

BUNCOMBE COUNTY SCHOOLS – PARENTS/STUDENTS 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 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.
- 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	Degrees, honors, and awards received
Address	Date and place of birth
Telephone listing	Electronic mail address
Photograph	Participation in officially recognized activities and sports
Major field of study	Weight and height of members of athletic teams
Grade level	Most recent educational agency or institution attended
Dates of attendance	Enrollment status

- The primary purpose of directory information is to allow the school to include this type of information from your child's education records in certain school publications. Examples include:
 - i. A playbill, showing your student's role in a drama production;
 - ii. The annual yearbook;
 - iii. Honor roll or other recognition lists;
 - iv. Graduation programs; or
 - v. Sports activity sheets, showing weight and height of team members.
- Directory information may also be disclosed to outside organizations without your prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

- In addition, under federal law, we are required to provide military recruiters and institutions of higher education, upon their request, with the names, addresses and telephone numbers of high school students, unless the student or parent has advised the school that they do not want such information disclosed without their prior written consent.
- If you do not want the school to disclose some or all of the directory information described above from your child's education records to all or certain recipients without your prior written consent, the School District must be notified in writing within fourteen (14) days of the beginning of the school year or within fourteen (14) days of your enrolling in the School District. For your convenience, a form that can be used for this purpose is provided at the end of this Notice.
- 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, ethnic origin, sex, disability or age in its educational programs, activities or employment policies.

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

Title IX Coordinator
504/ADA Coordinator
175 Bingham Road
Asheville, NC 28806
(828) 255-5918

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:

Exceptional Children's Director
175 Bingham Road
Asheville, NC 28806
(828) 255-55971

D. Homeless Students: McKinney-Vento Homeless Assistance Act

For information concerning the educational rights of homeless students, please consult Board Policy 459 and/or contact:

Director of Student Services
175 Bingham Road
Asheville, NC 28806
(828) 255-5918

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;
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; or
7. 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.

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 Buncombe County Department of Public Health at 1-828-250-5000 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)¹

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. Those individuals without internet access can contact a school nurse or the Buncombe County Department of Public Health at (828) 250-5000.

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. 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 Buncombe 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 Mr. Belvin Hall, Assistant Director of Maintenance, at (828) 232-4244.

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:

Mike Kowaluk
Safety Officer
175 Bingham Road
Asheville, NC 28806
(828) 232-4244

michael.kowaluk@bcsemail.org

¹ This section need only be distributed to students in grades 5 through 12.

K. Student Restraint/Seclusion/Isolation

The School District has adopted Board Policy 466, as required by N.C.G.S. § 115C-391.1. Board Policy 466, as well as N.C.G.S. § 115C-39.1.1, are fully set out herein.

Policy 466: Student Seclusion/Restraint/Isolation

I. Physical/Mechanical Restraint

Physical restraint is defined as the use of physical force to restrict the free movement of all or a portion of a student's body. Physical restraint shall be allowed by Buncombe County Schools personnel as a reasonable use of force under the following circumstances in accordance with North Carolina Statute 115C-391.1:

- a. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
- b. As reasonably needed to maintain order or prevent or break up a fight.
- c. As reasonably needed for self defense.
- d. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, 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. Students should only be physically escorted when it is deemed safe or if the current setting conditions pose hazards for the student or staff. Escorts should only be conducted in accordance with training procedures adopted by the system.
- f. If used as provided for in a student's IEP or Section 504 plan or Behavior Intervention Plan as a brief intervention strategy to assist the student in regaining self-control.
- g. As reasonably needed to prevent imminent destruction to school or another person's property.

Physical restraint shall not be considered a reasonable use of force if used solely as a disciplinary consequence. Mechanical restraint is defined as the use of any device or material attached or adjacent to a student's body that restrict freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove. Mechanical restraint shall be allowed only in the following circumstances in accordance with North Carolina Statute 115C-391.1:

- a. When properly used as an assistive technology device included in the student's IEP or as otherwise prescribed for the student by a medical or related services provider.
- b. When using seat belts or other safety restraints to secure student during transportation.
- c. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
- d. As reasonably needed for self-defense.
- e. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person. If used for the purpose of preventing self-injurious behavior, the use of mechanical restraints should be included in the IEP as part of a Behavior Intervention Plan.

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

Physical restraint in Buncombe County Schools shall follow the prescribed methods taught by either CPI (Crisis Prevention Institute) or NCI (Nonviolent Crisis Intervention). All personnel who are in positions in which physical restraint may be necessary should be trained to use CPI or NCI. All schools should identify a minimum of one team of five to seven employees trained to intervene in crisis prevention and physical restraint. In no case should employees use an intervention that involves either a prone or chair restraint.

II. Seclusion

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

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

Seclusion is prohibited in Buncombe County Schools except in the following settings and circumstances:

- a. As reasonably needed to protect the safety of students and staff of the Progressive Education Program and in accordance with a Behavior Intervention Plan included in a student's Individualized Education Plan.

- b. When used in accordance with the student's IEP and Behavior Intervention Plan the following conditions should be met:
- 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.
 - 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.
 - The space in which the student is confined has been approved for such use by the school principal.
 - The space is appropriately lighted.
 - The space is appropriately ventilated and heated or cooled.
 - The space is free of objects that unreasonably expose the student or others to harm.

III. 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. Buncombe County Schools personnel may use isolation provided that:

- a. The space used for isolation is appropriately lighted, ventilated, and heated or cooled.
- b. The duration of the isolation is reasonable in light of the purpose of the isolation.
- c. The student is reasonably monitored while in isolation.
- d. The isolation space is free of objects that unreasonably expose the student or others to harm.

IV. Aversive Procedures

Aversive procedures are defined as the systematic physical or sensory intervention for modifying behavior of students with disabilities that causes or reasonably may be expected to cause significant physical harm, serious psychological impairment to student, or obvious repulsion to observers of the intervention due to procedures which do not follow acceptable, standard practice. Buncombe County Schools prohibits the use of aversive procedures as defined herein, including corporal punishment, by its employees, volunteers, or personnel permitted in schools in accordance with interagency agreements.

V. Notice, Reporting, and Notification

Buncombe County 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.

Pursuant to North Carolina law, school personnel shall promptly notify the Principal or designee of any use of aversive procedures, any improper use of physical restraint resulting in observable physical injury to a student, prohibited use of mechanical restraint, any prohibited use of seclusion or seclusion lasting more than 10 minutes or the time specified on a student's behavior intervention plan. When a Principal or designee has personal knowledge or actual notice of these incidents, they shall promptly notify the parent/guardian and provide the name of a school employee they can contact regarding the incident.

Buncombe County 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.

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

- a. The date, time of day, location, duration, and description of the incident and interventions used.
- b. The event or events that led up to the incident.
- c. The nature and extent of any injury to the student.
- d. The name of a school employee the parent/guardian can contact regarding the incident.
- e. In the case of seclusion incidents, the school personnel supervising the seclusion shall maintain a log of observations of the student which shall be available for inspection upon request by the parent/guardian.

- f. All incidents of physical restraint and seclusion required to be reported pursuant to 115C-391.1(j)(4) shall be reported as part of the Safe Schools reporting process which shall be reported annually to the State Board of Education.

VI. Training of Personnel

Buncombe County Schools will provide preservice training as soon as possible for all lateral entry employees in:

- a. The identification and education of children with disabilities
- b. Positive management of student behavior.
- c. Effective communication techniques for defusing and deescalating disruptive or dangerous student behavior.
- d. Safe and appropriate use of seclusion and restraint.

As soon as possible, all Buncombe County Schools' personnel who are most likely to be called upon to prevent or address disruptive or dangerous student behavior, including but not limited to school administrators, teachers and teacher assistants, bus drivers, School Resource Officers, school psychologists, school counselors, and Student Response Center personnel will be trained. Training shall include instruction in:

- a. Positive management of student behavior.
- b. Effective communication for defusing and deescalating disruptive or dangerous behavior.
- c. Safe and appropriate use of seclusion and restraint.

VII. Compliance by Community Agency Personnel

All personnel working within Buncombe County Schools in accordance with interagency agreements shall adhere to the above policies. In all circumstances in which a community agency employee is assigned to work with a student or students in a Buncombe County school, an intervention plan which describes the crisis prevention and intervention procedures to be utilized must be developed by a team that includes parents, school and agency personnel.

VIII. Legal Notices

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

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

N.C.G.S. § 115C-391.1

- (a) It is the policy of the State of North Carolina to:
 - (1) Promote safety and prevent harm to all students, staff, and visitors in the public schools.
 - (2) Treat all public school students with dignity and respect in the delivery of discipline, use of physical restraints or seclusion, and use of reasonable force as permitted by law.
 - (3) Provide school staff with clear guidelines about what constitutes use of reasonable force permissible in North Carolina public schools.
 - (4) Improve student achievement, attendance, promotion, and graduation rates by employing positive behavioral interventions to address student behavior in a positive and safe manner.
 - (5) Promote retention of valuable teachers and other school personnel by providing appropriate training in prescribed procedures, which address student behavior in a positive and safe manner.
- (b) The following definitions apply in this section:
 - (1) "Assistive technology device" means any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capacities of a child with a disability.

- (2) "Aversive procedure" means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability which causes or reasonably may be expected to cause one or more of the following:
 - a. Significant physical harm, such as tissue damage, physical illness, or death.
 - b. Serious, foreseeable long-term psychological impairment.
 - c. Obvious repulsion on the part of observers who cannot reconcile extreme procedures with acceptable, standard practice, for example: electric shock applied to the body; extremely loud auditory stimuli; forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin; placement in a tub of cold water or shower; slapping, pinching, hitting, or pulling hair; blindfolding or other forms of visual blocking; unreasonable withholding of meals; eating one's own vomit; or denial of reasonable access to toileting facilities.
 - (3) "Behavioral intervention" means the implementation of strategies to address behavior that is dangerous, disruptive, or otherwise impedes the learning of a student or others.
 - (4) "IEP" means a student's Individualized Education Plan.
 - (5) "Isolation" means a behavior management technique in which a student is placed alone in an enclosed space from which the student is prevented from leaving.
 - (6) "Law enforcement officer" means a sworn law enforcement officer with the power to arrest.
 - (7) "Mechanical restraint" means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.
 - (8) "Physical restraint" means the use of physical force to restrict the free movement of all or a portion of a student's body.
 - (9) "School personnel" means:
 - a. Employees of a local board of education.
 - b. Any person working on school grounds or at a school function under a contract or written agreement with the public school system to provide educational or related services to students.
 - c. Any person working on school grounds or at a school function for another agency providing educational or related services to students.
 - (10) "Seclusion" means the confinement of a student alone in an enclosed space from which the student is:
 - a. Physically prevented from leaving by locking hardware or other means.
 - b. Not capable of leaving due to physical or intellectual incapacity.
 - (11) "Time-out" means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting.
- (c) Physical Restraint:
- (1) Physical restraint of students by school personnel shall be considered a reasonable use of force when used in the following circumstances:
 - a. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
 - b. As reasonably needed to maintain order or prevent or break up a fight.
 - c. As reasonably needed for self-defense.
 - d. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present, to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior.
 - e. As reasonably needed to escort a student safely from one area to another.
 - f. If used as provided for in a student's IEP or Section 504 plan or behavior intervention plan.

- g. As reasonably needed to prevent imminent destruction to school or another person's property.
- (2) Except as set forth in subdivision (1) of this subsection, physical restraint of students shall not be considered a reasonable use of force, and its use is prohibited.
- (3) Physical restraint shall not be considered a reasonable use of force when used solely as a disciplinary consequence.
- (4) Nothing in this subsection shall be construed to prevent the use of force by law enforcement officers in the lawful exercise of their law enforcement duties.
- (d) Mechanical Restraint:
 - (1) Mechanical restraint of students by school personnel is permissible only in the following circumstances:
 - a. When properly used as an assistive technology device included in the student's IEP or Section 504 plan or behavior intervention plan or as otherwise prescribed for the student by a medical or related service provider.
 - b. When using seat belts or other safety restraints to secure students during transportation.
 - c. As reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person.
 - d. As reasonably needed for self-defense.
 - e. As reasonably needed to ensure the safety of any student, school employee, volunteer, or other person present.
 - (2) Except as set forth in subdivision (1) of this subsection, mechanical restraint, including the tying, taping, or strapping down of a student, shall not be considered a reasonable use of force, and its use is prohibited.
 - (3) Nothing in this subsection shall be construed to prevent the use of mechanical restraint devices such as handcuffs by law enforcement officers in the lawful exercise of their law enforcement duties.
- (e) Seclusion:
 - (1) Seclusion of students by school personnel may be used in the following circumstances:
 - a. As reasonably needed to respond to a person in control of a weapon or other dangerous object.
 - b. As reasonably needed to maintain order or prevent or break up a fight.
 - c. As reasonably needed for self-defense.
 - d. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property.
 - e. When used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and
 - 1. The student is monitored while in seclusion by an adult in close proximity who is able to see and hear the student at all times.
 - 2. The student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP or Section 504 plan.
 - 3. The space in which the student is confined has been approved for such use by the local education agency.
 - 4. The space is appropriately lighted.
 - 5. The space is appropriately ventilated and heated or cooled.
 - 6. The space is free of objects that unreasonably expose the student or others to harm.
 - (2) Except as set forth in subdivision (1) of this subsection, the use of seclusion is not considered reasonable force, and its use is not permitted.

- (3) Seclusion shall not be considered a reasonable use of force when used solely as a disciplinary consequence.
- (4) Nothing in this subsection shall be construed to prevent the use of seclusion by law enforcement officers in the lawful exercise of their law enforcement duties.
- (f) Isolation – Isolation is permitted as a behavior management technique provided that:
 - (1) The space used for isolation is appropriately lighted, ventilated, and heated or cooled.
 - (2) The duration of the isolation is reasonable in light of the purpose of the isolation.
 - (3) The student is reasonably monitored while in isolation.
 - (4) The isolation space is free of objects that unreasonably expose the student or others to harm.
- (g) Time-out – Nothing in this section is intended to prohibit or regulate the use of time-out as defined in this section.
- (h) Aversive Procedures – The use of aversive procedures as defined in this section is prohibited in public schools.
- (i) Nothing in this section modifies the rights of school personnel to use reasonable force as permitted under G.S. 115C-390.3 or modifies the rules and procedures governing discipline under G.S. 115C-390.1 through G.S. 115C-390.12
- (j) Notice, Reporting, and Documentation.
 - (1) Notice of Procedures – Each local board of education shall provide to school personnel and parents or guardians at the beginning of each school year copies of this section and all local board policies developed to implement this section.
 - (2) Notice of specified incidents:
 - a. School personnel shall promptly notify the principal or principal's designee of:
 - 1. Any use of aversive procedures.
 - 2. Any prohibited use of mechanical restraint.
 - 3. Any use of physical restraint resulting in observable physical injury to a student.
 - 4. Any prohibited use of seclusion or seclusion that exceeds ten minutes or the amount of time specified on a student's behavior intervention plan.
 - b. When a principal or principal's designee has personal knowledge or actual notice of any of the events described in this subdivision, the principal or principal's designee shall promptly notify the student's parent or guardian and will provide the name of a school employee the parent or guardian can contact regarding the incident.
 - (3) As used in subdivision (2) of this subsection, "promptly notify" means by the end of the workday during which the incident occurred when reasonably possible, but no event later than the end of following workday.
 - (4) The parent or guardian of the student shall be provided with a written incident report for any incident reported under this section within a reasonable period of time, but in no event later than 30 days after the incident. The written incident report shall include:
 - a. The date, time of day, location, duration, and description of the incident and interventions.
 - b. The events or events that led up to the incident.
 - c. The nature and extent of any injury to the student.
 - d. The name of a school employee the parent or guardian can contact regarding the incident.
 - (5) No local board of education or employee of a local board of education shall discharge, threaten, or otherwise retaliate against another employee of the board regarding that employee's compensation, terms, conditions, location, or privileges of employment because the employee makes a report alleging a

prohibited use of physical restraint, mechanical restraint, aversive procedure, or seclusion, unless the employee knew or should have known that the report was false.

- (k) Nothing in this section shall be construed to create a private cause of action against any local board of education, its agents or employees, or any institutions of higher education or their agents or employees or to create a criminal offense.

L. Parental Information for Title I Schools

The following schools in this District receive federal funding through Title I: Avery's Creek Elementary, Barnardsville Elementary, Black Mountain Elementary, Black Mountain Primary, Candler Elementary, Charles C. Bell Elementary, Emma Elementary, Fairview Elementary, Haw Creek Elementary, Hominy Valley Elementary, Johnston Elementary, Leicester Elementary, North Buncombe Elementary, North Windy Ridge Intermediate, Oakley Elementary, Pisgah Elementary, Sand Hill-Venable Elementary, W.D. Williams Elementary, Weaverville Elementary, Weaverville Primary, West Buncombe Elementary, William W. Estes Elementary, and Woodfin 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 the Director of Federal Programs at (828) 255-5966.

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.

**NCLB / FERPA Opt-Out Letter
Buncombe 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.

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 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 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 the following student to:

Military recruiters

Institutions of higher education

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

Military recruiters

Institutions of higher education

As parent of a student less than 18 years of age, I hereby exercise my right under FERPA to request that you do not disclose any directory information for 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: _____ Grade: _____
(Please Print)

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

Signature of Parent

Date

Signature of Student (if 18 years of age or older)

Date

It is the policy of the Buncombe County Public School System not to discriminate on the basis of race, color, ethnic origin, sex, age or disability in its educational programs, activities, or employment policies.