

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.

7  
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;  
17
- 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  
44

- 45 9. the right to file complaints with the ~~Family Policy Compliance~~ **Student Privacy**  
46 **Policy** Office in the U.S. Department of Education.  
47

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.  
52

## 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.  
61  
62

### 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.  
75  
76

77 A student under age 18 may have access to student records only upon the consent  
78 of his or her parents.  
79

## 80 **C. CLASSIFICATION AND MAINTENANCE OF RECORDS**

### 81 1. Student Education Records

82 Student education records may be separated into several categories, including, but  
83 not limited to, the following.  
84

#### 85 a. Cumulative Records

86  
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89  
90 The cumulative record is the official record for each student. The  
91 cumulative record includes student identification information, such as the  
92 student's name, address (or a homeless student's living situation), sex,  
93 race, birthplace, and birth date; family data including the parents' names,  
94 addresses, work and home telephone numbers, and places of employment;  
95 academic work completed; grades; standardized test scores; health  
96 screenings and immunization documentation; attendance records;  
97 withdrawal and reentry records; discipline records; honors and activities;  
98 class rank; date of graduation; and follow-up records.  
99

100 b. Discipline Records  
101

102 Student discipline records are part of the student's official record and must  
103 be maintained and reviewed pursuant to policy 4345, Student Discipline  
104 Records. Discipline records must be expunged and forwarded pursuant to  
105 the requirements of law and the procedures of policy 4345.  
106

107 c. Records of Students with Disabilities  
108

109 Students with recognized disabilities must be accorded all rights in regard  
110 to their records as provided by state and federal law, including the  
111 Individuals with Disabilities Education Act and policy 3520, Special  
112 Education Programs/Rights of Students with Disabilities. Records for a  
113 student identified as a student with a disability are considered part of the  
114 student's official records and must be maintained in accordance with all  
115 appropriate federal and state regulations. Access to these records will be  
116 restricted to personnel having specific responsibility in this area. A list of  
117 all approved personnel having access to these restricted files will be  
118 updated as needed, and a current, dated list will be posted in the student  
119 records location.  
120

121 d. Records Received from the Department of Social Services  
122

123 The Department of Social Services may disclose confidential information  
124 to the school system in order to protect a juvenile from abuse or neglect.  
125 Any confidential information disclosed under these circumstances must  
126 remain confidential and may only be redisclosed for purposes directly  
127 connected with carrying out the school system's mandated educational  
128 responsibilities.  
129

130 e. Juvenile Records  
131

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

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

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

f. Other Student Records

School system personnel may also keep other student records but must review such records annually and destroy them in accordance with Section K of this policy.

2. Records Not Considered Education Records (Sole Possession, Employment, and Law Enforcement Records)

176  
177 Student education records do not include, and release of information under this  
178 policy does not apply to:

- 179  
180 a. records made by teachers, counselors, and administrators that are in the  
181 sole possession of the maker thereof and that are not accessible or revealed  
182 to any other person except a substitute;
- 183  
184 b. employment records of student employees if those records relate  
185 exclusively to the student in his or her capacity as an employee and are not  
186 made available for any other use; and
- 187  
188 c. records created by a law enforcement unit of the school system if created  
189 for a law enforcement purpose and maintained solely by the law  
190 enforcement unit of the school system. However, a law enforcement  
191 record containing information that was obtained from a student's  
192 confidential file or other education records must be treated as an education  
193 record and may be released only in accordance with this policy.

194  
195 **D. RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS**  
196 **CONFIDENTIALITY PROGRAM**

197  
198 Students or parents enrolled in the North Carolina Address Confidentiality Program  
199 (NCACP) must provide a valid NCACP authorization card to the school principal if they  
200 wish to keep their home address confidential. The school system will maintain a  
201 confidential record of the actual home address for admission and assignment purposes  
202 only and will not release that address except as provided by law. With the exception of  
203 such specially-maintained records, student records will include only the substitute  
204 address provided by the NCACP and not the actual home address of any students or  
205 parents for whom a valid NCACP authorization card is on file.

206  
207 When transferring the record of a student participating in the North Carolina Address  
208 Confidentiality Program to a school outside of the system, the transferring school may  
209 send the files to the Address Confidentiality Program participant (parent or guardian) via  
210 the substitute address provided by the Address Confidentiality Program.

211  
212 **E. RECORDS OF MISSING CHILDREN**

213  
214 Upon notification by a law enforcement agency or the North Carolina Center for Missing  
215 Persons of the disappearance of a child who is currently or was previously enrolled in the  
216 school, school officials shall flag the record of that child. If the missing child's record is  
217 requested by another school system, the principal shall provide notice of the request to  
218 the superintendent and the agency that notified the school that the child was missing. The

219 principal shall provide the agency with a copy of any written request for information  
220 concerning the missing child's record.

221  
222 Any information received indicating that a student transferring into the system is a  
223 missing child must be reported promptly to the superintendent and the North Carolina  
224 Center for Missing Persons.

225  
226 **F. RECORDS OF ~~MILITARY CHILDREN~~ OF MILITARY FAMILIES**

227  
228 ~~School administrators shall comply with any regulations pertaining to the records of~~  
229 ~~military children developed by the Interstate Commission on Educational Opportunity for~~  
230 ~~Military Children.~~

231  
232 ~~In addition,~~ In compliance with the Interstate Compact on Educational Opportunity for  
233 ~~Military Children (G.S. 115C-407.5) and G.S. 115C-407.12, school administrators shall~~  
234 ~~assist in the timely enrollment of children of military families, as defined by policy 4050,~~  
235 ~~Children of Military Families, are entitled to the following by facilitating the transfer of~~  
236 ~~their educational records.~~

237  
238 1. For Students Leaving the School System

239  
240 In the event that official education records cannot be released to the parents of  
241 military children who are transferring away from the school system, the custodian  
242 of records shall prepare and furnish to the parent a complete set of unofficial  
243 education records containing uniform information as determined by the Interstate  
244 Commission.

245  
246 When a request for a student's official record is received from the student's new  
247 school, school officials shall process and furnish the official records to the  
248 student's new school within 10 days ~~or within such time as is reasonably~~  
249 ~~determined by the Interstate Commission.~~

250  
251 2. For Students Enrolling in the School System

252  
253 Upon receiving an unofficial education record from the student's previous school,  
254 school administrators shall enroll the student and place him or her in classes as  
255 quickly as possible based on the information in the unofficial records, pending  
256 validation by the official records.

257  
258 Simultaneous with the enrollment and conditional placement of the student,  
259 school administrators shall request the student's official record from his or her  
260 previous school.

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262 **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

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

309  
310 d. Copies of Recordings and Photos

311  
312 A copy of a video or audio recording or photo will be provided to a parent  
313 or eligible student only (1) if circumstances effectively prevent the parent  
314 or eligible student from exercising the right to inspect the recording or  
315 photo, such as when the parent no longer lives within commuting distance  
316 of the school system; (2) when directed by a court order or subpoena; or  
317 (3) when otherwise required by law.

318  
319 3. Request to Amend the Education Record

320  
321 A parent or eligible student has the right to challenge an item in the student  
322 education record believed to be inaccurate, misleading, or otherwise in violation  
323 of the student's privacy rights. The principal shall examine a request to amend a  
324 student record item and respond in writing to the person who challenges the item.  
325 Subsequent steps, if necessary, will follow the student grievance procedures as  
326 provided in policy 1740/4010, Student and Parent Grievance Procedure. If the  
327 final decision is that the information in the record is not inaccurate, misleading, or  
328 otherwise in violation of the privacy rights of the student, the principal shall  
329 inform the parent or eligible student of the right to place a statement in the record  
330 commenting on the contested information in the record or stating why he or she  
331 disagrees with the decision of the school system.

332  
333 **H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS**

334  
335 Before releasing or disclosing education records as permitted by law, school officials  
336 shall use reasonable methods to identify and authenticate the identity of the party to  
337 whom the records are disclosed.

338  
339 1. Release/Disclosure with Parental Consent

340  
341 School officials shall obtain written permission from a parent or eligible student  
342 before releasing or disclosing student records that contain personally identifiable  
343 information, except in circumstances where the school system is authorized by  
344 law to release the records without such permission. The written permission must  
345 specify the records to be released, the purpose of the release, and the party(ies) to  
346 whom they are to be released.

347  
348 2. Release/Disclosure without Parental Consent

349



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

355  
356 Personally identifiable information from a student's record may be released or  
357 disclosed to someone other than a parent or eligible student without prior written  
358 consent of the parent or eligible student only as specifically provided by federal  
359 law. Except as otherwise permitted by federal law, when personally identifiable  
360 information from a student's record is released or disclosed to someone other than  
361 a parent or eligible student without their written consent, the party to whom the  
362 information is released must agree not to disclose the information to any other  
363 party without the prior written consent of the parent or eligible student.

364  
365 The superintendent shall employ reasonable methods to ensure that teachers and  
366 other school officials obtain access only to those education records in which they  
367 have legitimate educational interests.

### 368 3. Release of Directory Information

369  
370  
371 Permission of the parent or eligible student is not required for the release of  
372 information that is designated as directory information by the Transylvania  
373 County Board of Education (the "board"), provided that the parent or eligible  
374 student has been given proper notice and an opportunity to opt out. (See policy  
375 1310/4002, Parental Involvement.)

376  
377 a. The board designates the following student record information as directory  
378 information:

- 379  
380 (1) name;
- 381  
382 (2) address;
- 383  
384 (3) telephone listing;
- 385  
386 (4) email address;
- 387  
388 (5) photograph or digital image, including still or video images of a  
389 student engaged in ordinary school activities;
- 390  
391 (6) date and place of birth;
- 392  
393 (7) participation in officially recognized activities and sports;

- 394  
395 (8) weight and height of members of athletic teams;  
396  
397 (9) dates of attendance;  
398  
399 (10) grade level;  
400  
401 (11) diplomas (including endorsements earned), industry credentials/  
402 certifications, and awards received; and  
403  
404 (12) most recent previous school or education institution attended by  
405 the student.  
406
- 407 b. The telephone number and actual address of a student who is or whose  
408 parent is a participant in the North Carolina Address Confidentiality  
409 Program is not considered directory information and will not be released  
410 except as required by law.  
411
- 412 c. Information about a homeless student's living situation is not considered  
413 directory information and will not be released.  
414
- 415 d. As required by law, the names, addresses, and telephone numbers of  
416 secondary school students shall be released, upon request, to military  
417 recruiters or institutions of higher learning, whether or not such  
418 information is designated directory information by the school system. In  
419 addition, secondary school students' email addresses (which will be the  
420 email addresses provided by the school, if available) must be provided to  
421 military recruiters upon request. Students or their parents, however, may  
422 request that the student's name, address, email address, and telephone  
423 number not be released without prior written parental consent. School  
424 officials shall notify parents of the option to make a request and shall  
425 comply with any requests made.  
426
- 427 e. All requests for directory information must be submitted to the  
428 superintendent or designee for approval. The superintendent is directed to  
429 establish regulations regarding the release of directory information. At a  
430 minimum, the regulations must:  
431
- 432 (1) specify the types of organizations that are eligible to receive  
433 directory information and for what purposes;  
434
- 435 (2) provide for equal disclosure to organizations that are similar in  
436 purpose; and  
437

438 (3) authorize access to directory information to recruiters of military  
439 forces of the state or United States for the purpose of informing  
440 students of educational and career opportunities available in the  
441 military to the same extent that such information is made available  
442 to persons or organizations that inform students of occupational or  
443 educational options.

444  
445 4. Records of Students with Disabilities

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

450  
451 5. Disclosure of De-Identified Information

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

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

464  
465 **I. WITHHOLDING RECORDS**

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

470  
471 **J. RECORD OF ACCESS AND DISCLOSURE**

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

480  
481 **K. DESTRUCTION OF STUDENT RECORDS**

482  
483 To the extent required by law, school officials shall maintain student records in  
484 accordance with the applicable records retention and disposition schedule(s) issued by the  
485 North Carolina Department of Natural and Cultural Resources. **School officials shall not**  
486 **destroy student records if there is an outstanding request to inspect the particular records.**

487  
488 **School officials shall notify parents and eligible students prior to the destruction of**  
489 **personally identifiable information in a student's special education records so that parents**  
490 **may collect the records from the school system if desired. Special education records**  
491 **must be destroyed at the request of parents if no longer needed to provide educational**  
492 **services to the child, including services to protect the safety of the student or others.**  
493 **However, a record of a student's name, address, phone number, grades, attendance**  
494 **record, classes attended, grade level completed, and year completed may be maintained**  
495 **permanently. After notifying parents, school officials may destroy student records when**  
496 **the records are no longer needed to provide educational services to the student or to**  
497 **protect the safety of the student or others. School officials must destroy student records if**  
498 **the parent or eligible student requests their destruction and if such records are no longer**  
499 **needed to provide educational services to the student or to protect the safety of the**  
500 **student or others. School officials shall not destroy student records if there is an**  
501 **outstanding request to inspect the particular records.**

#### 502 503 **L. LONGITUDINAL DATA SYSTEM**

504  
505 School system administrators will comply with the data requirements and implementation  
506 schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer  
507 designated student record data to the system in accordance with the NCLDS data security  
508 and safeguarding plan and all other requirements of state law, provided that doing so does  
509 not conflict with the requirements of FERPA.

510  
511 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt.  
512 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; Elementary and  
513 Secondary Education Act, 20 U.S.C. 7908; McKinney-Vento Homeless Assistance Act, 42  
514 U.S.C. 11431 *et seq.*; 10 U.S.C. 503(c)(1); G.S. 7B-302, -3100, -3101; 14-208.29; 115C-47(26),  
515 -109.3, -402, -403, -404, -407.5; 116E-6; *Program Records Schedule: Local Public School*  
516 *Units*, N.C. Department of Natural and Cultural Resources (2021), available at  
517 <https://archives.ncdcr.gov/documents/local-education-agencies-schedule>; *General Records*  
518 *Schedule: Local Government Agencies*, N.C. Department of Natural and Cultural Resources  
519 (2021), available at [https://archives.ncdcr.gov/government/retention-schedules/local-](https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government)  
520 [government-schedules/general-records-schedule-local-government](https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government)

521  
522 Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance  
523 Procedure (policy 1740/4010), Special Education Programs/Rights of Students with Disabilities  
524 (policy 3520), Children of Military Families (policy 4050), Homeless Students (policy 4125),  
525 North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action

526 for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records  
527 (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys  
528 of Students (policy 4720), Public Records – Retention, Release, and Disposition (policy  
529 5070/7350)

530

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532

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