

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

55 1. Parent
56

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

64 2. Eligible Student
65

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

78 A student under age 18 may have access to student records only upon the consent
79 of his or her parents.
80

81 **C. CLASSIFICATION AND MAINTENANCE OF RECORDS**
82

83 1. Student Education Records
84

85 Student education records may be separated into several categories, including, but
86 not limited to, the following.
87

88 a. Cumulative Records

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**

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

234
235 1. For Students Leaving the School System

236
237 In the event that official education records cannot be released to the parents of
238 military children who are transferring away from the school system, the custodian
239 of records shall prepare and furnish to the parent a complete set of unofficial
240 education records containing uniform information as determined by the Interstate
241 Commission.

242
243 When a request for a student's official record is received from the student's new
244 school, school officials shall process and furnish the official records to the
245 student's new school within 10 days or within such time as is reasonably
246 determined by the Interstate Commission.

247
248 2. For Students Enrolling in the School System

249
250 Upon receiving an unofficial education record from the student's previous school,
251 school administrators shall enroll the student and place him or her in classes as
252 quickly as possible based on the information in the unofficial records, pending
253 validation by the official records.

254
255 Simultaneous with the enrollment and conditional placement of the student,
256 school administrators shall request the student's official record from his or her
257 previous school.

258
259 **G. REVIEW, RELEASE OF RECORDS TO PARENT OR ELIGIBLE STUDENT**

260
261 1. Review by Parent or Eligible Student

262

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

271
272 2. Review of Video or Audio Recordings and Photographs

273
274 a. Parent's Right to Review

275
276 Upon request, a parent or eligible student may inspect and review a video
277 or audio recording or photograph that is determined to be an education
278 record of the student. Individuals acting on behalf of a parent or eligible
279 child, such as advocates or attorneys, will not be permitted to review a
280 video or audio recording or photo unless accompanied by the parent or
281 eligible student.

282
283 b. Status as Education Record

284
285 A video or audio recording or photo will be deemed an education record
286 of the student if it is directly related to the student and is maintained by the
287 school system or its agent, as provided by law. A photo, video, or audio
288 recording (such as a surveillance video), that is created and maintained by
289 a law enforcement unit for a law enforcement purpose, is not an education
290 record; however, a copy of such photo, video, or audio recording provided
291 to the school for disciplinary or other school purposes may be an
292 education record if it is directly related to a student and is maintained by
293 the school system.

294
295 c. Records of More Than One Student

296
297 If the recording or photo is an education record of multiple students, the
298 school system shall make reasonable efforts to redact or segregate out the
299 portions of the recording or photo directly related to other students before
300 providing the parent or eligible student access, provided doing so would
301 not destroy the meaning of the record. If redaction or segregation of the
302 recording or photo cannot reasonably be accomplished or would destroy
303 the meaning of the record, then the parent of each student to whom the
304 recording or photo directly relates or such eligible students themselves
305 shall be permitted to access the entire record.
306

307 d. Copies of Recordings and Photos

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

315
316 3. Request to Amend the Education Record

317
318 A parent or eligible student has the right to challenge an item in the student
319 education record believed to be inaccurate, misleading, or otherwise in violation
320 of the student's privacy rights. The principal shall examine a request to amend a
321 student record item and respond in writing to the person who challenges the item.
322 Subsequent steps, if necessary, will follow the student grievance procedures as
323 provided in policy 1740/4010, Student and Parent Grievance Procedure. If the
324 final decision is that the information in the record is not inaccurate, misleading, or
325 otherwise in violation of the privacy rights of the student, the principal shall
326 inform the parent or eligible student of the right to place a statement in the record
327 commenting on the contested information in the record or stating why he or she
328 disagrees with the decision of the school system.

329
330 **H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS**

331
332 Before releasing or disclosing education records as permitted by law, school officials
333 shall use reasonable methods to identify and authenticate the identity of the party to
334 whom the records are disclosed.

335
336 1. Release/Disclosure with Parental Consent

337
338 School officials shall obtain written permission from a parent or eligible student
339 before releasing or disclosing student records that contain personally identifiable
340 information, except in circumstances where the school system is authorized by
341 law to release the records without such permission. The written permission must
342 specify the records to be released, the purpose of the release, and the party(ies) to
343 whom they are to be released.

344
345 2. Release/Disclosure without Parental Consent

346
347 School system officials shall promptly release student records when a student
348 transfers to another school. The records custodian may release or disclose records
349 with personally identifiable information without parental permission to the extent

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

352
353 Personally identifiable information from a student's record may be released or
354 disclosed to someone other than a parent or eligible student without prior written
355 consent of the parent or eligible student only as specifically provided by federal
356 law. Except as otherwise permitted by federal law, when personally identifiable
357 information from a student's record is released or disclosed to someone other than
358 a parent or eligible student without their written consent, the party to whom the
359 information is released must agree not to disclose the information to any other
360 party without the prior written consent of the parent or eligible student.

361
362 The superintendent shall employ reasonable methods to ensure that teachers and
363 other school officials obtain access only to those education records in which they
364 have legitimate educational interests.

365
366 3. Release of Directory Information

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

373
374 a. The board designates the following student record information as directory
375 information:

- 376
377 (1) name;
378
379 (2) address;
380
381 (3) telephone listing;
382
383 (4) ~~electronic~~ mail address;
384
385 (5) photograph or digital image, including still or video images of a
386 student engaged in ordinary school activities;
387
388 (6) date and place of birth;
389
390 (7) participation in officially recognized activities and sports;
391
392 (8) weight and height of members of athletic teams;
393

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

438 military to the same extent that such information is made available
439 to persons or organizations that inform students of occupational or
440 educational options.

441
442 4. Records of Students with Disabilities

443
444 Students with recognized disabilities must be accorded all rights in regard to their
445 records as provided by state and federal law, including the Individuals with
446 Disabilities Education Act.

447
448 5. Disclosure of De-Identified Information

449
450 Education records may be released without consent of the parent or eligible
451 student if all personally identifiable information has been removed. Personally
452 identifiable information includes both direct and indirect identifiers that, alone or
453 in combination, would allow a reasonable person in the school community, who
454 does not have personal knowledge of the relevant circumstances, to identify the
455 student with reasonable certainty.

456
457 Unless specifically permitted by law, records that have been de-identified must
458 not be released without the consent of the parent or eligible student if school
459 officials reasonably believe that the person requesting the information knows the
460 identity of the student to whom the education record relates.

461
462 **I. WITHHOLDING RECORDS**

463
464 School system administrators shall not withhold records upon a valid request by a parent,
465 eligible student, or school to which the student is transferring for any reason, including in
466 order to collect fines assessed to the parent or student.

467
468 **J. RECORD OF ACCESS AND DISCLOSURE**

469
470 The principal or designee shall maintain a record in each student's file indicating all
471 persons who have requested or received personally identifiable information from a
472 student's record and the legitimate reason(s) for requesting or obtaining the information.
473 This requirement does not apply to requests by or disclosure to parents, eligible students,
474 school officials, parties seeking directory information, a party seeking or receiving the
475 records under a court order or subpoena that prohibits disclosure, or those individuals
476 with written parental consent.

477
478 **K. DESTRUCTION OF STUDENT RECORDS**

479
480 To the extent required by law, school officials shall maintain student records in
481 accordance with the applicable records retention and disposition schedule(s) issued by the

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

490 **L. LONGITUDINAL DATA SYSTEM**

491
492 School system administrators will comply with the data requirements and implementation
493 schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer
494 designated student record data to the system in accordance with the NCLDS data security
495 and safeguarding plan and all other requirements of state law, provided that doing so does
496 not conflict with the requirements of FERPA.
497

498 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt.
499 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; Elementary and
500 Secondary Education Act, 20 U.S.C. 7908; McKinney-Vento Homeless Assistance Act, 42
501 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),
502 -109.3, -402, -403, -404, -407.5; 116E-6; *Records Retention and Disposition Schedule for Local*
503 *Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at
504 <https://archives.ncdcr.gov/documents/local-education-agencies-schedule>; *General Records*
505 *Schedule for Local Government Agencies*, N.C. Department of Natural and Cultural Resources
506 (2019), available at
507 [https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-](https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government)
508 [records-schedule-local-government](https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government)
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
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520

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