

## 2019 - 2020 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. For a complete list of the disclosures that elementary and secondary schools may make without parental consent see 34 CFR Part 99.37.
- 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
  - Address
  - Telephone listing
  - Photograph
  - Dates of attendance
  - Grade level
  - Enrollment status
  - Degrees, honors, and awards received
  - Major field of study
  - Electronic mail address
  - Participation in officially recognized activities and sports
  - Weight and height of members of athletic teams
  - Most recent educational agency or institution attended
- 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:

Scott Rhodes/Jennifer Shelton  
Title IX Coordinator  
504/ADA Coordinator  
414 Fourth Avenue West  
Hendersonville, NC 28739  
(828) 697-4733

**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:

Jennifer Shelton  
Exceptional Children's Director  
414 Fourth Avenue West  
Hendersonville, NC 28739  
(828) 697-4733

**D. Homeless Students: McKinney-Vento Homeless Assistance Act**

For information concerning the educational rights of homeless students, please consult Board Policy 4125 available at <http://www.hendersoncountypublicschoolsnc.org/> and/or contact:

Matt Gruebmeier  
Director of Student Services  
414 Fourth Avenue West  
Hendersonville, NC 28739  
(828) 697-4733

## **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 seven 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 (828) 692-4233 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)<sup>1</sup>**

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 Department of Public Health (828) 692-4233.

#### **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 [www.safesurrender.net](http://www.safesurrender.net). 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:

Scott Masington  
Director of School Safety  
414 Fourth Avenue West  
Hendersonville, NC 28739  
(828) 697-4733

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<sup>1</sup> This section need only be distributed to students in grades 5 through 12.

**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 542 and/or contact:

Scott Masington  
Director of School Safety  
414 Fourth Avenue West  
Hendersonville, NC 28739  
(828) 697-4733

**K. Student Restraint/Seclusion/Isolation**

The School District has approved Administrative Regulation 4302R, as required by N.C.G.S. § 115C-391.1. Administrative Regulation 4302R, as well as N.C.G.S. § 115C-39.1.1, are fully set out herein.

**RULES FOR USE OF  
SECLUSION AND RESTRAINT IN SCHOOLS**  
*Regulation Code: 4302-R*

The following rules shall govern the use of seclusion and restraint by school personnel. As used in this regulation, “school personnel” means employees of the board and any persons working on school grounds or at a school function under a contract or written agreement with the public school system or for another agency to provide educational or related services to students.

**A. PHYSICAL RESTRAINT**

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student’s body.

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

1. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
2. as reasonably needed to maintain order or to prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
5. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
6. as reasonably needed to escort a student safely from one area to another;
7. if used as provided for in an IEP, Section 504, or behavior intervention plan; or
8. as reasonably needed to prevent imminent destruction to school or another person’s property.

Except as set forth above, physical restraint of students will not be considered a reasonable use of force, and its use is prohibited. In addition, physical restraint will not be considered a reasonable use of force when used solely as a disciplinary consequence.

*Physical restraint in Henderson County Public Schools shall follow the prescribed methods taught by CPI (Crisis Prevention Institute). All personnel who are in positions in which physical restraint may be necessary should be trained to use CPI.*

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

## **B. MECHANICAL RESTRAINT**

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.

Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

1. when properly used as an assistive technology device included in the student's IEP, Section 504, or behavior intervention plan or as otherwise prescribed by a medical or related service provider;
2. when using seat belts or other safety restraints to secure a student during transportation;
3. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
4. as reasonably needed for self-defense;
5. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying down, taping, or strapping down of a student, will not be considered to be a reasonable use of force, and its use is prohibited.

## **C. SECLUSION**

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving or (b) incapable of leaving due to physical or intellectual capacity.

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

1. as reasonably needed to respond to a person in control of a weapon or other dangerous object;
2. as reasonably needed to maintain order or prevent or break up a fight;
3. as reasonably needed for self-defense;
4. 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
5. when used as specified in the student's IEP, Section 504, or behavior intervention plan; and
  - a. the student is constantly monitored by an adult in close proximity who is able to see and hear the student at all times;

- b. 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, Section 504, or behavior intervention plan;
- c. the confining space has been approved for such use by the local education agency;
- d. the space is appropriately lighted, ventilated, and heated or cooled; and
- e. the space is free from objects that unreasonably expose the student or others to harm.

Except as set forth above, the use of seclusion is not considered to be reasonable force, and its use is prohibited. In addition, seclusion will not be considered a reasonable use of force when used solely as a disciplinary consequence.

#### **D. 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.

Isolation is permitted as a behavior management technique provided that:

- 1. the isolation space is appropriately lighted, ventilated and heated or cooled;
- 2. the duration of the isolation is reasonable in light of the purpose for the isolation;
- 3. the student is reasonably monitored; and
- 4. the isolation space is free from objects that unreasonably expose the student or others to harm.

#### **E. TIME-OUT**

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. Teachers are authorized to use time-out to regulate behavior within their classrooms.

#### **F. AVERSIVE PROCEDURES**

Aversive procedure means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability that causes or reasonably may be expected to cause one or more of the following:

- 1. Significant physical harm, such as tissue damage, physical illness, or death;
- 2. Serious and foreseeable long-term psychological impairment;
- 3. Obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:
  - a. electric shock applied to the body;
  - b. extremely loud auditory stimuli;
  - c. forcible introduction of foul substances to the mouth, eyes, ears, nose or skin;

- d. placement in a tub of cold water or shower;
- e. slapping, pinching, hitting or pulling hair;
- f. blindfolding or other forms of visual blocking;
- g. unreasonable withholding of meals;
- h. eating one's own vomit; or
- i. denial of reasonable access to toileting facilities.

The use of aversive procedures in public schools is prohibited.

#### **G. NOTICE, REPORTING AND DOCUMENTATION**

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. §115C-391.1 and a copy of this policy at the beginning of each school year.

Henderson County Public Schools policy exceeds the NC statute requirement by requiring immediate documentation of and prompt notification to parents/guardians regarding all occurrences of physical restraint. 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.

1. School staff will promptly notify the principal or designee of any of the following:
  - a. any use of aversive procedures;
  - b. any prohibited use of mechanical restraint;
  - c. any use of physical restraint resulting in observable physical injury to a student;
  - d. any prohibited use of seclusion; or
  - e. any seclusion exceeding 10 minutes or beyond the amount of time specified on a student's behavior intervention plan.

2. Notice to Parents

When a principal or designee has personal or actual knowledge of any of the events listed above, he or she shall promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident.

3. Written Report to Parents

Within a reasonable period of time not to exceed 30 days after the incident, the principal or designee shall also provide the parent or guardian with a written incident report. This report must include the following:

- 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; and
  - d. the name of a school employee the parent or guardian can contact regarding the incident.
4. Reporting to State Board

The board will maintain a record of incidents reported under the procedure described above and will provide this information annually to the State Board of Education.

5. Non-Retaliation for Reporting

An employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion or aversive procedure shall NOT be discharged, threatened or retaliated against through compensation, terms, conditions, location or privilege of employment by any local board of education or any employee unless the employee knew or should have known that the report was false.

Legal Reference: G.S. 115C-391.1

**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.

## **L. Parental Information for Title I Schools**

The following schools in this District receive federal funding through Title I: Atkinson Elementary, Bruce Drysdale Elementary, Clear Creek Elementary, Dana Elementary, Edneyville Elementary, Etowah Elementary, Fletcher Elementary, Hendersonville Elementary, Hillandale Elementary, Mills River Elementary, Sugarloaf Elementary, and Upward Elementary. 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:

Shannon Marlowe  
Director of Elementary Education and Title I  
414 Fourth Avenue West  
Hendersonville, NC 28739  
(828) 697-4733

**M. 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:

Robert Rolfe  
Director of Child Nutrition  
96 School House Road  
Mills River, NC 28759  
(828) 890-6310

**N. 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/>, where policies regarding student behavior are codified mainly in the 4300 series. 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/>.

**O. Discrimination, Harassment and Bullying**

For information on what constitutes discrimination, harassment and bullying and the reporting and complaint procedures, see Board Policy 1720/4015/7225 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 Policies 3432 and 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 5030 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. Copies of these policies are available at <http://www.hendersoncountypublicschoolsnc.org/> 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:

Susan Sluder  
Accountability Director  
414 Fourth Avenue West  
Hendersonville, NC 28739  
(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:

Susan Sluder  
Accountability Director  
414 Fourth Avenue West  
Hendersonville, NC 28739  
(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 **parent/legal guardian** of a student who is less than 18 years of age, I hereby exercise my right under FERPA to request that you do not include my son’s/daughter’s image, likeness, or information in the:

- Media    School Yearbook    Henderson County Library Student Access    Directory Info    Google Apps

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 **a student 18 years of age or older**, I hereby exercise my right under FERPA to request that you do not include my image, likeness, or information in the:

- Media    School Yearbook    Henderson County Library Student Access    Directory Info    Google Apps

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

Name of School: \_\_\_\_\_  
(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.