

## **~~4100 MAINTENANCE, REVIEW, AND RELEASE OF STUDENT RECORDS~~**

In compliance with the Family Educational Rights and Privacy Act of 1974, [20 U.S.C. Section 1232g](#), and its implementing regulations, [34 C.F.R. Part 99](#), the Edenton-Chowan Board of Education requires its staff and administrators to protect the confidentiality of student records as provided in this policy. All student records shall be up-to-date and maintained with appropriate measures of security and confidentiality.

### **A. Definitions of parent and eligible student**

1. A parent includes a natural parent, a guardian, a guardian ad litem or an individual who is acting as a parent in the absence of a parent or guardian. Unless a court order or other legally binding document specifies otherwise or terminates or suspends all parental rights, both custodian parents and non-custodial parents have a right to review and give consent for release of the child's school record. A copy of any court order restricting a parent's access to a student's files shall be included with the student's cumulative record and shall be complied with by all school personnel.
2. An eligible student is a student who is 18 years of age or older or a student who is attending a post-secondary educational institution.

### **B. Definitions of records; types of records; location of records**

Student records protected by this policy include those records, files, documents and other materials in any form that contain information directly related to a student. Student records do not include the records of school personnel that are in the sole possession of the maker and which are not accessible or revealed to any other person except a temporary substitute for the person who made the record.

1. The principal is the custodian of student records maintained at the school, including a student's cumulative file and, if applicable, a confidential file. Each student's records are maintained and released in accordance with this policy by the principal of the school the student currently is attending or most recently attended.
  - a. The student's cumulative file may include, but is not limited to: a photograph of the student; a personal data sheet; achievement, scholastic, aptitude and other standardized test scores; literacy assessments; a transcript; a certified birth certificate; immunization records; a homeless student's living situation; emergency medical and other health data; and family background information.
  - b. The student's confidential file contains information regarding the referral, identification and service for special needs, disabled, and academically gifted children. These folders are kept at the school the child attends and are kept in a secure location as part of the student's official record. Copies of some special education records may also be kept at the Edenton-Chowan Public Schools Central Office. See Section 10 below for further information regarding special education records.

2. Official records must be maintained permanently and must include: the student's date of birth, attendance data, grading and promotion data, and notice of any expulsion or long-term suspension (a suspension for a period of more than 10 days) and the conduct for which the student was expelled or suspended. The Superintendent or designee may expunge a notice of expulsion or long-term suspension from the student's record if all of the following criteria are met: (1) the student graduates from high school or is not suspended or expelled during a two-year period following the student's return to school after the suspension or expulsion; (2) the Superintendent or designee determines that maintenance of the record is no longer required to maintain safe and orderly schools; and (3) the Superintendent or designee determines that the maintenance of the record is no longer needed to adequately serve the student. The Superintendent or designee shall expunge a notice of expulsion or long-term suspension from the student's record if all of the above criteria are met and a parent, eligible student, student who is married, or student who is at least 16 years old requests expungement.
3. Temporary student records may be kept but shall be reviewed annually and destroyed when their usefulness is no longer apparent or when the student leaves school, unless there is an outstanding request to inspect.
4. 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](#). A list of such agencies and the order authorizing the sharing of information shall be maintained by the Superintendent. Such documents shall not be part of a student's official records, but shall be maintained by the principal in a safe, locked record storage 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 education opportunities for the student or others. The principal may share juvenile records with individuals who have direct guidance, teaching, or supervisory responsibility for the student and a specific need to know in order to protect the safety of the student and others. Juvenile records shall be destroyed if the principal receives notification that a court no longer has jurisdiction over the student or if the court grants a student's petition for expunction of the records. All other information received from an examination of juvenile records shall be destroyed when the principal 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 counselor with the name and address of the school to which the student is transferring.

5. Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of a child's disappearance, the school shall flag the record of any child who is currently or who was previously enrolled in a school and who is reported as missing. If the missing child's record is requested by another school system, the principal shall notify the Superintendent and the agency that notified the school that the child was missing of the request and provide the agency with a copy of any written request for information concerning the missing child's record.
6. Upon transfer of a child into the Edenton-Chowan Public Schools from any other school system, the principal shall, within thirty (30) days of the child's enrollment, obtain the child's record from the school in which the child previously was enrolled. If a copy of the child's record from the previous school is provided by the parent, the principal shall, within thirty (30) days of the child's enrollment, request written verification of the school record from the previous school. Any information received indicating that the transferring child is a missing child shall be reported promptly to the Superintendent and the North Carolina Center for Missing Persons.

### **C. Who May Inspect and Review Student Records**

A parent or an eligible student shall be allowed to inspect and review the student's records upon proper request. The school may attempt to notify the custodial parent of any request made by the non-custodial parent for access to or release of information in the child's education records. If information within a student's record includes information on any other student, the parent or eligible student shall have the right to inspect and review only the part of the record that pertains to their student or to be informed of the specific information related to their student.

Once a student becomes an eligible student, the rights of the parent under this policy terminate and all such rights transfer to the student with one exception: the parents of an eligible student, who is classified as a dependent of the parent for income tax purposes, may review their child's records without his/her student's consent.

### **D. Right to Inspect and Review Student Records**

Except as modified in section 10 below, requests to review a student's records, including records that are electronically maintained, should be made in writing to the school principal or designee. The review shall be scheduled within a reasonable period of time, no later than 45 calendar days following the written request to the principal or designee. A formal review of a student's complete records shall be conducted only in the presence of the principal or a school official designated by the principal.

### **E. Copies of Student Records**

Copies of student records shall be provided within 45 calendar days of receiving a written request of a parent or eligible student. A fee may be charged to a parent or eligible student for copies of a student's record according to a fee schedule developed by the Superintendent, unless the effect of charging the fee is to effectively prevent a parent or eligible student from exercising the right to inspect and review the student's educational records.

## **F. Release of Student Records**

Except in the circumstances outlined below, a parent or eligible student must provide written consent prior to the release of personally identifiable information from a student's record. When personally identifiable information from a student's records is released without prior written consent of the parent or eligible student, the party to whom the information is released shall 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 (L below) or information released in accordance with a court order or subpoena (D below). Information may be released to the following persons or in the following circumstances without prior written consent:

1. Officials within the school system who have a legitimate educational need to review the student's records. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official is a person employed by the school system as an administrator, supervisor, instructor, or support staff member (including health or medical staff, school security, and school resource officers); a school Board member; or 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).
2. Officials of other schools and school systems in which the student has enrolled or intends to enroll, provided that the parent or eligible student receive notice of the disclosure, either through the annual notice provided in the Edenton-Chowan Public Schools parent/student handbook or through specific individual notice. The Edenton-Chowan Public Schools shall give the parent or eligible student, upon request, (i) a copy of the record that was disclosed and/or (ii) an opportunity to challenge the contents of the record.
3. 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
4. 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. The principal or his or her designee must make a reasonable effort to notify the parent or eligible student of the request for release prior to release of the records under this exception.
5. In court proceedings, without a court order or subpoena, the education records of the student that are relevant to the legal action, if a parent or eligible student initiates legal action against the school or if the school initiates legal action against a parent or eligible student.
6. Financial aid organizations, if the release is in connection with a student's application for or receipt of financial aid.

7. Accrediting organizations, to the extent necessary to allow them to carry out their accrediting functions.
8. Organizations conducting educational studies, provided the purpose of the study is to develop, validate or administer predictive tests, to administer student aid programs, or to improve instruction. The study must 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, student record information must be destroyed when no longer needed for purposes of the study.
9. To 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;
10. To representatives of the juvenile justice system for students under juvenile court jurisdiction, prior to adjudication, when the release of records concerns the system's ability to effectively serve the student whose records are released;
11. Parents of an eligible student, if the student is classified as a dependent of the parent for income tax purposes.
12. Directory information, including a student's name and grade, photograph, the school the student is attending or most recently attended, dates of attendance, date of graduation, awards received, participation in officially recognized activities and sports, and the weight and height of members of athletic teams. Directory information will not be released to requestors seeking to use the information for commercial or marketing purposes. Annually, parents and eligible students will be given an opportunity to object to the release of directory information. If an objection is made, then no directory information about that student will be released.
13. Pursuant to federal law, names, addresses and telephone listings of secondary school students shall be released to military recruiters and institutions of higher education upon request. Parents or eligible students may request that this information not be released without prior written consent by the parent or eligible student. Annually, parents and eligible students will be notified of the opportunity to make such a request. If a request is made, then the school system shall comply with the request and shall not release the name, address and telephone listing of the student without prior written consent.
14. Information about a homeless student's living situation is not considered directory information and will not be released.

#### **G. Record of Requests and Disclosures of Student Records**

A record of each request for access to and disclosure of personally identifiable information from a student's record shall be maintained with that record. A parent or eligible student shall have access to this record of disclosures. The record will include:

1. The parties who have requested or received information; and

2. The legitimate reason(s) for requesting or obtaining the information.

A record of requests for access from and disclosures to the following individuals is not required:

- a. Parents and eligible students.
- b. School officials who have a legitimate educational purpose.
- c. Parties seeking directory information.

#### **H. Process for Amending Student Records**

A parent or eligible student shall have the right to challenge, in writing, the content of a document contained in the student's record on the grounds that the information is inaccurate, misleading, or otherwise in violation of the student's privacy rights. Except as modified in section 10 below, challenges shall be processed as follows:

1. The parent or eligible student shall make a request for amendment in writing to the Superintendent or designee. The request shall identify the information in the student's record that is claimed to be inaccurate, misleading, or in violation of the student's privacy rights; the basis for the request, and the proposed change to the record. This request shall become a part of the student's official record.
2. The Superintendent or designee shall examine all written requests for amendment to student record items. He/she shall decide whether a challenged document should be removed, altered, or remain as it is. The Superintendent or designee shall provide a written decision, to the parent or student within 15 school days after the parent/student request is received. If the Superintendent or designee determines that the record is inaccurate, misleading, or in violation of the student's privacy rights, he or she shall amend the record accordingly and inform the challenger of the amendment in writing. If the Superintendent or designee determines that the record is not inaccurate, misleading, or in violation of the student's privacy rights, he or she shall inform the parent or student, in writing, of the right to appeal the Superintendent/designee's decision through the procedure set forth below and the right to place a statement in the student's record commenting on the contested information and/or stating his disagreement with the decision not to remove or amend the challenged item. If such a statement is submitted, it shall be maintained with the challenged item in the student's record and released with the challenged item whenever it is released.
3. The parent or student may appeal the Superintendent/designee's decision in writing to the Board. The appeal must be made within five (5) school days following receipt of the Superintendent/designee's written response in Step I. The hearing shall be held within ten (10) school days following the written appeal or as soon as possible thereafter. Both the parent/student and the school may be represented by an attorney. Both sides shall have an opportunity to present evidence relevant to the issue of whether the contested information is inaccurate, misleading, or in violation of the student's right to privacy.

The Board shall issue a written decision summarizing the evidence and providing the reason(s) for its decision. If the Board determines that the record is inaccurate, misleading, or in violation of the student's privacy rights, the school shall amend the record accordingly and inform the challenger of the amendment in writing. If the Board determines that the record is not inaccurate, misleading, or in violation of the student's privacy rights, the school shall inform the parent or student, in writing, of the right to place a statement in the student's record commenting on the contested information and/or stating disagreement with the decision not to remove or amend the challenged item. If such a statement is submitted, it shall be maintained with the challenged item in the student's record and released with the challenged item whenever it is released. The Board shall endeavor to provide its written decision within thirty (30) calendar days.

**I. Availability of Policy to Parents**

A copy of this policy shall be made available to a parent or eligible student upon request.

**J. Special Education Records**

Additional rights of parents and eligible students concerning a student's special education records are explained in the Handbook on Parents' Rights and in the North Carolina Procedures Governing Programs and Services for Children with Disabilities

**K. School Health Records**

School health records are an integral part in communicating student health concerns, legal evidence, research, education, quality assurance monitoring, statistics, accreditation/licensing, and reimbursement. These records, whether in paper or electronic form must be kept confidential, secure, accessible only by authorized staff, and protected from loss or destruction in accordance with current state and federal regulations.

**L. 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 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.

LEGAL REF: Family Education Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, 34 C.F.R. Part 99, 10 U.S.C. § 503, 32 C.F.R. Part 83, G.S. 115C-47 (26), G.S. 115C-114, G.S. 115C-402, G.S. 115C-403, and G.S. 174.13 Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 7908; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; G.S. 7B-302, -3100; 14-208.29; 115C-47(26), -109.3, -402, -403, -407.5; 116E-6; Records Retention and Disposition Schedule for Local Education Agencies, N.C. Department of Natural and Cultural Resources (1999), available at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>

ADOPTED:

AMENDED: September 8, 2008; November 5, 2012

**EDENTON-CHOWAN BOARD OF EDUCATION**