

**PUBLIC RECORDS –  
RETENTION, RELEASE, AND DISPOSITION**

*Policy Code:* **5070/7350**

---

1 The Transylvania County Board of Education (the “board”) is committed to providing access to  
2 public records and public information. All employees shall comply with the public records law  
3 and this policy.

4  
5 **A. PUBLIC RECORD DEFINED**

6  
7 Any record, in any form, that is made or received by the board or its employees in  
8 connection with the transaction of public business is a public record that must be made  
9 available to the public, unless such record is protected from disclosure by federal or state  
10 law or is otherwise exempted from the public records law, G.S. 132-1 through 132-9.  
11 (See policy 5071/7351, Electronically Stored Information Retention, for specific  
12 information regarding public records in electronic form.)

13  
14 Though the school improvement plan is a public record, the school safety components of  
15 the plan are not public records subject to public records law. Schematic diagrams, as  
16 described in G.S. 115C-105.53 and -105.54, and emergency response information, as  
17 described in G.S. 115C-47(40) and -105.54, are also not considered public records  
18 subject to public records law.

19  
20 The official records of students are not public records subject to inspection and  
21 examination. (For additional information regarding the release of information about  
22 students, see policy 4700, Student Records.) Further, any written material containing the  
23 identifiable scores of individual students on any test taken pursuant to the state testing  
24 program described in Chapter 115C, Article 10A of the North Carolina General Statutes  
25 is not a public record. Any test that is developed, adopted, or provided as part of the state  
26 testing program is not a public record until the State Board of Education designates that  
27 the test is released.

28  
29 Information in school system employee personnel files is protected from disclosure in  
30 accordance with G.S. 115C-319, except that the following employee information is  
31 public record.

- 32  
33 1. Name.  
34  
35 2. Age.  
36  
37 3. The date of original employment or appointment.  
38  
39 4. The terms of any past or current contract by which the employee is employed,  
40 whether written or oral, to the extent that the board has the written contract or a  
41 record of the oral contract in its possession.  
42  
43 5. Current position.

- 44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64
6. Title.
  7. Current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee).
  8. The date and amount of each increase or decrease in salary with the board.
  9. The date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board.
  10. The date and general description of the reasons for each promotion with the board.
  11. The date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal.
  12. The office or station to which the employee is currently assigned.

65 The name of a participant in the North Carolina Address Confidentiality Program is not a  
66 public record and must be redacted from any records released. As necessary, school  
67 personnel may combine public and confidential records to meet the business needs of the  
68 system. However, if a record contains confidential information as well as public information,  
69 school officials must provide the requested public record with the confidential information  
70 removed or redacted.

71  
72 **B. DESIGNATION OF RECORDS OFFICER**  
73

74 The superintendent shall designate a records officer or otherwise ensure that the duties of  
75 a records officer are met.  
76

77 **1. Duties of the Records Officer**  
78

79 The duties of the records officer include the following:  
80

- 81 a. determining whether records are public or confidential by law, with  
82 assistance from the local board attorney as necessary;
- 83  
84 b. determining the most cost-effective means of storing and retrieving public  
85 records that include confidential information;  
86

- 87 c. providing training, consultation, and guidelines to school officials who
- 88 respond to or are otherwise involved in public records requests;
- 89
- 90 d. determining the actual cost of providing copies of public records in
- 91 various forms, such as paper or electronic media, in which the school
- 92 system is capable of providing the records;
- 93
- 94 e. determining the cost of a request for copies of public records when a
- 95 special service charge is applicable or when the school system is
- 96 voluntarily creating or compiling a record as a service to the requester; and
- 97
- 98 f. reviewing appeals of any denial of a request for public records.
- 99

100 **2. Other Duties**

101

102 A designated electronic records officer or other employee(s) as determined by the

103 superintendent shall review all electronic data-processing systems created by the

104 school system or being considered for acquisition through lease, purchase, or

105 other means, to ensure they are designed and maintained in a manner that:

106

- 107 a. will not impede the school system’s ability to permit public inspection and
- 108 examination of public records; and
- 109
- 110 b. provides a means of obtaining copies of such records.
- 111

112 **C. REQUESTS FOR PUBLIC RECORDS**

113

114 All requests for examining or obtaining copies of public records should be in writing or

115 recorded by school system personnel. This policy, administrative guidelines, information

116 on the actual cost of producing public records, information on how to reach the records

117 officer, information about how to appeal a denial of a public records request, and

118 information regarding any computer database indexes must be made available to

119 individuals requesting public records.

120

121 Public records must be released in accordance with the law. Any denial of a public

122 records request must be made in writing and must include the basis for the denial. The

123 superintendent or designee may issue additional guidelines consistent with this policy to

124 further clarify the process for requesting public records.

125

126 **D. FEES FOR COPIES OF PUBLIC RECORDS**

127

128 Persons requesting copies of public records will be charged any applicable fees as  
129 determined by the records officer (see subsections B.1.d and B.1.e, above). The school  
130 system shall not charge any fees for separating confidential information that is  
131 commingled with public records.  
132

133 **E. ELECTRONIC MAIL LISTS**

134  
135 A school employee may be authorized by the superintendent or designee to maintain an  
136 electronic mail list of individual subscribers. Such a list may be used only: (1) for the  
137 purpose for which the subscribers subscribed to it; (2) to notify subscribers of an  
138 emergency to public health or public safety; or (3) in the event of deletion of the list, to  
139 notify subscribers of the existence of any similar lists. Although such electronic mail  
140 lists of individual subscribers shall be available for public inspection in either printed or  
141 electronic format to the extent permitted by law, school officials shall not provide anyone  
142 with copies of such lists. Release for public inspection of any subscriber list must be  
143 consistent with the Family Education Rights and Privacy Act (FERPA) if the list contains  
144 personally identifiable information from student education records. See policy 4700,  
145 Student Records.  
146

147 **F. DESTRUCTION OF PUBLIC RECORDS**

148  
149 ~~To the extent required by law, school officials shall maintain public records in~~  
150 ~~accordance with the applicable records retention and disposition schedule(s) issued by the~~  
151 ~~North Carolina Department of Natural and Cultural Resources. School personnel shall~~  
152 ~~comply with the *Records Retention and Disposition Schedule for Local Education*~~  
153 ~~*Agencies* adopted by the N.C. Department of Natural and Cultural Resources, Division of~~  
154 ~~Archives and History, unless otherwise required by statute, regulation, or other legal~~  
155 ~~authority. The superintendent may establish regulations for the destruction of records in~~  
156 ~~accordance with the approved schedules.~~  
157

158 Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-  
159 113.8(6); 115C-47(40), -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1  
160 to -9; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C.  
161 Department of Natural and Cultural Resources (1999), available at  
162 [https://archives.ncdcr.gov/government/retention-schedules/local-government-](https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules)  
163 [schedules#localschedules](https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules); *General Records Schedule for Local Government Agencies*, N.C.  
164 Department of Natural and Cultural Resources (2019), available at  
165 <https://archives.ncdcr.gov/documents/general-records-schedule-local-government-agencies>  
166

167 Cross References: North Carolina Address Confidentiality Program (policy 4250/5075/7316),  
168 Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy  
169 4705/7825), News Media Relations (policy 5040), Electronically Stored Information Retention  
170 (policy 5071/7351), Personnel Files (policy 7820)

171  
172 Adopted: January 19, 2016  
173  
174 Revised: July 16, 2018; [DATE]

REVISED