

The Transylvania County Board of Education, in compliance with the Family Educational Rights and Privacy Act of 1974 (The Buckley Amendment), adheres to the following policy:

I. Introduction

- A. The parents or guardians of students under eighteen (18) years of age have certain rights to inspect and review, contest the accuracy of, and control access to student educational records.
- B. Subject to paragraph II.B.6., below, when the student reaches the age of eighteen (18), only he or she and not the student's parents or guardian, shall have the right to inspect and review, contest the accuracy of, and control access to the student's educational records by others. Such a student is referred to below as an "eligible student."
- C. Student educational records are records, files, documents, and other materials which contain information directly related to a student. Such information includes but is not limited to academic work completed, grades, achievement test scores, aptitude or psychological intelligence test scores, attendance data, interest inventory results, health data, family background information, teacher or counselor ratings and observations, adaptive behavior scales and verified reports of serious recurrent misbehavior.

II. Access to Student Educational Records

- A. Student educational records shall be made available to:
 - 1. The student's parents (or eligible student).
 - 2. School officials who have a legitimate educational interest in seeing the records.
 - a. School officials include members of the instructional and counseling staff, administrators, and the Board of Education.
 - b. A legitimate educational interest exists when the school official seeks access to perform a school-related responsibility.
- B. Student educational records may be released:
 - 1. To the student who is the subject of the records at the school's discretion and without prior parental consent.

2. ~~To officials of other schools and school systems in which the student enrolls or intends to enroll, without prior authorization or the parent (or eligible student), unless the parent (or eligible student) has declined in writing to approve the transfer of records. This declination must be on file prior to the receipt of a request for the transfer of records by the student's new institution. Upon request, the school shall provide a parent (or eligible student) with a copy of the educational records which have been transferred.~~
 3. ~~To authorized representatives of the Controller General, the Secretary of Education and the administrative head of an education agency, or state education authorities, if any of these officials need information from student records or conduct an audit and evaluation of a federally supported education program or to pursue enforcement of the federal legal requirements relating to that program or for any other reason permitted by the referenced federal statute.~~
 4. ~~In connection with a student's application for or receipt of financial aid.~~
 5. ~~To appropriate individuals in the event of an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.~~
 6. ~~To the parents of a student 18 years old or over, if the student is eligible to be claimed as a dependent on the parent's federal tax return. The Transylvania County Schools will presume that parents or guardians of students who are currently attending a school within the Transylvania County School System claim the student as a dependent for tax purposes unless the student provides evidence to the contrary.~~
- C. ~~A school may not release any personally identifiable information concerning a student to any other persons, agencies, or organization unless it has written consent from the student's parents or guardian (or eligible student) or the school is under court order or subpoena.~~
1. ~~The written consent must be signed and dated and must specify what records are to be released, the reasons for such release, and to whom the records are to be released. A student's parent (or eligible student) shall be provided upon request with a copy of the records to be released.~~
 2. ~~The school will presume that a parent has the authority to review or consent to the review of his or her child's records unless the school has~~

~~been provided with evidence of a legally binding instrument, state law, or court order which provides to the contrary.~~

3. ~~If the school receives a court order or subpoena for student records, the school must make a reasonable effort to notify the parents (or eligible student) before such records are released.~~

III. Procedure for Inspecting a Student's Records

- A. ~~Any person, agency, or organization requesting access to student educational records must make the request to the school principal or assistant principal. Only these persons may accept and act upon the request.~~
- B. ~~Except for requests by a parent (or eligible student), school officials, or pursuant to the written consent of a parent (or eligible student), each request and disclosure shall be recorded on the inspection log that is located in the student's record. This record shall indicate the basis for releasing the requested information to each such person, agency or organization. Any such person or entity receiving student records must sign the inspection log and complete the requested data on the form. The inspection log shall be maintained as long as the student educational record to which it pertains is maintained. The inspection log shall be available only to the parents (or eligible student), the school officials responsible for custody of such records, other school officials with a legitimate educational interest in the records, or those persons, agencies and organizations listed in paragraph II.B.3., above.~~
- C. ~~Anyone who inspects a student's records must be notified that the information contained in the records may not be divulged to any other person without the written consent of the parents.~~
- D. ~~Upon receipt of a request for inspection, the principal or assistant principal shall arrange for the inspection and shall notify the parent or other authorized person concerning the date, time and place for the inspection. If a principal is unable to be present, he or she may designate a counselor to meet with the parent or other requester. The school shall comply with a request for inspection within a reasonable time not to exceed 45 days.~~
- E. ~~At the appointed time, the cumulative record folder or confidential folder shall be made available for inspection in the presence of the school staff person.~~
- F. ~~Nothing within the cumulative record folder or confidential file may be removed or destroyed by the person obtaining access.~~

- G. ~~If the educational records of a student include information on more than one student, the parents of each student shall have the right to inspect and review only the part of the record that relates to such student or to be informed of the specific information contained in such part of the record.~~
- H. ~~The school staff person, if asked, shall attempt to explain and to help a parent (or eligible student) understand the records.~~
- I. ~~The parent (or eligible student) may copy data from the folder, and may obtain photocopies only when the failure to obtain such photocopies would effectively prevent them from reviewing the records. Photocopies will be provided at a reasonable cost.~~
- J. ~~The school shall not destroy any student educational records when there is an outstanding request for inspection.~~
- K. ~~All confidential records are stored in locked files or storage areas (i.e., vaults).~~
- L. ~~The Director of Personnel is responsible for supervising the confidentiality and access to records in the Transylvania County School System.~~

IV. Procedures for Hearing

- A. ~~In the event a parent (or eligible student) contends that a student educational record is inaccurate, misleading or otherwise in violation of the student's rights, the school must grant an informal hearing on request.~~
- B. ~~The hearing shall be conducted within 30 calendar days by the school principal or other school official appointed by the Superintendent who does not have a direct interest in the outcome of the hearing. The parent (or eligible student) shall be given reasonable advance notice of the date, place and time of the hearing.~~
- C. ~~The parent (or eligible student) may present evidence relevant to the alleged inaccurate, misleading or inappropriate material and may be assisted, at their own expense, by any person including an attorney.~~
- D. ~~A written decision based solely on the evidence presented shall be rendered within 30 calendar days after the hearing and shall include a summary of the evidence and the reasons for the decision.~~
- E. ~~If inaccurate, misleading or inappropriate information is found in the report, a correction or deletion shall be made, and the parent shall be informed of this~~

action in writing. Such changes shall be initialed by the principal. If the principal finds that a change should not be made, and if he or she is unable to resolve the complaint, the parent (or eligible student) shall be informed of his or her right to submit a written statement of the alleged inaccuracy which shall be made a part of the student's official record. Such written statement shall be maintained as part of the student's educational records as long as the contested portion of the record is kept on file and shall be included whenever the contested portion is disclosed to any person, institution or agency.

V. Annual Notice

At the beginning of each school year, each school shall give parents of students in attendance (or eligible students) a notice informing them that they have certain rights to review, consent to review, and control access to the student's educational records. This notice shall indicate that a copy of the school's alleged failure to comply with the Buckley Amendment may be brought to the attention of the Office of the Secretary, Department of Education, Washington, D.C.

Ref: 20 U. S. C. §123g and 34 C. F. R. Part 99

APPROVED BY BOARD
AND EFFECTIVE 10/19/87