

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 student records retained at the school. For purposes of  
4 this policy, “student records” or “student education records” are those records, files, documents,  
5 and other materials that contain information directly related to the student that are maintained by  
6 the school system or by a party acting for the school system.

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8 **A. ANNUAL NOTIFICATION OF RIGHTS**  
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10 The superintendent or designee shall provide eligible students and parents with annual  
11 notification of their rights under the Family Educational Rights and Privacy Act  
12 (FERPA). The notice must contain all information required by federal law and  
13 regulations, including the following:

- 14  
15 1. the right to inspect and review the student’s education records and the procedure  
16 for exercising this right;
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18 2. the right to request amendment of the student’s education records that the parent  
19 or eligible student believes to be inaccurate, misleading, or in violation of the  
20 student’s privacy rights; and the procedure for exercising this right;
- 21  
22 3. the right to consent to disclosures of personally identifiable information contained  
23 in the student’s education records, except to the extent that FERPA authorizes  
24 disclosure without consent;
- 25  
26 4. the type of information designated as directory information and the right to opt  
27 out of release of directory information;
- 28  
29 5. that the school system releases records to other institutions that have requested the  
30 information and in which the student seeks or intends to enroll;
- 31  
32 6. the right to opt out of releasing the student’s name, address, and phone number to  
33 military recruiters or institutions of higher education that request such  
34 information;
- 35  
36 7. a specification of the criteria for determining who constitutes a school official and  
37 what constitutes a legitimate educational interest if a school official discloses or  
38 intends to disclose personally identifiable information to school officials without  
39 consent;
- 40  
41 8. notification if the school system uses contractors, consultants, volunteers, or  
42 similar persons as school officials to perform certain school system services and  
43 functions that it would otherwise perform itself; and  
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- 45 9. the right to file complaints with the Family Policy Compliance Office in the U.S.  
46 Department of Education.  
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48 School officials are not required to individually notify parents or eligible students of their  
49 rights but must provide the notice in a manner reasonably likely to inform the parents and  
50 eligible students of their rights. Effective notice must be provided to parents or eligible  
51 students with disabilities or those whose primary or home language is not English.  
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## 53 B. DEFINITION OF PARENT AND ELIGIBLE STUDENT

### 54 1. Parent

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

64 For purposes of this policy, an eligible student is a student who has reached 18  
65 years of age or is attending an institution of postsecondary education. The rights  
66 afforded to parents under this policy transfer to an eligible student. However,  
67 parents may still have access to the records as long as the student is claimed as a  
68 dependent by the parent for federal income tax purposes. An eligible student who  
69 desires to prevent access to records by his or her parents must furnish to the  
70 principal information verifying that the student is not a dependent of his or her  
71 parents. If a parent of a student who is at least 18 and no longer attending a  
72 school within the system wishes to inspect and review the student’s records, he or  
73 she must provide information verifying that the student is a dependent for federal  
74 income tax purposes.  
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77 A student under age 18 may have access to student records only upon the consent  
78 of his or her parents.  
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## 80 C. CLASSIFICATION AND MAINTENANCE OF RECORDS

### 81 1. Student Education Records

82 ~~Information about students that is collected and stored by school personnel~~  
83 **Student education records** may be separated into several categories, including, but  
84 not limited to, the following records.  
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- a. 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 telephone numbers, and places of employment; academic work completed; grades; standardized test scores; health screenings and immunization documentation; attendance records; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.
  - b. Discipline Records  

Student discipline records are part of the student's official record and must be maintained and reviewed pursuant to policy 4345, Student Discipline Records. Discipline records must be expunged and forwarded pursuant to the requirements of law and the procedures of policy 4345.
  - c. Records of Students with Disabilities  

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

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

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134 Juvenile records include documentation or information regarding students  
135 who are under the jurisdiction of the juvenile court. These records may be  
136 received from local law enforcement and/or other local agencies  
137 authorized to share information concerning juveniles in accordance with  
138 G.S. 7B-3100. These records also may include notice from the sheriff to  
139 the board that a student has been required to register with the sheriff  
140 because the student has been found to be a danger to the community under  
141 G.S. Chapter 14, Part 4. Such documents must not be a part of a student's  
142 official records but must be maintained by the principal in a safe, locked  
143 storage area that is separate from the student's other records. The  
144 principal shall not make a copy of such documents under any  
145 circumstances.

146  
147 Juvenile records will be used only to protect the safety of or to improve  
148 the educational opportunities for the student or others. The principal may  
149 share juvenile records with individuals who have (a) direct guidance,  
150 teaching, or supervisory responsibility for the student and (b) a specific  
151 need to know in order to protect the safety of the student and others.  
152 Persons provided access to juvenile records must indicate in writing that  
153 they have read the document(s) and agree to maintain confidentiality of  
154 the records.

155  
156 The principal or designee must destroy juvenile documents if he or she  
157 receives notification that a court no longer has jurisdiction over the student  
158 or if the court grants the student's petition for expunction of the records.  
159 The principal or designee shall destroy all other information received from  
160 an examination of juvenile records when he or she finds that the  
161 information is no longer needed to protect the safety of or to improve the  
162 educational opportunities for the student or others. If the student  
163 graduates, withdraws from school, transfers to another school, is  
164 suspended for the remainder of the school year, or is expelled, the  
165 principal shall return all documents not destroyed to the juvenile court  
166 counselor. If the student is transferring, the principal shall provide the  
167 juvenile court counselor with the name and address of the school to which  
168 the student is transferring.

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170 f. Other Student Records

171  
172 School system personnel may also keep other student records but must  
173 review such records annually and destroy them when their usefulness is no  
174 longer apparent or when the student leaves the school system.

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178 2. **Records Not Considered Education Records (Sole Possession, Employment,**  
179 **and Law Enforcement Records)**  
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181 Student **education** records do not include, and release of information under this  
182 policy does not apply to:

- 183  
184 a. records made by teachers, counselors, and administrators that are in the  
185 sole possession of the maker thereof and that are not accessible or revealed  
186 to any other person except a substitute;  
187  
188 b. employment records of student employees if those records relate  
189 exclusively to the student in his or her capacity as an employee and are not  
190 made available for any other use; and  
191  
192 c. records created by a law enforcement unit of the school system if created  
193 for a law enforcement purpose and maintained solely by the law  
194 enforcement unit of the school system. **However, a law enforcement**  
195 **record containing** ~~This does not include~~ information **that was** obtained  
196 **from the a student's confidential file or other educational records must be**  
197 **treated as an education record and may be released only in accordance**  
198 **with this policy** ~~that is contained in a law enforcement record.~~  
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200 **D. RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS**  
201 **CONFIDENTIALITY PROGRAM**  
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203 Students or parents enrolled in the North Carolina Address Confidentiality Program  
204 (NCACP) must provide a valid NCACP authorization card to the school principal if they  
205 wish to keep their home address confidential. The school system will maintain a  
206 confidential record of the actual home address for admission and assignment purposes  
207 only and will not release that address except as provided by law. With the exception of  
208 such specially-maintained records, student records will include only the substitute  
209 address provided by the NCACP and not the actual home address of any students or  
210 parents for whom a valid NCACP authorization card is on file.

211  
212 When transferring the record of a student participating in the North Carolina Address  
213 Confidentiality Program to a school outside of the system, the transferring school may  
214 send the files to the Address Confidentiality Program participant (parent or guardian) via  
215 the substitute address provided by the Address Confidentiality Program.  
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217 **E. RECORDS OF MISSING CHILDREN**  
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219 Upon notification by a law enforcement agency or the North Carolina Center for Missing  
220 Persons of the disappearance of a child who is currently or was previously enrolled in the

221 school, school officials shall flag the record of that child. If the missing child's record is  
222 requested by another school system, the principal shall provide notice of the request to  
223 the superintendent and the agency that notified the school that the child was missing. The  
224 principal shall provide the agency with a copy of any written request for information  
225 concerning the missing child's record.

226  
227 Any information received indicating that a student transferring into the system is a  
228 missing child must be reported promptly to the superintendent and the North Carolina  
229 Center for Missing Persons.

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231 **F. RECORDS OF MILITARY CHILDREN**

232  
233 School administrators shall comply with any regulations pertaining to the records of  
234 military children developed by the Interstate Commission on Educational Opportunity for  
235 Military Children.

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

239  
240 **1. For Students Leaving the School System**

241  
242 In the event that official education records cannot be released to the parents of  
243 military children who are transferring away from the school system, the custodian  
244 of records shall prepare and furnish to the parent a complete set of unofficial  
245 education records containing uniform information as determined by the Interstate  
246 Commission.

247  
248 When a request for a student's official record is received from the student's new  
249 school, school officials shall process and furnish the official records to the  
250 student's new school within 10 days or within such time as is reasonably  
251 determined by the Interstate Commission.

252  
253 **2. For Students Enrolling in the School System**

254  
255 Upon receiving an unofficial education record from the student's previous school,  
256 school administrators shall enroll the student and place him or her in classes as  
257 quickly as possible based on the information in the unofficial records, pending  
258 validation by the official records.

259  
260 Simultaneous with the enrollment and conditional placement of the student,  
261 school administrators shall request the student's official record from his or her  
262 previous school.

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

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**1. Review by Parent or Eligible Student**

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

**2. Review of Video or Audio Recordings and Photographs**

**a. Parent's Right to Review**

Upon request, a parent or eligible student may inspect and review a video or audio recording or photograph that is determined to be an education record of the student. Individuals acting on behalf of a parent or eligible child, such as advocates or attorneys, will not be permitted to review a video or audio recording or photo unless accompanied by the parent or eligible student.

**b. Status as Education Record**

A video or audio recording or photo will be deemed an education record of the student if it is directly related to the student and is maintained by the school system or its agent, as provided by law. A photo, video, or audio recording (such as a surveillance video), that is created and maintained by a law enforcement unit for a law enforcement purpose, is not an education record; however, a copy of such photo, video, or audio recording provided to the school for disciplinary or other school purposes may be an education record if it is directly related to a student and is maintained by the school system.

**c. Records of More Than One Student**

If the recording or photo is an education record of multiple students, the school system shall make reasonable efforts to redact or segregate out the portions of the recording or photo directly related to other students before providing the parent or eligible student access, provided doing so would not destroy the meaning of the record. If redaction or segregation of the recording or photo cannot reasonably be accomplished or would destroy the meaning of the record, then the parent of each student to whom the

309 recording or photo directly relates or such eligible students themselves  
310 shall be permitted to access the entire record.

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312 d. Copies of Recordings and Photos

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314 A copy of a video or audio recording or photo will be provided to a parent  
315 or eligible student only (1) if circumstances effectively prevent the parent  
316 or eligible student from exercising the right to inspect the recording or  
317 photo, such as when the parent no longer lives within commuting distance  
318 of the school system; (2) when directed by a court order or subpoena; or  
319 (3) when otherwise required by law.

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321 3. Request to Amend the Education Record

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323 A parent or eligible student has the right to challenge an item in the student  
324 education record believed to be inaccurate, misleading, or otherwise in violation  
325 of the student's privacy rights. The principal shall examine a request to amend a  
326 student record item and respond in writing to the person who challenges the item.  
327 Subsequent steps, if necessary, will follow the student grievance procedures as  
328 provided in policy 1740/4010, Student and Parent Grievance Procedure. If the  
329 final decision is that the information in the record is not inaccurate, misleading, or  
330 otherwise in violation of the privacy rights of the student, the principal shall  
331 inform the parent or eligible student of the right to place a statement in the record  
332 commenting on the contested information in the record or stating why he or she  
333 disagrees with the decision of the school system.

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335 H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS

336  
337 Before releasing or disclosing education records as permitted by law, school officials  
338 shall use reasonable methods to identify and authenticate the identity of the party to  
339 whom the records are disclosed.

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341 1. Release/Disclosure with Parental Consent

342  
343 School officials shall obtain written permission from a parent or eligible student  
344 before releasing or disclosing student records that contain personally identifiable  
345 information, except in circumstances where the school system is authorized by  
346 law to release the records without such permission. The written permission must  
347 specify the records to be released, the purpose of the release, and the party(ies) to  
348 whom they are to be released.

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350 2. Release/Disclosure without Parental Consent

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352 School system officials shall promptly release student records when a student  
353 transfers to another school. The records custodian may release or disclose records  
354 with personally identifiable information without parental permission to the extent  
355 permitted by law, including to other school officials who have a legitimate  
356 educational interest in the records.

357  
358 Personally identifiable information from a student's record may be released or  
359 disclosed to someone other than a parent or eligible student without prior written  
360 consent of the parent or eligible student only as specifically provided by federal  
361 law. Except as otherwise permitted by federal law, when personally identifiable  
362 information from a student's record is released or disclosed to someone other than  
363 a parent or eligible student without their written consent, the party to whom the  
364 information is released must agree not to disclose the information to any other  
365 party without the prior written consent of the parent or eligible student.

366  
367 The superintendent shall employ reasonable methods to ensure that teachers and  
368 other school officials obtain access only to those education~~al~~ records in which  
369 they have legitimate educational interests.

### 370 3. Release of Directory Information

371  
372 Permission of the parent or eligible student is not required for the release of  
373 information that is designated as directory information by the Transylvania  
374 County Board of Education (the "board"), provided that the parent or eligible  
375 student has been given proper notice and an opportunity to opt out. (See policy  
376 1310/4002, Parental Involvement.)  
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- 378  
379 a. The board designates the following student record information as directory  
380 information:
- 381 (1) name;
  - 382 (2) address;
  - 383 (3) telephone listing;
  - 384 (4) electronic mail address;
  - 385 (5) photograph;
  - 386 (6) date and place of birth;
  - 387 (7) participation in officially recognized activities and sports;
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- 396 (8) weight and height of members of athletic teams;  
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398 (9) dates of attendance;  
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400 (10) grade level;  
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402 (11) diplomas (including endorsements earned), industry credentials/  
403 certifications, and awards received; and  
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405 (12) most recent previous school or education institution attended by  
406 the student.  
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- 408 b. The telephone number and actual address of a student who is or whose  
409 parent is a participant in the North Carolina Address Confidentiality  
410 Program is not considered directory information and will not be released  
411 except as required by law.  
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- 413 c. Information about a homeless student's living situation is not considered  
414 directory information and will not be released.  
415
- 416 d. As required by law, the names, addresses, and telephone numbers of  
417 secondary school students shall be released, upon request, to military  
418 recruiters or institutions of higher learning, whether or not such  
419 information is designated directory information by the school system.  
420 Students or their parents, however, may request that the student's name,  
421 address, and telephone number not be released without prior written  
422 parental consent. School officials shall notify parents of the option to  
423 make a request and shall comply with any requests made.  
424
- 425 e. All requests for directory information must be submitted to the  
426 superintendent or designee for approval. The superintendent is directed to  
427 establish regulations regarding the release of directory information. At a  
428 minimum, the regulations must:  
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- 430 (1) specify the types of organizations that are eligible to receive  
431 directory information and for what purposes;  
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- 433 (2) provide for equal disclosure to organizations that are similar in  
434 purpose; and  
435
- 436 (3) authorize access to directory information to recruiters of military  
437 forces of the state or United States for the purpose of informing  
438 students of educational and career opportunities available in the  
439 military to the same extent that such information is made available

440 to persons or organizations that inform students of occupational or  
441 educational options.

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443 4. **Records of Students with Disabilities**

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

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449 5. **Disclosure of De-Identified Information**

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

457

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

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463 **I. WITHHOLDING RECORDS**

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

468

469 **J. RECORD OF ACCESS AND DISCLOSURE**

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

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479 **K. DESTRUCTION OF STUDENT RECORDS**

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481 School officials shall only destroy student records in accordance with state and federal  
482 law and the *Records Retention and Disposition Schedule for Local Education Agencies*.  
483 After notifying parents, school officials may destroy student records when the records are

484 no longer needed to provide educational services to the student or to protect the safety of  
485 the student or others. School officials must destroy student records if the parent or  
486 eligible student requests their destruction and if such records are no longer needed to  
487 provide educational services to the student or to protect the safety of the student or others.  
488 School officials shall not destroy student records if there is an outstanding request to  
489 inspect the particular records.

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491 **L. LONGITUDINAL DATA SYSTEM**

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

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499 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt.  
500 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; Elementary and  
501 Secondary Education Act, 20 U.S.C. 7908; McKinney-Vento Homeless Assistance Act, 42  
502 U.S.C. 11431 *et seq.*; G.S. 7B-302, -3100; 14-208.29; 115C-47(26), -109.3, -402, -403, -407.5;  
503 116E-6; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C.  
504 Department of Natural and Cultural Resources (1999), available at  
505 [https://archives.ncdcr.gov/government/retention-schedules/local-government-](https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules)  
506 [schedules#localschedules](https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules)

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508 Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance  
509 Procedure (policy 1740/4010), Special Education Programs/Rights of Students with Disabilities  
510 (policy 3520), Children of Military Families (policy 4050), Homeless Students (policy 4125),  
511 North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action  
512 for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records  
513 (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys  
514 of Students (policy 4720), Public Records – Retention, Release, and Disposition (policy  
515 5070/7350)

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