

Personnel files will be maintained in the personnel office for all employees as provided by law. The superintendent and all supervisors are directed to ensure that all appropriate employment-related information is submitted to the file. Employees will be provided with all procedural protections as provided by law.

**A. RECORDS MAINTAINED**

The following records must be maintained in the personnel file:

- evaluation reports made by the administration;
- commendations for and complaints against the employee (see subsection B);
- written suggestions for corrections and improvements made by the administration;
- certificates;
- employee's standard test scores;
- employee's academic records;
- application forms; and
- other pertinent records or reports.

Any pre-employment data or other information obtained about an employee before his or her employment by the board will be kept in a separate file and will not be made available to the employee.

Medical information, including health certificates, will be maintained in confidential files separate from personnel files. Drug test results also will be kept in the medical file, except that drug use or alcohol use contrary to board policy or law also may be documented in the personnel file.

**B. PLACEMENT OF RECORDS IN PERSONNEL FILE**

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

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the supervisor's recommendation to the superintendent as to whether the complaint contains any invalid, irrelevant, outdated, or false information; and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

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

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

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

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

**C. ACCESS TO PERSONNEL FILE**

Every employee has the right during regular working hours to inspect his or her personnel file, provided that three days' notice is given to the personnel office.

Access to a personnel file may be permitted to the following persons without the consent of the employee about whom the file is maintained:

- Those school officials, including the board attorney involved in the evaluation process of the individual and the school board, if the examination of the files relates to the duties and responsibilities of the board; and
- the case manager in a demotion or dismissal procedure regarding the employee; and

No other person may have access to a personnel file except under the following circumstances:

- when an employee gives written consent to the release of his or her records which specifies the records to be released and to whom they are to be released;
- When subpoenaed or pursuant to court order;

- when the board has determined, and the superintendent has documented, that the release or inspection of information is essential to maintaining the integrity of the board or the level of quality of services provided by the board; or
- the superintendent or designee determines that disclosure to a court of law, or a state or federal administrative agency having a quasi-judicial function, is necessary to adequately defend against a claim filed by a current or former employee against the board or a school official or employee for any alleged act or omission arising during the course and scope of his or her official duties or employment. Such disclosures will be limited to those confidential portions of the personnel file of the employee who filed the claim and only to the extent necessary for the defense of the board.

Each request for consent to release records must be handled separately.

**D. PUBLIC INFORMATION**

All personnel information that is classified as public records may be disclosed in accordance with applicable laws. Unless an employee submits a written objection to the personnel office, the board also may make the following information available about each employee as part of an employee directory:

- address;
- telephone number;
- photograph;
- participation in officially recognized activities and sports; and
- degrees and awards received.

Employees will be notified of their right to object before any such directory is compiled or revised.

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

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

- whether the teacher has met North Carolina qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction;
- whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived;

- whether the teacher is teaching in the field of discipline of his or her certification; and
- the qualifications of any paraprofessional providing services to the student.

**F. REMOVAL OF RECORDS**

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

Legal References: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 6312(e)(1)(A); G.S. 115C-36, -47(18), -209.1, -288(g), -319 to -321, -325(b) and (o) (applicable to career status teachers), -325.2 and -325.9 (applicable to non-career status teachers); 143B-931; 16 N.C.A.C. 6C .0313

Cross References: Petition for Removal of Personnel Records (policy 7821)

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