

1 All student records must be current and maintained with appropriate measures of security and
2 confidentiality. The principal is responsible for complying with all legal requirements pertaining
3 to the maintenance, review, and release of records retained at the school.

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5 **A. ANNUAL NOTIFICATION OF RIGHTS**

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7 The superintendent or designee shall provide eligible students and parents with annual
8 notification of their rights under the Family Educational Rights and Privacy Act
9 (FERPA). The notice must contain all information required by federal law and
10 regulations, including the following:

- 11
12 1. the right to inspect and review the student's educational records and the procedure
13 for exercising this right;
- 14
15 2. the right to request amendment of the student's educational records that the parent
16 or eligible student believes to be inaccurate, misleading, or in violation of the
17 student's privacy rights; and the procedure for exercising this right;
- 18
19 3. the right to consent to disclosures of personally identifiable information contained
20 in the student's education records, except to the extent that FERPA authorizes
21 disclosure without consent;
- 22
23 4. the type of information designated as directory information and the right to opt
24 out of release of directory information;
- 25
26 5. that the school system releases records to other institutions that have requested the
27 information and in which the student seeks or intends to enroll;
- 28
29 6. the right to opt out of releasing the student's name, address, and phone number to
30 military recruiters or institutions of higher education that request such
31 information;
- 32
33 7. a specification of the criteria for determining who constitutes a school official and
34 what constitutes a legitimate educational interest if a school official discloses or
35 intends to disclose personally identifiable information to school officials without
36 consent;
- 37
38 8. notification if the school system uses contractors, consultants, volunteers, or
39 similar persons as school officials to perform certain school system services and
40 functions that it would otherwise perform itself; and
- 41
42 9. the right to file complaints with the Family Policy Compliance Office in the U.S.
43 Department of Education.
- 44

School officials are not required to individually notify parents or eligible students of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Effective notice must be provided to parents or eligible students with disabilities or those whose primary or home language is not English.

B. DEFINITION OF PARENT AND ELIGIBLE STUDENT

1. Parent

For purposes of this policy, the term “parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. If the parents of a student are separated or divorced, both parents have the right to access the student’s records as provided in this policy, unless the school system has been provided with evidence that there is a court order, state statute, or other legally binding document that specifically revokes these rights.

2. Eligible Student

For purposes of this policy, an eligible student is a student who has reached 18 years of age or is attending an institution of postsecondary education. The rights afforded to parents under this policy transfer to an eligible student. However, parents may still have access to the records as long as the student is claimed as a dependent by the parent for federal income tax purposes. An eligible student who desires to prevent access to records by his or her parents must furnish to the principal information verifying that the student is not a dependent of his or her parents. If a parent of a student who is at least 18 and no longer attending a school within the system wishes to inspect and review the student’s records, he or she must provide information verifying that the student is a dependent for federal income tax purposes.

A student under age 18 may have access to student records only upon the consent of his or her parents.

C. CLASSIFICATION AND MAINTENANCE OF RECORDS

Information about students that is collected and stored by school personnel may be separated into several categories, including, but not limited to, the following records.

1. Cumulative Records

The cumulative record is the official record for each student. The cumulative record includes student identification information, such as the student’s name, address (or a homeless student’s living situation), sex, race, birthplace, and birth date; family data including the parents’ names, addresses, work and home

89 telephone numbers, and places of employment; academic work completed;
90 grades; standardized test scores; health screenings and immunization
91 documentation; attendance records; withdrawal and reentry records; discipline
92 records; honors and activities; class rank; date of graduation; and follow-up
93 records.

94
95 **2. Discipline Records**

96
97 Student discipline records are part of the student's official record and must be
98 maintained and reviewed pursuant to policy 4345, Student Discipline Records.
99 Discipline records must be expunged and forwarded pursuant to the requirements
100 of law and the procedures of policy 4345.

101
102 **3. Records of Students with Disabilities**

103
104 Students with recognized disabilities must be accorded all rights in regard to their
105 records as provided by state and federal law, including the Individuals with
106 Disabilities Education Act and policy 3520, Special Education Programs/Rights
107 of Students with Disabilities. Records for a student identified as a student with a
108 disability are considered part of the student's official records and must be
109 maintained in accordance with all appropriate federal and state regulations.
110 Access to these records will be restricted to personnel having specific
111 responsibility in this area. A list of all approved personnel having access to these
112 restricted files will be updated as needed, and a current, dated list will be posted
113 in the student records location.

114
115 **4. Records Received from the Department of Social Services**

116
117 The Department of Social Services may disclose confidential information to the
118 school system in order to protect a juvenile from abuse or neglect. Any
119 confidential information disclosed under these circumstances must remain
120 confidential and may only be redisclosed for purposes directly connected with
121 carrying out the school system's mandated educational responsibilities.

122
123 **5. Juvenile Records**

124
125 Juvenile records include documentation or information regarding students who
126 are under the jurisdiction of the juvenile court. These records may be received
127 from local law enforcement and/or other local agencies authorized to share
128 information concerning juveniles in accordance with G.S. 7B-3100. These
129 records also may include notice from the sheriff to the board that a student has
130 been required to register with the sheriff because the student has been found to be
131 a danger to the community under G.S. Chapter 14, Part 4. Such documents must
132 not be a part of a student's official records but must be maintained by the

133 principal in a safe, locked storage area that is separate from the student's other
134 records. The principal shall not make a copy of such documents under any
135 circumstances.

136
137 Juvenile records will be used only to protect the safety of or to improve the
138 educational opportunities for the student or others. The principal may share
139 juvenile records with individuals who have (a) direct guidance, teaching, or
140 supervisory responsibility for the student and (b) a specific need to know in order
141 to protect the safety of the student and others. Persons provided access to juvenile
142 records must indicate in writing that they have read the document(s) and agree to
143 maintain confidentiality of the records.

144
145 The principal or designee must destroy juvenile documents if he or she receives
146 notification that a court no longer has jurisdiction over the student or if the court
147 grants the student's petition for expunction of the records. The principal or
148 designee shall destroy all other information received from an examination of
149 juvenile records when he or she finds that the information is no longer needed to
150 protect the safety of or to improve the educational opportunities for the student or
151 others. If the student graduates, withdraws from school, transfers to another
152 school, is suspended for the remainder of the school year, or is expelled, the
153 principal shall return all documents not destroyed to the juvenile court counselor.
154 If the student is transferring, the principal shall provide the juvenile court
155 counselor with the name and address of the school to which the student is
156 transferring.

157
158 **6. Other Student Records**

159
160 School system personnel may also keep other student records but must review
161 such records annually and destroy them when their usefulness is no longer
162 apparent or when the student leaves the school system.

163
164 **7. Sole Possession, Employment, and Law Enforcement Records**

165
166 Student records do not include, and release of information under this policy does
167 not apply to:

168
169 a. records made by teachers, counselors, and administrators that are in the
170 sole possession of the maker thereof and that are not accessible or revealed
171 to any other person except a substitute;

172
173 b. employment records of student employees if those records relate
174 exclusively to the student in his or her capacity as an employee and are not
175 made available for any other use; and
176

177 c. records created by a law enforcement unit of the school system if created
178 for a law enforcement purpose and maintained solely by the law
179 enforcement unit of the school system. This does not include information
180 obtained from the student's confidential file or other educational records
181 that is contained in a law enforcement record.
182

183 **D. RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS**
184 **CONFIDENTIALITY PROGRAM**
185

186 Students or parents enrolled in the North Carolina Address Confidentiality Program
187 (NCACP) must provide a valid NCACP authorization card to the school principal if they
188 wish to keep their home address confidential. The school system will maintain a
189 confidential record of the actual home address for admission and assignment purposes
190 only and will not release that address except as provided by law. With the exception of
191 such specially-maintained records, student records will include only the substitute
192 address provided by the NCACP and not the actual home address of any students or
193 parents for whom a valid NCACP authorization card is on file.
194

195 When transferring the record of a student participating in the North Carolina Address
196 Confidentiality Program to a school outside of the system, the transferring school may
197 send the files to the Address Confidentiality Program participant (parent or guardian) via
198 the substitute address provided by the Address Confidentiality Program.
199

200 **E. RECORDS OF MISSING CHILDREN**
201

202 Upon notification by a law enforcement agency or the North Carolina Center for Missing
203 Persons of the disappearance of a child who is currently or was previously enrolled in the
204 school, school officials shall flag the record of that child. If the missing child's record is
205 requested by another school system, the principal shall provide notice of the request to
206 the superintendent and the agency that notified the school that the child was missing. The
207 principal shall provide the agency with a copy of any written request for information
208 concerning the missing child's record.
209

210 Any information received indicating that a student transferring into the system is a
211 missing child must be reported promptly to the superintendent and the North Carolina
212 Center for Missing Persons.
213

214 **F. RECORDS OF MILITARY CHILDREN**
215

216 School administrators shall comply with any regulations pertaining to the records of
217 military children developed by the Interstate Commission on Educational Opportunity for
218 Military Children.
219

220 In addition, children of military families, as defined by policy 4050, Children of Military
221 Families, are entitled to the following.

222
223 **1. For Students Leaving the School System**

224
225 In the event that official education records cannot be released to the parents of
226 military children who are transferring away from the school system, the custodian
227 of records shall prepare and furnish to the parent a complete set of unofficial
228 education records containing uniform information as determined by the Interstate
229 Commission.

230
231 When a request for a student's official record is received from the student's new
232 school, school officials shall process and furnish the official records to the
233 student's new school within 10 days or within such time as is reasonably
234 determined by the Interstate Commission.

235
236 **2. For Students Enrolling in the School System**

237
238 Upon receiving an unofficial education record from the student's previous school,
239 school administrators shall enroll the student and place him or her in classes as
240 quickly as possible based on the information in the unofficial records, pending
241 validation by the official records.

242
243 Simultaneous with the enrollment and conditional placement of the student,
244 school administrators shall request the student's official record from his or her
245 previous school.

246
247 **G. REVIEW, RELEASE OF RECORDS TO PARENT OR ELIGIBLE STUDENT**

248
249 A parent or eligible student may access the student's records upon proper request. The
250 principal or guidance office personnel of the student's school shall schedule an
251 appointment as soon as possible but no later than 45 days after the request by the parent
252 or eligible student. The parent or eligible student may formally review the student's
253 complete records only in the presence of the principal or a designee competent to explain
254 the records. School personnel shall not destroy any educational records if there is an
255 outstanding request to inspect or review the records.

256
257 A parent or eligible student has the right to challenge an item in the student record
258 believed to be inaccurate, misleading, or otherwise in violation of the student's privacy
259 rights. The principal shall examine a request to amend a student record item and respond
260 in writing to the person who challenges the item. Subsequent steps, if necessary, will
261 follow the student grievance procedures as provided in policy 1740/4010, Student and
262 Parent Grievance Procedure. If the final decision is that the information in the record is
263 not inaccurate, misleading, or otherwise in violation of the privacy rights of the student,

264 the principal shall inform the parent or eligible student of the right to place a statement in
265 the record commenting on the contested information in the record or stating why he or
266 she disagrees with the decision of the school system.
267

268 **H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS**

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270 Before releasing or disclosing records as permitted by law, school officials shall use
271 reasonable methods to identify and authenticate the identity of the party to whom the
272 records are disclosed.
273

274 **1. Release/Disclosure with Parental Consent**

275

276 School officials shall obtain written permission from a parent or eligible student
277 before releasing or disclosing student records that contain personally identifiable
278 information, except in circumstances where the school system is authorized by
279 law to release the records without such permission. The written permission must
280 specify the records to be released, the purpose of the release, and the party(ies) to
281 whom they are to be released.
282

283 **2. Release/Disclosure without Parental Consent**

284

285 School system officials shall promptly release student records when a student
286 transfers to another school. The records custodian may release or disclose records
287 with personally identifiable information without parental permission to the extent
288 permitted by law, including to other school officials who have a legitimate
289 educational interest in the records.
290

291 Personally identifiable information from a student's record may be released or
292 disclosed to someone other than a parent or eligible student without prior written
293 consent of the parent or eligible student only as specifically provided by federal
294 law. Except as otherwise permitted by federal law, when personally identifiable
295 information from a student's record is released or disclosed to someone other than
296 a parent or eligible student without their written consent, the party to whom the
297 information is released must agree not to disclose the information to any other
298 party without the prior written consent of the parent or eligible student.
299

300 The superintendent shall employ reasonable methods to ensure that teachers and
301 other school officials obtain access only to those educational records in which
302 they have legitimate educational interests.
303

304 **3. Release of Directory Information**

305

306 Permission of the parent or eligible student is not required for the release of
307 information that is designated as directory information by the Transylvania

- 308 County Board of Education (the “board”), provided that the parent or eligible
309 student has been given proper notice and an opportunity to opt out. (See policy
310 1310/4002, Parental Involvement.)
311
- 312 a. The board designates the following student record information as directory
313 information:
314
- 315 (1) name;
 - 316
 - 317 (2) address;
 - 318
 - 319 (3) telephone listing;
 - 320
 - 321 (4) electronic mail address;
 - 322
 - 323 (5) photograph;
 - 324
 - 325 (6) date and place of birth;
 - 326
 - 327 (7) participation in officially recognized activities and sports;
 - 328
 - 329 (8) weight and height of members of athletic teams;
 - 330
 - 331 (9) dates of attendance;
 - 332
 - 333 (10) grade level;
 - 334
 - 335 (11) diplomas (including endorsements earned), industry credentials/
336 certifications, and awards received; and
337
 - 338 (12) most recent previous school or education institution attended by
339 the student.
340
- 341 b. The telephone number and actual address of a student who is or whose
342 parent is a participant in the North Carolina Address Confidentiality
343 Program is not considered directory information and will not be released
344 except as required by law.
345
- 346 c. Information about a homeless student’s living situation is not considered
347 directory information and will not be released.
348
- 349 d. As required by law, the names, addresses, and telephone numbers of
350 secondary school students shall be released, upon request, to military
351 recruiters or institutions of higher learning, whether or not such

352 information is designated directory information by the school system.
353 Students or their parents, however, may request that the student's name,
354 address, and telephone number not be released without prior written
355 parental consent. School officials shall notify parents of the option to
356 make a request and shall comply with any requests made.

357
358 e. All requests for directory information must be submitted to the
359 superintendent or designee for approval. The superintendent is directed to
360 establish regulations regarding the release of directory information. At a
361 minimum, the regulations must:

362
363 (1) specify the types of organizations that are eligible to receive
364 directory information and for what purposes;

365
366 (2) provide for equal disclosure to organizations that are similar in
367 purpose; and

368
369 (3) authorize access to directory information to recruiters of military
370 forces of the state or United States for the purpose of informing
371 students of educational and career opportunities available in the
372 military to the same extent that such information is made available
373 to persons or organizations that inform students of occupational or
374 educational options.

375
376 4. **Records of Students with Disabilities**

377
378 Students with recognized disabilities must be accorded all rights in regard to their
379 records as provided by state and federal law, including the Individuals with
380 Disabilities Education Act.

381
382 5. **Disclosure of De-Identified Information**

383
384 Education records may be released without consent of the parent or eligible
385 student if all personally identifiable information has been removed. Personally
386 identifiable information includes both direct and indirect identifiers that, alone or
387 in combination, would allow a reasonable person in the school community, who
388 does not have personal knowledge of the relevant circumstances, to identify the
389 student with reasonable certainty.

390
391 Unless specifically permitted by law, records that have been de-identified must
392 not be released without the consent of the parent or eligible student if school
393 officials reasonably believe that the person requesting the information knows the
394 identity of the student to whom the education record relates.
395

I. WITHHOLDING RECORDS

School system administrators shall not withhold records upon a valid request by a parent, eligible student, or school to which the student is transferring for any reason, including in order to collect fines assessed to the parent or student.

J. RECORD OF ACCESS AND DISCLOSURE

The principal or designee shall maintain a record in each student's file indicating all persons who have requested or received personally identifiable information from a student's record and the legitimate reason(s) for requesting or obtaining the information. This requirement does not apply to requests by or disclosure to parents, eligible students, school officials, parties seeking directory information, a party seeking or receiving the records under a court order or subpoena that prohibits disclosure, or those individuals with written parental consent.

K. DESTRUCTION OF STUDENT RECORDS

School officials shall only destroy student records in accordance with state and federal law and the *Records Retention and Disposition Schedule for Local Education Agencies*. After notifying parents, school officials may destroy student records when the records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials must destroy student records if the parent or eligible student requests their destruction and if such records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

L. LONGITUDINAL DATA SYSTEM

School system administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer designated student record data to the system in accordance with the NCLDS data security and safeguarding plan and all other requirements of state law, provided that doing so does not conflict with the requirements of FERPA.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 7908; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; G.S. 7B-302, -3100; 14-208.29; 115C-47(26), -109.3, -402, -403, -407.5; 116E-6; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at <https://archives.ncdcr.gov/government/retention-schedules/local-government->

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440 ~~Schedules~~

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442 Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance
443 Procedure (policy 1740/4010), Special Education Programs/Rights of Students with Disabilities
444 (policy 3520), Children of Military Families (policy 4050), Homeless Students (policy 4125),
445 North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action
446 for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records
447 (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys
448 of Students (policy 4720), Public Records – Retention, Release, and Disposition (policy
449 5070/7350)

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