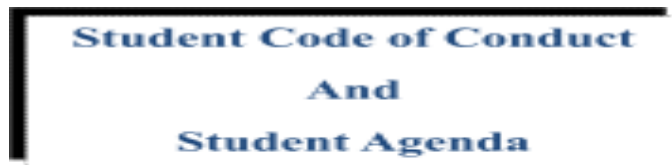


**Home of the PATRIOTS!**  
**Patriots Believe in Success**

**2022-2023**



**95 Upper Brush Creek Road  
Marshall, NC 28753  
Phone – 828.649.2269  
Fax – 828.649.9015  
Website – [www.mms.madisonk12.net](http://www.mms.madisonk12.net)**

**Principal: Jessica Chandler  
Asst. Principal: Eric Blackman**

This student agenda belongs to:

Name: \_\_\_\_\_

Homeroom Teacher: \_\_\_\_\_

# My Daily Schedule

Homeroom Teacher: \_\_\_\_\_

Lunch Time: \_\_\_\_\_

## 1<sup>st</sup> Semester

|           | Class | Teacher/Location |
|-----------|-------|------------------|
| 1st block |       |                  |
| 2nd block |       |                  |
| 3rd block |       |                  |
| 4th block |       |                  |
| 5th block |       |                  |
|           |       |                  |

## 2<sup>nd</sup> Semester

|           | Class | Teacher/Location |
|-----------|-------|------------------|
| 1st block |       |                  |
| 2nd block |       |                  |
| 3rd block |       |                  |
| 4th block |       |                  |
| 5th block |       |                  |
|           |       |                  |

## *Tips for Surviving Middle School as a Parent*

- 1. Help your child manage homework time.** Encourage her to aim high and always do her best work. Check with teachers to see how much time should be necessary to complete homework. See what your school offers to help you help your child, such as an agenda planner or some other homework reminder system, and/or a Web site with helpful links.
- 2. Show interest in his studies** by talking with him daily about what he's learning and doing in school (don't take "nothing" for an answer!). If you know your child has a project for science, get involved. The same goes for cheerleading, sports, and music — any extracurricular activities.
- 3. Discuss ideas and feelings about school, studies, and activities.** Be realistic about what your child can and should be able to do. Don't expect great grades or high test scores if she isn't capable. That expectation will only cause unnecessary frustration.
- 4. With your child, read and review the information that schools and districts provide.** Be familiar with school, classes, student handbook, etc. All these will help you and your child successfully weave your way through the maze called middle school.
- 5. Contact counselors, administrators, and teachers periodically.** Find out what your child should be learning, how she is progressing, and how you can help. Be a full partner in your child's education.
- 6. Be sure that he attends school on a regular basis.** Even if he is absent for illness or another valid reason, he needs to keep up with his studies. Call the school if your child will be missing a day, and find out what he needs to do to make up for it.
- 7. Encourage her to pursue interests and make friends through extracurricular activities.** Be certain, however, that she selects no more than a few activities so she has adequate time for schoolwork. You must help her find a balance; this will take compromise and patience.
- 8. Get in their business.** Who does your child hang out with? Follow up on any suspicions that you may have. It is better to be safe than sorry at this time of his life. Know where your child is at all times. Be clear and consistent with discipline and keep a close eye on technology use and social media.
- 9. Make it clear that she must follow school rules and policies.** Teach her to respect people as well as property. Help her know right from wrong and what she must do when negative temptations come her way.
- 10. Encourage him to get to know his counselor** and to maintain contact throughout his middle-school years, if possible. Not only will the counselor be invaluable in supporting his academic path, he's also one of many potential adult role models for your child.
- 11. Consistently acknowledge and reward efforts at school.** Many parents expect the school to provide the incentives for their child's accomplishments. While schools do have a lot of motivation programs, parents need to recognize their child's successes too. When your child works hard, your acknowledgement motivates him to persist.

## **Madison Middle School Discipline Policy 2021-2022**

It is the belief of the administration and staff at Madison Middle School that good discipline is essential for effective learning. Every student will receive a positive, nurturing interaction with faculty, staff, and administrators. Each student has a right to be free from the distractions caused by inappropriate behavior of others. We further believe that a role of the school is to teach responsible behavior. The discipline plan in conjunction with PBIS at Madison Middle School is our strategy to achieve this goal. Students are expected to attend all classes on time and cooperate in an orderly school and classroom atmosphere. All students who are out of class should have permission from a faculty or staff member in the form of a hall pass.

**SEVERE CLAUSE AND DISCLAIMER:** The administration reserves the right to accelerate students to advance or different consequences for expectation violations according to the severity of the incident and to handle any incident that is not covered in this handbook in a timely and appropriate manner.

**AFTER 7 FULL DAYS of ISS PER ACADEMIC YEAR, OSS MAY BE USED. DEPENDING ON OFFENSE, OSS MAY BE USED BEFORE ISS. AFTER 10 FULL DAYS of OSS THE STUDENT MAY BE SUSPENDED LONG TERM BASED ON RECOMMENDATION TO SUPERINTENDENT.**

**An attempt will be made to contact the Parents/Guardians each time ISS/OSS is assigned. Upon recommendation of a Long Term Suspension, the student will go before the hearing officer. If a student spends at least a day or more in ISS they will not be allowed to participate in any extracurricular activities such as, sport events, clubs, dances, etc. for that day. Further disciplinary action may be taken by a teacher or coach.**

**Note: Suspension from school includes all school related activities. Participation in ISS will include occasional cleaning of school, school grounds and trash pick-up. Having ISS/OSS may result in loss of class trip, school dances, events, and /or school privileges.**

**Madison Middle  
Discipline Policy**

**Tier 1 & 2: Teacher-Managed**

- Drawing Inappropriate Pictures
- Passing notes in class (repetitive)
- Inappropriate Gestures
- Argumentative Speech
- Forging Signatures on Progress Reports or Report Cards
- Pranks (Hiding others belongings etc.)
- Public display of Affection (holding hands, hugging, kissing)
- Tardy to class (3 or more)
- Talking back to Teacher (nonaggressive)
- Touching (pushing/pinching)
- Throwing Small Objects
- Sleeping
- Cheating (initial)
- Initial Horseplay (pushing/kicking/name-calling)
- Running in the Halls
- Initial Being in Unauthorized Areas
- Lying
- Vandalism –Minor (ex. Writing on desk)
- Cursing (non-aggressive)
- Inappropriate Use of Technology
- Repetitive Disrespect (shrugging shoulders, rolling eyes, etc.)
- Littering School grounds
- Cigarette Lighter Possession
- Writing or marking on self or others
- Failure to follow reasonable request
- Failure to follow classroom procedures

**Tier 3: Office-Managed**

- Forging Signature (on legal documents, or teacher signatures on any document)
- Pranks (destructive or resulting in injury or humiliation)
- Public Display of Affection (French kissing, sex acts)
- Inappropriate Comments/Talking back to Teacher (aggressive, threatening)
- 5 Tardies to School
- Verbal Threats to Other Students
- Cheating (repetitive)
- Sexual Assault
- Sexual Comments
- Repetitive Horseplay –pushing/kicking (resulting in injury)
- Bullying
- Leaving Class without Permission
- Stealing
- Vandalism –Major
- Weapons
- Fighting
- Threats
- Alcohol/Tobacco/Drugs –possession and/or use
- Possession of Lighter or Matches
- Possession or Use of a Vape/E-Cigarette
- Skipping or Cutting Class
- Unauthorized Area
- Reportable Infractions

**Consequences for Tier 3 Offenses may include:**

ISS-In School Suspension  
OSS-Out of School Suspension  
ASD-After School Detention  
DJJ/SRO-District of Juvenile Justice/Student Resource Officer  
Home Visits  
Parent/Teacher/Administrative Conferences  
Referral to Teen Intervene (substance abuse)

**TEEN INTERVENE**

Teen Intervene is a substance awareness and abuse program used at Madison Middle School and designed by the Madison County Health Department. The program includes counseling sessions to discuss the hazards of substance abuse. Students who are in possession of a substance (Alcohol, Drugs, Tobacco) or using a substance at school (Alcohol, Drugs, Tobacco) will be required to participate in Teen Intervene.

### Reportable Infractions

- Indecent exposure
- Fighting (also including encouraging or promoting a fight)
- Theft (student will make restitution)
- Possession of fireworks, stink bombs, etc.
- False 911 calls
- False fire alarm
- Tampering with or vandalism of school video cameras, exit signs, or fire alarms
- Gross disrespect of faculty or staff including all school events on or off campus (This includes inappropriate language toward faculty, staff, or general public.)
- Piercing any part of one's self or another student's person for an reason (including the adornment of jewelry)
- Physical violence or violent threats
- Assault involving the use of a weapon
- Sexual Assault
- Rape
- Kidnapping
- Illegal possession or use of alcohol, drugs, or drug paraphernalia (including counterfeit drugs, etc.)
- Possession of a firearm or weapon
- Possession of controlled substance
- Communicating Threats
- Possession of explosives

### Consequences for Possession/Use of Illegal Substances -Including Vapes

**1st Offense-3 days ISS , online health module, and referral to Teen Intervene**

**2nd Offense-5 days ISS, online health module,and referral to Teen Intervene with Parent**

**3rd Offense-3 days OSS and referral to Juvenile Mediation**

**4th Offense-5 days OSS and referral to Sentencing Circles**

**5th Offense-10 days OSS, Juvenile Petition to DJJ/DSS Report**

## OTHER SCHOOL POLICIES

### EXTRACURRICULAR AND ATHLETIC POLICY

If your child plans to participate in a sport, they will need to have insurance, sports physical, and follow NC regulations.

- Each student that tries out for any team will have on file a release form signed by their parents or legal guardian stating that they are covered by insurance.
- Students must have a physical prior to try-out.
- Any athlete who quits a sport is not eligible to try out for another sport until the sport the athlete was participating in is over.
- Participation in extracurricular activities may be restricted if a student
  1. Is not performing at grade level;
  2. Has exceeded the number of absences allowed by Board Policy;
  3. Has violated the student code of conduct, found in 4300 section of Board Policy; and
  4. Has violated school rules for conduct.
- Students assigned ISS or OSS may not participate in or be in attendance at any extracurricular activities, including athletic practices and club activities, whether home or away, during the period.

### MADISON MIDDLE SCHOOL MEDIA CENTER POLICY

Below are some important reminders regarding media center policies and procedures:

1. The checkout period for books/resources is 2 weeks.
2. You are only allowed to check out 2 books at a time.
3. You are only allowed to print 2 pages per assignment on the school printer. Additional pages or copies may result in a \$.10 per page charge.

### CAFETERIA-LUNCH POLICIES

- **Infractions:**
  - Breaking lunch line
  - Leaving trash, plates, trays, or silverware in lunch area
  - Food or drinks outside cafeteria or designated eating area during lunch

#### Lunch- Cafeteria Consequences

|                               |                       |
|-------------------------------|-----------------------|
| 1 <sup>st</sup> offense       | Silent Lunch          |
| 2 <sup>nd</sup> offense       | 1-3 Days of ISS Lunch |
| After 2 <sup>nd</sup> offense | Office Referral       |

#### LUNCH CHARGES:

There is a lunch charging cap of \$10.00. Students who reach the cap charge of \$10.00 will be served peanut butter and jelly sandwiches and not allowed to charge anymore food or drinks to their account until account is paid in full. Students are not allowed to charge extras at any time.

#### STUDENT DRESS CODE POLICY4316: Dress and appearance should not disrupt the educational process or compromise the safety of students and faculty.

School dress and appearance shall adhere to the following guidelines:

- Clothing should be size appropriate.
- Clothing should not be “suggestive” in nature. This applies to both boys and girls.
- Exposed undergarments, exposed cleavage, shirts that show mid-riffs and sheer/see-through garments.
- No cut out T-shirts or cut below armpit.
- Shoes or sandals must be worn at all times. Shoes with exposed wheels are a safety concern and are not allowed.

- No hats, head-scarves, bandanas, hoodies up, sunglasses, headphones, or other inappropriate head gear will be worn in the building with exception of religious or medical necessities. Hats will be taken and held by administration/teacher until further notice.
- Clothing with vulgar, profane, or offensive statements or clothing that advertises alcoholic beverages, illegal drugs, or tobacco is unacceptable and may not be worn on campus.
- Shirts must have a two strap minimum, with straps passing the three finger test as measured by a faculty member.
- Undergarments are required.
- Skirts, shirts, and tunics must fall below the mid-thigh. Running/Athletic/Sports shorts are allowed but must have a minimum of a 4 inch inseam. Anything shorter than 4 inches will not be allowed.
- No yoga pants, spandex, and leggings should be worn inappropriately. Shirts should come down over them at the same level of shorts/skirt requirements. These cannot be worn as pants alone or by themselves.
- There is to be no exposed skin from armpit to mid-thigh.
- Chains over 4 inches long and chains touching the ground are prohibited. There are to be no fishhooks in hats. These items will be confiscated.
- Clothing should not have holes that expose the areas mentioned above and pants must not be worn off the hips, oversized, or hanging so that underwear is showing.
- Pajamas and slippers should not be worn to school.
- No blankets will be allowed.

#### **Dress Code Violation Consequences**

|                         |                                   |
|-------------------------|-----------------------------------|
| 1 <sup>st</sup> Offense | Send to Office and Check Clothing |
| 2 <sup>nd</sup> Offense | Call Parents for Clothing         |
| 3 <sup>rd</sup> Offense | Office Discipline Referral        |

#### **MADISON COUNTY SCHOOLS CONTROL OF PERSONAL COMMUNICATION DEVICES (PCD): SMART PHONES, CELL PHONES, IPOD'S, KINDLE, IPAD'S, ETC...**

**Definition** - A PCD is defined as any telecommunications device that emits an audible signal, vibrates, displays a message, allows communications between individual, or otherwise summons or delivers a communication to the possessor.

**Using a PCD to threaten, harass or to transmit inappropriate material will not be tolerated. Such use is a violation of the Student Code of Conduct and may also be a criminal violation. Criminal violations may be reported to law enforcement and may result in arrest for the user and/or owner of the device.**

#### **Prohibited Use**

- During school hours 7:00-3:00

#### **Allowed Use**

- Students may use a PCD while participating in extra-curricular activities and/or sports events to keep parents informed about times to pick them up at school.
- Students may use under the direct supervision of a faculty/staff member.

#### **Electronic Devices**

**The use of an electronic device shall not interfere with classroom activities. No cell phones to be out or used during class time. Pictures of self/students/faculty are not to be taken and uploaded to social media sites such as snapchat, facebook, twitter, instagram, etc... The following will be the consequences of misuse of PCD's:**



\*Discipline for the use of a PCD will be administered as described in the chart below.

|                           |  |
|---------------------------|--|
| 1 <sup>st</sup> Offense   | Device will be turned into administration and student will be called down to the office at the end of the day to pick up the device. |
| 2 <sup>nd</sup> Offense   | Device will be turned into administration and parent/guardian will be called to pick up device.                                      |
| 3 <sup>rd</sup> Offense + | Device will be held until the end of the school year.  |

### Storage

Phones are to be stored in the student's locker during the school day 7:00-3:00

- **Improper use of PCDs during allowable times will result in the loss of the privilege to bring it to school.**
- **Possession of a PCD when the privilege has been lost may result in suspension from school.**

### MADISON COUNTY SCHOOL BUS TRANSPORTATION CODE OF CONDUCT FOR ALL BUS RIDERS:

The Madison County Board of Education recognizes the importance of safe and orderly buses during their routes to and from school. School bus transportation is a privilege, not a right. The transportation of any pupil is subject to the compliance with the lawful rules and regulations adopted by the school board. A student will be subject to disciplinary action for those violations within this policy and those covered by Policy 212 (Serious Misconduct). Minor offenses will merit a warning, and repeated minor offenses and/or major offenses will result in bus suspension, parent notification, and possible removal from the bus for an extended period of time.

- Skateboards, snowboards, live animals or any other object not related to a student's instruction is not allowed on the school bus (see school bus contract)
- Discipline for exceptional children will follow state and federal guidelines.

Passengers may be suspended from riding the bus and/or school, at the discretion of the principal and/or bus designee for:

### Minor Offenses:

1. Failure to keep the bus clean
2. Loud and boisterous talking
3. Disruptive and inappropriate behavior
4. Refusing to meet the bus on time and delaying the bus schedule
5. Failure to remain in their seat while the bus is in motion.
6. Spitting on the bus
7. Other improper behavior
8. Inappropriate language
9. Distracting the driver's attention while the bus is in operation

|                         |   |
|-------------------------|---|
| 1 <sup>st</sup> Offense | The parent, legal guardian, or legal custodian will be contacted and student may be assigned to a seat.   |
| 2 <sup>nd</sup> Offense | A conference may be required and the student may be suspended from riding the bus for one to three (1-3) days. When the student is permitted to ride the bus again, they may be assigned to a seat for a period of time or indefinitely.    |
| 3 <sup>rd</sup> Offense | A conference may be required and the student may be suspended from riding the bus for three to five (3 – 5) days. When the student is permitted to ride the bus again, they may be assigned to a seat for a period of time or indefinitely. |
| 4 <sup>th</sup> Offense | Parents will be contacted for parent conference. Consequences will be at the principal's discretion.  |
| 5 <sup>th</sup> Offense | Bus board convened at school of the student.  |

### Major Offenses

1. Using or being under the influence of, or having in their possession alcoholic beverages and/or illegal drugs.
2. Vandalism of the bus and bus property.
3. Bullying and any form of harassment as stated in the North Carolina Statute.
4. Throwing items out of the school bus windows.

5. Possession of tobacco or any form of tobacco products on the bus
6. Possession or use of a vape or e-cigarette
7. Use or possession of any form of weapon.
8. Verbal or physical abuse to other students or bus driver.
9. Indecent, abusive, or loud language.
10. Fighting on the bus or at bus stop.
11. Tampering with any part of the bus, including emergency exits.
12. Having hands, arms, legs, and/or head out of the bus window.
13. Not sitting in assigned seats.
14. Playing, throwing objects, use of aerosol cans or otherwise distracting the driver's attention while the bus is in operation.
15. Excessive display of affection.
16. Unauthorized leaving of bus when in route.
17. Refusal to adhere to a reasonable request of a bus driver.
18. Failure to observe established safety rules and regulations required by North Carolina law or policy by Madison County Board of Education.
19. Spitting on other students.

|                         |   |
|-------------------------|---|
| 1 <sup>st</sup> Offense | A conference may be required and the student may be suspended from riding the bus for three to five (3-5) days. When the student is permitted to ride the bus again, they may be assigned to a seat for a period of time or indefinitely. |
| 2 <sup>nd</sup> Offense | A conference may be required and the student may be suspended from riding the bus for ten (10) days. When the student is permitted to ride the bus again, they may be assigned to a seat for a period of time or indefinitely.            |
| 3 <sup>rd</sup> Offense | The student will not be allowed to ride the bus for the remainder of the school year. K-8 bus board meeting.  |

**Note: The above lists may not cover all possible violations. Similar offenses shall be categorized major or minor and handled in the manner that they occur. Other forms of punishment may be suggested and followed through by the principal and /or bus designee.**

#### **Other Bus Regulations**

- A student is subject to all school rules while riding on the school bus, after school bus, activity bus, or other vehicle being transported to and from school, athletic events, or any school sponsored event.
- The driver of the school bus is subject to the direction of the principal, has the authority over and responsibility for, the operation of the bus and maintenance of good order and conduct. The student is to obey the driver.
- The bus driver may assign seating for a student or students while they are riding on a school bus.
- Bus conduct reports and discipline actions are cumulative for the school year.
- No one under the age of 18 may accompany a student on a field trip.
- School policy will override bus policy in some cases. All students going to a different destination than their usual destination, such as the high school, need a note from a parent stating the change in plans.

#### **ATTENDANCE POLICY FOR GRADES 6-8 BOARD POLICY 4400:**

This policy allows each student eight (8) unexcused absences per semester before any make up sessions are required. Once the student has missed the 9<sup>th</sup> day of the semester, he or she will be required to attend after school sessions to make up the absences after the max of 8 has been reached, two afternoons will make up one absence. Students with 5 or more tardies will be written an Office Discipline Referral and expected to serve the chosen consequence. Please note that school sponsored activities do not count as an absence. Illness, quarantine, death in the family, medical or dental appointments, court proceedings, religious observance, family emergencies, out of school suspension and educational opportunity (must be approved by the

attendance committee prior to missing school) are excusable reasons and will count as an excused absence. **However; the parent/guardian must provide a doctor's note or parent signed note depending on the reason for the absence, explaining the absence within five (5) days upon returning to school in order for the absence to be considered excused. Notes will not be accepted after the five (5) days and the absence will be coded unexcused.**

Parents will be notified when students have accumulated three (3) unexcused absences and six (6) unexcused absences within a school year by a letter home from school. When a student reaches ten (10) unexcused absences (absences without documented reason) in a school year, they may be in violation of the Compulsory Attendance Law (G.S. 115C-378). This law provides that the student and/or parent may be charged with truancy and taken to a court of law.

Students who exceed eight (8) unexcused absences in a semester will be required to make up the absence in after school. Afterschool sessions will be offered each semester and absences must be made up in the semester that they are missed. If a student does not make up his/her absences in after school, the following actions may be taken to avoid future absences:

1. The parent/guardian and student will be asked to meet with the School Attendance Committee to discuss the student's absences.
2. The parent/guardian and student may be asked to attend a meeting with the Madison County Truancy Board which consists of members from the School System, Health Department, DSS and the Department of Juvenile Justice.
3. Court petition filed for truancy.
4. Possible DSS referral.

The number of times that a student misses class for school sponsored activities should be kept to an absolute minimum. When a student misses class work, they are expected to make up the work that has been missed. Teachers may use their own discretion on how long completion of makeup work is needed. All class work assigned during after school sessions must be academically related.

*As soon as a parent anticipates a student's extended absence because of a severe, prolonged or chronic illness under a physician's care, the parent shall notify the principal immediately. Homebound instruction will not be considered without a doctor's written statement. Homebound forms can be obtained from your child's principal. The principal shall make arrangements for homebound/hospital bound or other appropriate instruction. Should unique situations arise that are not specifically addressed by this policy, the Superintendent, upon written recommendation from the school principal, may authorize alternatives to the policy to achieve fairness to the student without compromising the effectiveness of this policy.*

### **MADISON COUNTY SCHOOLS POLICY 4353: Long Term Suspension, 365 Days Suspension, Expulsion**

-A long-term suspension is a denial to a student of the right to attend school and to take part in any school function for any period in excess of 10 school days, up to the remainder of the school year. A long-term suspension may be imposed by the superintendent upon recommendation by the principal.

-A 365 day suspension is a denial to a student of the right to attend school and to take part in any school function for a full 365 days. The Board may impose a 365 day suspension only for possession of a firearm or destructive device on educational property, or if brought school sponsored event off of educational property.

-An expulsion is the permanent removal of a student from school and all the rights and privileges related to school attendance. A student who is 14 years of age or older may be expelled for whose continued presence in school constitutes a clear threat to the safety of other students or school staff. An expulsion must be approved by the board prior to its implementation.

### **MADISON COUNTY SCHOOLS POLICY 4370: Student Discipline Hearing Procedures**

- Each principal shall annually appoint or each faculty shall annually elect two teachers to serve on the disciplinary hearing board. The teachers may alternate appearances or may serve as an alternate to the board.
- Whenever a principal seeks a long-term suspension or expulsion, a hearing board shall be convened to provide a due process hearing for the student.
- Each hearing shall be attended by five hearing board members, with one faculty member from each school. An individual that is under the direct supervision of the principal recommending suspension shall not serve on the panel.
- One member shall act as the convener of the hearing board. The convener shall be the hearing board member who represents the involved student's school.
- The convener shall not vote except to break a tie. The convener has all other rights and duties of a hearing board member as well as the following specific duties and powers:
  - The convener shall contact the other hearing board members to make sure that five members are present for all hearings. The convener shall have the authority to appoint a hearing board member in the event regular hearing board members and alternates are unavailable. Anyone who has had direct contact with the student's alleged misconduct, who may testify before the hearing board, or who for any reason is unable to make an unbiased decision shall not serve as a member of the hearing board.
  - The convener has full charge of the hearing and has authority to direct the proceedings and oversee the conduct of all persons present, subject to the requirements of this policy.
- If more than one student is charged with participating in an incident together, a single hearing may be conducted for all students, at the discretion of the hearing board.
- All hearings shall be conducted pursuant to the procedures provided below.

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, color, national origin, sex, disability, or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The board will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities or programs.

***It is the policy of the Madison 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.***

**PROHIBITED BEHAVIORS AND CONSEQUENCES**

**1. Discrimination, Harassment, and Bullying:**

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment, and bullying.

Students are expected to comply with the behavior standards established by board policy and the Code of Student Conduct. Employees are expected to comply with board policy and school system regulations. Volunteers and visitors on school property also are expected to comply with board policy and established school rules and procedures.

Any violation of this policy is serious and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school's student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools.

When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include staff training, harassment and bullying prevention programs, and other measures deemed appropriate by the superintendent to address the behavior.

**2. Retaliation**

The board prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of reported violations of this policy.

After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state or local laws, policies, and regulations, the superintendent or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

**A. APPLICATION OF POLICY**

This policy prohibits unlawful discrimination, harassment, and bullying by students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors, and organizations doing business with or performing services for the school system.

This policy applies to behavior that takes place:

1. in any school building or on any school premises before, during or after school hours;
2. on any bus or other vehicle as part of any school activity;
3. at any bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. at any time or place when the individual is subject to the authority of school personnel; and
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

**B. DEFINITIONS**

For purposes of this policy, the following definitions apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct

group or category, such as race, ethnicity, sex, pregnancy, religion, age, or disability. Discrimination may be intentional or unintentional.

## 2. Harassment and Bullying

- a. Harassment or bullying behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that:
- 1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
  - 2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.

“Hostile environment” means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

b. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity;
- 2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
- 3) such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work or performance or a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile, or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, sexual violence, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

c. Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

**C. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR BULLYING**

Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors, or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment, or bullying. All reports should be made in accordance with policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure, and reported to one of the school officials identified in that policy. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.



**D. TRAINING AND PROGRAMS**

The board directs the superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment, and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan.

As funds are available, the board will provide additional training for students, employees, and volunteers who have significant contact with students regarding the board's efforts to address discrimination, harassment, and bullying and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination, harassment, or bullying; (2) teach employees to identify groups that may be the target of discrimination, harassment, or bullying; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones, and on the Internet.

**E. Notice**

The superintendent is responsible for providing effective notice to students, parents, and employees of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying. This policy must be posted on the school system website, and copies of the policy must be readily available in the principal's office, the media center at each school, and the superintendent's office. Notice of this policy must appear in all student and employee handbooks and in any school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

**F. COORDINATORS**

The superintendent or designee shall appoint one or more individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws. The superintendent or designee shall publish the name(s), office address(es), and phone number(s) of the compliance coordinator(s) in a manner intended to ensure that students, employees, applicants, parents, and other individuals who participate in the school system's programs are aware of the coordinator(s).

**G. RECORDS AND REPORTING**

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination, harassment, or bullying. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination, harassment, and bullying.

The superintendent shall report to the State Board of Education all verified cases of discrimination, harassment, or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

#### **H. EVALUATION**

The superintendent shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment, and bullying and shall share these evaluations periodically with the board.

#### **COMPLAINTS BROUGHT BY ALLEGED VICTIMS OF DISCRIMINATION, HARASSMENT OR BULLYING**

Any individual, who believes that he or she has been discriminated against, harassed or bullied is strongly encouraged to file a complaint orally or in writing to any of the following individuals:

- a. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed; 828-649-2269 ext 404 or 406.
- b. an immediate supervisor if the individual making the complaint is an employee;
- c. the director human resources if the alleged perpetrator or alleged victim is an employee of the school system or the superintendent if the assistant director of human resources is the alleged perpetrator; (Tanya Jussila Personnel Director 828-649-9276 ext 238)
- d. the Title IX coordinator for claims of sex discrimination or sexual harassment (Will Hoffman 828-649-9276 ext. 234);
- e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability (Will Hoffman 828-649-9276 ext. 234); or
- f. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in policy 1710/4021/7230. (Will Hoffman 828-649-9276 ext. 234).

Complaints should be filed as soon as possible but no later than 30 days after the incident has occurred. The procedure for handling complaints is found in Board policy 1720/4015/7225 located on our website at [www.madisonk12.net](http://www.madisonk12.net).

#### **ANNUAL PUBLIC NOTICES**

At the beginning of each academic year, School Districts are required, pursuant to federal and state laws and regulations, to provide students and their parents with certain annual notices. Below is the Campbell Shatley model annual public notice that includes all the required notices for all students in grades K-12.

At a minimum, your School District's annual public notice must include all the items listed below; however, your School District's notice can include additional items, including notices regarding use of school technology and the Internet.

#### **A. Student Records: Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act ("FERPA"), a federal law, gives parents and students over eighteen (18) years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- The right to inspect and review your child's education records within forty-five (45) days of the day the school receives a request for access. You should submit to the school principal a written request that identifies the record(s) you wish to inspect. The principal will make arrangements for access and notify you of the time and place where the records may be inspected.
- The right to request an amendment of your child's education records that you believe are inaccurate or misleading. You should write the school principal, clearly identify the part of the record you want changed and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested, the school will notify you of the decision and advise you of your right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when you are notified of the right to a hearing.
- The right to consent to disclosures of personally identifiable information contained in your child's education records. FERPA requires that the school obtain your written consent prior to the disclosure of any such information with certain exceptions. For a complete list of the disclosures that elementary and secondary schools may make without parental consent see 34 CFR Part 99.37.
- The School District may release "directory information" about a student unless you have advised the school to the contrary. The School District has designated the following information as directory information:

|                      |  |
|----------------------|--|
| Student's Name       | 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
  - x. Sports activity sheets, showing weight and height of team members.
- Directory information may also be disclosed to outside organizations without your prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.
  - In addition, under federal law, we are required to provide military recruiters and institutions of higher education, upon their request, with the names, addresses and telephone numbers of high school students unless the student or parent has advised the school that they do not want such information disclosed without their prior written consent.
  - If you do not want the school to disclose some or all of the directory information described above from your child's education records to all or certain recipients without your prior written consent, the School District must be notified in writing within fourteen (14) days of the beginning of the school year or within fourteen (14) days of your enrolling in the School District. For your convenience, a form that can be used for this purpose is provided at the end of this Notice. An “opt out” is perpetual and can only be rescinded in writing.
  - The right to file a complaint with the U.S. Department of Education concerning alleged failures of the School District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-5901

**B. Non-Discrimination: Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; The Rehabilitation Act of 1973 (Section 504); and The Americans with Disabilities Act of 1990 (ADA)**

It is the School District's policy not to discriminate on the basis of race, color, national origin, sex, disability, religion, age, genetic information or veteran's status in its educational programs, activities or employment policies.

For inquiries or complaints or to request a copy of the School District's grievance procedures, please contact: Central Office 828-649-9276

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: Central Office 828-649-9276

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

For information concerning the educational rights of homeless students, please consult Board Policy and/or contact: Central Office 828-649-9276

**D. Protection of Pupil Rights Amendment**

1. 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 Political affiliates or beliefs of the student or student's parent;
  2. Mental or psychological problems potentially embarrassing to the student and/or student's family;
  3. Sexual behavior or attitudes;
  4. Illegal, anti-social, self-incrimination or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
- or more of the following eight areas:

6. Legally recognized privileged relationships, such as with lawyers, doctors or ministers;
7. Religious practices, affiliations or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes and certain physical exams or screenings except for hearing, vision, and scoliosis or any physical exam or screening permitted or required under State law.

The School District will, within a reasonable period of time prior to the administration of the surveys and activities, provide notice of said surveys and activities and give you or your son/daughter, if he/she is eighteen (18) years old or older, the opportunity to opt-out.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-5901

**E. 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 Madison County Department of Public Health 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/>.

**F. Student Health: N.C.G.S. § 115C-47(51)<sup>1</sup>**

North Carolina General Statute § 115C-47(51) requires schools to provide information concerning cervical cancer, cervical dysplasia and human papillomavirus and the vaccines available to prevent these diseases. Information on these diseases and the vaccines can be found at [www.cdc.gov/vaccines/vpd-vac](http://www.cdc.gov/vaccines/vpd-vac).

**G. North Carolina Safe Surrender Law**

Pursuant to N.C.G.S. §7B-500(b), a female may legally surrender her newborn baby to a responsible adult without fear of criminal prosecution. While any responsible adult may receive a newborn, School Social Workers, School Nurses, counselors and law enforcement agents are examples of responsible adults who are familiar with this law. More information can be found at [www.safesurrender.net](http://www.safesurrender.net). Those individuals without internet access can contact a school nurse or social worker.

**H. Asbestos Hazard Emergency Response Act**

This notice is provided to you with information regarding the Asbestos Hazard Emergency Response Act (AHERA) Management Plan for Madison 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 Maintenance Department of Madison County Schools.

**I. 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 and/or contact: Central Office 828-649-9276

**J. Student Restraint/Seclusion/Isolation**

- (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 longterm 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) "Timeout" 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 selfinjurious 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 timeout 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. 115C390.3 or modifies the rules and procedures governing discipline under G.S. 115C390.1 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.
- (6) 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.

#### **K. 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.

#### **L. 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.madisonk12.net](http://www.madisonk12.net). All other student discipline information will be printed in student handbooks.

**M. Student and Parent Complaint and Grievance Procedures**

For information concerning student and parent complaint and grievance procedures, see Board Policies or Contact Central Office 649-9276

**N. Equal Access to Facilities**

The school system provides equal access to its facilities. For more information about accessing school facilities, consult with Board Policy available at [www.madisonk12.net](http://www.madisonk12.net).

**O. Information Regarding Advanced Courses**

Pursuant to N.C.G.S. § 115C-83.4A(d), schools must provide information to students and parents on available opportunities and the enrollment process for student to take advanced courses. This information will be printed in student handbooks or made available on the school's website at the beginning of the year available at [www.madisonk12.net](http://www.madisonk12.net)

**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.**

**Madison County Schools**

**\*NCLB/FERPA Opt-Out Letter**

If you wish to restrict the disclosure of your student's directory information, please check lines 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 a 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 a 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 \_\_\_\_\_