

Mitchell County Schools Annual Public Notices



M. Brock Womble
Superintendent

Mitchell County Schools
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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 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review your child's education records within 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.

2. The right to request the 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.

3. 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. By law, we are required to give you specific notice of the following three exceptions:

a. Disclosure to a school official who needs to review an education record in order to fulfill his or her professional responsibility. **A school official is** (i) a person employed by the School District as an administrator, supervisor, teacher, counselor, or support staff member (including health or medical staff & law enforcement unit personnel); (ii) a person serving on the School Board; (iii) a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or (iv) a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

b. Disclosure of education records, including disciplinary records of long-term suspension or expulsion, upon request, to officials of other school districts in which a student seeks or intends to enroll.

c. Disclosure of "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 | • Major field of study |
| • Electronic mail address | • Most recent educational agency or institution attended |
| • Photograph | • Dates of attendance |
| • Participation in officially recognized activities and sports | • Grade level |
| • Weight and height of members of athletic teams | • 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:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and

- 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 30 days of the beginning of the school year or within 30 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 handbook.]**

4. 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

STUDENT SURVEYS, COLLECTION OF INFORMATION, PHYSICAL EXAMS: Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding the School District's conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

A. *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as 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.

B. *Receive notice and an opportunity to opt a student out of:*

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and

3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

C. *Inspect*, upon request and before administration or use:

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law. The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act, as amended.

The School District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The School District will directly notify you of these policies at least annually at the start of each school year and after any substantive changes. The School District will also directly notify parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation in the specific activity or survey. The School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

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, D.C. 20202-5901

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)**

Mitchell County Schools does not discriminate on the basis of race, color, creed, national origin, sex or handicap regarding participation in or receiving the benefits of any of its programs or activities.

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

Morgen A. Houchard, Ed.D.
Title IX Coordinator
504/ADA Coordinator
72 Ledger School Road
Bakersville, NC 28705
828-688-4432

STUDENTS WITH DISABILITIES: Individuals with Disabilities Education Act (IDEA)

Pursuant to the IDEA, a federal law, Mitchell County Schools must provide special education services to all children residing in the school district who are between the ages of 3 and 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:

Sherry Bell
 Exceptional Children's Director
 72 Ledger School Road
 Bakersville, NC 28705
 828-688-4432

HOMELESS STUDENTS: McKinney-Vento Homeless Assistance Act

For information concerning the educational rights of homeless students, please contact:

Chad Calhoun, Director of Federal Programs
 Homeless Liaison
 72 Ledger School Road
 Bakersville, NC 28705
 828-688-4432

USE OF SECLUSION/RESTRAINT/ISOLATION

Mitchell County Schools has adopted School Board Policy 4302 as required by North Carolina General Statute 115C-391.1. Policy 4302 as well as statute 115C-39.1.1, are set out below verbatim for your information.

SCHOOL PLAN FOR MANAGEMENT OF STUDENT BEHAVIOR

Policy Code 4302

Each school must have a plan for managing student behavior which incorporates effective strategies consistent with the purpose and principles established in board policy 4300, Student Behavior Policies. Schools are encouraged to seek positive, innovative and constructive methods of correcting and managing student behavior in an effort to avoid repeated misbehavior and suspension.

COMPONENTS OF THE PLAN

The plan should address (1) the process by which student behavior will be addressed, including any use of a disciplinary committee and the means by which students at risk of repeated disruptive or disorderly conduct are identified, assessed, and assisted; (2) positive behavioral interventions and possible consequences that will be used; and (3) parental involvement strategies.

1. Possible Consequences

Consequences for violating board policies or school standards or rules may include, but are not limited to, the following:

- parental involvement;*
- isolation or time-out for short periods of time;*

- behavior improvement agreements;
- individual or small group sessions with the school counselor;
- in-school suspension;
- detention before and/or after school or on Saturday;
- community service;
- exclusion from extracurricular activities;
- suspension from bus privileges;
- placement in an alternative program; or
- out-of-school suspension or expulsion.

The parent or guardian is responsible for transportation as may be required to carry out the consequence. With the exception of suspension from bus privileges, if a parent or guardian is unable to provide transportation, another consequence will be substituted.

Removal from the classroom for a long period of time, including in-school or out-of-school suspension should be avoided unless necessary to ensure a safe, orderly environment that is conducive to learning. The principal is authorized to remove students in accordance with board policies for anti-social or criminal conduct or for other behavior that interferes with a safe, orderly environment.

The board prohibits the use of seclusion and restraint by school personnel except as implemented consistent with G.S. 115C-391.1. The superintendent will create regulations that describe the legal requirements for the use of seclusion and restraint within the schools. The superintendent will ensure that copies of G.S. 115C-391.1, the law codifying the permissible use of seclusion and restraint in schools, and any board policies or administrative regulations created to implement the law are provided to school personnel and parents/guardians at the beginning of each school year.

2. Parental Involvement

The behavior management plan should identify when parents will be notified or involved in issues related to their child's behavior. (See board policy 4341, Parental Involvement In Student Behavior Issues.)

PROCESS FOR DEVELOPING AND EVALUATING THE PLAN

Principals are encouraged to use a team approach for developing and evaluating the school's plan to manage student behavior. On at least an annual basis, the plan should be evaluated based upon data on disciplinary actions taken and the impact on student academic performance. Principals will report on at least an annual basis to the superintendent and the board on the effectiveness of the plan in minimizing classroom disruptions, referrals to the principal's office and use of out-of-school suspension. The report also will address the plan's effect on academic performance.

The superintendent also is encouraged to consider, develop and propose new and alternative discipline programs to the board.

Legal Reference: G.S. 115C-47, -288, -307, -391, -397.1

Cross Reference: Alternative Schools (policy 3470/4305), Student Behavior Policies (policy 4300), Anti-Social Behavior (policy 4330), Criminal Behavior (policy 4335), Parental Involvement In Student Behavior Issues (policy 4341)

Revised: May 15, 2006

North Carolina General Statute § 115C-391.1. Permissible use of seclusion and restraint

(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 not 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 Procedure—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 or modifies the rules and procedures governing discipline under G.S. 115C-391(a).*

(j) *Notice, Reporting, and Documentation.*

(1) *Notice of procedures—each local board of education shall provide copies of this section and all local board policies developed to implement this section to school personnel and parents or guardians at the beginning of each school year.*

(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 10 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 in 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 teacher education or their agents or employees or to create a criminal offense.

These Annual Public Notices have been adopted and approved by the Board of Education and are a supplement to existing Board of Education policy. To the extent that a conflict exists between these Annual Public Notices and existing board policy, these Annual Public Notices shall control. The Superintendent has the authority to amend these Annual Public Notices from time to time in conformity with existing laws.

NCLB/FERPA Opt-Out Letter

If you wish to restrict the disclosure of your student’s directory information, please check all boxes that apply.

The *No Child Left Behind Act of 2001* 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/her 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, I hereby exercise my right to request that you do not disclose the name, address, or telephone number of the following student to:

_____ military recruiters _____ institutions of higher education

As a secondary student, 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, I hereby exercise my right under FERPA to request that you do not disclose any directory information for the following student for any purpose, 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 for any purpose, except: [list directory information or purposes that you do permit, if any]

Student Name: _____ School: _____

Signature

Date

Mitchell County Public Schools Publicity Agreement

Mitchell County Schools strives to recognize the outstanding accomplishments and achievements of our students. As we continue to showcase the best our schools have to offer we often utilize samples of student work, photographs, and recorded video/audio of students for educational, public relations, marketing and accountability purposes.

This publicity may take the form of public media (newspaper, radio, TV), multimedia presentations, video/audio recordings, printed materials, and school web pages.

While it is important to recognize our students and families we understand situations or preferences may exist that may cause you to desire to have your student's information omitted from this type of publicity. If it is your desire for us to omit your student, please contact your school.

This agreement will be effective for the duration of your student's enrollment in the Mitchell County School System unless your student's individual school is notified otherwise. We thank you for your continued support of the Mitchell County Schools.

Dental Screenings

When children have dental problems, their overall health and ability to learn can be seriously compromised. As part of our regular school preventive dental health program, the NC Oral Health Section, Division of Public Health and Betty Tumey, RDH, Public Health Dental Hygienist serving Avery, Mitchell, and Yancey Counties, will conduct dental screenings for children in the elementary schools during the current fiscal year. The screenings serves as an educational, positive dental experience and also collects information to help improve the Children's Dental Health programs. Children who see a dentist regularly will also benefit from the screening for the educational opportunity. A form letter will be sent home to show your child's results.

If you do not want your child included in this dental screening, please notify us in writing by sending a letter to your child's teacher. If you have any questions, please call Betty Tumey, RDH at 828-765-5400.

Mitchell County Schools
Request for Information on Teachers/Assistants

As a parent of a student in Mitchell County Schools, you have the right to know the professional qualifications of the classroom teachers who instruct your child. Federal law allows you to ask for certain information about your child’s classroom teachers, and requires us to give you this information in a timely manner if you ask for it. Specifically, you have the right to ask for the following information about each of your child’s classroom teachers:

- Whether the North Carolina Department of Public Instruction has licensed or qualified the teacher for the grades and subjects he or she teaches.
- Whether the North Carolina Department of Public Instruction has decided that the teacher can teach in a classroom without being licensed or qualified under state regulations because of special circumstances.
- The teacher’s college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees.
- Whether any teachers’ assistants or similar paraprofessionals provide services to your child and, if they do, their qualifications.

If you would like to receive this information, please indicate below by filling in the name of the school, the name of each teacher, and the grade or subject that person teaches. Then return the letter to us and we will provide you the information in a timely manner.

School	Teacher’s Name	Grade or Subject Taught
_____	_____	_____
_____	_____	_____
_____	_____	_____

Student’s name _____

Parents’/Guardians’ name(s) _____

Address _____

Signature _____



**MITCHELL COUNTY SCHOOLS
ANNUAL PUBLIC NOTICE AND
STUDENT CODE OF CONDUCT
SIGNATURE SHEET
2010-2011**

Please sign and return to your child's school the Annual Public Notice and Student Code of Conduct Agreement signature sheet on the form below.

Please sign and return this page to your principal.

I have read and understand the Annual Public Notices and Student Code of Conduct.

Parent Signature

Student Signature (if over 14)

School Attending

Date
