

CASWELL COUNTY SCHOOLS BOARD OF EDUCATION POLICY	<u>STUDENTS</u> Student Records	440
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I. Policy

The Caswell County Board of Public Education, in accordance with the provisions of the Family Education Rights and Privacy Act (FERPA) and regulations adopted pursuant to FERPA, recognizes the rights of a parent/legal guardian/legal custodians and eligible students to have access to a student's education records and the rights of a parent/legal guardian/legal custodian and eligible students to limited control other the distribution of those records.

II. Definitions

- A. *"Directory Information"* means information contained in an education record which may be disclosed by the School System if the notification is give to parent/legal guardian/legal custodian and eligible students. Directory information includes, but it not limited to, the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.
- B. *"Education Record"* means those records that are directly related to a student and maintained by an educational agency or institution.
- C. *"Eligible Student"* means a student who has reached 18 years of age or is attending an institution of post-secondary education.
- D. *"Parent/legal guardian/legal custodian"* means a parent/legal guardian/legal custodian of a student and includes a natural parent or an individual acting as a parent/legal guardian/legal custodian in the absence of a parent/legal guardian/legal custodian.

Notice Requirements

- A. The rights of parent/legal guardian/legal custodians or eligible students to inspect and review education records and any procedures that must be followed in order to inspect and review records; that a fee may be charged for copies of records; and a list of the types and locations of education records maintained by the School System.

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- B. Circumstances under which personally identifiable information will be released from a student's education record without the parent/legal guardian/legal custodian or eligible student's prior written consent.
- C. An explanation of Directory Information and notice that this information may be provided to others without prior written consent of the parent/legal guardian/legal custodian or eligible student, unless the parent/legal guardian/legal custodian or eligible student notifies the Principal that he does not wish for Directory Information to be disclosed regarding his child without prior written consent.
- D. Notice that the Board of Public Education has a policy dealing with student records and the right of a parent/legal guardian/legal custodian or eligible student to obtain a copy of this policy.
- E. Notice that school officials may have access to education records when the officials have a "*legitimate educational interest.*"
- F. A statement that a record of disclosures of the education records will be maintained and that a parent/legal guardian/legal custodian may inspect and review that record.
- G. Notice that the Board permits a parent/legal guardian/legal custodian or eligible student to request correction of the student's education records, to obtain a hearing, and to add a statement to the education record and the procedures for doing this.
- H. The right of parent/legal guardian/legal custodian and eligible students to file with the United States Department of Education a complaint concerning alleged failures by the school to comply with the requirements of FERPA.

IV. Access to Education Records

A parent/legal guardian/legal custodian or eligible student may not be denied the right to inspect and review student's education record. The right may be exercised during normal business hours and may not interfere with the normal functioning of the school. A parent/legal guardian/legal custodian or eligible student's request to inspect and review the record shall be complied with within a reasonable period of time, but in no event should it exceed forty-five (45) days.

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A fee may be charged for copying an educational record if the Board of Public Education has acted to set a fee for this purpose.

V. Disclosure of Student Records

- A.** Education records may not be released to third parties without signed written consent of parent/legal guardian/legal custodian or eligible students, unless the conditions of Part “B” below are met. For the purpose of consenting to release education records, either parent/legal guardian/legal custodian may consent. If the parent/legal guardian/legal custodian are separated or divorced, either parent/legal guardian/legal custodian may consent, unless a court order governing the rights of the parent/legal guardian/legal custodian require otherwise.

- B.** Personally identifiable information regarding a student may be released from an education record in the following circumstances:
 - 1. The disclosure is to other school officials, including teachers, who have a legitimate education interest.
 - (a) A school official is:
 - A person employed by the school system as an administrator, supervisor, instructor, or support staff member.
 - A person elected to the School Board.
 - A person employed by or under contract to the School System to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
 - (b) A school official has a legitimate education interest if the official is:
 - Performing a task that is specified in his job description, by an employment contract, or under the direction of his Supervisor.
 - Performing a task related to a student’s education.
 - Performing a task related to the discipline of a student.

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- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.
- 2. The disclosure is to officials of another school, school system, or institution of post secondary education where the student seeks or intends to enroll.
- 3. The disclosure is to authorized representatives of the Comptroller General of the United States, the Secretary of Education, to State and local educational authorities.
- 4. The disclosure is in connection with financial aid for which the student has applied or which the student has received.
- 5. The disclosure is to State and local officials or authorities, if a State statute adopted before November 19, 1974, specifically requires disclosure.
- 6. The disclosure is to organizations conducting educational studies and personally identifiable information regarding the student and the parent/legal guardian/legal custodian is not released to individuals outside of the agency conducting the study.
- 7. The disclosure is to accrediting organizations to carry out their accrediting functions.
- 8. The disclosure is to comply with a judicial order or a lawfully issued subpoena when the School System makes a reasonable effort to notify the parent/legal guardian/legal custodian of the order or subpoena in advance of compliance.
- 9. The disclosure is in connection with a health or safety emergency.
- 10. The disclosure is information this policy has designated as "*Directory Information*" and the annual notification has been given to the parent/legal guardian/legal custodian or the

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eligible student by the school the student whose records are sought attends.

VI. Rights of Parents/Legal Guardians/Legal Custodians to Challenge Records

A. Requesting Amendment

1. If the parent/legal guardian/legal custodian believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, they may ask the Principal of the school the child attends to amend the record.
2. The Principal shall decide whether to amend the record as requested within a reasonable time, not to exceed thirty (30) days after receiving the request.
3. If the Principal decides not to amend the record as requested, he shall inform the parent/legal guardian/legal custodian of his decision and of the right to a hearing.

B. Right to Hearing

1. If parent/legal guardian/legal custodian believes the education records contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, they may have a hearing on the issue before the Superintendent or his designee.
2. If, as a result of the hearing, the Superintendent or his designee believes the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy of other rights of the student, he shall inform the parent/legal guardian/legal custodian of their right to place a statement in the record commenting on the contested information in the record. If a statement is placed in the education record, it shall be maintained as long as the contested part of the record is maintained.

VII. Maintenance and Disposal of Records

- A.** The education record for all students in the Caswell County Public School System shall include the following items:

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1. A printed elementary record and high school insert:
2. Identification information, including student name, address, sex, race, birthplace, birth date and a copy of the student's birth certificate.
3. Family data, including parent/legal guardian/legal custodians' names, addresses, and telephone numbers;
4. Pupil's physical examination and health record;
5. Attendance records;
6. Scholastic records;
7. Standardized test scores;
8. Information pertaining to specialized programs and services provided to the student;
9. Student's individual white sheet for the North Carolina Public School Record;
10. Cumulative Record Inspection Log - This inspection log shall be completed by a person who reviews the record, with the exception of school officials within the school in which the student is currently enrolled. This form must be contained in the student's record at the time of initial request of inspection by non-school personnel, parent/legal guardian/legal custodian, or eligible student;
11. Pertinent educational or personal information that may have been collected with consent of parent/legal guardian/legal custodian or eligible student;
12. Data collected in regard to an ongoing investigation, disciplinary action, and counseling. This type of information should not be transferred to another school and shall be discarded when no longer of value.

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- B. Records will be screened annually to make corrections, to remove materials no longer educationally relevant, and to make additions.
- C. All education records are to be stored in lockable files, with the key to be maintained by the Principal.
- D. Information not listed in "A" above may be disposed of pursuant to regulations regarding the disposal of Public Records in North Carolina.

VIII. Destruction of Special Education Records

Special education records will be destroyed five years from the time a student exits the school system (graduated, aged out, transferred, etc.). These records contain personally identifiable information about the student, but are no longer needed to provide special education and related services. Destruction of records is the best protection against improper and unauthorized disclosure. Parents and/or eligible students are entitled to the records that are being destroyed. The information contained in these records maybe needed for social security benefits or other purposes. The records to be destroyed may be obtained by contacting the Director of Exceptional Children's Programs. Parents and/or eligible students may receive the records, free of charge, at the Whitley Administration Building or by mail, for a small fee.

When special education records are no longer needed for special education and related services, parents can submit a request that the records be destroyed at that time or parents may obtain the records prior to their destruction by following the procedure stated above.

Notification of this policy will be provided to parents at the time of annual review of the IEP and at the time it is determined the student is not eligible for services.

The school system will provide public notification in the local newspaper sixty (60) days prior to the destruction of the records.