MITCHELL COUNTY SCHOOLS
2025-2026 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 who are eighteen (18) years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

- The right to inspect and review the student'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 the student's education records that you believe are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. You should write the school principal, clearly identify the part of the record you want changed and specify why it should be changed. 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 provide written consent to disclosures of personally identifiable information contained in the student'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 may disclose personally identifiable information ("PII") from the education records of a student without obtaining prior written consent to:
    - Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer;
    - Authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) of North Carolina (Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.);
    - Financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid;
    - State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system

and the system's ability to effectively serve, prior to adjudication, the student whose records were released;
- Organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction;
- Accrediting organizations to carry out their accrediting functions;
- Parents of an eligible student if the student is a dependent for IRS tax purposes.
- Comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in connection with a health or safety emergency;
- Agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement; and
- The Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs.

- 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, supervisor, instructor, certified staff member, or support staff member (including health, medical, safety, law enforcement unit personnel, and security staff) employed by the school district;
  b. A school board member;
  c. A contractor, consultant, volunteer, or other party who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records and is subject to FERPA requirements governing the use and redisclosure of PII from education records, including 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;
  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.
  e. 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.

- Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to you, § 99.32 of the FERPA regulations requires the school to record the disclosure. You have a right to inspect and review the record of disclosures.

    o 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.

    o You have a right to inspect and review the record of disclosures.

- 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:

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

B. <u>Non-Discrimination: Title VI of the Civil Rights Act of 1964; The Rehabilitation Act of 1973 (Section 504); The Americans with Disabilities Act of 1990 (ADA)</u>

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, admissions, or employment policies.

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

EC/504/Homebound Director
Terri Hefner-Scott
72 Ledger School Rd.
Bakersville, NC 28705
tscott@mhslive.net/
828-766-3475

Civil Rights Coordinator
Erik Buchanan
72 Ledger School Rd.
Bakersville, NC 28705
erikbuchanan@mhslive.net/
828-766-2221

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:

EC/504/Homebound Director
Terri Hefner-Scott
72 Ledger School Rd.
Bakersville, NC 28705
tscott@mhslive.net/
828-766-3475

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:

Erik Buchanan
72 Ledger School Rd.
Bakersville, NC 28705
erikbuchanan@mhslive.net/
828-766-2221

E. Protection of Pupil Rights Amendment (PPRA) and N.C.G.S. § 115C-76.65

PPRA and N.C.G.S. § 115C-76.65 affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to:

Federal Law:

Parents must 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:

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 students 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 student's parent; or
8. Income, other than as required by law to determine program eligibility.

State Law:

Under N.C.G.S. § 115C-76.65, parents must receive notice and must agree to "opt in" their student to any of the following:

1. Any other protected information survey (see topics 1 – 8), regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school district, 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 collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

Parents may *Inspect*, upon request and prior to the administration or use of –

1. Protected information surveys of students and surveys created by a third party;
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 School District has developed and adopted policies 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. 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 direct notification requirement:

- Collection, disclosure, or use of personal information collected from students 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:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

For more information, see Board Policy 4720.

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 two 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 Mitchell County Department of Public Health at (828) 688-2371 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 https://www.cdc.gov/vaccines/vpd/hpv/index.html Those individuals without internet access can contact a school nurse or the Mitchell County Health Department at 828-688-2371.

H. North Carolina Safe Surrender Law

Pursuant to Article 5A of Chapter 7B of the General Statutes an individual may legally surrender their 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 Mitchell County 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 Kevin Huskins at (828)766-3437.

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 9205 and/or contact:

Assistant Superintendent
Kevin Huskins
72 Ledger School Rd.
Bakersville, NC 28705
kevinhuskins@mhslive.net
(828)766-3437

K. Student Restraint/Seclusion/Isolation

The School District has adopted Board Policy 4302-R 43as required by N.C.G.S. § 115C-391.1. Board Policy 4302-R, and N.C.G.S. § 115C-391.1, are provided below.

Policy 4302-R

The following rules shall govern the use of seclusion and restraint by school personnel.

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 shall 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 shall not be considered a reasonable use of force and its use is prohibited. In addition, physical restraint shall not be considered a reasonable use of force when used solely as a disciplinary consequence.

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 assistive technology device included in the student's IEP, Section 504, 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 person;
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, shall 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, 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, 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 not permitted. In addition, seclusion shall 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 which 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, 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:
i. electric shock applied to the body;
ii. extremely loud auditory stimuli;
iii. forcible introduction of foul substances to the mouth, eyes, ears, nose or skin;
iv. placement in a tub of cold water or shower;
v. slapping, pinching, hitting or pulling hair;
vi. blindfolding or other forms of visual blocking;
vii. unreasonable withholding of meals;
viii. eating one's own vomit; or
ix. denial of reasonable access to toileting facilities.
The use of aversive procedures in public schools is prohibited.

G. NOTICE, REPORTING AND DOCUMENTATION.
1. School staff will promptly notify the principal or his/her designee of any of the following:
- any use of aversive procedures;
- any prohibited use of mechanical restraint;
- any use of physical restraint resulting in observable physical injury to a student;
- any prohibited use of seclusion; or
- any seclusion exceeding ten minutes or beyond the amount of time specified on a student's behavior intervention plan.

2. Notice to Parents
When a principal or his/her designee has personal or actual knowledge of any of the events listed above, he/she will promptly notify the student's parent or guardian and will provide the name of the school employee that 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 his/her designee will also provide the parent or guardian with a written incident report. This report must include the following:
- The date, time of day, location, duration, and description of the incident and interventions.
- The events or events that led up to the incident.
- The nature and extent of any injury to the student.
- The name of a school employee the parent or guardian can contact regarding the incident.

4. Reporting to State Board
The principal 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.

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 institutes 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: Gouge Primary, Greenlee Primary, Mitchell Elementary, and Mitchell Middle. 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. 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 and licensing criteria 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 or licensing 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 Jennifer Gregory at (828) 766-2252.

M. Free or Reduced School Lunch

A free or reduced lunch application form, or instructions on how to access the application on-line, 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, see Board Policy 6225 and please contact: Heather Calhoun at (828)766-2240.

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 www.mcsnc.org. 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 www.mcsnc.org

O. Student and Parent Complaint and Grievance Procedures

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

P. Equal Access to Facilities

The school system provides equal access to it facilities. For more information about accessing school facilities, consult with Board Policy 1710/4021/7320 available at www.mcsnc.org.

Q. Information Regarding Advanced Courses

Pursuant to N.C.G.S. § 115C-174.26(d), schools must provide information to students and parents on available opportunities and the enrollment process for students 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 www.mcsnc.org.

R. 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 www.mcsnc.org and will be printed in student and employee handbooks. Hard copies of the policies are available from the school principal upon request.

S. 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 Shana Cook at 828-766-3392.

T. 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".

U. Student Wellness Policy

For information concerning the District's student wellness policy, see Board Policy Heather Calhoun at (828)766-2240.

V. School Health Education Program

You have the right to review materials for and to opt-out your child's participation in curricula related to: (a) prevention of sexually transmitted diseases, including Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS); (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education program. 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.

W. 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 Shana Cook at (828)766-3392.

X. Title IX Nondiscrimination on the Basis of Sex

The school system does not discriminate on the basis of sex in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

The board has designated a Title IX Coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations.

TITLE IX Coordinator
Jennifer Gregory
Associate Superintendent
72 Ledger School Rd.
Bakersville, NC 28705
828-766-2252
jgregory@mhslive.net

Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX Coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education. The contact information for the Office for Civil Rights with jurisdiction over North Carolina is: 4000 Maryland Ave, SW, Washington, DC 20202. Telephone: 202-453-6020. Email: OCR.DC@ed.gov.

For more information about Title IX policies and grievance procedures, consult Board Policies 1726/4036/7237. This information is also available at www.mcsnc.org and will be printed in student and employee handbooks.

Y. Health Care Services

The school system may provide certain health care services within its schools. You must provide consent to such services prior to any being provided to your student. A list of all health care services offered at your child's school will be provided by the school.

Z. Parental Remedies

The school system has adopted procedures for you to notify the principal at your child's school regarding concerns about the school system's procedures and practices and a process for resolving those concerns within seven days of the date of notification by you. If the concern has not been resolved within thirty (30) days following the date of notification, the school system shall provide a statement of the reasons for not resolving the concern. Procedures for filing a grievance can be found in Board Policy 1740/4010.

If a concern is not resolved by the school system within thirty (30) days, you may do either of the following:

(1) Notify the State Board of Education of the concern and request a parental concern hearing.

(2) Bring an action against the school system for a declaratory judgment that the school system's procedure or practice violates North Carolina law.

FERPA Opt-Out Letter
Mitchell County Schools

Parents and guardians have the right to opt-out of sharing directory information. Schools use directory information to publish items such as yearbooks, honor roll, newsletters, and graduation announcements. This also includes information about opportunities for scholarship programs and colleges to be sent to you.

Directory information may include a student's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports. A school may disclose directory information to third parties, for non-commercial use only. Schools will **never** sell information to third parties for commercial purposes. Directory information will only be used for official purposes and to colleges and universities if you so choose.

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. More information about your FERPA rights may be viewed at: https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html

Please provide an answer to the following required question(s). If this form is not returned, students will not be removed from sharing directory information.

Question 1: Do you grant permission to allow directory information to be shared for non-commercial purposes?

☐ Yes, I give my permission for my student's directory information to be shared.
☐ No, I do not give my permission for my student's directory information to be shared.

Question 2: Do you grant permission for your student's contact information to be provided to the US Military for the sole purpose of informing students of potential career opportunities?

☐ Yes, I give my permission for my student's information to be shared with the US Military.
☐ No, I do not give my permission for my student's information to be shared with the US Military.

In order to inform you and your student about educational and scholarship opportunities, North Carolina public and private colleges may request from the Department of Public Instruction your student's contact information (name, home address, home phone number).

Question 3: Do you grant permission to share information with NC Public and Private Colleges?

☐ Yes, I give my permission for my student's information to be shared with colleges and universities.
☐ No, I do not give my permission for my student's information to be shared with colleges and universities.

Question 4: During the junior year of high school, students take the state-administered nationally-recognized college readiness assessment currently the ACT. Do you grant permission to share your student's ACT scores with colleges and universities? The highest score available will be shared.

☐ Yes, I give my permission for my student's ACT scores to be shared.
☐ No, I do not give my permission for my student's ACT scores to be shared.

Student Name:_____
(Please Print)

Name of School:_____ Grade:_____
(Please Print)

_____ _____
Signature of Parent/Legal Guardian/Student (if 18 or older) Date

It is the policy of the Mitchell 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.