

All student records must be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for complying with all legal requirements pertaining to the maintenance, review and release of records retained at the school.

A. ANNUAL NOTIFICATION OF RIGHTS

The superintendent or designee shall provide eligible students and parents with annual notification of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice must contain all information required by federal law and regulations, including the following:

1. the right to inspect and review the student's educational records and the procedure for exercising this right;
2. the right to request amendment of the student's educational records that the parent or eligible student believes to be inaccurate, misleading or in violation of the student's privacy rights; and the procedure for exercising this right;
3. the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
4. the type of information designated as directory information and the right to opt out of release of directory information;
5. that the school system releases records to other institutions that have requested the information and in which the student seeks or intends to enroll;
6. the right to opt out of releasing the student's name, address and phone number to military recruiters or institutions of higher education that request such information;
7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school official discloses or intends to disclose personally identifiable information to school officials without consent;
8. notification if the school system uses contractors, consultants, volunteers or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and

9. the right to file complaints with the Family Policy Compliance Office in the U.S. Department of Education.

School officials are not required to individually notify parents or eligible students of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Effective notice must be provided to parents or eligible students with disabilities or those whose primary or home language is not English.

B. DEFINITION OF PARENT AND ELIGIBLE STUDENT

1. Parent

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

2. Eligible Student

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

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

C. CLASSIFICATION AND MAINTENANCE OF RECORDS

Information about students that is collected and stored by school personnel may be separated into several categories, including, but not limited to, the following records.

1. Cumulative Records

The cumulative record is part of the official record for each student. The cumulative record includes student identification information, such as the student's name, address, sex, race, birthplace and birth date; family data including

the parents' names, addresses, work and home telephone numbers, and places of employment; academic work completed; grades; standardized test scores; health screenings and immunization documentation; attendance records; entrance date and withdrawal and reentry records; honors and activities; class rank; date of graduation; and follow-up records. Student discipline records are also part of the student's cumulative record and shall be maintained and reviewed pursuant to policy 4345, Student Discipline Records. Discipline records shall be expunged and forwarded pursuant to the requirements of law and the procedures of policy 4345.

2. Records of Students with Disabilities

Students with recognized disabilities will be accorded all rights in regards to their records as provided by state and federal law, including the Individuals with Disabilities Education Act and policy 3520, Special Education Programs/Rights of Students with Disabilities. Records for a student identified as a student with a disability are considered part of the student's official records and must be maintained in accordance with all appropriate federal and state regulations. Access to these records shall be restricted to personnel having specific responsibility in this area. A list of all approved personnel having access to these restricted files shall be updated as needed, and a current, dated list is to be posted in the student records location.

3. Juvenile Records

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 shall not be a part of a student's official records but shall 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 shall 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 shall 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 education 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.

4. Records Received from the Department of Social Services

The Department of Social Services may disclose confidential information to the school system in order to protect a juvenile from abuse or neglect. Any confidential information disclosed under these circumstances must remain confidential and may only be redisclosed for purposes directly connected with carrying out the school system's mandated educational responsibilities.

5. Other Student Records

School system personnel may also keep other student records as part of the student's official record but must review such records annually and destroy them when their usefulness is no longer apparent or when the student leaves the school system.

6. Sole Possession, Employment and Law Enforcement Records

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

- a. records made by teachers, counselors and administrators that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute;
- b. employment records of student employees if those records relate exclusively to the student in his or her capacity as an employee and are not made available for any other use; and
- c. records created by a law enforcement unit of the school system if created for a law enforcement purpose and maintained solely by the law enforcement unit of the school system. This does not include information obtained from the student's confidential file or other educational records that is contained in a law enforcement record.

D. RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

Records of students participating in the North Carolina Address Confidentiality Program shall show only the substitute address provided by the Address Confidentiality Program and shall not be released to any third party other than a school to which the student is transferring, or as otherwise provided by law.

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

E. RECORDS OF MISSING CHILDREN

Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of the disappearance of a child who is currently or was previously enrolled in the school, school officials shall flag the record of that child. If the missing child's record is requested by another school system, the principal shall provide notice of the request to the superintendent and the agency that notified the school that the child was missing. The principal shall provide the agency with a copy of any written request for information concerning the missing child's record.

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

F. RECORDS OF MILITARY CHILDREN

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

In addition, children of military families, as defined by policy 4050, are entitled to the following.

1. For Students Leaving the School System

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

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

2. For Students Enrolling in the School System

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

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

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

A parent or eligible student may access to the student's records upon proper request. The principal of the student's school shall schedule an appointment as soon as possible but no later than 15 days after the request by the parent or eligible student. The parent or eligible student may formally review the student's complete records only in the presence of the principal or a designee competent to explain the records. School personnel shall not destroy any educational records if there is an outstanding request to inspect or review the records.

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

H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS

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

1. Release/Disclosure With Parental Consent

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

2. Release/Disclosure Without Parental Consent

As permitted by law, records with personally identifiable information may be released to the following persons, without parental permission.

- a. School officials with a legitimate educational need to review the student's records.

For purposes of this policy, a school official is a person employed by the school as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a school board member; a person or company with whom the school system has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a volunteer assisting a school official in performing his or her tasks (such as a tutor). The principal of the school where the records are kept may determine whether a school official is seeking information to carry out his or her official duty and whether the specific information sought will help in carrying out that duty. The superintendent shall employ reasonable methods to ensure that teachers and other school officials obtain access only to those educational records in which they have legitimate educational interests.

- b. Contractors, consultants, volunteers and other outside parties who are under the direct control of the school system with respect to education records and who are performing services or functions for which the school system would otherwise use employees.
- c. Officials of other schools or school systems in which the student has enrolled or seeks enrollment.

The parent or eligible student must receive notice of the disclosure, either through annual notice in the student handbook or other means, or through specific individual notice. Upon request, parents or eligible students may receive a copy of the records and/or an opportunity to challenge the contents of the record. School system officials shall promptly release student records when a student transfers to another school.

- d. Certain authorized federal government representatives and state and local educational authorities, for the purposes of auditing, evaluating, enforcing

or complying with federal or state-supported educational programs and legal requirements of such programs.

- e. Persons acting under a court order or lawfully-issued subpoena.

Before releasing records under this provision, the principal should attempt to verify that the subpoena is lawful. Under this exception, the principal or designee shall make a reasonable effort to notify the parent or eligible student of the request prior to the release of the records, such as by sending written notice to the parents or the eligible student at their last known address. This notification requirement does not apply if a subpoena or court order prohibits disclosure or if the court order was obtained by the United States Attorney General concerning certain investigations or prosecutions.

- f. Courts in which the school system initiates a legal action against a parent or student or in which the parent or eligible student initiates an action against the school system, if the education records are relevant to the school system's action as a plaintiff or necessary for the school system to defend itself.
- g. Appropriate entities in connection with a student's application for or receipt of financial aid, for the purpose of determining or enforcing eligibility, amount or conditions for financial aid.
- h. Accrediting organizations, to the extent necessary to allow them to carry out their accrediting functions.
- i. Organizations acting under a written agreement with the school system to conduct educational studies for or on behalf of the school system.

The purpose of the study must be to develop, validate or administer predictive tests, to administer student aid programs or to improve instruction. The written agreement must specify the purpose, scope and duration of the study and the information to be disclosed; restrict the use of personally identifiable information to purposes related to the study; and require the study to be conducted in such a way that there is no personal identification of parents and students to individuals outside the organization conducting the study. In addition, the agreement must specify that student record information will be destroyed or returned to the school system within the time period established in the agreement when no longer needed for purposes of the study.

- j. Appropriate persons in connection with an emergency, if the release of the information is necessary to protect the health or safety of the student or other persons.

-
-
- k. Representatives of the juvenile justice system for students under juvenile court jurisdiction, prior to adjudication.

The release of records must concern the system's ability to effectively serve the student whose records are released.

- l. Parents of an eligible student, if the student is classified as a dependent of the parent for income tax purposes.

When personally identifiable information from a student's record is released or disclosed without prior written consent of the parent or eligible student, the party to whom the information is released must agree not to disclose the information to any other party without the prior consent of the parent or eligible student. This restriction does not apply to the release of directory information, release of information to parents of non-eligible students, release of information to parents of dependent students, or release of information in accordance with a court order or subpoena.

3. Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out. (See policy 1310/4002, Parental Involvement).

- a. The board designates the following student record information as directory information:
 - (1) name;
 - (2) age;
 - (3) participation in officially recognized activities and sports;
 - (4) weight and height of members of athletic teams;
 - (5) dates of attendance;
 - (6) grade level;
 - (7) diplomas, certification and awards received; and
 - (8) most recent previous school or education institution attended by the student.

-
-
- b. As required by law, the names, addresses and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of high learning, whether or not such information is designated directory information by the school system. Students or their parents, however, may request that the student's name, address and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made.
- c. All requests for directory information must be submitted to the superintendent or designee for approval. The superintendent is directed to establish regulations regarding the release of directory information. At a minimum, the regulations must:
- (1) specify the types of organizations that are eligible to receive directory information, and for what purposes;
 - (2) provide for equal disclosure to organizations that are similar in purpose; and
 - (3) authorize access to directory information to recruiters of military forces of the state or United States for the purpose of informing students of educational and career opportunities available in the military to the same extent that such information is made available to persons or organizations that inform students of occupational or educational options.

4. Records of Students with Disabilities

Students with recognized disabilities will be accorded all rights in regards 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 an inspection log 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

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*. School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; G.S. 7B-3100; 14-208.29; 115C-47(26), 109.3, -402, -403, -407.5

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

Adopted: November 4, 2009