

***Parent Handbook  
of Annual Notices  
and Rights***



**New Hanover County Schools**  
***Reach, Equip, Achieve***

Revised January, 2012

**New Hanover County Schools  
Parent Handbook of  
Annual Notices and Rights**

The New Hanover County Board of Education believes that to be successful, public school education must be a partnership involving school personnel, students, parents and the community. It is the policy of the New Hanover County Board of Education to encourage and enforce the exercise of individual rights within the necessary framework of an orderly, efficient and continuing school program, yet, at the same time, to recognize, preserve and protect the rights of all students in its educational system.

The Board further recognizes that students are fully protected by and have all rights extended to citizens under the United States Constitution and its Amendments, and that these rights cannot be abridged except in accordance with due process of law.

This publication is intended to inform the parents/guardians of all the various educational rights afforded them in working with the New Hanover County School system.

Along with this publication, you should keep as a reference the student handbook sent home with your child from his/her individual school.

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## ***Mission***

***It is the mission of New Hanover County Schools to provide a high QUALITY education that prepares ALL students to be productive and contributing citizens of a global society.***

Policy: 9020

### **ACCESS TO PUBLIC RECORDS**

The New Hanover County Board of Education recognizes that parents/guardians, citizens, staff members, and community groups have keen interests in public school operations and the right to full and accurate information about district finances, policies, programs, and other activities. Requests to inspect and receive information on the minutes, accounts, and other non-confidential records of the Board and district should be made to the Chief Communications Officer during regular business hours. The Board directs the Chief Communications Officer to provide reasonable assistance to individuals in finding, interpreting, and reproducing the information they seek.

Requests for reports and information on specific areas of instruction, operation, personnel, and student information shall be submitted in writing to the Chief Communications Officer. The Chief Communications Officer shall provide the report or information within three (3) business days or provide a written response stating the reason for denial or delay of the request.

Because expenses are involved in providing copies of such information, the Board reserves for the administration the right to charge appropriate fees to cover the costs of reproducing information.

Confidential records are not open to the public. Confidential records may include:

- Student records;
- Personnel records;
- Minutes of closed sessions (so long as public inspection would frustrate the purpose of the closed session);
- Records pertaining to such matters may be discussed in closed session; and
- Such other records as may be required to be kept confidential by law or as may be exempt from the North Carolina Public Records Law (NCGS Chapter 132).

LEGAL REFS: NCGS§ 132-1 et. seq.; 115C-402; 115C-319 through 321; 20 USC 1232g; 143-318.11

CROSS REFS: Policy 1310 Board of Education Meetings  
Policy 1312 Board of Education Closed Sessions  
Policy 1340 Board of Education Minutes  
Policy 6340 Personnel File  
Policy 8700 Student Cumulative Records

Revised: 04/14/87, 08/19/97, 04/05/11

File: 9025

### **RIGHTS OF SEPARATED OR DIVORCED PARENTS AND OTHERS REGARDING MINOR CHILDREN**

This Policy explains the obligations of New Hanover County Schools staff with respect to the rights of divorced or separated parents/guardians, grandparents, step-parents and others regarding students who are minors.

#### **A. General Rule is Equal Rights for Parents**

Unless a court, by valid court order, has taken away or altered a parent's rights, both parents will continue to have equal rights with respect to their children, even after they become separated or divorced. These rights include both "legal custody" and "physical custody" as defined below. In situations where a court order alters a parent's custody rights, school staff should recognize that both parents are still the parents of the minor child and no parent should be demeaned or disrespected in any way as a result of having only limited custody rights.

#### **B. Legal Custody vs. Physical Custody**

The term "legal custody" as used in this Policy is all the rights the law affords parents/guardians with respect to their children, except for "physical custody", including but not limited to:

- The right to view and receive copies of their child's educational records, including progress reports, reports cards, discipline records, attendance records, etc.;
- The right to sign consent forms, permission slips or other documents parents are required or asked to sign; and
- The right to enroll or withdraw their child from school.

The term "physical custody", as used in this Policy, is the right to be in the physical presence of and to move the child from place to place, including but not necessarily limited to:

- The right to pick up or check their child out of school; and
- The right to visit their child briefly at school.

### **C. Responsibility of Parents/Guardians**

If a parent/guardian wishes that the rights of the other parent with respect to their child be restricted, it is that parent's/guardian's responsibility to produce to the principal a valid, current and legible court order which restricts the other parent's rights. Such court orders will be honored by the New Hanover County Schools.

### **D. Interpreting Court Orders**

When interpreting court orders regarding child custody, school officials should use the following general guidelines, unless doing so would conflict with a specific provision in the court order:

- Court orders granting "joint custody" to parents/guardians do not restrict either parent's rights to legal custody or physical custody;
- Court orders granting "primary custody" to one parent/guardian and "secondary custody" to the other parent/guardian are to be interpreted as granting primary physical custody to one parent and secondary physical custody to the other, while both parents/guardians maintain their rights to legal custody;
- A parent/guardian who is given secondary custody by a court order may exercise that parent's rights to physical custody only during the times specified in the court order during which that parent is given secondary custody rights, which are typically referred to as visitation rights. (Example: a parent/guardian who is given visitation each Wednesday has the right to pick up the child from school only on Wednesdays and the other parent/guardian has the right to pick up the child on all other days, but not Wednesday);
- Parents/guardians who are given primary custody by a court order have physical custody of their child at all times except those specific times when the other parent/guardian has visitation or secondary custody rights;
- Court orders granting sole custody to one parent should typically be interpreted to mean granting sole physical custody and not affecting the other parent's right to legal custody.

Any questions concerning the interpretation of court orders or parental rights should be referred by principals to the Assistant Superintendent for Student Support Services or the Board Attorney.

### **E. Unauthorized Contact With Students**

If there is an attempt by a parent or other person to pick up or check out a minor child during a time in which that person does not have physical custody rights, school personnel who have been properly informed of the limitations on such person's custody rights, should take reasonable steps to keep from releasing the child to such person and shall notify law enforcement and the other parent promptly. A person who picks up or removes a minor child from school at a time in which they have no legal right to do so, may be guilty of child abduction.

### **F. Parental Consent May Override Custody Order**

A parent/guardian, grandparent, step-parent or other person who does not have physical custody rights at the time the person attempts to pick up or remove the minor child from school, may nevertheless be allowed to do so with the written consent of the other parent who has physical custody rights during that time.

### **G. Cooperation Encouraged**

Separated or divorced parents, grandparents, step-parents and others are strongly encouraged to work cooperatively with each other and with school personnel to avoid disputes over the exercise of their custody rights, especially with regard to the pick up or removal of children from school. It is not the responsibility of New Hanover County Schools' staff to attempt to resolve custody disputes between parents and other family members or interested persons. Parents and others with custody or visitation rights should keep the school office informed of their addresses, residences and contact information at all times.

### **H. Definition of "Parents"**

The term "parents" as used in this Policy includes legal guardians, legal custodians and others in loco parentis with a child, who are given the rights of parents by law, as the context requires. Grandparents, step-parents and others who are awarded visitation rights by a court order will be treated the same as parents/guardians who have visitation rights with respect to physical custody.

Adopted: 01/03/95

Revised: 04/05/11

## **Annual Notice About Educational Records**

The Family Educational Right and Privacy Act (FERPA) requires New Hanover County Schools to annually notify parents and student who are 18 years of age or older about their rights concerning educational records. The following information summarizes these rights. Parents and students 18 years of age or older have the:

- Right to confidentiality of the Official Record at the collection, storage, disclosure and destruction stages.
- Right to inspect, review and obtain free copies of the Official Record
- Right to have a representative of your choosing inspect and review the Official Record with you.
- Right to a full explanation, interpretation and analysis of the Official Record by the principal or designee.
- Right to add data or information to the Official Record which explains or clarifies information contained in the Official Record.
- Right to a list of the types of and the location of all records maintained and disclosed by New Hanover County Schools.
- Right to know that written consent is required to disclose the Official Record to others EXCEPT for the following: New Hanover County School officials, teachers and other employees (list posted at each school), other schools where a student intends to enroll, state and federal education authorities, financial aid applications, studies and research, accrediting organizations, judicial order or subpoena, health or safety emergency, and Directory Information.
- Right to request the correction or removal of information from the Official Record if they believe it is inaccurate, outdated, irrelevant, misleading or violates privacy.
- Right to a hearing, if New Hanover County Schools refuses a request to correct or remove information from the Official Record.
- Right to file a complaint regarding records with the U.S. Department of Education, FERPA Office, Washington, D.C. 20202. Complaints must be in writing and specify allegations of fact.

- Right to obtain copies of the New Hanover County School Board Policies on records from the New Hanover County Schools Superintendent's Office.
- **Right to know that the New Hanover County Board of Education has designated a student's name, address, telephone listing, electronic mail address, date and place of birth and school of enrollment as Directory Information.**
- Right to know that Directory Information is disclosed as a part of officially designated school activities such as; team/activity rosters, scholar athlete awards, athletic eligibility, honor society, honor roll, good citizens, academic scholars, presidential awards.
- **Right to refuse to allow New Hanover County Schools to disclose Directory Information by notifying the principal within 10 days of receipt** of this notice.
- Right to know that when records are no longer needed, New Hanover County Schools destroys them according to a destruction schedule. New Hanover County Schools permanently maintains only the following information: student name, address, phone number, grades, attendance, classes attended, grade levels completed, date of birth and identification numbers.
- Right to know that a secondary student's name, address, phone number and school name are disclosed to the military and colleges/universities.

New Hanover County Schools has designated the Assistant Superintendent for Student Support Services as the school official responsible for ensuring confidentiality of the Official Record. A student's principal also is responsible for maintenance and security of the Official Record. Please direct any inquires or requests concerning your rights and the Official Record to the principal.

### **Annual Notice Of Protection Of Pupil Rights**

The Protection of Pupil Rights Amendment affords parents certain rights regarding the school system's conduct of surveys, collection and use of information for marketing purposes, and certain physical exams.

1. Parents have the right to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to students.
2. Parents have the right to expect that a school will protect student privacy in the event of the administration of a survey to students, including the right of parents to inspect, upon request, the survey, if the survey contains one or more of the eight items listed below:
  - i. Political affiliations or beliefs of the student or the student's parent;
  - ii. Mental and psychological problems of the student or the student's family;
  - iii. Sex behavior or attitudes;
  - iv. Illegal, anti-social, self-incriminating, or demeaning behavior;
  - v. Critical appraisals of other individuals with whom respondents have close relationships;
  - vi. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - vii. Religious practices, affiliations, or beliefs of the student or student's parent; or
  - viii. Income (other than that required by law to determine eligibility for participation in a program for receiving financial assistance under such program).
3. Parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum for students.
4. Parents have a right to know, in advance, of the administration of physical examinations or screenings that the school may administer to students.
5. Parents have a right to know, in advance, about the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling, or otherwise providing the information to others for that purpose.
6. Parents have a right to inspect, upon request, any instrument used in the collection of information, as described in number 5.

Parents shall have the opportunity to opt out of (remove their child) from participation in the following activities:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
2. The administration of any third party (non-Department of Education funded) survey containing one or more of the eight items of information listed above.
3. Any non-emergency, invasive physical examination or screening that is 1) required as a condition of attendance; 2) administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. This law does not apply to any physical examination or screening that is permitted or required by State law, including such examinations or screenings permitted without parental notification.

Parents will be directly notified of this policy annually.

Reference: 20 U.S.C. 1232h  
34 CFR Part 98

### **Intervention Plan**

Each school in New Hanover County has designed a variety of programs and services to provide a successful, quality education for each student. When a student is not being successful and continuously improving or needs accommodation or modification because of a disability, one method of addressing these concerns is through the school's Student Support Team. Any individual (parent, student, teacher or community member) may make a Request for Intervention Assistance as a way to access this proactive, problem-solving process in improving student success. Such a request will lead to the development of an Intervention Plan for Student Success through a team process of reviewing information, proposing success strategies/interventions and monitoring results. To make a Request for Intervention Assistance, contact the school's principal.

## Students with Diabetes

North Carolina Law (G.S. 115C-47) was changed in 2002 to strengthen support for students with diabetes attending North Carolina public schools. The law requires development of care plans and staff training relative to students with diabetes. If your child has diabetes and you think your child may need a plan for his/her diabetes while at school, call the school nurse or Section 504 Coordinator and ask for the Parental Request for an Individual Diabetes Care Plan.

## Students with Asthma

North Carolina Law (G.S.115C-375.2) was changed in 2005 to strengthen support for students with asthma attending North Carolina public schools. The law permits a student with asthma or a student subject to anaphylactic reactions to possess and self-administer asthma medication on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events. There are certain conditions that apply. If your child has asthma or is subject to anaphylactic reactions and you are considering allowing your child to possess and self-administer medication, please contact the school nurse to discuss a plan.

## Influenza and Meningococcal Disease and Vaccine Information

Meningococcal meningitis is a form of bacterial meningitis. It is a rare, but potentially fatal infection that can cause severe swelling of the area around the brain and spinal cord as well as severe and permanent disabilities, such as hearing loss, brain damage, seizures, limb amputation, and even death. Meningococcal meningitis is spread through the air via respiratory secretions or close contact with an infected person. This can include coughing, sneezing, kissing, or sharing items like utensils, cigarettes, and drinking glasses.

Symptoms often resemble the flu and can include high fever, severe headache, stiff neck, rash, nausea, vomiting, lethargy, and confusion. College students have been found to have an increased risk for Meningococcal meningitis and should consider vaccination to reduce their risk for the disease.

A safe and effective vaccine is available to protect against four of the five most common strains of the disease. The vaccine provides protection for approximately three to five years.

Influenza (flu) is a respiratory illness caused by influenza viruses and can be easily spread to others. Infection with flu viruses can result in illness from mild to severe and may be life threatening. Symptoms of the flu include fever (usually high), headache, dry cough, sore throat, runny or stuffy nose, and muscle aches.

The flu immunization is encouraged since the flu can lead to other problems including pneumonia, and inflammation of the heart or lungs.

Talk with your physician or the local health department or your school nurse for additional information and vaccinations for your child.

## Notice, Reporting and Documentation of Incidents Involving Physical Restraint and Seclusion of Students as Required under G.S. 115C-391.1. and School Board Policy 8452

- (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. (2005-205, s. 2; 2006-264, s. 58.)

## **SPECIAL EDUCATION AND RELATED SERVICES**

The New Hanover County Board of Education has established and maintains a system of special education services for students with disabilities who are eligible for, and in need of, specially designed instruction. These services include specialized programs, personnel, facilities, materials, and equipment needed to promote the individual academic, physical, social, intellectual, and emotional growth of students with disabilities.

The system of special education and related services shall include an affirmative process to locate, identify and evaluate all students with disabilities. Students with mild or moderate disabilities shall be identified using a response to intervention approach, as permitted under applicable statutes and regulations.

Services will be designed to meet the individual needs of students with disabilities whether directly provided by school system employees or through professional services contracts.

To the maximum extent appropriate, opportunities for interaction with the total school environment will be provided to students with disabilities. The system of special education services will conform to state and federal law and regulations and provide an opportunity for a free appropriate public education to students with disabilities.

The Superintendent is responsible for dissemination of procedures that ensure that the school system is compliant with applicable state and federal statutes and regulations.

### **Notice of Rights Under 504 1973 Rehabilitation Act**

1. Section 504 of the 1973 Rehabilitation Act is a non-discrimination statute barring discrimination on the basis of disability.
2. It is the policy of the New Hanover County Schools (NHCS) not to discriminate on the basis of disability in its educational programs, activities or employment policies as required by the Act.
3. The 1973 Rehabilitation Act requires the school system to locate, evaluate and determine if the student is a qualified individual requiring an accommodation necessary to provide access to educational programs. The accommodation will be provided in the least restrictive environment for the student. Accommodations are specified through an Individual Accommodation Plan.
4. Parents are entitled to have the opportunity to review relevant educational records under the Family Education Rights and Privacy Act (FERPA). The requirements are described in the local Board of Education Policy Manual and implementation procedures.

5. Parents or guardians disagreeing with the decisions reached by school personnel regarding necessary accommodations for access to educational programs may submit a written complaint.
6. Compliance with Section 504 is managed by the Special Education and Related Services, which can be contacted by calling 254-4445.

### **Grievance Procedure Section 504 1973 Rehabilitation Act**

When parents or guardians and the school are unable to agree about services proposed under Section 504 of the 1973 Rehabilitation Act, it is expected that the disagreement be resolved at a level closest to the student. The first attempt to reach accord should be through a meeting involving the classroom teacher(s) that serve the student and the principal at the local school level.

If no resolution is reached, the parent or guardian may submit a written complaint. Address the written complaint to New Hanover County Schools, Section 504 Compliance, Special Education and Related Services, 6410 Carolina Beach Road, Wilmington, NC 28412. As a part of the review, the parent or guardian will receive a copy of the Section 504 Grievance Procedure adopted by New Hanover County Schools.

At any point in this grievance procedure, the complainant has the right to file a formal complaint with the Office for Civil Rights, U. S. Department of Education, 330 C St., S. W., Washington, D. C. 20202.

File: 8120

### **STUDENT SCHOOL ASSIGNMENT**

The parent or guardian of any student, or the person standing in loco parentis to any student, who is dissatisfied with the initial assignment made by the New Hanover County Board of Education may, within ten (10) days after notification of the assignment, or the last publication thereof, apply in writing to the Board for the reassignment of the student to a different public school within the New Hanover County School system. Students who are not eligible for reassignment under the Board's Student Assignment Plan may apply to the Superintendent or designee for a transfer pursuant to the Student Assignment Plan.

Any student, who is the victim of a violent criminal offense, as defined in Policy 8122, Persistently Dangerous Schools, committed on the grounds of the public school within the New Hanover County Schools, which he or she attends, shall be allowed a transfer to another school in the system, as determined by the Superintendent or designee, as long as there is another school within the system that offers instruction on the student's grade level. The parent or guardian may apply in writing to the Board for the transfer of the student to a different public school pursuant to this paragraph. In the event of such a transfer, the Board will not provide transportation.

Any student, who accepts an alternative assignment in a school under open enrollment, open choice application, year round, or magnet, is assigned to that school for the entire school year. (See the Student Assignment Plan approved by the Board for definitions @ [www.nhcs.net](http://www.nhcs.net) ). Reassignments or transfers back to the original assigned school are not permitted, except as allowed under the Student Assignment Plan approved by the Board.

Application for reassignment or transfer shall be made on approved forms prescribed by the Superintendent or designee, pursuant to this Policy. If the application for reassignment is disapproved, the Board shall cause notice to be given to the applicant by registered or certified mail, and the applicant may within five (5) days after receipt of such notice apply to the Board for a hearing, and shall be entitled to a prompt and fair hearing on the question of reassignment of such student to a different school. The Board may designate hearing panels composed of not less than two members of the Board to hear such appeals in the name of the Board. The panel's recommendations shall be submitted to the Board for final determination. At the hearing, the Board shall consider the best interest of the student, the orderly and efficient administration of the public schools, the proper administration of the school to which reassignment is requested and the instruction, health and safety of the students there enrolled, and shall assign said student in accordance with such factors. The Board shall render prompt decisions upon the hearing, and notice of the decision shall be given to the applicant by mail, telephone (with written follow up), telefax, e-mail, or any other method reasonably designed to achieve notice.

LEGAL REFS: NCGS §115C 364-370, 20 USC 7912 and State Board of Education Policy HRS – A – 006

CROSS REF: Policy 8122 Persistently Dangerous Schools

Adopted: prior to 1986

Revised: 01/12/88, 07/05/88, 01/08/91, 06/02/92, 06/03/97, 04/06/99, 02/03/03, 08/02/04, 06/04/07, 04/05/11

### **Education for Children and Youth Experiencing Homelessness (Part of No Child Left Behind)**

Public schools are required by law to provide for homeless children, but that does not necessarily mean that they do. Even identifying children and adolescents as homeless can sometimes be difficult. Once identified, children often disappear from the school system.

Congress reauthorized in January, 2002 the McKinney-Vento Homeless Assistance Act, Subtitle VII-B, originally passed in 1987 to help people experiencing homelessness. This federal law includes the Education of Homeless Children and Youth Program that entitle children who are homeless to a free, appropriate public education and requires schools to remove barriers to their enrollment, attendance, and success in school.

This Act protects all students who do not have a fixed, regular and adequate residence, such as students living in the following situations:

- Doubled-up housing with other families or friends due to hardship
- Runaway/homeless youth shelters
- Hotels or motels
- Shelters, including domestic violence shelters
- Transitional housing shelters
- Cars, abandoned or inadequate trailer homes
- Awaiting foster care placement and/or
- Abandoned in a hospital.

Some key provisions in this federal law are listed below:

- Every LEA must designate a homeless education liaison /coordinator to assist families and school personnel in ensuring that students who are homeless can enroll and succeed in school.
- Schools must immediately enroll students experiencing homelessness even if they do not have the following:
  - Proof of residency
  - School and immunization records
  - Birth certificates or other documents
  - If they are not accompanied by an adult.
- The LEA must arrange transportation for students experiencing homelessness even if the student's temporary housing arrangements are out of district.
- Students in homeless situations are automatically eligible for Title I services.
- A student in a homeless situation has the right to stay in his/her school of origin even if he or she moves out of district.
- Students experiencing homelessness are eligible, based on individual need, for services provided to other students such as preschool, free or reduced school meals, services for English language learners, special education, vocational technical education, gifted and talented services, and before and after school care.
- Students in homeless situations are to attend schools with children who are not experiencing homelessness rather than be placed in separate schools because they are homeless.
- Students experiencing homelessness are to have the opportunity to meet the same high academic standards as all students.

If a state or local school district has laws or policies that conflict with the McKinney-Vento Homeless Assistance Act, the Act overrides those laws and policies.

Source: North Carolina Department of Public Instruction

The New Hanover County Schools designated homeless liaison is:

Lisa Burriss  
 910-254-4346  
[Lisa.Burriss@nhcs.net](mailto:Lisa.Burriss@nhcs.net)

**New Hanover County Schools  
Release Form for Students**

Dear Parent/Guardian:

During the current school year, your child's image/photograph or work may be included in a classroom or school project that could be used in one of the following ways:

- as a demonstration project/activity in education workshops/classes/conferences
- as a sample project/activity on CD's created by New Hanover County for use in education workshops and student classrooms
- posted on the school or NHCS web pages on the Internet
- submitted as samples to program publishers or as contest entries to sponsors
- appear on videotape made during a student presentation of their project, or in broadcasts or videotapes demonstrating computer multimedia in general
- videotaped to appear in a school-related program to be used by a local television station or school/county project
- in a printed publication such as a newspaper or magazine

No last name or address will be included with your child's picture when publishing on the Web.

There is no monetary compensation for the use of the work, but it will help many teachers get more use out of their computers, and show other students a good example of what can be done. Please sign the release form below and return this sheet to your child's school. Your permission grants us approval to publicize without prior notification. Thanks!

**Release Form**

\_\_\_\_\_ I/We do give permission for \_\_\_\_\_ 's  
(Child's full name)

image/photograph or work to be used as described above. We are willing to release this into the public domain and understand that no monetary compensation will be given for the use of the materials.

\_\_\_\_\_ I/We do not give permission for \_\_\_\_\_ 's  
(Child's full name)

image/photograph or work to be used as described above.

Parent/Guardian's Name(s) \_\_\_\_\_

Parent/Guardian's Signature(s) \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Date \_\_\_\_\_

Please return this form to your child's teacher.

Thank you for allowing your child to participate!

School \_\_\_\_\_ School Year: 200\_\_\_\_ - 200\_\_\_\_ Teacher \_\_\_\_\_

### INSTRUCTIONAL MEDIA SELECTION: SELECTION/APPEALS

Each school shall have a school-based Media and Technology Advisory Committee. This committee and its chairperson shall be appointed by the Principal and shall include teachers representing all subject areas and/or grade levels, parents and community representatives. This committee sets priorities for acquiring instructional materials based on school wide objectives. Additionally, this committee shall hear challenges of instructional materials which originate from parents, teachers, and members of the public to textbooks and supplementary instructional materials on the grounds that they are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students.

In addition to the school-based Media and Technology Advisory Committee, there shall be a system wide Media and Technology Advisory Committee appointed by the Superintendent of the New Hanover County Schools, as the need arises. Under the leadership of the committee chairperson, appointed by the Superintendent, this group is responsible for reviewing school level decisions regarding challenged instructional materials.

The system-wide Media and Technology Advisory Committee shall include the following:

- the Superintendent or designee
- the media contact person or designee
- a media coordinator from each level of schools in the system
- a principal from each level of schools in the system
- a teacher from each level of schools in the system
- a parent community member from each level of schools in the system
- a parent from the school from which the challenge originates
- at least one high school student.

Challenges to instructional materials shall be made in writing to the Principal of the school. If a written challenge is made, the following procedures shall be observed:

1. Within three school days of receiving the written challenge, the Principal shall:
  - a. provide to the complainant copies of the applicable selection and review procedures, this policy and the complaint form, and
  - b. notify the complainant in writing that the complainant must complete the complaint form and return it to the Principal within three school days of the complainant's receipt of the form. The failure of the complainant to complete and return the form to the Principal within the required time shall result in a denial of the challenge.
2. Within three school days of receiving the timely completed complaint form, the Principal shall:
  - a. convene the school based Media and Technology Advisory Committee and its chairperson, and
  - b. submit the complaint form to the chairperson.
3. If the challenged material has been checked out from the school by the complainant, the material must be returned to the school before the appeal will be considered.
4. Within ten school days of the chairperson's receipt of the completed complaint form, the school based Media and Technology Advisory Committee shall:
  - a. meet and examine the item and objection
  - b. survey reviews of the item in professional reviewing sources
  - c. determine the extent to which the item supports the curriculum
  - d. weigh the merits against alleged weakness, considering the whole item instead of isolated passages
  - e. discuss the item, prepare a written report of the findings and decision of the Committee and mail or deliver a copy of the report to the complainant and to the Principal. The Committee's decision shall be by majority of those members present and voting. (Possible outcomes include but are not limited to taking no action, removing the material from all schools, placing the material at another school level, or regulating its availability or assignment).
5. If either the complainant or the Principal is not satisfied with the decision of the school-based Media and Technology Advisory Committee, the complainant or Principal may appeal the decision to the system-wide Media and Technology Advisory Committee by filing a written Request for Reconsideration with the Superintendent within ten school days after receiving written notification of the decision. The Principal shall make the appropriate Request for Reconsideration form available to the complainant upon request. The failure of a complainant to submit the appropriate form within the required time shall result in a waiver of the complainant's right to reconsideration of the decision.

6. Within ten school days of the Superintendent's receipt of the Request for Reconsideration form, the Superintendent shall appoint a representative group from the system-wide Media and Technology Advisory Committee including its chairperson.
7. Within ten school days of being appointed, the system wide Media and Technology Advisory Committee shall convene a meeting and shall:
  - a. review the challenged material,
  - b. survey appraisals of the materials in professional reviewing sources,
  - c. weigh the value of the material as a whole and not just on passages isolated from context,
  - d. reach consensus by majority vote of those members present and voting, and
  - e. prepare and submit written findings and a recommendation to the Superintendent.
8. Within ten school days of receiving the findings and recommendation from the system wide Media and Technology Advisory Committee, the Superintendent shall review the recommendations of that Committee and all written materials considered by that Committee, and other information the Superintendent deems relevant and shall render a written decision to the complainant and to the Principal.
9. Within five school days of receiving the Superintendent's written decision, the complainant may submit a written appeal of the Superintendent's decision to the Board of Education. The Superintendent shall provide an appropriate appeal form to the complainant upon request. The failure of the complainant to submit the written appeal within the required time shall result in a waiver of the complainant's appeal rights.
10. Within a reasonable time (as determined in the sole discretion of the Board), after receiving a timely written appeal of the Superintendent's decision, the Board shall convene a meeting to consider the appeal. The Board has final authority and discretion to determine whether a challenge has merit and whether challenged material should be retained, removed from the New Hanover County Schools entirely, whether it should be removed to another school level, or whether its availability should be restricted. The Board shall have the authority to determine the procedures to be followed for such appeals including the authority to determine the manner in which the evidence will be presented, whether by written documentation only or live witness testimony, whether to allow the complainant or others to make oral statements, the length of the hearing and other procedural matters.
11. The Board, on its own initiative, and at any time, may review and reverse or modify decision of the Superintendent which is in favor of a complainant, under this policy.
12. In the event that copies of the challenged materials are difficult or unreasonably expensive to obtain for the members of the Committees who are reviewing the materials, the Chairpersons of such Committees may extend the required time for the Committees to meet and to render their written decisions or recommendations.

Approved: 02/05/91  
Revised: 08/04/91  
Revised: 03/06/01  
Revised: 06/13/04  
Revised: 10/04/04  
Revised: 07/07/08

## EQUAL EDUCATIONAL OPPORTUNITIES

Every student in the New Hanover County Schools has equal educational opportunities regardless of race, color, creed, gender, national origin, or disability, as required by law.

Furthermore, no student, on the basis of race, color, creed, gender, national origin or disability, is to be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any educational program or activity conducted by the school system, except as allowed by law.

More specifically, as prescribed by legal requirements, the school system treats its students without discrimination on the basis of race, color, creed, gender, national origin, or disability as this pertains to access to and participation in services, course offerings, athletics, counseling, employment assistance and extracurricular activities.

As may be required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Reauthorization Act of 2009, students with disabilities, whose disability substantially limits a major life activity, will be provided with reasonable and appropriate accommodations to access educational programs and services.

As set forth in the Individuals with Disabilities Education Improvement Act of 2004, students with disabilities who require specially designed instruction have certain rights including a free appropriate public education in the least restrictive environment and procedural safeguard rights.

LEGAL REFS: Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Individuals with Disabilities Education Improvement Act of 2004, Americans with Disabilities Reauthorization Act of 2009, and their implementing regulations, all as amended.

CROSS REF: Policy 6020 Equal Opportunity Employment

Adopted: 04/14/87

Revised: 12/01/02, 01/05/93, 02/02/03, 04/05/11

## Rights Under Student Discipline

### Investigation by the Principal

In dealing with alleged misconduct, the Principal shall investigate and hear all available accounts of it (or a representative sample of accounts), including written accounts whenever possible. The student shall be given an informal hearing with the Principal as set forth in Section II.D.3. below. The student shall be encouraged to raise any defense he or she thinks relevant. If the student requests that other witnesses be questioned, the Principal should talk to them if reasonably possible. If the student makes a reasonable claim of other defensive matter, which, if true, would free him or her from blame but which is not immediately available, the Principal may postpone disciplinary action for a reasonable time until such evidence may be presented.

Most disciplinary matters and student misconduct can be handled without resorting to suspensions or Expulsions. However, in those discipline matters where Short-term Suspensions are warranted, the Principal shall follow the procedures outlined below:

1. The Principal shall have the authority to suspend for a period of ten (10) school days or less any student who willfully (see Section III.H. of this Policy) violates this Policy as set forth in Section III of this Policy, provided that a student who receives a Short-term Suspension shall be provided the opportunity to take textbooks home for the duration of the suspension; upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment; and the opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.
2. In the case of a Short-term Suspension, any request for a make-up test must be made within five (5) days of the student's return and all make-up class work is the responsibility of the student.
3. When suspending a student for any period of time, the Principal shall:
  - a. Provide the student with an opportunity for an informal hearing with the Principal except as provided in Section II.D.4 below on emergency suspensions. The informal hearing consists of a face to face meeting. The student has the right to be present at such informal hearing but does not have the right to have a Parent or other representative present.
  - b. Give to the student involved written or oral notice of what the student is accused of doing and the basis of the accusation; and if the student denies the accusation, an opportunity to explain his/her version of the facts and to hear from persons whom the student claims can speak on his/her behalf. If the student reasonably claims the need for additional time to present such persons, the Principal may postpone action for a reasonable time.
  - c. Provide notice to the student's Parent of any Short-term Suspension, including the reason for the suspension and a description of the alleged conduct upon which the suspension is based. The notice shall be given by the end of the workday during which the suspension is imposed when reasonably possible, but in no event more than **two (2) days** after the suspension is imposed. The notice shall be given by certified mail, telephone, facsimile, e-mail, or any other method reasonably designed to achieve actual notice. In those instances where reasonable efforts do not result in contact with the Parents, a record of all efforts to make contact shall be kept. A student shall not be suspended prior to the end of the regular school day when reasonable efforts to

- contact the Parents fail, except when an emergency suspension under the provisions of Subsection II.D.4 is warranted. If English is the second language of the Parent, the notice shall be provided in the Parent's primary language, when the appropriate foreign language services are readily available, and in English. Both versions shall be in plain language and easily understandable.
- d. Inform the Parents, in the written notice of suspension, of their right to have a conference regarding such suspension with the Principal, at which time they shall have the right, if desired, to bring someone to assist them. Such informal conference, if requested, should be held as soon as practical. However, the suspension need not be delayed by the request for such a conference.
  - e. Forward promptly to the Superintendent a copy of the notice of suspension and the reason for such suspensions.

#### Emergency Suspensions

The Principal may impose a Short-term Suspension without providing the student an opportunity for an informal hearing if the presence of the student creates a direct and immediate threat to the safety of other students or staff, or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the notice of the charges and informal hearing described in Subsection II.D.3.a. of this Policy shall occur as soon as practicable.

File: 9510

### **PARENT/PUBLIC COMPLAINTS**

Open and effective channels of communication among parents, the public, employees and the New Hanover County Board of Education are expectations of the Board. Constructive criticism of the schools will be welcomed by the Board when it is motivated by a sincere desire to improve the quality of the educational program or to equip the schools to do their tasks more effectively.

The Board recognizes, however, that situations may arise in the operation of the New Hanover County Schools which are of particular concern to parents or the public. The Board believes that complaints should be handled as close to their origin as possible and resolved by the individuals closest to the complaint. If the situation cannot be resolved at this level, then procedures may continue through channels to the Superintendent or designee. It is the intent of this Policy to provide the means for resolving each parent/public complaint in a fair and impartial manner and to seek remedies where appropriate.

Parents and the public may always bring their concerns/complaints to the Board or any Board member by written correspondence; however, they will be referred through the proper administrative channels for resolution. Also, concerns/complaints about specific employees will not be allowed in open sessions of Board meetings. Retaliation in any form shall not be taken by any employee or by the Board against students because of complaints. Parents and the public shall be aware that many complaints are considered public records and could be disclosed to the media and the public.

#### Procedures:

1. Persons with complaints against an employee shall discuss and attempt to resolve the problem directly with that employee.
2. If discussion with the employee does not resolve the problem, the complainant shall discuss and attempt to resolve the problem with the principal or the employee's immediate supervisor.
3. Procedures 1 and 2 must be completed before complaints are brought to the level of the Superintendent's office. Complaints must be in writing and must include the specific complaints or charges to be considered as well as the remedy that is desired. An administrative form is available for this procedure on the New Hanover County Schools' website, [www.nhcs.net](http://www.nhcs.net). A copy of the written complaint will be provided to the employee/principal. The written complaint must be submitted before any action is taken by the Superintendent's or designee's office.

This Policy shall not apply to employee grievances. These are addressed in Policy 6450, Grievance Procedure for Employees.

CROSS REF: Policy 6450 Grievance Procedure of Employees

Approved: 03/02/93

Revised: 11/01/94, 07/13/04, 04/05/11



Reach, Equip, Achieve

**Parent/Public Concerns**

In compliance with New Hanover County Schools Board Policy File: 9510- The Board believes that complaints should be handled as close to their origin as possible and resolved by the individuals closest to the complaint. If the situation cannot be resolved at this level, then procedures may continue through channels to the superintendent or designee.

To: Superintendent or Designee

From: \_\_\_\_\_

Name

Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Home Phone \_\_\_\_\_

Work/Other Phone \_\_\_\_\_

*I have talked with the employee and/or the employee's immediate supervisor.*

Name of student \_\_\_\_\_ School \_\_\_\_\_

Date of incident \_\_\_\_\_

Employee(s) with whom you spoke with/date(s): \_\_\_\_\_

Nature of Problem:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Results or Attempts to Resolve Problem: Attempts must be made to resolve this problem at the school prior to filing this complaint.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Further Action Desired:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

## Title IX Nondiscrimination Statement

In compliance with federal law, including the provisions of Title IX of the Education Amendments of 1972, N. C. Public Schools administers all state-operated educational programs, employment activities, and admissions without discrimination because of race, religion, national, or ethnic origin, color, age, military service, disability, or gender, except where exemption is appropriate and allowed by law.

Inquiries or complaints should be directed to:

Dr. Rick Holliday, Assistant Superintendent  
Student Support Services and Federal Programs  
6410 Carolina Beach Rd.  
Wilmington, NC 28412

Phone: (910) 254-4206

Fax: (910) 254-4352