**SCHOLAR RECORDS** *Policy Code:* **4700**

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

1. **Annual Notification of Rights**

The principal or designee shall provide eligible scholars 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 scholar’s educational records and the procedure for exercising this right;
  2. the right to request amendment of the scholar’s educational records that the parent or eligible scholar believes to be inaccurate, misleading, or in violation of the scholar’s privacy rights; and the procedure for exercising this right;
  3. the right to consent to disclosures of personally identifiable information contained in the scholar’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 releases records to other institutions that have requested the information and in which the scholar seeks or intends to enroll;
  6. the right to opt out of releasing the scholar’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 uses contractors, consultants, volunteers, or similar persons as school officials to perform certain school 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 scholars of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible scholars of their rights. Effective notice must be provided to parents or eligible scholars with disabilities or those whose primary or home language is not English.

1. **Definition of Parent and Eligible Scholar**
2. 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 scholar are separated or divorced, both parents have the right to access the scholar’s records as provided in this policy, unless the school has been provided with evidence that there is a court order, state statute, or other legally binding document that specifically revokes these rights.

1. Eligible Scholar

For purposes of this policy, an eligible scholar is a scholar 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 scholar. However, parents may still have access to the records as long as the scholar is claimed as a dependent by the parent for federal income tax purposes. An eligible scholar who desires to prevent access to records by his or her parents must furnish to the principal information verifying that the scholar is not a dependent of his or her parents. If a parent of a scholar who is at least 18 and no longer attending the school wishes to inspect and review the scholar’s records, he or she must provide information verifying that the scholar is a dependent for federal income tax purposes.

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

1. **Classification and Maintenance of Records**

Information about scholars 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 scholar. The cumulative record includes scholar identification information, such as the scholar’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; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.

* 1. Discipline Records

Scholar discipline records are part of the scholar’s official record and must be maintained and reviewed pursuant to policy 4345, Scholar Discipline Records. Discipline records must be expunged and forwarded pursuant to the requirements of law and the procedures of policy 4345.

* 1. Records of Scholars with Disabilities

Scholars 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 and policy 3520, Special Education Programs/Rights of Scholars with Disabilities. Records for a scholar identified as a scholar with a disability are considered part of the scholar’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 scholar records location.

* 1. Records Received from the Department of Social Services

The Department of Social Services may disclose confidential information to the school 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’s mandated educational responsibilities.

* 1. Juvenile Records

Juvenile records include documentation or information regarding scholars 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 scholar has been required to register with the sheriff because the scholar has been found to be a danger to the community under G.S. Chapter 14, Part 4. Such documents must not be a part of a scholar’s official records but must be maintained by the executive director in a safe, locked storage area that is separate from the scholar’s other records. The executive director 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 scholar or others. The executive director may share juvenile records with individuals who have (a) direct guidance, teaching, or supervisory responsibility for the scholar and (b) a specific need to know in order to protect the safety of the scholar 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 executive director must destroy juvenile documents if he or she receives notification that a court no longer has jurisdiction over the scholar or if the court grants the scholar’s petition for expunction of the records. The executive director 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 scholar or others. If the scholar graduates, withdraws from school, transfers to another school, is suspended for the remainder of the school year, or is expelled, the executive director shall return all documents not destroyed to the juvenile court counselor. If the scholar is transferring, the executive director shall provide the juvenile court counselor with the name and address of the school to which the scholar is transferring.

* 1. Other Scholar Records

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

* 1. Sole Possession, Employment, and Law Enforcement Records

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

* + 1. 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;
    2. employment records of scholar employees if those records relate exclusively to the scholar in his or her capacity as an employee and are not made available for any other use; and
    3. records created by a law enforcement unit of the school if created for a law enforcement purpose and maintained solely by the law enforcement unit of the school. This does not include information obtained from the scholar’s confidential file or other educational records that is contained in a law enforcement record.

1. **Records of Scholars Participating in the North Carolina Address Confidentiality Program**

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

When transferring the record of a scholar participating in the North Carolina Address Confidentiality Program to another school, 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.

1. **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 a school system, the executive director shall provide notice of the request to the board and the agency that notified the school that the child was missing. The executive director 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 scholar transferring into the school is a missing child must be reported promptly to the executive director and the North Carolina Center for Missing Persons.

1. **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, Children of Military Families, are entitled to the following.

* 1. For Scholars Leaving the School

In the event that official education records cannot be released to the parents of military children who are transferring away from the school, 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 scholar’s official record is received from the scholar’s new school, school officials shall process and furnish the official records to the scholar’s new school within 10 days or within such time as is reasonably determined by the Interstate Commission.

* 1. For Scholars Enrolling in the School

Upon receiving an unofficial education record from the scholar’s previous school, school administrators shall enroll the scholar 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 scholar, school administrators shall request the scholar’s official record from his or her previous school.

1. **Review, Release of Records to Parent or Eligible Scholar**

A parent or eligible scholar may access the scholar’s records upon proper request. The principal or guidance office personnel shall schedule an appointment as soon as possible but no later than 45 days after the request by the parent or eligible scholar. The parent or eligible scholar may formally review the scholar’s complete records only in the presence of the principal or 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 scholar has the right to challenge an item in the scholar record believed to be inaccurate, misleading, or otherwise in violation of the scholar’s privacy rights. The principal shall examine a request to amend a scholar record item and respond in writing to the person who challenges the item. Subsequent steps, if necessary, will follow the scholar grievance procedures as provided in policy 1740/4010, Scholar 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 scholar, the principal shall inform the parent or eligible scholar 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.

1. **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 scholar before releasing or disclosing scholar records that contain personally identifiable information, except in circumstances where the school 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 or parties to whom they are to be released.

* 1. Release/Disclosure without Parental Consent

School officials shall promptly release scholar records when a scholar 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.

When personally identifiable information from a scholar’s record is released or disclosed without prior written consent of the parent or eligible scholar, 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 scholar. This restriction does not apply to the release of directory information, release of information to parents of non-eligible scholars, release of information to parents of dependent scholars, or release of information in accordance with a court order or subpoena.

The executive director 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.

* 1. Release of Directory Information

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

* + 1. The board designates the following scholar 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 scholar.
    * 1. The telephone number and actual address of a scholar 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.
      2. As required by law, the names, addresses, and telephone numbers of secondary school scholars 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. Scholars or their parents, however, may request that the scholar’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.
      3. All requests for directory information must be submitted to the principal or designee for approval. The executive director is directed to establish regulations regarding the release of directory information. At a minimum, the regulations must:
13. specify the types of organizations that are eligible to receive directory information and for what purposes;
14. provide for equal disclosure to organizations that are similar in purpose; and
15. authorize access to directory information to recruiters of military forces of the state or United States for the purpose of informing scholars 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 scholars of occupational or educational options.
    1. Records of Scholars with Disabilities

Scholars 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.

* 1. Disclosure of De-Identified Information

Education records may be released without consent of the parent or eligible scholar 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 scholar 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 scholar if school officials reasonably believe that the person requesting the information knows the identity of the scholar to whom the education record relates.

1. **Withholding Records**

School administrators shall not withhold records upon a valid request by a parent, eligible scholar, or school to which the scholar is transferring for any reason, including in order to collect fines assessed to the parent or scholar.

1. **Record of Access and Disclosure**

The principal or designee shall maintain a record in each scholar’s file indicating all persons who have requested or received personally identifiable information from a scholar’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 scholars, 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.

1. **Destruction of Scholar Records**

School officials shall only destroy scholar 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 scholar records when the records are no longer needed to provide educational services to the scholar or to protect the safety of the scholar or others. School officials must destroy scholar records if the parent or eligible scholar requests their destruction and if such records are no longer needed to provide educational services to the scholar or to protect the safety of the scholar or others. School officials shall not destroy scholar records if there is an outstanding request to inspect the particular records.

1. **Longitudinal Data System**

School administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer designated scholar 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*.; No Child Left Behind Act, 20 U.S.C. 7908; 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>

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

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