

ANNUAL PUBLIC NOTICES

I. 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. Macon County Schools has designated the following information as directory information:

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| • 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

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

PPRA affords parents certain rights regarding Macon County School'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.

Macon County Schools **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. Macon County Schools will directly notify you of these policies at least annually at the start of each school year and after any substantive changes. Macon County Schools 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. Macon County Schools 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

III. 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)

Macon 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 Macon County Schools grievance procedures, please contact:

Dan Moore
Title IX Coordinator
1202 Old Murphy Rd
Franklin, NC 28734
828-524-3314

Paula Ledford
504/ADA Coordinator
1202 Old Murphy Rd
Franklin, NC 28734
828-524-3314

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

Pursuant to the IDEA, a federal law, Macon 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:

Paula Ledford
Exceptional Children's Director
1202 Old Murphy Rd
Franklin, NC 28734
828-524-3314

V. HOMELESS STUDENTS: McKinney-Vento Homeless Assistance Act

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

Pat Davis
Homeless Liaison
1202 Old Murphy Rd
Franklin, NC 28734
828-524-3314

VI. USE OF SECLUSION/RESTRAINT/ISOLATION

Macon County Schools has adopted School Board Policy 451 as required by North Carolina General Statute 115C-391.1. Policy 451, as well as statute 115C-39.1.1, are set out below verbatim for our information.

STUDENT RESTRAINT / SECLUSION / ISOLATION Macon County Schools Policy 451

I. REASONABLE FORCE

The Macon County Board of Public Education believes that ensuring safety for students and staff is essential. Securing order in the school environment sometimes requires that students be subject to greater controls than those appropriate for adults. Except as restricted or prohibited by rules adopted by the Board of Public Education, principals, teachers, substitute teachers, voluntary teachers, teacher assistants, and student teachers may use reasonable force in the exercising of lawful authority to restrain or correct students and maintain order. (G.S. 115C-390)

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

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

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

II. PHYSICAL / MECHANICAL RESTRAINT

Physical restraint is defined as the use of physical force to restrict the free movement of all or a portion of a student's body. Physical restraint shall be allowed by Macon County Public School personnel as a reasonable use of force under the following circumstances in accordance with North Carolina General 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;
- e. to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
- f. as reasonably needed to escort a student safely from one area to another; (Students should only be physically escorted when it is deemed safe or if the current setting conditions pose hazards for the student or staff. Escorts should only be conducted in accordance with training procedures adopted by the system.)
- g. if used as provided for in a student's IEP or Section 504 plan or Behavior Intervention Plan as a brief intervention strategy to assist the student in regaining self-control; or
- h. as reasonably needed to prevent imminent destruction to school or another person's property. (G.S. 115C-391.1{c}{1})

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

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

- a. when properly used as an assistive technology device included in the student's IEP or as otherwise prescribed for the student by a medical or related services provider;
- b. when using seat belts or other safety restraints to secure student during transportation;
- c. as reasonably needed to obtain possession of a weapon or other dangerous objects on a person or within the control of a person;
- d. as reasonably needed for self-defense; or
- e. as reasonably needed to ensure the safety of any student, school employee, volunteer, or other person. (G.S. 115C-391.1{d}{1})

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

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

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

III. SECLUSION

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

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

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

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

IV. ISOLATION

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving. Macon County Public Schools personnel may use isolation provided that:

- a. *the space used for isolation is appropriately lighted, ventilated, and heated or cooled;*
- b. *the duration of the isolation is reasonable in light of the purpose of the isolation;*
- c. *the student is reasonably monitored while in isolation; and*
- d. *the isolation space is free of objects that unreasonably expose the student or others to harm. (G.S. 115C-391.1{f})*

V. AVERSIVE PROCEDURES

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

VI. NOTICE, REPORTING, AND NOTIFICATION

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

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

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

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

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

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

VII. TRAINING OF PERSONNEL

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

- a. positive management of student behavior;*
- b. effective communication for defusing and de-escalating disruptive or dangerous behavior; and*
- c. safe and appropriate use of seclusion and restraint. (Ref. G.S. 115C-105.47{b}{9})*

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

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

VIII. COMPLIANCE BY COMMUNITY AGENCY PERSONNEL

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

IX. LEGAL NOTICES

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

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

Cross Reference: School Plan for Management of Student Behavior (policy 4302), Alternative Program (policy 3470/4305), Student Behavior Policies (policy 4300), Theft, Trespass, and Damage to Property (policy 4330), Criminal Behavior (policy 4335), Parental Involvement in Student Behavior Issues (policy 4341)

Adopted: March 28, 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 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 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: _____

Name of School: _____

Signature

Date