicle, or the manufacture, distribution, purchase, dispensation, sale or use of Alcohol while On-Site, On-Duty, or while engaged in school business or within 4 hours prior to being engaged in school business. In addition, Alcohol may not be transported by any Category A Driver or in any DOT commercially licensed vehicle (whether in an open or closed container), except as manifested cargo. However, limited possession and consumption of Alcohol at off-site social events attended as a representative of the school that do not constitute school sponsored, attended or supervised academic, extra-curricular or other activities shall not be prohibited (e.g., limited consumption at third-party charity fundraisers), provided the employee will not be on-site or on-duty anytime within 4 hours following consumption of alcohol, exercises good judgment and otherwise acts responsibly and consistent with other applicable school policies, regulations and expectations.

D. Testing positive with an Alcohol concentration of 0.02 percent or more under Section V of this policy.

E. Any conviction, guilty plea or plea of no contest (except when resulting in a prayer for judgment continued, deferred prosecution or participation in similar pre-trial diversion programs) for a felony or

misdemeanor involving the manufacture, distribution, purchase, dispensation, possession, transportation, sale or use of any Illegal Drug. This includes, but is not limited to, any conviction, guilty plea or plea of no contest (except when resulting in a prayer for judgment continued, deferred prosecution or participation in similar pre-trial diversion programs) for a felony or a misdemeanor involving any Illegal Drug-related offense referenced in N.C. Gen. Stat. § 115C-332(a)(1).

F. Any conviction, guilty plea or plea of no contest (except when resulting in a prayer for judgment continued, deferred prosecution or participation in similar pre-trial diversion programs) for a felony involving any Alcohol-related offense referenced in N.C. Gen. Stat. § 115C-332(a)(1).

G. Any conviction, guilty plea or plea of no contest for a felony or misdemeanor charge of driving while under the influence of Alcohol while On-Site, On-Duty or while engaged in school business.

H. Refusal to participate in or submit to an Illegal Drug and/or Alcohol test pursuant to this policy, or actual or attempted creation of an Adulterated Specimen or a Substituted Specimen in connection with an Illegal Drug and/or Alcohol test.

I. Refusing to authorize the release to the school or its designees of any Illegal Drug and/or Alcohol test results, including results in hospital records or other documents, after an On-Site or On-Duty accident or injury that would indicate whether there are any Illegal Drugs and/or Alcohol in an employee's system.

J. Use of Alcohol by a Category A Driver or any other employee who is required to take a post-accident Alcohol test as set forth in this policy, within eight (8) hours following an accident or until that employee undergoes a post-accident Alcohol test, whichever occurs first.

III. Prohibited Acts and Penalties – Up to and Including Dismissal

Unless the prohibited acts fall under Section II above, the following prohibited acts shall result in disciplinary action, up to and including immediate dismissal, depending upon the circumstances:

A. Being under the influence of Alcohol, or possession of a *closed* container of Alcohol in a personal vehicle, while On-Site, On-Duty, or while engaged in school business or within 4 hours prior to being engaged in school business. In addition, in the case of DOT Drivers, consumption of an intoxicating beverage, regardless of Alcohol content, or being under the influence of an intoxicating beverage, within four (4) hours before going On-Duty is also prohibited. However, with the exception of pre-duty restrictions on Alcohol consumption for DOT Drivers referenced in this Section III.A., the limited possession and consumption of Alcohol at off-site social events attended as a representative of the school that do not constitute school sponsored, attended or supervised academic, extra-curricular or other activities shall not be prohibited (e.g., limited consumption at third-party charity fundraisers), provided the employee exercises good judgment and otherwise acts responsibly and consistent with other applicable school policies, regulations and expectations.

B. Testing positive with an Alcohol concentration below 0.02 percent under Section V of this policy; provided, however, to the extent and as required by DOT regulations, if a DOT Driver tests positive with an Alcohol concentration of 0.02 or greater but less than 0.04, such employee will be subject to discipline short of dismissal unless he or she is a repeat offender or other circumstances warrant termination. Any such DOT Driver must at a minimum be removed from performing Safety-Sensitive functions, including driving a commercial motor vehicle or any other vehicle as an employee of the school, until at least 24 hours following administration of the Alcohol test.

C. Any Alcohol or Illegal Drug conviction, guilty plea, plea of no contest, arrest or charge not covered by Section II above.

D. Any conduct obstructing the process of an Illegal Drug or Alcohol test under this policy, which conduct can include, but is not limited to, failure to: (1) cooperate with, or attempt to disrupt, the

testing process; or (2) provide the proper quantity or type of specimen within the required time limit without a valid medical explanation.

E. Failure to report to the Executive Director any arrest, criminal charge, conviction, guilty plea or plea of no contest for a violation of any criminal Illegal Drug and/or Alcohol statute within five (5) calendar days after the arrest, charge, conviction, plea or disposition, including those convictions or pleas resulting in a prayer for judgment continued, deferred prosecution or participation in similar pre-trial diversion programs. (See also school policy entitled, "Criminal Background Checks").

F. Failure to inform a supervisor immediately upon arrival to work or at the beginning of On-Duty status of any legal drug or Alcohol use (including the use of prescription or over-the-counter medication or a prescribed controlled substance) that may adversely affect the employee's ability to perform his or her job duties.

G. Failure to report to an immediate supervisor or appropriate personnel another employee's violation of this policy when aware of such conduct.

H. Refusing to authorize the required release to the DOT or other governmental regulatory body of any Illegal Drug and/or Alcohol test results, including results in hospital records or other documents, after an On-Site or On-Duty accident or injury that would indicate whether there are any Illegal Drugs and/or Alcohol in an employee's system.

I. In the case of DOT Drivers, the refusal to comply with any federal or state DOT regulations, including but not limited to DOT records and testing disclosure requirements regarding prior employers with whom a DOT Driver worked and potential employers with whom a DOT Driver applied within the two-year period prior to a DOT Driver applicant's or employee's hire or transfer into a Safety-Sensitive position with the school.

J. The refusal to comply with any of the other terms or conditions of this Substance Abuse Policy or federal and state Illegal Drug and/or Alcohol testing and other requirements, if and as applicable.

In addition to the above, if discipline less than termination occurs as a result of a violation of the prohibited acts outlined in this Section III and the employee refuses or fails to comply with the terms or conditions of such discipline or otherwise violates this policy, then the employee shall be subject to additional disciplinary action, up to and including immediate dismissal.

IV. Self-Reporting

Employees are strongly encouraged to seek help for Alcohol or Illegal Drug-related use, abuse or dependence problems before such issues manifest themselves in performance or other difficulties at work.

Thus, (a) if an employee in good faith voluntarily self-reports to the Executive Director that he or she has an Alcohol or Illegal Drug-related use, abuse or dependence problem and pro-actively seeks assistance with respect to overcoming such issues, and (b) the report occurs prior to the events described below in this Section IV, the employee may, as an alternative to potential discipline, be referred to available resources and rehabilitative counseling in the discretion of the Executive Director or his/her designee(s), provided the employee thereafter continues to abide by the requirements and expectations of this policy and its accompanying Regulation. However, if an employee is retained by the school, he or she may be temporarily or permanently suspended or removed from performing Safety Sensitive Functions during or after treatment.

An employee will not avoid dismissal or discipline by self-reporting, if shortly prior to or at the time of making the report, the employee has: (a) been convicted of or pleads guilty or no contest to any crime for which dismissal is appropriate under this policy; (b) been convicted of or pleads guilty or no contest to any crime resulting in a prayer for judgment continued, deferred prosecution or participation in similar pre-trial diversion programs; (c) been arrested or charged with a crime involving Alcohol or Illegal Drugs; (d) been

directed to submit to or undergone an Alcohol or Illegal Drug test; (e) tested positive for Alcohol or the use of Illegal Drugs; (f) been directed to submit to or undergone an Alcohol or Illegal Drug search; (g) been the subject of any investigation or inquiry as to whether he/she has engaged in any Prohibited Acts as outlined in this policy; or (h) violated other school policies or administrative regulations or engaged in any other acts that are the basis for discipline, up to and including dismissal. An employee also will not avoid dismissal or discipline if he or she later fails to abide by the requirements and expectations of this policy, its accompanying Regulation or any treatment/rehabilitation conditions placed on him or her by the Executive Director or his/her designee(s) after the employee's voluntary self-report.

Moreover, nothing in this policy or in any prior or later communications to employees related to the same shall in any way create an express or implied employment contract with employees for a specific term or otherwise modify their general employment status with the school, as outlined in Board policy entitled, "Employment At-Will".

V. Authority to Test

A. General Procedures

General procedures for the testing of applicants and employees for Illegal Drugs and/or Alcohol are set forth below and may be outlined in applicable regulations and guidelines established by the administration from time to time. A negative Illegal Drug and/or Alcohol test result does not and shall not constitute a guarantee or right of employment or continued employment with the school.

B. Pre-Employment Testing

1. Illegal Drug Testing.

All: (a) job applicants and newly hired employees, (b) rehired employees with more than a 90-day break in employment, regardless of position, and (c) rehired Category A Drivers, mechanics and security officers following any break in employment shall be required to undergo an Illegal Drug test prior to and as a condition of final employment by the school. Substitute and temporary summer applicants and newly hired/rehired employees are also required to undergo Illegal Drug testing as a condition of final employment if the individual is expected to work for more than ten days within a 365 day period.

A confirmed, positive test indicating use of any Illegal Drug will disqualify an applicant for employment with the school. All newly hired employees (full and part-time, including substitutes) will be deemed to be temporary, conditional employees pending a review of and decision with respect to verified Illegal Drug test results. However, no CDL licensed employee or other Category A Drivers will or should be hired prior to receipt and review of verified Illegal Drug test results.

2. Prior Employer Testing Records - DOT Drivers.

With respect to DOT Drivers, all: (a) job applicants and newly hired DOT Driver employees, (b) rehired DOT Driver employees with any break in employment, and (c) employees transferring into a DOT Driver position shall be required to comply with the prior employment/job search records and testing disclosure requirements of applicable DOT regulations.

C. Employment Testing - Category A Drivers, Mechanics and Security Officers

After they have been employed, Category A Drivers, Mechanics and Security Officers shall be subject to the following potential Illegal Drug and/or Alcohol tests:

1. Reasonable suspicion testing;
2. Post-accident testing;

3. Random testing without cause;
4. Follow-up testing after self-reporting or any prior violation of this policy;
5. Return-to-duty testing after returning to work following any violation of this policy that does not result in dismissal; and
6. Such other Illegal Drug and/or Alcohol tests as may be required by law or as the Executive Director or his/her designee requires in other circumstances.

D. Employment Testing - All Other Employees

After they have been employed, all non-Category A Driver, Mechanic and Security Officer employees shall be subject to the following potential Illegal Drug and/or Alcohol tests:

1. Reasonable suspicion testing;
2. Post-accident testing;
3. Follow-up testing after self-reporting or any prior violation of this policy;
4. Return-to-duty testing after returning to work following any violation of this policy that does not result in dismissal; and
5. Such other Illegal Drug and/or Alcohol tests as may be required by law or as the Executive Director or his/her designee requires in other circumstances.

VI. Drug Free Workplace Act of 1988

In accordance with the Drug Free Workplace Act of 1988 and as a condition of employment or continued employment with the school, each employee must comply fully with this policy. In addition, as outlined in Section III.E. above, each employee is required to notify his or her immediate supervisor or the Executive Director of any conviction, guilty plea or plea of no contest for a violation of any criminal Illegal Drug and/or Alcohol statute within five (5) calendar days after the conviction or plea, including those convictions or pleas resulting in a prayer for judgment continued, deferred prosecution or participation in similar pre-trial diversion programs.

VII. Confidentiality

All information, interviews, reports, memoranda, and Illegal Drug and/or Alcohol test results received or obtained through implementation of this policy are intended to be solely for the purposes specified in this policy and to protect the health and safety of students and/or employees. The confidentiality of all such information and records will be maintained as required by applicable law, with only those persons/entities having a need-to-know being informed of the same (which includes the potential disclosure of employment/job search records and Alcohol and Illegal Drug testing results to subsequent DOT-covered employers per applicable federal regulations).

VIII. Employee Assistance

North East Carolina Prep will make referrals available that provide education, training and resources for recognizing, assessing and dealing with substance abuse. Employees should consult with the Executive Director regarding the nature and extent of the program available.

Legal Reference: 49 C.F.R. Part 40, 49 C.F.R. Part 382, 49 C.F.R. Part 392, N.C.G.S. §115C-332

POLICY CODE: 701411 SMOKING AND USE OF TOBACCO PRODUCTS BY EMPLOYEES

Smoking and use of other tobacco products shall be prohibited on all North East Carolina Prep property and in school owned vehicles, whether the property or vehicles are owned, leased, used, or rented by the school.

Any person or organization using school owned facilities shall agree to abide by this policy as a condition of agreement for the use of the facilities.

Programs to help students and employees understand the dangers of using tobacco products will be provided by the school.

North East Carolina Prep property includes the physical premises of all school campuses and properties, bus stops, all vehicles under the control of the district, and all school sponsored curricular or extra-curricular activities, whether occurring on or away from a school campus.

Legal Reference: N.C.G.S. § 14-313

POLICY CODE: 701412 SUSPENSION OF AN EMPLOYEE

If the Executive Director believes that cause exists for dismissing an employee for any of the following reasons, the Executive Director may suspend the employee without pay:

- Inadequate performance.
- Immorality.
- Insubordination.
- Neglect of duty.
- Physical or mental incapacity.
- Habitual or excessive use of alcohol or nonmedical use of a controlled substance as define in Article 5 of Chapter 90 of the General Statutes.
- Conviction of a felony or a crime involving moral turpitude.
- Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means.
- Failure to fulfill the duties and responsibilities imposed upon employees by the General Statutes of this State.
- Failure to comply with such reasonable requirements as the Board may prescribe.
- A justifiable decrease in the number of positions due to reorganization, decreased enrollment, or decreased funding.
- Failure to repay money owed to the State in accordance with the provision of Article 60, Chapter 143 of the General Statutes.
- Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry.

Before recommending to the Board the dismissal of an employee, the Executive Director shall give written notice to the employee by certified mail or personal delivery of his intention to make such recommendation and shall set forth as part of his or her recommendation the grounds upon which he or she believes such dismissal is justified. The notice shall include a statement to the effect that if the employee within 15 days after receipt of the notice requests a review, he or she shall be entitled to have the proposed recommendations of the Executive Director reviewed by the Board. Within the 15-day period after receipt of the notice, the employee may file with the Executive Director a written request for a hearing before the Board within 10 days. If no request is made within the 15-day period, the Executive Director may file his or her recommendation with the Board. If, after considering the recommendation of the Executive Director and the

evidence adduced at the hearing if there is one, the Board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the Board, if it sees fit, may by resolution order such dismissal.

In determining whether the professional performance of an employee is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance to any published standards of performance which shall have been adopted by the Board. Failure to notify an employee of an inadequacy or deficiency in performance shall be conclusive evidence of satisfactory performance. Inadequate performance for a teacher shall mean (1) the failure to perform at a proficient level on any standard of the evaluation instrument or (2) otherwise performing in a manner that is below standard. However, for a teacher with less than four years of experience, a performance rating below proficient may or may not be deemed adequate at that stage of development by the Executive Director. For a teacher with more than three years of experience, a performance rating below proficient shall constitute inadequate performance unless the principal noted on the instrument that the teacher is making adequate progress toward proficiency given the circumstances.

Before suspending an employee without pay, the Executive Director shall meet with the employee and give him or her written notice of the charges against him, an explanation of the bases for the charges, and an opportunity to respond. Within five days after a suspension, the Executive Director shall initiate a dismissal, demotion, or disciplinary suspension without pay as provided in this policy. If it is finally determined that no grounds for dismissal, demotion, or disciplinary suspension without pay exist, the employee shall be reinstated immediately, shall be paid for the period of suspension, and all records of the suspension shall be removed from the employee's personnel file.

If the Executive Director believes that cause may exist for dismissing an employee, but that additional investigation of the facts is necessary and circumstances are such that the employee should be removed immediately from his duties, the Executive Director may suspend the employee with pay for a reasonable period of time, not to exceed 30 days. The Executive Director shall notify the Board within two days of his or her action and shall notify the employee within two days of the action and the reasons for it. If the Executive Director has not initiated dismissal or demotion proceedings against the employee within the 30-day period, the employee shall be reinstated to his or her duties immediately and all records of the suspension with pay shall be removed from the employee's personnel file at his or her request. However, if the Executive Director and the employee agree to extend the 30-day period, the Executive Director may initiate dismissal or demotion proceedings against the employee at any time during the period of the extension.

If the Executive Director intends to recommend the demotion/dismissal of a school administrator, the Executive Director shall give written notice to the school administrator by certified mail or personal delivery and shall include in the notice the grounds upon which the Executive Director believes the demotion/dismissal is justified. The notice shall include a statement that if the school administrator requests a hearing within 15 days after receipt of the notice, the administrator shall be entitled to have the grounds for the proposed demotion/dismissal reviewed by the Board. If the school administrator does not request a board hearing within 15 days, the Executive Director may file the recommendation of demotion with the Board. If, after considering the Executive Director's recommendation and the evidence presented at the hearing if one is held, the Board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the Board may by resolution order the demotion/dismissal.

POLICY CODE: 701420 BLOODBORNE PATHOGENS

The North East Carolina Prep will comply with regulations on bloodborne pathogens ("bloodborne standard" or "standard") as set forth in the federal Occupational Safety and Health Administration ("OSHA") regulations codified as 29 C.F.R. 1910.1030. These federal regulations have been adopted by the North Carolina Secretary of Labor pursuant to N.C.G.S. 95-131 and 150B-21.6.

The bloodborne standard addresses diseases that are transmitted by blood and/or other body fluids. The diseases of primary concern are Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV).

In addition to the bloodborne standard, OSHA regulations include the following Universal Precautions:

1. All human blood and certain body fluids should be treated as if known to be infectious for Hepatitis B Virus, Human Immunodeficiency Virus and other bloodborne pathogens.
2. It is prudent to minimize all exposure to bloodborne pathogens.
3. Work practice and engineering controls should be instituted to eliminate or minimize employee exposure to bloodborne pathogens, including always wearing protective equipment.

The North East Carolina Prep Exposure Control Plan (the "Plan") adopted in conjunction with this policy is designed to meet both federal and state bloodborne standards. The objective of the Plan is two-fold:

1. To minimize the health hazards associated with bloodborne pathogens at the worksite.
2. To provide appropriate treatment and counseling should an employee be exposed to bloodborne pathogens.

The Plan will be reviewed and updated at least annually and whenever necessary to reflect new job descriptions and modified tasks and procedures that affect occupational exposure.

Legal Reference: N.C.G.S. 95-131, -135, -136, 150B-21.6; 13 NCAC 7.F.0101, 15A NCAC 19A.0202, 29 C.F.R. 1910.1030

POLICY CODE: 701421 NORTH EAST CAROLINA PREP EXPOSURE CONTROL PLAN

The following regulations constitute the North East Carolina Prep Exposure Control Plan and will implement the Board Policy's policy on bloodborne pathogens:

I. Definitions

For the purpose of this Plan, the following definitions shall apply:

AIDS. Acquired Immunodeficiency Syndrome.

Biohazard. Materials (i.e., chemicals, blood or infectious body fluids) that may be contaminated and pose a significant risk to workers.

Blood. Human blood, human blood components and products made from human blood.

Bloodborne Pathogens. Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the Hepatitis B Virus and Human Immunodeficiency Virus.

Contaminated. The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Contaminated Laundry. Laundry that has been soiled with blood or other potentially infectious materials or may contain sharps.

Contaminated Sharps. Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes and exposed ends of dental wire.

Decontamination. The use of physical or chemical methods to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

Emergency Responder. Employee at a school or worksite who is assigned the responsibility of responding to emergencies that may involve blood or other potentially infectious materials. Emergency responders are trained in CPR/First-Aid.

Employees. All employees covered under Categories A and B of this Exposure Control Plan.

Engineering Controls. Controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

Exposure Control Plan. The written plan designated to eliminate or minimize worker exposure. Copies should be located at all school locations, worksites and the Safety Department.

Exposure Incident. A specific eye, mouth, other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties. "Non-intact skin" includes skin with dermatitis, open hangnails, cuts, abrasions, chafing, etc.

Good Samaritan. An employee who voluntarily renders assistance to accident victims but whose regular duties do not constitute occupational exposure.

Hand-Washing Facilities. Facilities providing an adequate supply of running or portable water, soap and single use towels.

HIV. Hepatitis B Virus.

HIV. Human Immunodeficiency Virus.

Human Resources. Human Resources Department of North East Carolina Prep.

Licensed Healthcare Professional. A person whose legally permitted scope of practice allows him or her to independently perform the activities required for Hepatitis B Virus vaccination and post-exposure evaluation and follow-up.

Needleless Systems. A device that does not use needles for (i) the collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established; (ii) the administration of medication or fluids; or (iii) any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

Occupational Exposure. Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. Acts of a Good Samaritan and other exposures that cannot be anticipated do not constitute occupational exposure.

Other Potentially Infectious Materials. Include body fluids, such as semen, vaginal secretions, cerebral spinal fluid, synovial, pleural, pericardial, peritoneal and amniotic fluids, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids where it is difficult or impossible to differentiate between body fluids.

Parenteral. Piercing mucous membrane or the skin barrier through such events as needle sticks, human bites, cuts and abrasions.

Personal Protective Equipment. Specialized clothing or equipment worn by workers for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts, blouses) not intended to function as protection against a hazard is not considered to be personal protective equipment. Personal protective equipment must

be appropriate. "Appropriate" means not allowing blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth or other mucous membranes under normal conditionals of use, and for the duration of time which the protective equipment will be used.

Regulated Waste. Liquid or semi-liquid blood or other potential infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

Sharps With Engineered Sharps Injury Protections. A non-needle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

Source Person. Any person whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

Sterilize. The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

Universal Precautions. An approach to infection control. According to the concepts of Universal Precautions, as established by the Centers for Disease Control, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV or other bloodborne pathogens. Methods of implementing Universal Precautions include hand washing and using disinfectants; using appropriate personal protective equipment; and handling and disposing of any contaminated materials safely.

Work Practice Controls. Specific procedures and policies that employees follow to reduce their exposures to blood or other potentially infectious materials. The likelihood of exposure may be controlled by altering the manner in which a task is performed (e.g., requiring that glass be picked up with tongs or a dust pan and brush).

Workers. All employees covered under Categories A and B of this Exposure Control Plan and contractors covered under Category C of this Exposure Control Plan.

II. Exposure Determination

(Job Classifications and Exposure Categories)

All jobs in the school have been evaluated to determine the actual and potential hazards arising from HIV, HBV and other bloodborne pathogens. This evaluation has placed each job in an occupational exposure category.

The categories to be covered by this Plan are:

A. Category A -All employees whose jobs entail occupational exposure to bloodborne pathogens and Emergency Responders.

1. Emergency responders
2. Athletic trainers
3. Those employees who have direct contact with and are responsible for severe profoundly handicapped and behaviorally emotionally handicapped students
4. Teachers, including substitute teachers
5. Teacher assistants

6. Bus drivers
7. Bus monitors
8. School Security personnel.

It is anticipated that the school will have one (1) individual, designated as Emergency Responders.

B. Category B - Employees whose jobs may include certain tasks that entail occupational exposure to bloodborne pathogens.

1. Care of injuries involving blood or bodily fluid
2. CPR
3. Clean-up responsibilities involving blood and bodily fluid spills
4. Cleaning/sterilization of blood contaminated instruments, equipment and work surface
5. Handling of blood-contaminated laundry.

The following employees fall into Category B:

- a. Football, wrestling and basketball coaches
- b. School Directors
- c. Assistant School Directors
- d. Custodians
- e. Health occupation teachers
- f. Plumbers
- g. School security personnel.

C. Category C - Individuals under contract with North East Carolina Prep to provide certain health and safety-related services for the school system and whose jobs entail occupational exposure to bloodborne pathogens.

1. School physicians, volunteers, nurses and hygienists performing healthcare-related activities
2. Police officers assigned to the school.

Independent contractors identified above are required to have current Hepatitis B immunizations (or have a signed declination stating that they were offered the vaccination series, but declined) and bloodborne pathogens training as a condition of employment at North East Carolina Prep. In addition, North East Carolina Prep will not provide the initial Hepatitis B Virus vaccine series or any post-exposure evaluation and follow-up to independent contractors as these are the responsibilities of the employer of such individuals. However, these independent contractors will receive training concerning the location and use of personal protective equipment and other bloodborne operating procedures which may be unique to the specific school in which they provide services.

Job classifications and exposure categories covered by this Plan are reviewed annually. If workers disagree with their job classifications, they may appeal to the Bloodborne Pathogens Advisory Committee by contacting the Safety Department.

III. Methods of Implementation

Implementation of this Plan will include the following protection for all covered workers:

A. Universal Precautions

Universal Precautions for HBV and HIV have been identified by the Centers for Disease Control. These precautions and methods of implementing these precautions will be observed by all workers to prevent contact with blood or other potentially infectious materials, including:

1. treating all blood, other human body fluids and other potentially infectious materials as if known to be infectious of HIV, HBV or other bloodborne pathogens
2. hand washing and using disinfectants
3. using appropriate personal protective equipment
4. handling and disposing of any contaminated materials safely.

B. Labeling

Containers used to dispose of regulated waste and to store or ship blood or other potentially infectious materials must have readily observable warning labels.

1. The labels will be printed on the containers or will be attached as close and secure as possible to the container by string, wire, adhesive or other method that prevents the loss or intentional remove.
2. The labels will be fluorescent orange or re-orange with lettering or symbols in a contrasting color.
3. Orange or re-orange bags/containers may be substituted for labels.
4. The warning symbol is **BIOHAZARD**.

North East Carolina Prep has the responsibility of conveying labeling information to its workers prior to handling, servicing or shipping so that appropriate precautions may be taken.

C. Engineering and Work Practice Controls

Engineering and work practice controls are used to eliminate or minimize workers' exposure. Where occupational exposure occurs, personal protective equipment will also be used.

Engineering controls will be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

D. Personal Protective Equipment

1. Provision of protective equipment

North East Carolina Prep provides appropriate personal protective equipment at no cost to workers covered by this Plan. This protective equipment may include:

Gloves

Teacher protection kits

Goggles

Mouthpieces

Red bio-hazard bags

Equipment is considered "appropriate" if it does not permit blood or other bloodborne pathogens to pass through to reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth or other mucous membranes under normal conditions of use during the time the equipment is used.

2. Use

All workers must use the appropriate personal protective equipment in all possible exposure settings, unless the worker believes that use of the barriers would prevent the delivery of health care or would increase the

risk to the worker or co-worker. Interference with the proper performance of a procedure or improper fit is not considered acceptable reasons to disregard use of a protective barrier.

3. Accessibility

Appropriate personal protective equipment will be readily accessible at the worksite.

4. Gloves

a. Gloves must be worn when it can be reasonably anticipated that the worker may have contact with:

- i. blood
- ii. other potentially infectious materials
- iii. mucous membranes
- iv. non-intact skin
- v. and when handling or touching contaminated items or surfaces.

b. Gloves must be removed and disposed of in a safe manner. Hand washing after glove removal is required.

c. Non-disposable gloves must be replaced if they are torn, cracked, peeling or punctured or if decontamination is not possible or practical.

d. Hypo-allergenic gloves, glove liners, powderless gloves or other similar alternatives will be made readily accessible to those employees who are allergic to the gloves normally provided.

5. Protective eyewear or protective face shields must be worn during any procedure where droplets of blood or other potentially infectious materials may form, splash, spray or splatter.

6. Emergency ventilation devices must be worn in the event of an emergency resuscitation.

7. Repair and Replacement

a. Personal protective equipment will be repaired or replaced as needed to maintain its effectiveness at no cost to the employee.

b. When personal protective equipment is removed, it must be placed in an appropriate designated area or container for washing, decontamination or disposal before leaving the work area. If any piece of equipment cannot be decontaminated, it will be visibly labeled BIOHAZARD and appropriately disposed.

c. Personal protective equipment must be handled and laundered by North East Carolina Prep personnel only, and is never to be taken home by the employee for laundering.

8. Responsibility

Workers are responsible for:

- a. requesting replacements for issued personal equipment
- b. storing the equipment in a secure, yet readily accessible location.

North East Carolina Prep supervisors are responsible for ensuring that personal protective equipment is readily accessible.

E. Needles and Sharps

North East Carolina Prep will, when commercially available and effective, use safer medical devices, such as sharps with engineered sharps injury protections and needless systems, designed to eliminate or minimize

employee exposure. Reusable sharps that are contaminated with blood or other potentially infectious materials must not be stored or processed in a manner that requires workers to reach by hand into the containers where the sharps have been placed. Workers must use sharps containers, which will be easily accessible to workers and located as close as feasible to the immediate area where sharps are used or can be reasonably anticipated to be found. Sharps containers will be replaced before overfilled. Disposal for these puncture-proof containers will be arranged in an authorized manner by contacting the Executive Director.

F. Hygiene

1. Hand Washing

- a. North East Carolina Prep will provide hand-washing facilities where feasible. Where readily available facilities are not feasible and readily accessible, the school will provide antiseptic hand cleanser and clean paper towels or antiseptic towelettes.
- b. School workers must wash their hands or other body areas immediately or as soon as feasible after contact of hands or such areas with blood or other potentially infectious materials.
- c. Hot water is not necessary but hands should be lathered with antiseptic soap for at least 15 seconds.

2. Personal Practices

- a. Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses are prohibited in work areas where there is a reasonable risk of occupational exposure. Food and drink may not be kept in refrigerators, freezers, shelves or cabinets or on countertops or on bench tops where blood or other potentially infectious materials are present.
- b. All procedures, such as first aid, involving blood or other potentially infectious materials should be performed in a manner to minimize splashing, spraying, splattering and generation of droplets of these substances.

G. Housekeeping

Worksites must be maintained in a clean and sanitary condition. All equipment and environmental or working surfaces must be cleaned and decontaminated with an appropriate disinfectant immediately after the surfaces come into contact with blood or other potentially infectious materials.

1. All potentially infectious materials must be placed in appropriately designated containers and sealed according to hazardous waste standards.
2. A written schedule will be established and implemented by the Executive Director or site administrator for cleaning and disinfecting work surfaces. Cleaning schedules and methods will vary according to the location within the facility, the type of surface to be cleaned (e.g., hard-surface flooring versus carpeting) and the activity occurring in the area.
3. Since the Centers for Disease Control state that HBV can survive for at least one week in dried blood on environmental surfaces, minimum clean-up procedures include:
 - a. Where potential contaminants, the affected area must be washed immediately with soap and water, then sprayed with an appropriate disinfectant solution and allowed to air dry.
 - b. Waste cans and pails must routinely be lined with plastic bags. They must be cleaned and disinfected upon visible contamination or regularly by spraying with appropriate disinfectant.
 - c. Broken glassware that may be contaminated must be picked up with forceps or tongs or a dust pan and brush and not directly with the hands or with a vacuum cleaner. Small fragments must be picked up with wet cotton swabs and must be placed in a separate puncture/leak proof container and labeled

broken glass.

d. Contaminated instruments must be washed with soap and water and placed in a solution of approved disinfectant.

e. Contaminated laundry must be handled and laundered by North East Carolina Prep trained personnel only, and is never to be taken home by the employee for laundering.

f. Non-sharp waste (bandages, swabs, dressing, feminine hygiene products, etc.)

i. that does not meet the definition of Regulated Waste will be disposed of as domestic waste.

ii. that is heavily contaminated and meets the definition of Regulated Waste will be placed in hazardous waste bags or closable, leak-proof biohazard labeled containers and collected for appropriate disposal. If outside contamination should occur, the bag must be placed in a second hazardous waste container. Both bags and containers must have the biohazard warning labels affixed, or be color coded.

iii. Containers and bags must be constructed to contain contents and to prevent leakage. The containers must be closable and closed prior to removal.

g. Containers with biohazard warning labels should be placed immediately in trash dumpsters.

4. Supplies

Bloodborne pathogens housekeeping supplies are issued to each worksite. Supply replacements may be ordered.

H. Storage

1. Bloodborne pathogens housekeeping supplies.

Supplies are stored where they are readily accessible. If they contain hazardous chemicals, they must be stored in a secured area that meets hazardous chemical guidelines.

2. Contaminated items

Items contaminated with blood or other potentially infectious materials must be stored in a biohazard labeled container. The container must be closed and secured prior to washing, decontamination or disposal.

IV. Hepatitis B Vaccination Information

At present, there is no vaccine available to protect against the Human Immunodeficiency Virus that causes AIDS. There is a vaccine available for Hepatitis B Virus. North East Carolina Prep requires an HBV vaccination series for all employees who:

A. are in the Categories A and B. The first dose of the vaccine will be made available within 10 working days of initial assignment.

B. have had an actual exposure and request the vaccination series after a post-exposure evaluation.

C. initially declined the vaccination series, but then decided to accept the series and continue to be employed in a Category A or B position.

Referrals to physician offices, hospitals or clinics that provide the vaccination series, post-exposure medical evaluations, counseling and follow-up procedures will be made available to employees.

An HBV vaccination series should not be administered if any of the following occur:

A. the Category A or B employee has previously received the complete HBV series within the recommended

timeframe

B. antibody testing has revealed that the employee is immune

C. the vaccine is not advised for medical reasons

D. the employee refuses the series and signs the Hepatitis B Vaccine Declination Form.

New employees who fall within Category A or B will receive training during their orientation session when hired. Training will be:

A. required prior to employment and before the HBV vaccination referral is offered if the employee's job is listed in Category A.

B. required before the initial assignment of a task with occupational exposure potential and before the HBV vaccination referral is offered if the task places the employee in Category B. It is the supervisor's responsibility to notify the Executive Director of this assignment change.

V. Post Exposure Incident Evaluation and Follow-Up

When an employee comes into contact at the worksite with blood or other potentially infectious materials, the following steps should be taken:

A. The employee must immediately, or as soon as reasonably feasible, notify the Executive Director or site administrator about the incident. Within 24 hours of notification of the incident, the Executive Director and the employee(s) who came in contact with the blood or other potentially infectious materials should discuss the situation to determine if it should be considered a potential exposure incident. The Executive Director is responsible for declaring the situation a potential exposure incident.

B. A Potential Exposure Incident Report Investigation form ("Exposure Report Form") will be completed and signed by the exposed employee and the Executive Director or site administrator as soon as possible and immediately forwarded to the Executive Director.

C. Testing the Source Person - Source Person Known

1. Any person(s) whose blood or other potentially infectious materials may be a source of occupational exposure is required to go to the contracted healthcare provider for lab work, unless the source person is already known to be infected with HIV and HBV. This lab work will be paid for by North East Carolina Prep. The source person will be notified by School Director of the results of the lab work.

2. If the source person(s) refuses to submit to lab work, School Director will contact the director of the local county health department, who has the authority to order the source person to submit to testing.

3. If the source person(s) is a student, the nurse assigned to the school will call the student's parents to notify them that the student must go to the contracted healthcare provider for lab work. This lab work will be paid for by North East Carolina Prep. If the parents refuse, the nurse will contact the director of the local county health department, who has the authority to order the source student to be tested.

D. Testing Employee - Source Person Unknown

If the source person is unknown, the exposed employee will be informed of the possible risk and offered testing, evaluation counseling, post-exposure prophylaxis (when medically indicated) and follow-up services.

1. If the source is known to be infected with HIV or HBV or the post-exposure evaluation indicated an HIV or HBV infection status of the source, the exposed employee will be offered HIV and HBV testing, and appropriate post-exposure prophylaxis treatment when medically indicated, as soon as possible if consent can be obtained. The employee will be retested at reasonable intervals (for a period of time to be established by the director of the local county health department) to determine whether transmission

occurred. This will be paid for by North East Carolina Prep.

2. If the employee refuses to be tested, North East Carolina Prep will request that the employee submit to a baseline blood test. If the employee consents to a baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample will be preserved for 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

3. The exposed employee should present a copy of the Exposure Report Form to the contracted healthcare provider for a medical examination, counseling, and medically indicated post-exposure prophylaxis within 24 hours of the time the employee reported the incident for post-exposure management.

4. Within 15 days of the original evaluation, North East Carolina Prep will obtain and provide to the exposed employee the healthcare provider's written opinion. The written opinion will be limited to very specific information regarding the employee's HBV vaccination status (whether vaccine was indicated and whether such vaccination was completed) and post-exposure evaluation/follow-up. Further evaluation and treatment will be conducted as needed. The decision as to whether further evaluation and treatment is needed is made by the contracted healthcare provider. After notification, these services will be paid for by North East Carolina Prep. The exposed employee will be instructed regarding the necessity for protecting confidentiality.

5. Post-exposure counseling will also be provided to employees following an exposure incident. Counseling will be made available regardless of the employee's decision to accept serological testing.

6. Records of the exposure incident are confidential and housed in the Safety Department.

E. The director of the local county health department will be notified by the Executive Director of individuals suspected to have a reportable communicable disease.

VI. Training and Information

A. All school employees who will work in excess of ten days within a 365-day period and who are covered by this Plan will participate in a training program on Universal Precautions and bloodborne pathogens. The Bloodborne Pathogens Standard requires that all employees covered by the bloodborne standard receive initial and annual training on hazards associated with blood and other potentially infectious materials and the protective measures to be taken to minimize the risk of occupational exposure.

B. Category A and B employees will satisfactorily complete training sessions.

1. New employees who fall within Category A or B will receive training during their orientation session when hired.

a. Category A employees must receive training before they begin working in any Category A job and before the HBV vaccination is offered.

b. Category B employees must receive training before they begin any job assignment which includes certain tasks that entail occupational exposure and before the HBV vaccination series is offered.

C. All workers who fall within Category C will receive training concerning the location and use of personal protective equipment and other bloodborne operating procedures specific to the services they provide.

D. A copy of the Exposure Control Plan will be housed and available to workers at each school and worksite.

E. Information to be provided during training sessions is as follows:

1. An overview of workplace policy: guidelines, Exposure Control Plan and OSHA Bloodborne Standard

2. Explanation of Bloodborne Pathogens: epidemiology, and mode transmission and symptomology
3. Information on HBV vaccine benefits and availability
4. Discussion of the Universal Precautions
5. Explanation of available Engineering Controls
6. Explanation of the benefits and limitations of Personal Protective Equipment
7. Discussion of how to locate, select, use and decontaminate Personal Protective Equipment
8. Discussion/demonstration of proper cleaning procedures related to task
9. Disposal of contaminated equipment, biohazard signs and labeling
10. Explanation of post-exposure procedures and procedures for emergencies involving blood and other potentially infectious materials
11. Questions and answers.

F. Advanced training for emergency responders will include First Aid and CPR training. Advanced training may also include a discussion of trainer/supervisor responsibilities including record keeping and training for content and materials presentation.

G. In the event that training is offered in multiple sessions, the training programs will be uniform, the content of which must be presented by a trainer at all sessions.

VII. Recordkeeping and Surveillance

A. Types of Record Kept

North East Carolina Prep is required to keep the following records:

1. Information regarding the training sessions will include:
 1. the content of the training sessions
 2. the name, qualifications and job title of the trainer(s)
 3. the date of the training sessions
 4. the name, job title and work location of each participant.
2. Employee training records (post-test and attendance sheet) are available for examination upon request of an employee or the Department of Labor, OSHA Division.
3. Results of an annual workplace survey for compliance with work practices and use of protective equipment is required. If noncompliance is noted, the conditions and corrective actions will be documented.
4. Incident of exposure records will include:
 1. the conditions associated with each incident of exposure
 2. an evaluation of these conditions
 3. a description of any corrective measures taken to prevent a recurrence or other similar exposure.
5. Medical records are maintained for:
 1. requests for and declinations of HBV vaccination series
 2. exposure incidents that will include

- i. the name and social security number of the employee
- ii. the circumstances of the exposure incident
- iii. the North East Carolina Prep copy of the health care provider's written opinion
- iv. copy of the information provided to the healthcare provider.

6. All occupational bloodborne pathogen exposure incidents will be recorded on the OSHA log of injuries/illnesses as an injury if the incident results in one of the following:

- 1. the incident is work related and involved the loss of consciousness, a transfer to another job, or restriction of motion
- 2. the incident results in a recommendation of medical treatment (e.g., HBV vaccination)
- 3. the incident results in a diagnosis of seroconversion.

B. Confidentiality

Confidentiality of the employee's medical records will be strictly maintained. The records will not be disclosed or reported to any person within or outside the workplace except as required by OSHA regulations or otherwise as required by law. Individual employee medical and training records are provided upon request for examination and copying to the individual employee and to anyone having the written permission consent of the individual employee.

C. Duration of Maintaining Records

The records are maintained for three years. Medical records are maintained for at least the duration of employment plus 30 years.

D. Surveillance

A workplace survey is conducted annually to monitor adherence to the Plan. Any non-compliance and corrective actions taken are noted.

VIII. Schedule for Implementation and Compliance

North East Carolina Prep shall direct the Executive Director to develop a schedule for complying with Board policy and for implementing this Exposure Control Plan. The schedule includes activities such as:

- A. policy adoption
- B. assignment duties related to the Exposure Control Plan
- C. determination of job classifications for at-risk occupational exposure
- D. establishment of engineering controls
- E. purchase and monitoring of the use of protective equipment
- F. development and implementation of training
- G. completion of vaccination series
- H. maintenance of records
- I. completion of annual tasks such as policy review and training.

IX. Exposure Control Plan Oversight

The responsibility for monitoring compliance with the bloodborne standard and the Exposure Control Plan lies with the Executive Director.

POLICY CODE: 701430 INSPECTION OF PROPERTY

The North East Carolina Prep, through its School Director or his/her designees, reserves the right to inspect without notice all: (1) school facilities, vehicles and other property, whether owned, leased or rented, and (2) items and personal vehicles on school property (including personal belongings and packages, parcels, and other containers brought into buildings or vehicles or onto parking areas or other property) for, among other things, the presence of alcohol, illegal drugs, controlled substances, weapons, and other contraband, as allowed by applicable law. In addition, the North East Carolina Prep, through its School Director or his/her designees, reserves the right to inspect or search any employee's office, desk, files, computer records, locker, or any other area or article on Board premises. In this connection, it should be noted that all North East Carolina Prep offices, desks, files, lockers and similar equipment/articles are the property of the school and are issued for use of employees only during their employment with the school.

Employees are responsible for complying and assisting with searches, as requested. In addition, refusal to submit to a search can result in, among other things, removal from Board property and disciplinary action, up to and including termination.

Legal References: N.C.G.S. §§ 115C-47(18), -286, -522, -523

POLICY CODE: 701435 WORKER'S COMPENSATION/ON-THE-JOB SAFETY

All North East Carolina Prep employees are covered by Workers' Compensation Insurance. This insurance is administered in accordance with the North Carolina Workers' Compensation Act and generally provides medical care and partial income payments to employees who suffer from work-related injuries or illnesses, subject to applicable legal requirements. There is no cost to employees for this protection.

Employees are required to notify their supervisor immediately if they have: (a) acquired a work-related illness; or (b) sustained an injury, or been involved in an accident, on-the-job or in the course of business. All work-related accidents, injuries and illnesses, no matter how minor, must be reported immediately. This report should be made whether or not the accident, injury or illness involves lost work time or medical treatment. The Administration may also request that a report be made and clarified in writing.

Additionally, employees are responsible for filing Workers' Compensation claims with the Workers' Compensation agency. The carrier evaluates the employee's claim and may order compensation payments for approved claims. Failure to report an on-the-job injury/illness may result in loss of Workers' Compensation insurance coverage for related medical expenses and wage indemnity.

Supervisors should not discourage employees from filing a claim for Workers' Compensation benefits. In addition, the initiation of a Workers' Compensation claim by an employee will not adversely affect his/her job. The North East Carolina Prep does not tolerate any form of retaliation or discrimination against an employee for filing a Workers' Compensation claim.

Specific safety expectations and guidelines shall be developed and implemented by the Executive Director or his/her designees for applicable programs, areas, schools and departments.

On-the-Job Guidelines for Workplace Safety

A. General Guidelines

Maintaining a safe work environment requires the continuous cooperation of all employees. The observance of the following safety rules will help make the school a safer place in which to work and instruct students:

1. Trash containers must be used to keep work areas clean and orderly.

2. Aisles, hallways, and fire exits must always remain open and unobstructed.
3. Employees must familiarize themselves with all fire and evacuation procedures and with all exits proximate to their work area.
4. Any use of fire extinguishers must be reported to the employee's supervisor. The supervisor is responsible for arranging the replacement of used extinguishers.
5. Disorderly conduct or horseplay on North East Carolina Prep premises is prohibited.
6. All injuries and accidents (including those involving school vehicles, whether owned, leased or rented), regardless of their severity, must be reported immediately to the employee's supervisor.
7. Employees who observe an unsafe condition are required to report it to their respective supervisor immediately.

B. Motor Vehicle Accidents

In the case of motor vehicle accidents or fines while driving a motor vehicle on North East Carolina Prep time or business or a School vehicle at any time (whether owned, leased or rented), the driver should stop immediately and not move the vehicle, unless directed to do so by law enforcement personnel. In addition, the driver should not attempt to determine cause or fault, and should not admit fault or guilt, orally or in writing. Drivers should also take measures to prevent another accident from occurring, help any injured persons, and refer to accident reporting information located in the School vehicle, if any. Drivers are required to notify law enforcement personnel and their supervisor immediately of all vehicular accidents while driving a motor vehicle on North East Carolina Prep time or business or a School vehicle at any time, and are required to obtain an accident report from a law enforcement officer regarding the motor vehicle accident or arrest/fine in question. A copy of the accident report, arrest/fine and other related law enforcement documents must be provided to the Executive Director. In addition, all pertinent information at the scene of an accident should be secured and brought to the Executive Director as soon as possible (e.g., description of vehicles involved, names and license numbers of all drivers involved, location of the accident, any injuries, insurance data, and all witness names, addresses and phone numbers).

C. Injury Reports

Employees are required to notify their supervisor immediately if they have: (a) acquired a work-related illness; or (b) sustained an injury, or been involved in an accident, on-the-job or in the course of business.

Supervisors must immediately report all accidents, injuries or illnesses occurring or arising on-site, on-the-job or in the course of North East Carolina Prep business involving employees to the Executive Director. This report must be made regardless of who is involved or who may be at fault.

Legal References: N.C.G.S. §§ 115C-47(18), -286, -523, -524

POLICY CODE: 701436 COMPENSATORY TIME

North East Carolina Preparatory School makes every effort to comply with the requirements of the Fair Labor Standards Act (FLSA) and utilizes compensatory time in exchange for overtime.

Exempt Employees

Under the FLSA, exempt positions are excluded from minimum wage, overtime regulations, and other rights and protections afforded nonexempt workers. Exempt employees do not earn compensatory time or overtime compensation.

Nonexempt Employees

Nonexempt employees, as the term implies, are not exempt from FLSA requirements. These employees must be paid at least the federal minimum wage for each hour worked and may earn compensatory time with prior approval from the appropriate supervisor. In lieu of overtime compensation, nonexempt employees receive compensatory time off at a rate of not less than one and one-half (1.5) hours for each hour of overtime worked.

Prior to any overtime work or the granting of compensatory time, the nonexempt employee's supervisor must authorize the work, and the employee must agree to perform the work. The employee must agree to accept compensatory time in lieu of overtime pay prior to performing the work. NECP asks that nonexempt employees try to use all earned compensatory time within two payroll periods. The supervisor must document in writing this agreement and the use of the compensatory time.

Upon leaving employment of NECP a nonexempt employee will be paid for any accrued, unused compensatory time at the rate of not less than one and one-half (1.5) hours of the final regular hourly rate designated for that employee.

Employees may review the FLSA posted in the common area for employees at the school

ND: 4845-4276-6703, v. 1

POLICY CODE: 701437 DOMESTIC AND WORKPLACE VIOLENCE

It is the policy of the North East Carolina Prep to prohibit workplace violence and domestic violence that impacts the workplace. The North East Carolina Prep seeks to create a safe and supportive work environment in which employees feel comfortable discussing and seeking assistance with workplace violence and domestic violence issues.

I. Definitions

“Domestic violence” is defined as intentionally causing or attempting to cause bodily injury to, placing in fear of imminent serious bodily injury, or committing other acts prohibited by North Carolina General Statutes Chapter 50B, upon a person or a minor child residing with or in the custody of a person with whom the person committing the act has or has had a personal relationship.

“Personal relationship” is defined in North Carolina General Statutes Chapter 50B and includes people who are current or former spouses, are related as parents or grandparents of a minor child, have a child in common, are current or former household members, or are persons who live together or who have lived together or who are in a dating relationship or have been in a dating relationship as defined by Chapter 50B.

“Workplace violence,” as prohibited by this policy, includes, but is not limited to:

- harassment;
- threat(s);
- physical violence; and
- property damage.

“Harassment” is defined as conduct or communication designed or intended to intimidate, threaten, or frighten an employee. Examples of harassment include, but are not limited to, showing up at an employee’s workplace with the intent to harass the employee or a pattern of conduct such as repeatedly calling or texting an employee while the employee is at work. As provided in the Board Policy entitled, “Harassment of Employees,” harassment also includes conduct that creates an intimidating, hostile or offensive work environment for an employee.

“Threat” is defined as a gesture or an expression of intent, orally, in writing, through social media or other electronic communication, or by any other means, to cause physical or mental harm to an employee.

“Physical violence” is defined as attempting to cause or intentionally causing bodily injury to an employee, or engaging in any unwanted or hostile physical contact against an employee, such as hitting, fighting, pushing, or shoving an employee.

“Property damage” is defined as any intentional damage to property, including property owned by the School, employees, visitors, students, vendors, and any other property located on School premises.

The above conduct is also governed by general standards of conduct.

Workplace violence also includes any other act that places an employee in reasonable fear for the employee’s safety in the workplace.

II. Reporting Violence

An employee who is a victim of workplace violence is strongly encouraged to report the violence or threat of violence to his/her immediate supervisor and law enforcement. An employee who sees an act of physical violence or has knowledge of an imminent threat of physical violence on school property or at school-sponsored events, such as knowledge of an individual with a weapon who seems intent on doing harm, should call 911 and alert law enforcement immediately.

An employee who obtains a civil no-contact or domestic violence order that lists any school property as a protected area or that could impact the employee in the workplace is strongly encouraged to immediately provide a copy to the employee’s supervisor. The North East Carolina Prep appreciates the sensitivity of this information, and supervisors will take every reasonable effort to disclose this information only to persons within the school who have a need to know.

A supervisor who receives a copy or has knowledge of the content of an employee’s civil no-contact or domestic violence order shall immediately notify law enforcement and provide a copy of the order, if applicable. Law enforcement shall take appropriate action, which may include contacting the employee who obtained or is the protected subject of an order to determine any safety concerns of the employee, and providing assistance to the supervisor of the employee’s workplace to develop a plan of protection. The plan of protection will include taking reasonable steps to address the specific safety concerns of the employee and others in the workplace. The Executive Director shall assist law enforcement in developing a plan of protection, as needed. The plan of protection may include disclosure of information provided by the disclosing employee to certain individuals within the school who have a need to know, including when failure to disclose the information could result in reasonably foreseeable physical harm to any employee and/or jeopardize the safety of other employees within the workplace.

III. Discrimination Prohibited

The School shall not discharge, demote, deny a promotion to, discipline, or otherwise discriminate in the terms, conditions, or benefits of employment against any employee because the employee took reasonable time off from work to obtain, or attempt to obtain, a domestic violence protective order or other relief pursuant to Chapter 50B of the North Carolina General Statutes; to obtain, or attempt to obtain, a civil no-contact order or other relief pursuant to Chapter 50C of the North Carolina General Statutes; or to testify or otherwise appear in a court proceeding as a witness to workplace or domestic violence.

An employee who is absent from the workplace shall follow the School’s usual leave/attendance policies and procedures, including giving advance notice of a leave/absence, when required by the Board’s usual procedures, unless an emergency prevents the employee from doing so. If the employee has exhausted his or her paid leave days, the employee shall be permitted to take unpaid leave days. The School may require

documentation of an emergency that prevented the employee from giving advance notice, if applicable, in accordance with the usual leave/attendance policies and procedures, or other documentation or information from the employee that supports the employee's reason for being absent from the workplace. The employee is limited to taking reasonable time off from work.

The School shall not discharge, demote, deny a promotion to, discipline, or otherwise discriminate in the terms, conditions, or benefits of employment against any employee for disclosing his or her status as a victim of violence, for submitting a grievance pursuant to Board Policy regarding workplace or domestic violence, or for disclosing concerns to the School regarding workplace or domestic violence.

III. Retaliation Prohibited

The School shall not retaliate or take any adverse employment action against any employee for submitting a grievance pursuant to Board Policy regarding workplace or domestic violence; for taking reasonable time off from work for pursuing or attempting to pursue an order or other relief under Chapter 50B or Chapter 50C or for testifying or otherwise appearing in a court proceeding as a witness to workplace or domestic violence; for disclosing his/her status as a victim of violence; or for reporting actions of violence perpetrated against an employee that occur in or have an impact on the workplace.

IV. Disciplinary Action for Engaging in Workplace Violence

Employees who engage in workplace violence, as defined in this policy, will be subject to disciplinary action up to and including termination from employment.

V. Assistance to Employees Who Are Victims of Workplace or Domestic Violence

Employees who are the subject of workplace or domestic violence can seek confidential, free referrals to counseling and support services through the school.

Legal Reference: N.C.G.S. §§ 50B; 50C; 95-270(a);

POLICY CODE: 701439 POLITICAL ACTIVITY

The North East Carolina Prep seeks to ensure that employment with the North East Carolina Prep in no way infringes on an employee's individual rights of citizenship, including but not limited to, registering to vote, discussing political issues, or voting. An employee may make a significant contribution by accepting opportunities for participation on committees or boards that seek to serve the welfare of the community. Employees are, therefore, not prohibited from campaigning for candidates or issues, running for public office or serving as a public appointee, committee member or officer, except as prohibited by law.

North East Carolina Prep employees are also generally allowed to direct and participate in the impartial study and discussion of class or curriculum-related political or other social issues. A school employee who discusses and/or engages in political activities or issues, however, shall make it clear that his or her actions are conducted as an individual and in no manner represent the views of the school. Employees are further prohibited from (1) encouraging, supporting or coercing students or employees of the school to support or reject in any way a political party, candidate or issue during work hours or while conducting official school business, or (2) using their supervisory or other relationship as a school employee with students or employees of the school in order to encourage, support or coerce such individuals to support or reject in any way a political party, candidate or issue.

An employee's outside political activities also shall not:

1. Be engaged in while an employee is performing duties for the school;
2. Involve the use of school monies or materials;

3. Involve the use of school facilities, except as authorized in accordance with Board Policy;

4. Violate any state or federal law.

An employee who wishes to file for an elected or an appointed position on a governing board or agency must affirm in writing to the Executive Director that such position will not conflict with State or Federal law and/or regulations concerning the employee's right to serve (e.g. dual office holding, conflict of interest, etc.). The employee must notify the Executive Director in writing at the earliest possible time. The notice must include the position sought and the employee's intentions as to the possibility of continued employment and the conditions of that employment. The Executive Director will report this information to the school board at its next regular meeting. The Board may provide a determination as to whether the activities proposed by the employee are consistent or conflict with his or her services to the school and with provisions of this policy and other employment policies in effect. The board may request that the employee forgo the elected or appointed position on a governing board or agency if it deems that a conflict exists.

Legal References: N.C.G.S. § 115C-527; § 163-99; 5 U.S.C. § 1501 et seq.

POLICY CODE: 701441 CONFIDENTIALITY OF INFORMATION

Every North East Carolina Prep employee is responsible for strictly guarding the privacy of student records, employee personnel records and other confidential documents and information regarding students, employees, testing or other North East Carolina Prep matters in accordance with Board policies and administrative regulations and applicable federal and state law, including but not limited to N.C.G.S. §§115C-174.13, 115C-319 to 115C-321, 115C-325(b), and 115C-401 to 115C-404. Violation of this policy may result in disciplinary action, up to and including termination.

Except to the extent that the use or disclosure of any "Confidential Information" is required by an employee to carry out his/her assigned duties with the school system or unless specifically authorized by law or in writing by the Executive Director, all employees are required not to: (a) misappropriate, (b) disclose to any third party, either directly or indirectly, or (c) aid anyone else in disclosing to any third party, either directly or indirectly, all or any part of any "Confidential Information". This obligation applies regardless of whether or not such "Confidential Information" was developed by the employee during the course of his/her employment with the school. This obligation further applies regardless of how such "Confidential Information" is stored or maintained, including all originals, copies and compilations and all information stored or maintained on computer, tapes, discs or any other form of technology.

Except as otherwise provided by law, "Confidential Information" includes, but is not limited to: (1) all non-public information regarding students, including but not limited to data concerning student identification, attendance, grades, test scores, promotion, discipline, and medical history; (2) all non-public information regarding employees, including but not limited to employee performance, discipline, medical history, and other confidential personnel matters; (3) all non-public federal, state, or local End-of-Grade test, grade level competency test, or other secured test booklets, questions, answer keys or materials; or (4) any of the information described in subsections 1-3 of this paragraph that the North East Carolina Prep obtains from the State Board of Education/Department of Public Instruction or another party or entity and that the North East Carolina Prep treats or designates as confidential information, whether or not such information is owned or was developed by the school.

In addition, with respect to federal, state, or local End-of-Grade tests, grade level competency tests, or other secured tests:

1. Confidential test booklets, questions, answers, or other data or test materials, or any part thereof, are not to be copied, reproduced, or paraphrased under any circumstances without permission of the North Carolina Department of Public Instruction Accountability Services or the Executive Director, whichever is appropriate.

2. Copying, reproduction, or paraphrasing of a test, or any part thereof, is prohibited.
3. Disclosure of test content or specific test items to persons other than authorized employees of the North East Carolina Prep or the State Board of Education/Department of Public Instruction is prohibited.
4. Possession of secured tests by unauthorized personnel before or after administration is prohibited.

Legal References: N.C.G.S. §§ 115C-174.13, -319, -320, -321, -325(b), -401, -401.1, -401.2, -402, -404; 130A-143, § 132-1 to 132-9; 16 NCAC 6C.0602(6), 16 NCAC 6C.0306

POLICY CODE: 701445 GRIEVANCES BY EMPLOYEES

It is the policy of the North East Carolina Prep to provide a means of communication between supervisors and employees and to establish a means to ensure a prompt, orderly, and fair response to an employee's grievance. The Board authorizes the Executive Director to implement regulations to carry out this policy, which shall include procedures and time limits for submitting grievances.

I. Grievances Subject To This Policy

An employee may submit a grievance under this policy if the employee is aggrieved by a decision of a school employee involving:

1. An alleged violation of a specified federal law, state law, State Board of Education Policy, State Rule, or local Board policy or administrative regulation; or
2. The terms or conditions of employment or employment status of a school employee; provided, however, this does not include the dismissal, demotion, or suspension of career employees for which statutory procedures are available.
3. Allegations of harassment under Board Policy or allegations of discrimination on the basis of race, color, religion, sex, age, national origin, sexual orientation or disability under Board Policy.

Issues that may be grieved through this Policy include, but are not limited to, the following: demotions or suspensions without pay for non-licensed employees, discrimination, and denials of requests for reasonable accommodations.

Issues that may not be grieved through this Policy, include, but are not limited to, the following: reprimand letters or written warnings, suspensions with pay, employment assignments, transfers, evaluations, and performance documentation.

In addition, any matter for which there is a more specific Board Policy or more specific law providing a process to address the concerns or upon which the school is without authority to act shall not be subject to this grievance Policy.

II. Non-Retaliation

Any attempt to coerce, intimidate, or retaliate against anyone who submits a grievance or who is involved in an investigation of a grievance will not be tolerated and may result in disciplinary action, up to and including termination.

III. Effect of Grievance Process on Work Assignments

The filing of a grievance does not give the employee the right to miss or neglect work or refuse to perform job duties or tasks assigned, even if the grievance relates to such work, work duties, or tasks assigned. Failure to attend work or complete job duties or tasks assigned while a grievance is pending will be grounds for disciplinary action, up to and including termination.

For the purposes of implementing this policy the following rules are applicable.

IV. Early Resolution

Prior to beginning the formal steps in the grievance process, the employee should attempt to resolve the grievance early through discussions with the employee's supervisor at the lowest possible level.

V. Time Limitations and 3 Step Process

A grievance is untimely if it is not submitted in writing according to the processes set forth in the First Step, set forth below, no later than 30 days after the event(s) giving rise to the grievance.

For purposes of the deadlines in this regulation, a "day" means any day other than a weekend day or legal holiday.

The failure to meet the deadlines in this regulation shall bar the employee from proceeding under this policy or with a Board hearing, but it shall not prevent a review and/or investigation of the grievance, if such review and/or investigation are deemed appropriate by the administration. Nothing contained in this policy shall prevent the parties from entering into reasonable extensions of time.

First Step

If the grievance cannot be resolved through early resolution, the grievance must be put in writing.

In order to state a formal grievance under this regulation, the employee must include the following information, in writing and signed by the employee, within the appropriate timelines:

- 1) name, address, and phone number of the employee making the grievance;
- 2) the current position/job title of the employee;
- 3) the full name of the person(s) against whom the charge is made;
- 4) a clear and concise statement of facts outlining the specific acts that form the basis of the grievance;
- 5) identification of an alleged violation of a specified federal law, state law, State Board of Education Policy, State Rule, or local Board policy or administrative regulation and/or specific information regarding how the action affected the employee's terms or conditions of employment or employment status;
- 6) the names of persons who should be interviewed or who have information regarding the complaint or grievance; and
- 7) a description of the relief desired.

A grievance is not deemed timely and properly submitted unless all of the above-referenced information is included when the grievance is submitted.

The grievance must be submitted to the Executive Director.

The Executive Director shall have ten (10) days to review, investigate, and attempt to resolve the grievance and to communicate the results, in writing, to the employee. After the Executive Director has provided the employee with a written determination, the employee shall have five (5) days to file the written grievance with the Chairperson of the Board Grievance Committee in order to proceed to the Second Step of the grievance process.

Second Step

If the matter is not resolved satisfactorily at the First Step, as described above, the employee may then submit the grievance to the Chairperson of the Board Grievance Committee ("Chairperson").

The Chairperson shall forward the grievance to the Board Grievance Committee which will have twenty (20) days to review, investigate, and attempt to resolve the grievance and to communicate, via the Chairperson, the results, in writing, to the employee. After the Chairperson has provided the employee with a written determination, the employee shall have five (5) days to file the written grievance with the Executive Director (or his/her designee) in order to proceed to the Third Step of the grievance process.

Third Step

If the employee is dissatisfied with the results reached at the Second Step of the grievance process, the employee shall have ten (10) days from receipt of written notice of the result reached at the Second Step to file a written appeal with the Chair of the Board for a hearing before the Board of Directors.

The Board of Directors shall have ten (10) days to review, investigate, and attempt to resolve the grievance and to communicate the results, in writing, to the employee.

Process at First, Second, and Third Steps

At each step of the process, the person responsible for handling the grievance, or his or her designee(s), should meet with the employee and attempt to resolve the matter.

During the first three steps in the process, the persons attempting to resolve the grievance may appoint designees or rely upon others to assist them.

During the grievance process, information should be shared with others on a need-to-know basis only, so as to be sensitive to the privacy concerns of the employee filing the grievance. Depending on the nature of the grievance, it may be necessary for the grieving employee to provide written or recorded statements.

If, at any time during the grievance process, or thereafter, additional conduct occurs that the employee believes is a matter eligible for a grievance, the employee may report such conduct as a new grievance in accordance with the procedures in this regulation.

A copy of the decision reached will be sent to the employee and placed in the employee's personnel file.

POLICY CODE: 701450 EMPLOYEE PERFORMANCE AND NONRENEWAL

I. Evaluations

All employees are accountable for their job performance. Toward that end, the job performance of all employees should be evaluated at least annually in accordance with standards and procedures applicable to the position. Faculty will be evaluated annually using the North Carolina Teacher Evaluation Rubric in its full or abbreviated form. The intended purpose of the teacher evaluation process is to provide teachers with meaningful feedback on their performance while assessing their performance in relation to the Professional Teaching Standards.

All employees are subject to termination or non-renewal for inadequate performance.

Where appropriate, supervisors may engage in counseling with employees as a means of correcting problems with performance.

Instructional staff may be required to comply with action plans as a means of addressing inadequate performance.

Nothing herein shall deprive North East Carolina Prep of the right to terminate an employee under Board Policy entitled, "Employment at Will," or applicable law.

II. Promotion

When vacancies within the school are to be filled, consideration will be given to all qualified applicants for each position.

The processing of applications, evaluative screening, interviewing and final selection of persons to be recommended for promotion will be coordinated through the Executive Director and the Board Personnel Committee. The Executive Director, however, has the right to recommend promotion without regard to the general systems and procedures established by the Board Personnel Committee when, in his or her discretion, it is in the best interest of the school to do so.

III. Nonrenewal of Contracts

A. Decisions to Offer or Extend Contracts: Contracts may be offered and extended by the North East Carolina Prep for faculty and staff upon the Executive Director's recommendation to the Board. A Contract may be offered and extended by North East Carolina Prep for the Executive Director upon recommendation of the Board Personnel Committee.

B. Decisions Not to Renew Contracts: After receiving a recommendation from the Executive Director or the Board Personnel Committee, the Board may refuse to renew any contract for any cause it deems sufficient.

C. Notice to Administrators of Board's Recommendation of Nonrenewal

1. If the Board decides not to offer a new, renewed or extended contract to a School Director, faculty or staff member, the Board shall give such notice of its decision no later than May 1 of the final year of the employee's contract.
2. The Board shall not be required to state any reason(s) for non-renewal.

POLICY CODE: 701451 RESIGNATION

Where circumstances make it necessary for an employee to resign his or her position, he/she shall provide a minimum of thirty (30) calendar days advance written notice of resignation.

Written notice of resignation shall be given to the Executive Director.

If an emergency or other unforeseen circumstance prevents the employee from giving the notice required under this policy, the employee may instead submit a written request for early resignation, which shall be considered in view of the impact on the welfare of students and any affected school programs.

When notice of resignation is given by an employee, the Executive Director or his/her designee may choose to accept the resignation as proposed, relieve the employee of any further duties but pay the employee through the proposed resignation date, or accept the resignation effective on an earlier date and pay the employee only through the employee's last day worked.

This policy does not guarantee continued employment for any period of time, nor is there any guarantee of rehire following resignation.

POLICY CODE: 701452 OUTSIDE EMPLOYMENT

Except as set forth below, as a general rule, full and part-time employees may hold outside jobs separate from

their regular employment with the school as long as they are capable of continuing to meet the performance standards and requirements of their position with the school system. Employees, however, should consider the impact that outside employment may have on their ability fully to attend to their duties for the school system. Full-time employees must disclose to the Executive Director if they are engaged in outside employment and provide the name of the employer, the hours worked and the type of work being performed.

All employees will be evaluated in accordance with the same performance standards and will be subject to the school system's ongoing scheduling demands, regardless of any existing outside work requirements. Outside work by an employee should not interfere in any way with his/her job performance or ability to meet the requirements of a particular position. Employees are expressly prohibited from using personal days or vacation days to work for an outside entity or perform job duties associated with outside employment. In addition, the nature of an employee's outside work, if any, must be such that it does not conflict with the mission of the school, adversely reflect on an employee's ability to serve as a role model for students, or adversely affect an employee's working relationship with students, parents, and other employees.

Except as expressly authorized in writing by the Executive Director or his/her designee, all employees of the school are prohibited from: (1) soliciting or selling any non-school authorized items during work time or in any work area; or (2) selling, trading, distributing or dealing in instructional supplies, equipment or reference books in the school. Employees are also prohibited from using, supplying or furnishing the names and/or addresses of students or parents to any entity or individual engaged in such activities. Employees are further prohibited from tutoring, for compensation, students for whom they exercise regular teaching, administrative or supervisory responsibility, or from tutoring, for compensation during work hours, students for whom they do not exercise such responsibility.

Employees are prohibited from rendering services for or engaging in, soliciting, negotiating for, or promising to accept outside employment with private interests when: (1) the private interests are doing or seek to do business with the school and the employee is or will soon be in a position to influence the business relationship (either directly or indirectly); or (2) such conduct by the employee impairs the proper discharge of official school business. Employees are further prohibited from soliciting customers or clients for or engaging in any private business or service on or in any school property or using school vehicles, materials, supplies, resources, funds or equipment for such activities, including their own personal use, whether during or outside of regular work hours.

POLICY CODE: 701453 COVID-19

In response to the COVID-19 pandemic, NECP has adopted the following policies as it relates to school operations. NECP's top priority is to ensure the safety of all employees and students and reduce the risk of community spread of COVID-19. The following policies are and will continue to be based upon: (1) continued full compliance with all orders issued by the State of North Carolina and County of Edgecombe; and (2) consideration of the guidance provided by state and federal health and educational authorities. These policies will be in effect throughout the duration of the pandemic and as directed by state authorities, will be updated as conditions evolve, and are subject to change.

Current policy for employees working on NECP campus (as of July 2020)

Health Screening and Notifications

Employees should self-administer a temperature check daily, before coming into the school, and stay home if they have a fever of 100.4 or higher.

Employees will be required to submit to a rapid forehead temperature check upon arrival at the office, and will be asked to go home if they have a fever of 100.4 or higher.

Employees must immediately notify their supervisor and stay home if they experience any symptoms of COVID-19 (including, but not limited to, fever, cough, or shortness of breath).

Employees who are diagnosed with COVID-19 or are presumed positive by a medical professional due to symptoms must stay at home until they receive a negative COVID-19 test or are otherwise released by a health care provider.

Employees who are well but who have a sick family member with COVID-19 must immediately notify their supervisor and follow CDC-recommended precautions before returning to work.

Employees who travel outside of the state must notify their supervisor, who will determine whether the employee should self-quarantine before returning to work.

Personal Protection and Social Distancing

Employees, students, and parents must wear face coverings at all times while on NECP campus and within 6 feet of another person. This includes when entering the school building and walking in the hallways.

All individuals on NECP campus must stay six feet apart to the extent possible.

Employees should not shake hands, hug, or otherwise engage in direct physical contact with employees or other individuals on campus, to the extent possible.

Work stations are arranged to ensure six feet of distance between employees at all times.

School buildings will mark the six feet of spacing in high-traffic areas, such as the front desk, the water cooler, and coffee station.

NECP will not hold in-person team meetings (or at minimum will not gather in groups of 10 or more people).

Cleanliness and Sanitation

Employees must wash their hands using soap and water for at least 20 seconds as frequently as possible, or use hand sanitizer when soap and water is not readily available.

Employees must wash their hands immediately before and meeting with a co-worker, administrator, parent, or student.

Employees cannot use co-workers' phones, desks, tools or equipment unless they have first cleaned and disinfected the workspace or equipment.

Each school building must regularly clean all high-touch surfaces, such as doorknobs and telephones.

The current policy may be adjusted based on applicable school operations. These changes will be communicated to employees by the Executive Director or the Board of Directors.

POLICY CODE: 701454 Teleworking

During this unusual time, NECP will allow certain employees the opportunity to telework. Teleworking, or telecommuting, is the concept of working from home or another location on a full- or part-time basis. Teleworking is not a formal, universal employee benefit. Rather, it is an alternative method of meeting the school's needs during unusual times. Indeed, teleworking, especially for teachers and instructional staff, is not ideal and will not be permitted absent extraordinary circumstances such as the current health crisis. NECP has the right to refuse to make teleworking available to an employee and to terminate a teleworking arrangement at any time in its sole discretion.

Compensation and Work Hours

The employee's compensation, benefits, work status and work responsibilities will not change when teleworking unless an employee is notified in writing of such change. The amount of time the employee is expected to work per day or pay period will not change as a result of teleworking. However, schedules and hours may change depending on the school's needs and expectations.

Eligibility

Successful teleworkers have the support of their supervisors and the school. Not all employees will be eligible to telecommute. All telecommuting arrangements must be approved in advance by the Executive Director or his or her designee. NECP shall provide training and instructions for telecommuting.

Equipment/Tools

NECP may provide specific tools/equipment for the employee to perform his or her current duties. This may include computer hardware, computer software, phone lines, email, voice-mail, connectivity to host applications, and other applicable equipment as deemed necessary.

The use of equipment, software, data, supplies, and furniture when provided by the school for use at the remote work location is limited to authorized persons and for purposes relating to school business. The school will provide for repairs to company equipment. Employees will provide all necessary furniture for telecommuting. When the employee uses her or his own equipment, the employee is responsible for maintenance and repair of equipment. The school will not be responsible for any damage to your equipment or furniture. A loaner laptop may be provided when available. Loaner computers will vary in performance and configuration. Loaners must be returned upon request. If internet access is not reliable when an employee is working from home or another location, the employee should use the school's network for internet access.

Security

NECP requires all telecommuting employees to comply with the guidelines set out in Attachment A regarding technology security.

Office Supplies

The school will provide any needed office supplies. Out-of-pocket expenses for other supplies will not be reimbursed unless by prior written approval of the school in accordance with its fiscal policies.

Workspace

The employee shall designate a workspace within the remote work location for placement and installation of equipment to be used while teleworking. The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment. The workspace shall be professional, appropriate, and conducive to audio and visual interactions with students, families, and co-workers.

Employee is expected to submit photos of their home workspace to their supervisor prior to implementation of teleworking.

Any school materials taken home should be kept in the designated work area at home and not be made accessible to others. This is particularly important when such materials include student and/or family information or other information that could be deemed confidential.

NECP has the right to make on-site visits (with 48 hours advance notice) to the remote work location for purposes of determining that the site is safe and free from hazards and to maintain, repair, inspect, or retrieve school-owned equipment, software, data, or supplies or to ensure that the employee is complying with school policies.

Workers' Compensation

During work hours and while performing work functions in the designated work area of the home, telecommuters may be covered by workers' compensation. In the event of a job-related injury, you must report the incident to your supervisor as soon as possible. Workers' compensation does not apply to injuries to any third parties or members of the employee's family on the employee's premises.

Liability

The school is not liable for loss, destruction, or injury that may occur in or to the employee's home. This includes family members, visitors, or others that may become injured within or around the employee's home.

Taxes

It will be the employee's responsibility to determine any income tax implications of maintaining a home office area. The school will not provide tax guidance nor will the school assume any additional tax liabilities. Employees are encouraged to consult with a qualified tax professional to discuss income tax implications.

Communication

Employees must be available by phone, teleconference, videoconference, and email during core work hours.

Job Duties/Responsibilities

The school recognizes the challenges during this difficult time. However, it is important that employees prioritize and perform their work while teleworking. Teleworking employees must satisfactorily complete all job duties and responsibilities. Employees who have children or other responsibilities at home must ensure they appropriately schedule their days to include sufficient time for performing school responsibilities. In addition, during scheduled virtual instruction or student/parent meetings, employees are expected to not have distractions in the background that are visible or audible to the student or parent.

Problem-Solving/Policies

The School understands that telecommuting may be challenging, and the school will make every effort to support employees during this time. Employees are expected to assist in problem-solving any challenges they have while telecommuting and work with their supervisor and the school when such issues arise. Please keep in mind that employees remain obligated to comply with all school rules, practices, policies and instructions while telecommuting.

Attire/Conduct

Telecommuting employees are expected to continue to conduct themselves in a professional manner while working for the school. It is expected that telecommuting employees be available for audio and video conferences/calls during working hours. Telecommuting employees must also be sure to dress professionally and appropriately as per school policy during work time, especially when conducting classes, meetings, or communications using video.

Tracking Time Worked

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the school's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance written approval of the executive director or his or her designee. Failure to comply with this requirement may result in the immediate termination or termination of the telecommuting arrangement.

For exempt telecommuting employees, NECP will set work expectations and accountability measures, which may differ based on position, grade level, and subject matter. In addition, exempt employees may be required to track time and productivity.

Time off/Leave/Sick Time

All employees are expected to continue complying with the school's time off, leave, and sick time policies. Reporting expectations under such policies shall continue to remain in effect with any modifications being communicated by your supervisor or the school's leadership.

Nothing in this policy shall be construed to alter any other term or condition of employment or any other school policies, contracts, or agreements.

Attachment A

Expectations for Technology Security

Working remotely has its benefits but doing so comes with the added responsibility of taking the appropriate steps to protect your organization's data while being connected online. Keep these tips in mind.

- **Know your organization's telework policies.** This includes when and where it is acceptable to work away from the office as well as any security measures or best practices.
- **Use only devices approved by your organization.** Avoid using personal computers, tablets, and cellphones – as well as those shared with others – to work.
- **Use VPN when necessary.** Virtual private networks, which provide secure direct connections to your organization's computer network, might be necessary when accessing files, working with sensitive information, or using certain websites.
- **Think before you click.** Avoid downloading or clicking on unknown links in emails. If you aren't sure if you should, call the sender first. Hackers often use fake websites to trick you into giving sensitive information or to install malware onto your device. [Get more tips.](#)
- **Guard your devices.** If your organization allows you to work elsewhere from your home, never leave your laptop, tablet, or cellphone – including any USB or external storage devices – unattended. Avoid entering passwords where others can see.
- **Connect only to trusted networks or your cellular Wi-Fi connection.** Many public hotspots aren't secure and might not protect your passwords, emails, and work.
- **Create strong passwords.** Be sure they include a mix of upper and lowercase letters, numbers, and symbols. Make them difficult enough that someone can't guess them.
- **Don't share passwords online.** If you must share log-in information with a coworker, call them with the details instead of sending via email, text, or instant message.
- **Use two-factor authentication.** Although it can be inconvenient, two-factor authentication, if available, provides an extra layer of security to keep hackers from accessing accounts.
- **Encrypt your email.** Some data and information might need to be encrypted before sending it electronically. This might also include information that you might otherwise share in a conversation if you were at the office.
- **Contact your IT help desk.** If you need technical support, contact your organization's IT department. Don't try to fix technical issues yourself.

○

GOVERNANCE

POLICY CODE: 801401 ROLE OF THE BOARD OF DIRECTORS

The board of directors shall have all powers and authority, as designated in the Charter, for the management of the business, property, and affairs of the North East Carolina Prep, to do such lawful acts as it deems proper and appropriate to promote the objectives and purposes of the North East Carolina Prep. The board of directors may, by general resolution, delegate to committees of its own number or to officers of the North East Carolina Prep such powers as it may see fit for specified periods of time.

The board of directors is responsible for the following required functions:

A. Policy oversight

The board is responsible for the development of policy and for the employment of a school director who shall carry out its policies through the development and implementation of regulations. The board is responsible for evaluating the effectiveness of its policies and their implementation. This includes setting and evaluating goals in educational and financial areas.

B. Educational planning

The board is responsible for requiring and acquiring reliable information from responsible sources that will enable it and the staff to work toward the continuing improvement of the educational program.

C. Provision of financial resources

The board has major responsibilities for the adoption of a budget that will provide the wherewithal--in terms of buildings, staff, materials, and equipment--to enable the school system to carry out its functions.

D. Interpretation

The board is responsible for providing adequate and direct means for keeping the school community informed about the school and for keeping itself and the school staff informed about the wishes of the public.

The board believes that, by diligently exercising these functions, it will be able to provide the best educational opportunities possible for our children utilizing the financial resources available to the charter school.

The board shall exercise its powers through the legislation of bylaws and policies for the organization and operation of the school.

The board shall be responsible for the operation of the school but shall delegate the administration to the Executive Director, who shall be appointed by majority vote of a quorum of the full board.

The board may hear appeals in complaints and in grievance and disciplinary actions as defined in these policies and in the law.

POLICY CODE: 801402 CODE OF ETHICS

The members of the board of directors recognize that they hold authority not as individuals but as members of the board. In order to make a clear public statement of its philosophy of service to the students of the district, the board adopts this code of ethics.

A. Board members will uphold and enforce all laws, state board rules and regulations, and court orders pertaining to schools. Desired changes should be brought about only through legal and ethical

procedures.

B. Board members will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools which meet the individual needs of all children regardless of their ability, race, creed, sex or social standing.

C. Board members will confine any board action to policymaking, planning and appraisal and board members will help to frame policies and plans only after the board has consulted those who will be affected by them.

D. Board members will behave toward fellow board members with the respect due their office-
- demonstrating courtesy, decorum and fair play at all public meetings and in all public statements.

E. Board members will refrain from inappropriate conduct in public meetings and in making public statements, refraining from any disparagement of fellow board members or others on a personal, social, racial or religious basis.

F. Board members will carry out their responsibility, not to administer the school, but, together with fellow board members, to see that it is well run.

G. Board members will recognize that authority rests with the board and will make no personal promises nor take any private action which may compromise the board.

H. Board members will refuse to surrender independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of family and friends.

I. Board members will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the school. But in all other matters, board members will provide accurate information and, in concert with fellow board members, interpret to the staff the aspirations of the community for its school.

J. Board members will vote to appoint the best qualified personnel available after consideration of the recommendation of the Executive Director.

K. Board members will support and protect school personnel in proper performance of their duties.

L. Board members will refer all complaints to the Executive Director and will act on such complaints at public meetings only after failure of an administrative solution.

The board shall see that all members of the board receive training in understanding and adhering to this code of ethics and shall review it periodically at regularly scheduled public meetings.

POLICY CODE: 801404 CONFLICT OF INTEREST

A person shall not be disqualified from serving as a member of a charter school's board of directors because of the existence of a conflict of interest, so long as the person's actions comply with the school's conflict of interest policy as provided in G.S. 115C-218.15(b)(3) and applicable law. Reference § 115C-218.15.

No voting member of the governing board shall be an employee of a for-profit company that provides substantial services to the charter school for a fee.

SECTION 1. GENERAL PROVISIONS

Directors shall avoid improper conduct arising from conflicts of interest and shall abide by all legal requirements governing conflicts of interests, including G.S. 55A-8-31. If any Director has or may have a conflict of interest in

a matter pending before the Board, such member shall fully disclose to the Board the nature of the conflict or potential conflict. No transaction may be approved if it would constitute self-dealing.

SECTION 2. STATUTORY REQUIREMENTS

Board practice regarding conflicts of interest shall be governed ultimately by G.S. 55A-8-31, as amended or replaced at any time subsequent to the adoption of this policy. Specific statutory requirements include the following:

(a) A conflict of interest transaction is a transaction with the Corporation in which a Director of the Corporation has a direct or indirect interest. A conflict of interest transaction is not voidable by the Corporation solely because of the Director's interest in the transaction if any one of the following is true:

- (1) The material facts of the transaction and the Director's interest were disclosed or known to the Board of Directors or a committee of the Board and the Board or committee authorized, approved, or ratified the transaction;
- (2) The material facts of the transaction and the Director's interest were disclosed or known to the members entitled to vote and they authorized, approved, or ratified the transaction; or
- (3) The transaction was fair to the Corporation.

(b) A Director of the Corporation has an indirect interest in a transaction if:

- (1) Another entity in which he has a material financial interest or in which he is a general partner is a party to the transaction; or
- (2) Another entity of which he is a Director, officer, or trustee is a party to the transaction and the transaction is or should be considered by the Board of Directors of the Corporation.

(c) For purposes of subdivision (a)(1) of this section, a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the Directors on the Board of Directors (or on the committee) who have no direct or indirect interest in the transaction, but a transaction shall not be authorized, approved, or ratified under this section by a single Director. If a majority of the Directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a Director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subdivision (a)(1) of this section if the transaction is otherwise authorized, approved, or ratified as provided in that subdivision.

(d) For purposes of subdivision (a)(2) of this section, a conflict of interest transaction is authorized, approved, or ratified by the members if it receives a majority of the votes entitled to be counted under this subsection. Votes cast by or voted under the control of a Director who has a direct or indirect interest in the transaction, and votes cast by or voted under the control of an entity described in subdivision (b)(1) of this section, shall not be counted in a vote of members to determine whether to authorize, approve, or ratify a conflict of interest transaction under subdivision (a)(2) of this section. The vote of these members, however, is counted in determining whether the transaction is approved under other sections of this Chapter. A majority of the votes, whether or not present, that are entitled to be cast in a vote on the transaction under this subsection constitutes a quorum for the purpose of taking action under this section.

(e) The Articles of Incorporation, Bylaws, or a resolution of the Board may impose additional requirements on conflict of interest transactions.

SECTION 3. DEFINITIONS

(a) **Interested Person.** Any Director, principal officer, or member of a committee with Board-delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

(b) **Financial Interest.** A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- (1) An ownership or investment interest in any entity with which the Corporation has a transaction or

arrangement,

(2) A compensation arrangement with the Corporation or with any entity or individual with which the Corporation has a transaction or arrangement, or

(3) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Corporation is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

SECTION 4. PROCEDURES

(a) **Duty to Disclose.** In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Directors and members of committees with board-delegated powers considering the proposed transaction or arrangement.

(b) **Determining Whether a Conflict of Interest Exists.** After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board or committee members shall decide if a conflict of interest exists.

(c) **Procedures for Addressing the Conflict of Interest.**

(1) An interested person may make a presentation to the Board of Directors or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.

(2) The Chairman of the Board of Directors, or the chair of the committee if a committee meeting is appropriate, shall appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

(3) After exercising due diligence, the Board or committee shall determine whether the Corporation can obtain, with reasonable efforts, a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

(4) If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board or committee shall determine by a majority vote of the disinterested members whether the transaction or arrangement is in the Corporation's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

(d) **Violations of the Conflicts of Interest Policy.**

(1) If the Board of Directors or one of its committees has reasonable cause to believe a member has failed to disclose actual or a foreseeable conflict of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

(2) If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary or corrective action.

SECTION 5. RECORDS OF PROCEEDINGS

The minutes of the Board of Directors and all committees with Board-delegated powers shall contain:

(a) The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the decision of the Board or committee as to whether a conflict of interest in fact existed.

(b) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

SECTION 6. COMPENSATION

(a) Board members shall receive no compensation for serving on the board and may not receive compensation from the Corporation for any services provided to the Corporation.

(b) Board members may be reimbursed for travel, accommodations, and meals when traveling on behalf of the school.

SECTION 7. ANNUAL STATEMENTS

Each Director, principal officer and member of a committee with Board-delegated powers shall annually sign a statement that affirms such person

(a) has received a copy of the conflicts of interest policy,

(b) has read and understands the policy,

(c) has agreed to comply with the policy, and

(d) understands the Corporation is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

SECTION 8. PERIODIC REVIEWS

To ensure the Corporation operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

(a) Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.

(b) Whether partnerships, joint ventures, and arrangements with management organizations conform to the Corporation's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

SECTION 9. USE OF OUTSIDE EXPERTS

When conducting the periodic reviews as provided for in this Article, the Corporation may choose to employ outside experts. If outside experts are used, their use shall not relieve the Board of Directors of its responsibility for ensuring that periodic reviews are conducted.

POLICY CODE: 801406 LEAVE OF ABSENCE

A board member may request a "leave of absence" due to unforeseen circumstances (personal, illness, family emergency, etc.) whereby for the duration of the leave (to be mutually agreed upon by the board member requesting leave and the other board members) the said member will not be required to actively participate in any board meetings or other related activities.