

**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 Any report received from the Teachers’ and State Employees’ Retirement System
30 pursuant to G.S. 135-8(f)(2)(f) is not a public record and will be treated as confidential.

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

- 35
36 1. Name.
37
38 2. Age.
39
40 3. The date of original employment or appointment.
41

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- 42 4. The terms of any past or current contract by which the employee is employed,
43 whether written or oral, to the extent that the board has the written contract or a
44 record of the oral contract in its possession.
45
46 5. Current position.
47
48 6. Title.
49
50 7. Current salary (includes pay, benefits, incentives, bonuses, deferred
51 compensation, and all other forms of compensation paid to the employee).
52
53 8. The date and amount of each increase or decrease in salary with the board.
54
55 9. The date and type of each promotion, demotion, transfer, suspension, separation,
56 or other change in position classification with the board.
57
58 10. The date and general description of the reasons for each promotion with the
59 board.
60
61 11. The date and type of each dismissal, suspension, or demotion for disciplinary
62 reasons taken by the board. If the disciplinary action was a dismissal, a copy of
63 the written notice of the final decision of the board setting forth the specific acts
64 or omissions that are the basis of the dismissal.
65
66 12. The office or station to which the employee is currently assigned.

67
68 The name of a participant in the North Carolina Address Confidentiality Program is not a
69 public record and must be redacted from any records released. As necessary, school
70 personnel may combine public and confidential records to meet the business needs of the
71 system. However, if a record contains confidential information as well as public
72 information, school officials must provide the requested public record with the
73 confidential information removed or redacted.
74

75 **B. DESIGNATION OF RECORDS OFFICER**

76
77 The superintendent shall designate a records officer or otherwise ensure that the duties of
78 a records officer are met.
79

80 1. Duties of the Records Officer

81
82 The duties of the records officer include the following:
83

- 84 a. determining whether records are public or confidential by law, with
85 assistance from the local board attorney as necessary;
86
87 b. determining the most cost-effective means of storing and retrieving public
88 records that include confidential information;
89
90 c. providing training, consultation, and guidelines to school officials who
91 respond to or are otherwise involved in public records requests;
92
93 d. determining the actual cost of providing copies of public records in
94 various forms, such as paper or electronic media, in which the school
95 system is capable of providing the records;
96
97 e. determining the cost of a request for copies of public records when a
98 special service charge is applicable or when the school system is
99 voluntarily creating or compiling a record as a service to the requester; and
100
101 f. reviewing appeals of any denial of a request for public records.
102

103 2. Other Duties

104
105 A designated electronic records officer or other employee(s) as determined by the
106 superintendent shall review all electronic data-processing systems created by the
107 school system or being considered for acquisition through lease, purchase, or
108 other means, to ensure they are designed and maintained in a manner that:

- 109
110 a. will not impede the school system’s ability to permit public inspection and
111 examination of public records; and
112
113 b. provides a means of obtaining copies of such records.
114

115 **C. REQUESTS FOR PUBLIC RECORDS**

116
117 All requests for examining or obtaining copies of public records should be in writing or
118 recorded by school system personnel. This policy, administrative guidelines, information
119 on the actual cost of producing public records, information on how to reach the records
120 officer, information about how to appeal a denial of a public records request, and
121 information regarding any computer database indexes must be made available to
122 individuals requesting public records.
123

124 Public records must be released in accordance with the law. Any denial of a public
125 records request must be made in writing and must include the basis for the denial. The

126 superintendent or designee may issue additional guidelines consistent with this policy to
127 further clarify the process for requesting public records.

128
129 **D. FEES FOR COPIES OF PUBLIC RECORDS**

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

135
136 **E. ELECTRONIC MAIL LISTS**

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

149
150 **F. DESTRUCTION OF PUBLIC RECORDS**

151
152 To the extent required by law, school officials shall maintain public records in
153 accordance with the applicable records retention and disposition schedule(s) issued by the
154 North Carolina Department of Natural and Cultural Resources. The superintendent may
155 establish regulations for the destruction of records in accordance with the approved
156 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; 135-8(f)(2)(f); ~~Records Retention and Disposition Schedule for Local Education Agencies~~
161 ~~Program Records Schedule: Local Public School Units~~, N.C. Department of Natural and
162 Cultural Resources (1999 2021), available at <https://archives.ncdcr.gov/documents/local-education-agencies-schedule>; ~~General Records Schedule: for Local Government Agencies~~, N.C.
163 Department of Natural and Cultural Resources (2019 2021), available at
164 <https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government>

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168 Cross References: **Use of Personal Technology to Conduct School Business (policy 3228/7323),**
169 North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Records
170 (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), News
171 Media Relations (policy 5040), Electronically Stored Information Retention (policy 5071/7351),
172 Personnel Files (policy 7820)

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174 Adopted: January 19, 2016

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176 Revised: July 16, 2018; December 16, 2019; February 15, 2021; August 2, 2021; **[DATE]**

REVISED