

## **2018 – 2019 ANNUAL PUBLIC NOTICES**

### **A. Student Records: Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act ("FERPA"), a federal law, gives parents and students over eighteen (18) years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- The right to inspect and review your child's education records within forty-five (45) days of the day the school receives a request for access. You should submit to the school principal a written request that identifies the record(s) you wish to inspect. The principal will make arrangements for access and notify you of the time and place where the records may be inspected.
- The right to request an amendment of your child's education records that you believe are inaccurate or misleading. You should write the school principal, clearly identify the part of the record you want changed and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested, the school will notify you of the decision and advise you of your right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when you are notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in your child's education records. FERPA requires that the school obtain your written consent prior to the disclosure of any such information with certain exceptions. School Officials with a legitimate educational interest are an exception and do not need parental consent. For a complete list of the disclosures that elementary and secondary schools may make without parental consent see 34 CFR Part 99.37.
- A School Official includes any of the following when that person has a "*legitimate educational interest*" in having access to the information:
  - a. Any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the school district;
  - b. A school board member;
  - c. A contractor, consultant, volunteer, or other party to whom the school district has outsourced services or functions, such as (but not limited to) an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the school district would otherwise use employees, is under the direct control of the school district with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of PII from education records;
  - d. A person serving on a committee appointed by the school board or by the administration of the school district, such as a disciplinary or grievance committee or other review committee.

A school official has a "*legitimate educational interest*" if the official needs to review an education record in order to fulfill his or her professional responsibility.

- The School District may release "directory information" about a student unless you have advised the school to the contrary. The School District has designated the following information as directory information:

Student's Name	Degrees, honors, and awards received
Address	Date and place of birth
Telephone listing	Electronic mail address
Photograph	Participation in officially recognized activities and sports
Major field of study	Weight and height of members of athletic teams
Grade level	Most recent educational agency or institution attended
Dates of attendance	Enrollment status

- The primary purpose of directory information is to allow the school to include this type of information from your child's education records in certain school publications. Examples include:
  - i. A playbill, showing your student's role in a drama production;
  - ii. The annual yearbook;
  - iii. Honor roll or other recognition lists;
  - iv. Graduation programs; or
  - v. Sports activity sheets, showing weight and height of team members.
- Directory information may also be disclosed to outside organizations without your prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.
- In addition, under federal law, we are required to provide military recruiters and institutions of higher education, upon their request, with the names, addresses and telephone numbers of high school students unless the student or parent has advised the school that they do not want such information disclosed without their prior written consent.
- If you do not want the school to disclose some or all of the directory information described above from your child's education records to all or certain recipients without your prior written consent, the School District must be notified in writing within fourteen (14) days of the beginning of the school year or within fourteen (14) days of your enrolling in the School District. For your convenience, a form that can be used for this purpose is provided at the end of this Notice. An "opt out" is perpetual and can only be rescinded in writing.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures of the School District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202-5901

**B. Non-Discrimination: Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; The Rehabilitation Act of 1973 (Section 504); and The Americans with Disabilities Act of 1990 (ADA)**

It is the School District's policy not to discriminate on the basis of race, color, national origin, sex, disability, religion, age, genetic information or veteran's status in its educational programs, activities or employment policies.

For inquiries or complaints or to request a copy of the School District's grievance procedures, please contact:

Title IX Coordinator Mr. Scott Rhodes 414 4 <sup>th</sup> Avenue West Hendersonville, NC 28739	504/ADA Coordinator Ms. Lynn Metcalf 414 4 <sup>th</sup> Avenue West Hendersonville, NC 28739
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**C. Students with Disabilities: Individuals with Disabilities Act (IDEA)**

Pursuant to the IDEA, a federal law, the School District must provide special education services to all children residing in the school district who are between the ages of three (3) and twenty-one (21) who have been diagnosed with or are suspected to have mental, physical or emotional disabilities and who are unable to benefit from a regular school program without special assistance. If your child or a child you know may qualify for such special assistance, please contact:

Director of Exceptional Children Services Ms. Lynn Metcalf 414 4 <sup>th</sup> Avenue West Hendersonville, NC 28739
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**D. Homeless Students: McKinney-Vento Homeless Assistance Act**

For information concerning the educational rights of homeless students, please consult Board Policy 4125 and/or contact:

Director of Student Services Mr. Matt Gruebmeier 414 4 <sup>th</sup> Avenue West Hendersonville, NC 28739
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**E. Protection of Pupil Rights Amendment**

The Protection of Pupil Rights Amendment requires that the School District notify you and obtain consent or allow you to opt-out your child from participating in certain school activities. These activities include a student survey, analysis or evaluation that concerns one or more of the following eight areas:

1. Political affiliates or beliefs of the student or student's parent;
2. Mental or psychological problems potentially embarrassing to the student and/or student's family;
3. Sexual behavior or attitudes;
4. Illegal, anti-social, self-incrimination or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors or ministers;
7. Religious practices, affiliations or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes and certain physical exams or screenings except for hearing, vision, scoliosis or any physical exam or screening permitted or required under State law.

The School District will, within a reasonable period of time prior to the administration of the surveys and activities, provide notice of said surveys and activities and give you or your son/daughter, if he/she is eighteen (18) years old or older, the opportunity to opt-out.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

**F. Student Health: N.C.G.S. § 115C-375.4**

With the passage of N.C.G.S. 115C-375.4, the School District must provide families with information on Influenza and Meningococcal diseases and the vaccines that are available to prevent each. Influenza ("flu") is caused by a virus that spreads from infected persons to the nose or throat of others. Influenza can cause fever, sore throat, chills, coughs, headache and muscle aches.

Anyone can get influenza. Most people are ill with flu for only a few days, but some get much sicker and may need to be hospitalized. Influenza causes an average of 36,000 deaths each year in the U.S., mostly among the elderly.

Influenza vaccine is available in two types. Inactivated (killed) flu vaccine, given as a shot, has been used in the U.S. for many years. A live, weakened vaccine, FluMist, was licensed in 2003. It is sprayed into the nostrils. It is available for persons age 5-49 years of age. Influenza viruses change often. Therefore, influenza vaccine is updated every year. Protection develops in about 2 weeks after getting the shot and may last up to a year. The best time to get the vaccine is in October or November. Contact your local health department or physician for more details on cost and time vaccine will be available.

Meningococcal disease is a serious illness, caused by bacteria. It is the leading cause of bacterial meningitis in children 2-18 years old in the United States. Meningitis is an infection of the brain and spinal cord coverings. Meningococcal disease can also cause blood infections. About 2,600 people get meningococcal disease each year in the U.S. Ten to fifteen percent of these people die, in spite of treatment with antibiotics. Of those who live, another 10% have chronic complications. It is most common in infants less than one year of age, international travelers, and people with certain medical conditions. College freshmen, particularly those who live in dormitories, have a slightly increased risk of getting meningococcal disease.

Learn more about these vaccines by consulting with your family doctor or nurse or contacting the Henderson County Department of Public Health at (828) 692-4223 or contacting the Centers for Disease Control and Prevention (CDC) at 1-800-232-2522 (English) or 1-800-232-0233 (Spanish) or visiting <http://cdc.gov/vaccines/>.

**G. Student Health: N.C.G.S. § 115C-47(51)**

North Carolina General Statute § 115C-47(51) requires schools to provide information concerning cervical cancer, cervical dysplasia and human papillomavirus and the vaccines available to prevent these diseases.

Information on these diseases and the vaccines can be found at [www.cdc.gov/vaccines/vpd-vac](http://www.cdc.gov/vaccines/vpd-vac). Those individuals without internet access can contact a school nurse or the Henderson County Health Department at (828) 692-4223.

**H. North Carolina Safe Surrender Law**

Pursuant to N.C.G.S. §7B-500(b), a female may legally surrender her newborn baby to a responsible adult without fear of criminal prosecution. While any responsible adult may receive a newborn, School Social Workers, School Nurses, counselors and law enforcement agents are examples of responsible adults who are familiar with this law. More information can be found at <http://www.ncdhhs.gov/assistance/pregnancy-services/safe-surrender>. Those individuals without internet access can contact a school nurse or social worker.

**I. Asbestos Hazard Emergency Response Act**

This notice is provided to you with information regarding the Asbestos Hazard Emergency Response Act (AHERA) Management Plan for the Henderson County Public Schools. AHERA is a provision of the Toxic Substance Control Act and was passed by Congress in 1986. It requires schools to "ensure that workers and building occupants, or their legal guardians, are informed at least once each school year about inspections, response actions, and post-response action activities, including periodic re-inspection and surveillance activities that are planned or in progress as well as the availability of the AHERA Management Plan for public review." (§763.84(c))

The AHERA Management Plan contains documents of the initial AHERA inspection, 6-month periodic Surveillances, Triennial re-inspections, employee training and Operations and Maintenance procedures.

If you have any questions regarding the AHERA Management Plan for this school district, you can contact Mr. Martin Ballard at (828) 697-4992.

**J. Use of Pesticides: N.C.G.S. § 115C-47(47)**

With the passage of N.C.G.S. § 115C-47(47), the School District must provide notification regarding pesticide use on school property. For more information, please consult Board Policy 830 and/or contact:

Director of Maintenance Mr. Martin Ballard 246 Education Drive Flat Rock, NC 28731
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**K. Student Restraint/Seclusion/Isolation**

The School District has adopted Board Policy 451, as required by N.C.G.S. § 115C-391.1. Board Policy 451, as well as N.C.G.S. § 115C-39.1.1, are fully set out herein.

**Policy 451**

**STUDENT RESTRAINT/SECLUSION/ISOLATION**

**I. Reasonable Force**

The Henderson County Board of Public Education believes that ensuring safety for students and staff is essential. Securing order in the school environment sometimes requires that students be subject to greater controls than those appropriate for adults. Except as restricted or prohibited by rules adopted by the Board of Public Education, principals, teachers, substitute teachers, voluntary teachers, teacher assistants, student teachers, bus drivers or other

employees, contractors or volunteers may use reasonable force in the exercising of lawful authority to restrain or correct students and maintain order. (G.S. § 115C-390)

Notwithstanding any Board of Public Education policy, school personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

- to quell a disturbance threatening injury to others;
- to obtain possession of weapons or other dangerous objects on their person, or within the control, of a student;
- for self-defense; • for the protection of persons or property; or
- to maintain order on school property, in the classroom, or at a school related activity on or off school property. (G.S. § 115C-391a)

The Board prohibits corporal punishment believing that other consequences are more appropriate and effective for teaching self-control. No principal, teacher, substitute teacher, voluntary teacher, teacher assistant, student teacher, bus driver, or other employee, contractor or volunteer may use corporal punishment to discipline any student. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment.

Notwithstanding any other law, no officer or employee of the Board of Public Education shall be held civilly liable for using reasonable force in conformity with State law.

## II. Physical/Mechanical Restraint

Physical restraint is defined as the use of physical force to restrict the free movement of all or a portion of a student's body. Physical restraint shall be allowed by Henderson County Public School personnel as a reasonable use of force under the following circumstances in accordance with North Carolina General Statute § 115C391.1:

- a. as reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person;
- b. as reasonably needed to maintain order or prevent or break up a fight;
- c. as reasonably needed for self defense;
- d. as reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present;
- e. to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior; f. as reasonably needed to escort a student safely from one area to another; (Students should only be physically escorted when it is deemed safe or if the current setting conditions pose hazards for the student or staff. Escorts should only be conducted in accordance with training procedures adopted by the system.)
- g. if used as provided for in a student's IEP or Section 504 plan or Behavior Intervention Plan as a brief intervention strategy to assist the student in regaining self-control; or
- h. as reasonably needed to prevent imminent destruction to school or another's person's property. [G.S. § 115C-391.1(c)(1)]

Physical restraint shall not be considered a reasonable use of force if used solely as a disciplinary consequence.

Mechanical restraint is defined as the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove. Mechanical restraint shall be allowed only in the following circumstances:

- a. when properly used as an assistive technology device included in the student's IEP or as otherwise prescribed for the student by a medical or related services provider;
- b. when using seat belts or other safety restraints to secure student during transportation;

- c. as reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person;
- d. as reasonably needed for self-defense; or e. as reasonably needed to ensure the safety of any student, school employee, volunteer, or other person. [G.S. § 115C-391.1(d)(1)]

If used for the purpose of preventing self-injurious behavior, the use of mechanical restraints should be included in the IEP as part of a Behavior Intervention Plan.

Nothing in the policy prevents the use of physical or mechanical restraint by School Resource Officers or other sworn law enforcement officers in the lawful exercise of their law enforcement duties.

Physical restraint in Henderson County Public Schools shall follow the prescribed methods taught by the Crisis Prevention Institute (CPI).

### III. Seclusion

Seclusion is defined as the confinement of a student alone in an enclosed space from which the student is:

- a. physically prevented from leaving by locking hardware or other means; or
- b. not capable of leaving due to physical or intellectual capacity.

Seclusion of students by school personnel may be used in the following circumstances:

- a. as reasonably needed to respond to a person in control of a weapon or other dangerous object;
- b. as reasonably needed to maintain order or prevent or break up a fight;
- c. as reasonably needed for self-defense;
- d. as reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or
- e. when used as specified in the student's IEP, Section 504 behavior intervention plan; and
  - the student is constantly monitored by an adult in close proximity who is able to see and hear the student at all times;
  - the student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the students' IEP, 504 or behavior intervention plan;
  - the confining space has been approved for such use by the local education agency;
  - the space is appropriately lighted, ventilated and heated or cooled; and
  - the space is free of objects that unreasonably expose the student or others to harm. [G.S. § 115C-391.1(e)(1)]

### IV. Isolation

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving. Henderson County Public Schools personnel may use isolation provided that: a. the space used for isolation is appropriately lighted, ventilated, and heated or cooled; b. the duration of the isolation is reasonable in light of the purpose of the isolation; c. the student is reasonably monitored while in isolation; and d. the isolation space is free of objects that unreasonably expose the student or others to harm. [G.S. § 115C-391.1(f)]

### V. Aversive Procedures

Aversive procedures are defined as the systematic physical or sensory intervention for modifying behavior of student with disabilities that causes or reasonably may be expected to cause significant physical harm, serious, foreseeable long-term psychological impairment to student, or obvious repulsion to observers of the intervention due to procedures which do not follow acceptable standard practice. Henderson County Public Schools prohibits the use of aversive procedures as defined above by its employees, volunteers, or personnel permitted in schools in accordance with interagency agreements. [G.S. § 115C-391.1(b)(2)]

VI. Notice, Reporting, and Notification

Henderson County Public Schools personnel shall follow the following notification procedures when physical restraint or seclusion is implemented. All employees and parents/guardians shall be provided a copy of N.C.G.S., Section 115C-391.1 and receive a copy of this policy and any related Board of Public Education policy at the beginning of each school year.[G.S. § 115C-391.1(j)(1)]

School personnel shall promptly notify the Principal or designee of any use of aversive procedures, any use of physical restraint resulting in observable physical injury to a student, any prohibited use of mechanical restraint, or any prohibited use of seclusion or seclusion lasting more than 10 minutes or the time specified on a student's Behavior Intervention Plan. When a principal or designee has personal knowledge or actual notice of these incidents, they shall promptly notify the parent/guardian and provide the name of a school employee they can contact regarding the incident. Prompt notification means by the end of the workday during which the incident occurred, but in no event later than the end of the following workday.

In addition, the parent/guardian of the student shall be provided with a written incident report of any incident reported under this section within a reasonable period of time, but in no event later than 30 days, after the incident. The written documentation shall include:

- a. the date, time of day, location, duration, and description of the incident and interventions used;
- b. the event or events that led up to the incident;
- c. the nature and extent of any injury to the student; and
- d. the name of a school employee the parent/guardian can contact regarding the incident.

In the case of seclusion incidents, the school personnel supervising the seclusion shall maintain a log of observations of the student which shall be available for inspection upon request by the parent/guardian.

All schools shall maintain a record of incidents reported to the principal and parents under G.S. § 115C-391.1(j)(4) and provide this information annually to the State Board of Education.

VII. Training of Personnel

Henderson County Public Schools personnel who are most likely to be called upon to prevent or address disruptive or dangerous student behavior, shall receive appropriate training in the management of such behavior. Training shall include instruction in:

- a. positive management of student behavior,
- b. effective communication for defusing and de-escalating disruptive or dangerous behavior, and
- c. safe and appropriate use of seclusion and restraint. [Ref. G.S. § 115C105.47(b)(9)]

Henderson County Public Schools will provide pre-service training for all lateral entry employees in:

- a. the identification and education of children with disabilities;
- b. positive management of student behavior;
- c. effective communication for defusing and de-escalating disruptive or dangerous student behavior; and
- d. safe and appropriate use of seclusion and restraint. [Ref. G.S. § 115C-296(c)]

VIII. Compliance by Community Agency Personnel

All personnel working within Henderson County Public Schools in accordance with interagency agreements shall adhere to the above policies. In all circumstances in which a community agency employee is assigned to work with a student or students in a Henderson

County school, an intervention plan which describes the crisis prevention and intervention procedures to be utilized must be developed by a team that includes parents, school and agency personnel.

IX. Legal Notices

Nothing in this policy modifies the rights of school personnel to use reasonable force as permitted under G.S. § 115C-390 or modifies the rules and procedures governing discipline under G.S. § 115C-391(a). Nothing in this policy is intended to prohibit or regulate the use of “time-out” as a behavior management technique where a student is separated from other students for a limited period of time in a monitored setting.

Nothing in this policy shall be construed to create a private cause of action against a local board of education, its agents or employees or to create a criminal offense.

**N.C.G.S. § 115C-391.1**

- (a) It is the policy of the State of North Carolina to:
  - (1) Promote safety and prevent harm to all students, staff, and visitors in the public schools.
  - (2) Treat all public school students with dignity and respect in the delivery of discipline, use of physical restraints or seclusion, and use of reasonable force as permitted by law.
  - (3) Provide school staff with clear guidelines about what constitutes use of reasonable force permissible in North Carolina public schools.
  - (4) Improve student achievement, attendance, promotion, and graduation rates by employing positive behavioral interventions to address student behavior in a positive and safe manner.
  - (5) Promote retention of valuable teachers and other school personnel by providing appropriate training in prescribed procedures, which address student behavior in a positive and safe manner.
- (b) The following definitions apply in this section:
  - (1) "Assistive technology device" means any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capacities of a child with a disability.
  - (2) "Aversive procedure" means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following:
    - a. Significant physical harm, such as tissue damage, physical illness, or death.
    - b. Serious, foreseeable long-term psychological impairment.
    - c. Obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable, standard practice, for example: electric shock applied to the body; extremely loud auditory stimuli; forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin; placement in a tub of cold water or shower; slapping, pinching, hitting, or pulling hair; blindfolding or other forms of visual blocking; unreasonable withholding of meals; eating one's own vomit; or denial of reasonable access to toileting facilities.
  - (3) "Behavioral intervention" means the implementation of strategies to address behavior that is dangerous, disruptive, or otherwise impedes the learning of a student or others.
  - (4) "IEP" means a student's Individualized Education Plan.

- (5) "Isolation" means a behavior management technique in which a student is placed alone in an enclosed space from which the student is prevented from leaving.
  - (6) "Law enforcement officer" means a sworn law enforcement officer with the power to arrest.
  - (7) "Mechanical restraint" means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.
  - (8) "Physical restraint" means the use of physical force to restrict the free movement of all or a portion of a student's body.
  - (9) "School personnel" means:
    - a. Employees of a local board of education.
    - b. Any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students.
    - c. Any person working on school grounds or at a school function for another agency providing educational or related services to students.
  - (10) "Seclusion" means the confinement of a student alone in an enclosed space from which the student is:
    - a. Physically prevented from leaving by locking hardware or other means.
    - b. Not capable of leaving due to physical or intellectual incapacity.
  - (11) "Time-out" means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting.
- (c) Physical Restraint:
- (1) Physical restraint of students by school personnel shall be considered a reasonable use of force when used in the following circumstances:
    - a. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
    - b. As reasonably needed to maintain order or prevent or break up a fight.
    - c. As reasonably needed for self-defense.
    - d. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior.
    - e. As reasonably needed to escort a student safely from one area to another.
    - f. If used as provided for in a student's IEP or Section 504 plan or behavior intervention plan.
    - g. As reasonably needed to prevent imminent destruction to school or another person's property.
  - (2) Except as set forth in subdivision (1) of this subsection, physical restraint of students shall not be considered a reasonable use of force, and its use is prohibited.
  - (3) Physical restraint shall not be considered a reasonable use of force when used solely as a disciplinary consequence.
  - (4) Nothing in this subsection shall be construed to prevent the use of force by law enforcement officers in the lawful exercise of their law enforcement duties.
- (d) Mechanical Restraint:
- (1) Mechanical restraint of students by school personnel is permissible only in the following circumstances:
    - a. When properly used as an assistive technology device included in the student's IEP or Section 504 plan or behavior intervention plan or as otherwise prescribed for the student by a medical or related service provider.
    - b. When using seat belts or other safety restraints to secure students during transportation.
    - c. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.

- d. As reasonably needed for self-defense.
- e. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present.
- (2) Except as set forth in subdivision (1) of this subsection, mechanical restraint, including the tying, taping, or strapping down of a student, shall not be considered a reasonable use of force, and its use is prohibited.
- (3) Nothing in this subsection shall be construed to prevent the use of mechanical restraint devices such as handcuffs by law enforcement officers in the lawful exercise of their law enforcement duties.
- (e) Seclusion:
  - (1) Seclusion of students by school personnel may be used in the following circumstances:
    - a. As reasonably needed to respond to a person in control of a weapon or other dangerous object.
    - b. As reasonably needed to maintain order or prevent or break up a fight.
    - c. As reasonably needed for self-defense.
    - d. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property.
    - e. When used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and
      - 1. The student is monitored while in seclusion by an adult in close proximity who is able to see and hear the student at all times.
      - 2. The student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP or Section 504 plan.
      - 3. The space in which the student is confined has been approved for such use by the local education agency.
      - 4. The space is appropriately lighted.
      - 5. The space is appropriately ventilated and heated or cooled.
      - 6. The space is free of objects that unreasonably expose the student or others to harm.
  - (2) Except as set forth in subdivision (1) of this subsection, the use of seclusion is not considered reasonable force, and its use is not permitted.
  - (3) Seclusion shall not be considered a reasonable use of force when used solely as a disciplinary consequence.
  - (4) Nothing in this subsection shall be construed to prevent the use of seclusion by law enforcement officers in the lawful exercise of their law enforcement duties.
- (f) Isolation – Isolation is permitted as a behavior management technique provided that:
  - (1) The space used for isolation is appropriately lighted, ventilated, and heated or cooled.
  - (2) The duration of the isolation is reasonable in light of the purpose of the isolation.
  - (3) The student is reasonably monitored while in isolation.
  - (4) The isolation space is free of objects that unreasonably expose the student or others to harm.
- (g) Time-out – Nothing in this section is intended to prohibit or regulate the use of time-out as defined in this section.
- (h) Aversive Procedures – The use of aversive procedures as defined in this section is prohibited in public schools.
- (i) Nothing in this section modifies the rights of school personnel to use reasonable force as permitted under G.S. 115C-390.3 or modifies the rules and procedures governing discipline under G.S. 115C-390.1 through G.S. 115C-390.12
- (j) Notice, Reporting, and Documentation.

- (1) Notice of Procedures – Each local board of education shall provide to school personnel and parents or guardians at the beginning of each school year copies of this section and all local board policies developed to implement this section.
- (2) Notice of specified incidents:
  - a. School personnel shall promptly notify the principal or principal's designee of:
    1. Any use of aversive procedures.
    2. Any prohibited use of mechanical restraint.
    3. Any use of physical restraint resulting in observable physical injury to a student.
    4. Any prohibited use of seclusion or seclusion that exceeds ten minutes or the amount of time specified on a student's behavior intervention plan.
  - b. When a principal or principal's designee has personal knowledge or actual notice of any of the events described in this subdivision, the principal or principal's designee shall promptly notify the student's parent or guardian and will provide the name of a school employee the parent or guardian can contact regarding the incident.
- (3) As used in subdivision (2) of this subsection, "promptly notify" means by the end of the workday during which the incident occurred when reasonably possible, but no event later than the end of following workday.
- (4) The parent or guardian of the student shall be provided with a written incident report for any incident reported under this section within a reasonable period of time, but in no event later than 30 days after the incident. The written incident report shall include:
  - a. The date, time of day, location, duration, and description of the incident and interventions.
  - b. The events or events that led up to the incident.
  - c. The nature and extent of any injury to the student.
  - d. The name of a school employee the parent or guardian can contact regarding the incident.
- (5) No local board of education or employee of a local board of education shall discharge, threaten, or otherwise retaliate against another employee of the board regarding that employee's compensation, terms, conditions, location, or privileges of employment because the employee makes a report alleging a prohibited use of physical restraint, mechanical restraint, aversive procedure, or seclusion, unless the employee knew or should have known that the report was false.
- (k) Nothing in this section shall be construed to create a private cause of action against any local board of education, its agents or employees, or any institutions of higher education or their agents or employees or to create a criminal offense.

**M. Parental Information for Title I Schools**

The following schools in this District receive federal funding through Title I: Atkinson, Bruce Drysdale, Clear Creek, Dana, Edneyville, Etowah, Fletcher, Glenn C. Marlow, Hendersonville, Hillandale, Mills River, Sugarloaf, and Upward elementary schools. These funds are used to provide supplemental instruction to students who are in need of assistance in the area of reading and, on occasion, in the area of mathematics. Our goal is to provide early intervention to struggling learners.

Federal guidelines require that school districts provide a process by which parents may request the qualifications of their child's teacher, insuring that the teacher meets Highly Qualified standards. As a parent of a student in a Title I school, you have the right to know the following information:

1. Whether the teacher has met state qualifications for the grade levels and subject areas in which the teacher provides instruction;
2. Whether the teacher is teaching under emergency or other provisional status through which state qualifications have been waived;
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree;
4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

To request this information, please contact Mr. Scott Rhodes at 828-697-4733.

**N. Free or Reduced School Lunch**

A free or reduced lunch application form will be sent home with your child at the beginning of the school year. Please complete the form and return it to your child's teacher. You will be notified if your child(ren) qualifies for free or reduced meal prices. All information is strictly confidential. For more information on participation in the Free or Reduced School Lunch program or questions about breakfast and summer lunch programs, please contact: Mr. Robert Rolfe at 828-891-6310.

**O. Student Discipline Policies**

Pursuant to N.C.G.S. § 115C-390.2(i), schools must make available all policies, rules and regulations regarding student discipline. For the Board's policies and regulations regarding student discipline, consult the Board's online policy manual at <http://www.hendersoncountypublicschoolsnc.org/district/administration/board-policies-2>. All other student discipline information will be printed in student handbooks or made available on the school's website at the beginning of the year available at <http://www.hendersoncountypublicschoolsnc.org>.

**P. Student and Parent Complaint and Grievance Procedures**

For information concerning student and parent complaint and grievance procedures, see Board Policy 1740/4010.

**Q. Equal Access to Facilities**

The school system provides equal access to its facilities. For more information about accessing school facilities, consult with Board Policy 810 available at <http://www.hendersoncountypublicschoolsnc.org/>.

**R. Information Regarding Advanced Courses**

Pursuant to N.C.G.S. § 115C-83.4A(d), schools must provide information to students and parents on available opportunities and the enrollment process for student to take advanced courses. This information will be printed in student handbooks or made available on the school's website at the beginning of the year available at <http://www.hendersoncountypublicschoolsnc.org>.

**S. School Bullying/Cyber-Bullying Policies**

Pursuant to N.C.G.S. § 115C-407.16(d), school principals shall provide the local board of education's policy prohibiting bullying and harassing behavior, including cyber-bullying, to staff, students and parents. A copy of these policies is available at [https://www.boardpolicyonline.com/bl/?b=henderson\\_county#&&hs=340877](https://www.boardpolicyonline.com/bl/?b=henderson_county#&&hs=340877) and will be printed in student and employee handbooks. Hard copies of the policies are available from the school principal upon request.

**T. Student Testing Information**

For information concerning the dates of system-wide and state-mandated tests that students will be required to take during the school year, how the results from the test will be used and whether each test is required by the State Board of Education or the local Board of Education, contact Ms. Susan Sluder at 828-697-4733.

**U. School Annual Report Card Grade**

Pursuant to N.C.G.S. § 115C-47(58), you will be notified of the most recent grade of the school your child is attending, as issued by the State Board of Education, if the school received a grade of “D” or “F”.

**V. Student Wellness Policy**

For information concerning the District’s student wellness policy, see Board Policy 6140.

**W. School Health Education Program**

You have the right to opt-out your child’s participation in curricula related to: (a) prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS); (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. Materials also may be made available for review in the central office.

**X. Local Education Agency Report Card**

For information concerning the District’s Local Education Agency Report Card required by Section 6311(h)(1) and (2) of the Elementary and Secondary Education Act, or a copy of the Report Card contact Ms. Susan Sluder at 828-697-4733.

**NCLB /FERPA Opt-Out Letter  
Henderson County Public Schools**

If you wish to restrict the disclosure of your student's directory information, please check all boxes that apply and return to your child's school.

Federal law requires schools to release a secondary student's name, address, and phone number to military recruiters and institutions of higher education unless the student or his parent requests in writing that such information be withheld. In addition, the *Family Educational Rights and Privacy Act* (FERPA) gives parents (or students, if 18 years of age or older) the authority to prohibit schools from disclosing any or all directory information by providing notification in writing.

Please consider this letter notice of the following:

As parent/legal guardian of a student who is less than 18 years of age and in high school, I hereby exercise my right to request that you do not disclose the name, address or telephone number of my son/daughter to:

Military recruiters

Institutions of higher education

As a student 18 years of age or older and in high school, I hereby exercise my right to request that you do not disclose my name, address or telephone number to:

Military recruiters

Institutions of higher education

As parent/legal guardian of a student less than 18 years of age, I hereby exercise my right under FERPA to request that you do not disclose any directory information for my son/daughter, except: [List directory information or purposes that you do permit, if any].

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As a student 18 years of age or older, I hereby exercise my right under FERPA to request that you do not disclose any of my directory information except: [List directory information or purposes that you do permit, if any].

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_  
(Please Print)

Name of School: \_\_\_\_\_ Grade: \_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
*Signature of Parent/Legal Guardian*

\_\_\_\_\_  
Date

\_\_\_\_\_  
*Signature of Student (if 18 years of age or older)*

\_\_\_\_\_  
Date

It is the policy of the Henderson County Public School System not to discriminate on the basis of race, color, national origin, sex, religion, age, disability, genetic information or veteran status in its educational programs, activities or employment policies