

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**
9

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 Office in the U.S.
46 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
87
88

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

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

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

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

168 f. Other Student Records

169
170 School system personnel may also keep other student records but must
171 review such records annually and destroy them **in accordance with Section**
172 **K of this policy** ~~when their usefulness is no longer apparent or when the~~
173 ~~student leaves the school system.~~
174

175 2. **Records Not Considered Education Records (Sole Possession, Employment,**
176 **and Law Enforcement Records)**
177

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

- 180
- 181 a. records made by teachers, counselors, and administrators that are in the
182 sole possession of the maker thereof and that are not accessible or revealed
183 to any other person except a substitute;
- 184
- 185 b. employment records of student employees if those records relate
186 exclusively to the student in his or her capacity as an employee and are not
187 made available for any other use; and
- 188
- 189 c. records created by a law enforcement unit of the school system if created
190 for a law enforcement purpose and maintained solely by the law
191 enforcement unit of the school system. However, a law enforcement
192 record containing information that was obtained from a student's
193 confidential file or other education records must be treated as an education
194 record and may be released only in accordance with this policy.
195

196 **D. RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS**
197 **CONFIDENTIALITY PROGRAM**
198

199 Students or parents enrolled in the North Carolina Address Confidentiality Program
200 (NCACP) must provide a valid NCACP authorization card to the school principal if they
201 wish to keep their home address confidential. The school system will maintain a
202 confidential record of the actual home address for admission and assignment purposes
203 only and will not release that address except as provided by law. With the exception of
204 such specially-maintained records, student records will include only the substitute
205 address provided by the NCACP and not the actual home address of any students or
206 parents for whom a valid NCACP authorization card is on file.
207

208 When transferring the record of a student participating in the North Carolina Address
209 Confidentiality Program to a school outside of the system, the transferring school may
210 send the files to the Address Confidentiality Program participant (parent or guardian) via
211 the substitute address provided by the Address Confidentiality Program.
212

213 **E. RECORDS OF MISSING CHILDREN**
214

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

219 the superintendent and the agency that notified the school that the child was missing. The
220 principal shall provide the agency with a copy of any written request for information
221 concerning the missing child's record.
222

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

227 **F. RECORDS OF MILITARY CHILDREN**

228

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

233 In addition, children of military families, as defined by policy 4050, Children of Military
234 Families, are entitled to the following.
235

236 **1. For Students Leaving the School System**

237

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

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

249 **2. For Students Enrolling in the School System**

250

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

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

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

261

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

263
264 A parent or eligible student may access the student's education records upon
265 proper request. The principal or guidance office personnel of the student's school
266 shall schedule an appointment as soon as possible but no later than 45 days after
267 the request by the parent or eligible student. The parent or eligible student may
268 formally review the student's complete education records only in the presence of
269 the principal or a designee competent to explain the records. School personnel
270 shall not destroy any education records if there is an outstanding request to
271 inspect or review the records.

272
273 **2. Review of Video or Audio Recordings and Photographs**

274
275 a. Parent's Right to Review

276
277 Upon request, a parent or eligible student may inspect and review a video
278 or audio recording or photograph that is determined to be an education
279 record of the student. Individuals acting on behalf of a parent or eligible
280 child, such as advocates or attorneys, will not be permitted to review a
281 video or audio recording or photo unless accompanied by the parent or
282 eligible student.

283
284 b. Status as Education Record

285
286 A video or audio recording or photo will be deemed an education record
287 of the student if it is directly related to the student and is maintained by the
288 school system or its agent, as provided by law. A photo, video, or audio
289 recording (such as a surveillance video), that is created and maintained by
290 a law enforcement unit for a law enforcement purpose, is not an education
291 record; however, a copy of such photo, video, or audio recording provided
292 to the school for disciplinary or other school purposes may be an
293 education record if it is directly related to a student and is maintained by
294 the school system.

295
296 c. Records of More Than One Student

297
298 If the recording or photo is an education record of multiple students, the
299 school system shall make reasonable efforts to redact or segregate out the
300 portions of the recording or photo directly related to other students before
301 providing the parent or eligible student access, provided doing so would
302 not destroy the meaning of the record. If redaction or segregation of the
303 recording or photo cannot reasonably be accomplished or would destroy
304 the meaning of the record, then the parent of each student to whom the
305 recording or photo directly relates or such eligible students themselves
306 shall be permitted to access the entire record.

- 307
308 d. Copies of Recordings and Photos
309
310 A copy of a video or audio recording or photo will be provided to a parent
311 or eligible student only (1) if circumstances effectively prevent the parent
312 or eligible student from exercising the right to inspect the recording or
313 photo, such as when the parent no longer lives within commuting distance
314 of the school system; (2) when directed by a court order or subpoena; or
315 (3) when otherwise required by law.
316

317 3. **Request to Amend the Education Record**
318

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

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

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

337 1. **Release/Disclosure with Parental Consent**
338

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

346 2. **Release/Disclosure without Parental Consent**
347

348 School system officials shall promptly release student records when a student
349 transfers to another school. The records custodian may release or disclose records
350 with personally identifiable information without parental permission to the extent

351 permitted by law, including to other school officials who have a legitimate
352 educational interest in the records.

353
354 Personally identifiable information from a student's record may be released or
355 disclosed to someone other than a parent or eligible student without prior written
356 consent of the parent or eligible student only as specifically provided by federal
357 law. Except as otherwise permitted by federal law, when personally identifiable
358 information from a student's record is released or disclosed to someone other than
359 a parent or eligible student without their written consent, the party to whom the
360 information is released must agree not to disclose the information to any other
361 party without the prior written consent of the parent or eligible student.

362
363 The superintendent shall employ reasonable methods to ensure that teachers and
364 other school officials obtain access only to those education records in which they
365 have legitimate educational interests.

366 3. Release of Directory Information

367
368
369 Permission of the parent or eligible student is not required for the release of
370 information that is designated as directory information by the Transylvania
371 County Board of Education (the "board"), provided that the parent or eligible
372 student has been given proper notice and an opportunity to opt out. (See policy
373 1310/4002, Parental Involvement.)

374
375 a. The board designates the following student record information as directory
376 information:

- 377
378 (1) name;
379
380 (2) address;
381
382 (3) telephone listing;
383
384 (4) electronic mail address;
385
386 (5) photograph or digital image, including still or video images of a
387 student engaged in ordinary school activities;
388
389 (6) date and place of birth;
390
391 (7) participation in officially recognized activities and sports;
392
393 (8) weight and height of members of athletic teams;
394

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

439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482

4. **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.

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

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

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

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

To the extent required by law, school officials shall maintain student records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. ~~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~~

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

490
491 **L. LONGITUDINAL DATA SYSTEM**

492
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.

498
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, -3101; 14-208.29; 115C-47(26), -109.3, -402, -403, -
503 404, -407.5; 116E-6; *Records Retention and Disposition Schedule for Local Education Agencies*,
504 N.C. 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); *General Records Schedule for Local Government Agencies*, N.C.
507 Department of Natural and Cultural Resources (2019), available at
508 <https://archives.ncdcr.gov/documents/general-records-schedule-local-government-agencies>

509
510 Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance
511 Procedure (policy 1740/4010), Special Education Programs/Rights of Students with Disabilities
512 (policy 3520), Children of Military Families (policy 4050), Homeless Students (policy 4125),
513 North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action
514 for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records
515 (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys
516 of Students (policy 4720), Public Records – Retention, Release, and Disposition (policy
517 5070/7350)

518
519 Adopted: December 18, 2017

520
521 Revised: July 16, 2018; July 15, 2019; [DATE]