

## **Policy Code: 4095 MAINTENANCE, REVIEW, AND RELEASE OF STUDENT RECORDS**

In compliance with the Family Education Rights and Privacy Act of 1974 (The Buckley Amendment), [20 U.S.C. Section 1232g](#) and its implementing regulations, [34 C.F.R. Part 99](#), the Stanly County Board of Education requires its staff and administrators to protect the confidentiality of student records as provided in this policy.

### **I. STUDENT RECORDS DEFINED**

Student educational records protected by this policy include those records, files, documents, and other materials that contain information directly related to a student. Files kept on students include a Permanent Record, Temporary Record and, for special needs children, a special education folder. The student's Permanent Record and Temporary Record are maintained by the principal of the school the student currently is attending or most recently attended. These records are located in the administrative office at each school. The Permanent Record contains, but is not limited to: date of birth, attendance data, grading and promotion data and academic testing records, achievement test scores, and intelligence test scores. Each student's official record also shall include notice of any suspension or expulsion under [G.S. 115C 391](#) and the conduct for which the student was suspended or expelled.

The superintendent or the superintendent's designee shall expunge from the record the notice of the suspension or expulsion if the following criteria are met:

- (1) One of the following persons makes a request for expungement:
  - a. The student's parent, legal guardian, or custodian.
  - b. The student, if the student is at least 16 years old or is emancipated.
- (2) The student either graduates from high school or is not expelled or suspended during the two year period commencing on the date of the student's return to school after the expulsion or suspension.
- (3) The superintendent or the superintendent's designee determines that the maintenance of the record is no longer needed to maintain safe and orderly schools.
- (4) The superintendent or the superintendent's designee determines that the maintenance of the record is no longer needed to adequately serve the child.

Notwithstanding subdivision (1) of this section, the superintendent or the superintendent's designee may expunge from a student's official record any notice of suspension or expulsion provided all other criteria under this section are met.

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.

Special education folders contain information regarding the referral, identification and service for special needs children. These records also are kept at the school the child attends. They are in the possession of the school principal. Copies of some special education records also are kept at the Stanly County School Administrative Offices by the Special Education Director. At the end of a five year period following the student's exit from the school system, the

~~Permanent Record shall be sent to the Superintendent for storing (by microfilming or other means) and responding to information requests.~~

## ~~II. RIGHT OF ACCESS TO RECORDS~~

~~The parents or legal guardians of a child have the right to review the contents of the child's school records. Students 18 years of age or older or who are married ("emancipated students") have the right to review their own school records. Parents of an emancipated student may examine the student's records if the child is classified as a dependent of the parent under federal income tax regulations. When a child's parents are separated or divorced, the records will be open to both parents unless a court order specifying otherwise is provided to school officials. 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.~~

~~Parents, legal guardians, or emancipated students who wish to inspect and review the student's cumulative record folders shall submit a request in writing to the principal of the student's school. When the principal receives a written request for review of the records from a parent, guardian, or emancipated student, the principal shall schedule the review no later than fifteen (15) calendar days following the request. The records may be examined only in the presence of a school official competent to interpret student records.~~

~~Upon request, one copy of a student's record shall be provided free of charge to a parent, guardian, or emancipated student. A fee of up to ten cents per page may be charged for additional copies, except that up to three free transcripts shall be provided for potential post high school admission. A fee for copies will not be charged if the effect of charging the fee is to prevent a parent, guardian, or emancipated student from exercising the right to inspect and review the student's educational records.~~

## ~~III. DIRECTORY INFORMATION~~

~~A. Certain directory information may be published by or on behalf of schools without the consent of either parents or students unless the parent or pupil objects to its release in writing; however, except as specified in Part V, below, the Board of Education prohibits the release of lists of students' names and addresses to any outside agency, public or private, unless there is an inter-agency agreement.~~

~~B. Directory Information includes: A student's name, address, age, place of birth, height, weight, grades, honors, awards, activities, photograph, field(s) of study, school and graduation status, and parent/guardian email address.~~

~~C. Directory Information may be published in yearbooks, annuals, memory books, athletic programs, school newspapers, and other school publications.~~

~~D. The No Child Left Behind Act of 2001 and the National Defense Authorization Act for Fiscal Year 2002, requires high schools to provide to military recruiters, upon request, access to secondary school students and directory information on those students. In accordance with these acts, military recruiters are entitled to receive the name, address, and telephone numbers of high school juniors and seniors.~~

**Attachment: Parent Letter Notification**

View or print [Parent Notification Letter](#).

#### IV. RECORDS OF MISSING CHILDREN

~~Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of a child's disappearance, the Superintendent or his designee shall have that child's student record distinctively marked in such a manner that, if a copy or information regarding the record is requested, school personnel will be alerted to the fact that the record is that of a missing child.~~

~~A. Upon receipt of such a request, and before providing a copy or other information concerning such a child, the Superintendent or his designee shall notify the agency that requested the record be marked of every inquiry made concerning the marked record, and shall provide to the agency a copy of any written request for information concerning the record.~~

~~B. Upon transfer of a child into the Stanly County 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, guardian, or custodian, 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.~~

#### V. RESTRICTIONS ON RELEASE OF RECORDS

~~Apart from the directory information listed above, personally identifiable information about a student shall not be released from a student's record without the prior written consent of the parent, guardian, or emancipated student, except to the following persons:~~

~~A. School personnel who have a proper educational purpose in examining the information contained in a student's record;~~

~~B. Officials of other schools and school systems in which the student has enrolled or intends to enroll, unless the parent, student, or guardian has specifically requested in writing that the information not be released to the requesting institution;~~

~~C. Authorized representatives of state and federal educational institutions or other authorized officials who have a legitimate reason for reviewing a student's records;~~

~~D. Persons acting under a lawful court order or subpoena, but only within the limits of their legal authority, provided that the parent, guardian, or emancipated student shall be notified of the request for release prior to release of the records under this exception;~~

~~E. Financial aid organizations, if the release is in connection with a student's application for or receipt of financial aid;~~

~~F. Accrediting organizations, to the extent necessary to allow them to carry out their accrediting functions;~~

~~G. 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.~~

~~H. Law enforcement agencies/personnel.~~

~~I. Companies and/or vendors with whom the school has a written contract to provide direct services to students, provided the written contract specifies that the directory information will not be shared with any other company or vendor.~~

## ~~VI. RIGHT TO CHALLENGE CONTENTS OF RECORDS~~

~~The parent, legal guardian, or emancipated 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, inappropriate, or otherwise violative of the student's rights.~~

~~Challenges shall be processed as follows:~~

~~A. Any written objection shall be signed by the parent or emancipated student and dated. This shall become a part of the student's Permanent Record.~~

~~B. The principal shall examine all written challenges to student record items and decide whether the challenged document should be removed, altered, or remain as it is. The principal then shall respond in writing to the person challenging the item, stating the decision and the reasons therefor.~~

~~C. If the request for removal or alteration of the challenged document is denied by the principal, the applicant may follow the Student Grievance Procedure in appealing the denial of the request. The principal shall inform the challenger, in writing, of his right to appeal the challenge through the Student Grievance Procedure and his 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.~~

~~D. 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.~~

~~A copy of this policy shall be distributed annually to students and parents and shall be made available upon request by students, parents, or legal guardians of students.~~

~~Legal Reference: [G.S. 115C 402, 403](#); Family Education Rights and Privacy Act of 1974, [20 U.S.C. Section 1232g](#) and [34 C.F.R., Part 99](#).~~

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 the 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 is 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 the official record for each student. The cumulative record includes student identification information, such as the student's name, address (or a homeless student's living situation), 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; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.

#### **2. Discipline Records**

Student discipline records are part of the student's official record and must be maintained and reviewed pursuant to policy [4100](#), Student Discipline Records. Discipline records must be expunged and forwarded pursuant to the requirements of law and the procedures of policy [4100](#).

#### **3. Records of Students with Disabilities**

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act. 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 will be restricted to personnel having specific responsibility in this

area. A list of all approved personnel having access to these restricted files will be updated as needed, and a current, dated list will be posted in the student records location.

#### 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. 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 4.7 Such documents must not be a part of a student's official records but must 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 will 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 must 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 educational 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.

#### 6. Other Student Records

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

#### 7. 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**

Students or parents enrolled in the North Carolina Address Confidentiality Program (NCACP) must provide a valid NCACP authorization card to the school principal if they wish to keep their home address confidential. The school system will maintain a confidential record of the actual home address for admission and assignment purposes only and will not release that address except as provided by law. With the exception of such specially-maintained records, student records will include only the substitute address provided by the NCACP and not the actual home address of any students or parents for whom a valid NCACP authorization card is on file.

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 must 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-A, 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.

## **G. Review, Release of Records to Parent or Eligible Student**

A parent or eligible student may access the student's records upon proper request. The principal or guidance office personnel of the student's school shall schedule an appointment as soon as possible but no later than 45 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, will follow the student grievance procedures as provided in policy 4090, Student Grievance. 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**

School system officials shall promptly release student records when a student transfers to another school. The records custodian may release or disclose records with personally identifiable information without parental permission to the extent permitted by law, including to other school officials who have a legitimate educational interest in the records.

Personally identifiable information from a student's record may be released or disclosed to someone other than a parent or eligible student without prior written consent of the parent or eligible student only as specifically provided by federal law. Except as otherwise permitted by federal law, when personally identifiable information from a student's record is released or disclosed to someone other than a parent or eligible student without their written consent, the party to whom the information is released must agree not to disclose the information to any other party without the prior written consent of the parent or eligible student.

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.

### 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 2020, Parental Involvement.)

a. The board designates the following student record information as directory information:

(1) name;

(2) address;

(3) telephone listing;

(4) electronic mail address;

(5) photograph;

(6) date and place of birth;

(7) participation in officially recognized activities and sports;

(8) weight and height of members of athletic teams;

(9) dates of attendance;

(10) grade level;

(11) diplomas (including endorsements earned), industry credentials/certifications, and awards received; and

(12) most recent previous school or education institution attended by the student.

b. The telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program is not considered directory information and will not be released except as required by law.

c. Information about a homeless student's living situation is not considered directory information and will not be released.

d. 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 higher 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.

e. 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 must be accorded all rights in regard 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 a record 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*. After notifying parents, school officials may destroy student records when the records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials must destroy student records if the parent or eligible student requests their destruction and if such records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

### **L. Longitudinal Data System**

School system administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer designated student record data to the system in accordance with the NCLDS data security and safeguarding plan and all other requirements of state law, provided that doing so does not conflict with the requirements of FERPA.

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.](#); 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 <https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules>

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**Stanly County Schools**