



Book	Policy
Section	STUDENTS AND FAMILIES
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The Board, in accordance with the provisions of the Family Educational Rights and Privacy Act ("FERPA") and federal FERPA regulations, , recognizes the rights of parents, guardians and eligible students to have access to a student's education record and control over the disclosure of those records. The Board encourages students, families, and school personnel to be fully informed when it comes to rights regarding student records.

I. Definitions

- A. "*Dependent Student*" means a student who is a qualifying child or qualifying relative as set forth in the Internal Revenue Code at [26 U.S.C. §152](#).
- B. "*Directory Information*" means information contained in an education record that may be disclosed by the school system if proper notification is given to parents, guardians, and eligible students.
- Directory information is generally not considered harmful or an invasion of privacy if released. The Board limits the disclosure of Directory Information as provided in Section II, below.
- C. "*Education Records*" means those records that are directly related to a student and maintained by an educational agency or institution, including records kept in handwritten, digital, and other formats.
- D. "*Eligible Student*" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

E. *"Long-term Suspension"* means a disciplinary exclusion of a student for more than ten (10) consecutive school days from the school to which the student was assigned at the time of the disciplinary action.

F. *"Parent"* means a parent of a student and includes a natural parent, guardian, or individual acting as a parent in the absence of a parent or guardian.

G. *"Personally Identifiable Information"* includes, but is not limited to, the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that 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; or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

H. *"Short-term Suspension"* means a disciplinary exclusion of a student for up to ten (10) consecutive school days from the school to which the student was assigned at the time of the disciplinary action.

G. "Student lists" means of a list of student information that includes student names, addresses, telephone numbers, electronic mail address, grade level, and last school attended.

II. Management of Directory Information

A. At the beginning of every school year, the District shall notify parents of currently enrolled students and eligible students of:

1. The types of personally identifiable information designated as directory information;
2. A parent's or eligible student's right to refuse to let the District designate any or all of these types of information about the student as directory information; and
3. The period of time within which a parent or eligible student has to notify the District of such refusal, by writing to the student's current school that he or she does not want any or all information about the student designated as directory information.

B. The District designates the following items as Directory Information:

- student name,
- address,
- telephone listing,
- electronic mail address,
- photograph,
- date and place of birth,
- major field of study,
- dates of attendance,
- grade level,
- participation in officially recognized activities and sports,
- weight and height of members of athletic teams,
- degrees, honors, academic recognitions and awards received, and
- the most recent school attended.

C. Directory information may be released to outside organizations that offer and/or supply school memorabilia such as companies that manufacture class rings, publish yearbooks, or provide graduation products.

D. Two federal laws require local educational agencies ("LEAs") receiving assistance under the Elementary and Secondary Education Act of 1965 ("ESEA"), as amended by the Every Student Succeeds Act of 2015 (ESSA), to provide military recruiters or institutions of higher education, upon request, with

three directory information categories - names, addresses, and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

E. Student Lists may only be released to the following outside organizations and only after the entity requesting the information enters a written agreement that includes the provisions set forth below:

- Institutions of higher education;
- School-affiliated non-profit groups such as PTSA's and Booster Clubs, to be used for purposes that are approved by the school principal; and
- Entities that are under contract with the school district to provide services that benefit students or a particular school on behalf of the school district.

1. Before being approved to receive Student Lists, each entity must agree in writing to:

- a. Use the Student List only for the express purpose for which it was requested;
- b. Keep the Student List information confidential;
- c. Not to copy, disseminate or otherwise disclose the Student List to any other entity or person; and
- d. Destroy the Student List upon completion of the use for which it was requested.

III. Notice Requirements

At the start of each school year, the District shall provide written notification to parents and eligible students of the following with respect to education records:

- A. An explanation of directory information and notice that this information may be provided to others without prior written consent of the parent or eligible student, unless the parent or eligible student notifies the principal in writing that he does not wish for directory information to be disclosed regarding his child without prior written consent.
- B. The right of parents or eligible students to inspect and review education records, any procedures that must be followed in order to inspect and review records, and that a reasonable fee may be charged for copies of records.
- C. Circumstances under which personally identifiable information will be released from a student's education records without the parent or eligible student's prior written consent.
- D. Notice that the Board has a policy dealing with student records and the right of a parent 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 may inspect and review that record.
- G. Notice that the Board permits a parent or eligible student to request correction of the student's education records, to obtain a hearing, and to add a statement to the education records and the procedures for doing this.
- H. The right of parents 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, eligible student, or individual who has secured proper consent for access to a student's education records may not be denied the right to inspect and review such records. This right may be exercised during normal business hours and may not interfere with the normal functioning of the school. School personnel shall comply with a parent or eligible student's request to inspect and review the records within a reasonable period of time, but in no event shall compliance with such a request exceed forty-five (45) days.

A reasonable fee, which shall be approved by the Board, may be charged to the individual or entity requesting a copy of education records. Prior to complying with any student records request, the school employee responsible for complying with such requests shall verify whether the requesting individual or entity has the right to inspect the student's education records.

V. Disclosure of Student Records

A. Education records may not be released to third parties without the signed written consent of parents or eligible students, unless the conditions of Section V.B. are met. For the purpose of consenting to the release of education records, either parent may consent unless a court order governing the rights of the parents provides otherwise.

B. Personally identifiable information regarding a student may be released from education records without the consent of a parent or eligible student in the following circumstances:

1. The disclosure is to other school officials, including teachers, who have a legitimate educational interest.
 - a. A school official is:
 - i. A person employed by the school system as an administrator, supervisor, instructor, or support staff member; or
 - ii. A member of the Board; or
 - iii. 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 educational interest if the official is:
 - i. Performing a task that is specified in his job description, by an employment contract, or under the direction of his supervisor; or
 - ii. Performing a task related to a student's education; or
 - iii. Performing a task related to the discipline of a student; or
 - iv. 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 postsecondary 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, or 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, such as the Child Abuse and Neglect Reporting Statute ([N.C.G.S. § 7B-301](#)) and the Compulsory Attendance Law ([N.C.G.S. § 115C-378](#)).
6. The disclosure is to organizations conducting educational studies in accordance with Board Policy A-ERSnd personally identifiable information regarding the student and the parents 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 parents of a dependent student.

9. 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 of the order or subpoena in advance of compliance, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required. Child abuse and neglect is defined as any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.

10. The disclosure is to appropriate parties and is in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

11. The disclosure is information this policy has designated as "*Directory Information*" and the annual notification has been given to the parents or the eligible student by the school the student whose records are sought attends.

12. The disclosure is to an agency caseworker or other representative of a State or local child welfare agency, or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student. Tribal organization means the recognized governing body of any Indian tribe as defined in the Indian Self-Determination and Education Assistance Act ([25 U.S.C. § 450b](#)).

VI. Parental Right to Challenge Records

A. Requesting Amendment

1. If a parent believes that the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the principal of the school that the child attends to amend the records.

2. The principal shall decide whether to amend the records 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 records as requested, he shall inform the parents in writing of his or her decision and of the right to a hearing.

B. Appeal Rights

1. If a parent believes that his or her child's education records contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may have a hearing on the issue before the Superintendent or the Superintendent's designee.

2. If, as a result of the hearing, the Superintendent or the Superintendent's designee believes the information in the education records is not inaccurate, misleading, or otherwise in violation of the privacy of other rights of the student, he shall inform the parents of their right to place a statement in the records commenting on the contested information in the records. If a statement is placed in the education records, it shall be maintained as long as the contested part of the records is maintained.

3. If a parent disagrees with the decision of the Superintendent or the Superintendent's designee, he or she may appeal to the Board in accordance with NCGS 115C-45 and applicable Board policies and regulations.

C. Special Disciplinary Information

1. A student's records shall contain notice of any long-term suspension or expulsion and the conduct for which the student was suspended or expelled. Each such notice shall be expunged if all of the following criteria are met:

- a. One of the following persons makes a request for expungement:
 - i. The student's parent, legal guardian, or custodian; or

- ii. The student, if the student is at least sixteen (16) years old or is emancipated.
 - b. The student either graduates from high school or is not expelled or suspended again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension.
 - c. The Superintendent determines that maintenance of the records is not required to maintain safe and orderly schools; and
 - d. The Superintendent determines that maintenance of the records is no longer needed to adequately serve the child.
2. Notwithstanding subdivision (C)(1)(a), the Superintendent or the Superintendent's designee may expunge from a student's education records any notice of suspension or expulsion provided all other criteria under (C)(1) are met.
3. A copy of the notice of suspension or expulsion shall be provided to the Superintendent for purposes of compiling district data regarding school safety. The official file of these records shall be kept on file in the Alternative Education and Safe Schools Department, where they shall be available solely for the purpose of compiling such data.

VII. Use of Juvenile Court Information

- A. As required by North Carolina law, principals occasionally receive information from juvenile court counselors regarding delinquency petitions for students when the petition alleges an offense that would be felony if committed by adult, as well as other statutorily prescribed information. Juvenile court information is not part of a student's education records. Therefore, principals shall keep such information confidential and store such information in a safe, locked location, separate from the student's education records.
- B. Principals shall shred, burn, or otherwise destroy juvenile court documents when they receive notification that the court dismissed the juvenile petition, the court transferred jurisdiction over the student to superior court, or the court granted the student's petition for expunction of the records.
- C. Principals shall shred, burn, or otherwise destroy juvenile court information when they find that the school no longer needs the information to protect the safety of or to improve the educational opportunities for the student or others. Principals shall not make copies of juvenile court information.
- D. Juvenile court documentation received under this section shall be used only to protect the safety of or to improve the education opportunities for the student or others and shall not be the sole basis for a decision to suspend or expel a student.
- E. Upon receiving juvenile court documentation, the principal shall share the document with those individuals who have (i) direct guidance, teaching, or supervisory responsibility for the student, and (ii) a specific need to know in order to protect the safety of the student or others. Individuals with whom such information is shared shall indicate in writing that they have read the document and that they agree to maintain its confidentiality.
- F. If a principal has received juvenile court documentation about a student who graduates, withdraws from school, is suspended for the remainder of the school year, is expelled, or transfers to another school, the principal shall return all documents not already destroyed in accordance with subsections B and C of this section to the juvenile court counselor and, if applicable, shall provide the counselor with the name and address of the school to which the student is transferring.

VIII. Creation, Maintenance, and Disposal of Records

- A. The education records for all students in Charlotte-Mecklenburg Schools shall include, at a minimum, the following items:
1. Date of birth
 2. Attendance data
 3. Grading data
 4. Promotion data

5. Notice of any long-term suspension or expulsion imposed pursuant to [N.C.G.S. § 115C-390.7 - 390.11](#) and the conduct for which the student was suspended or expelled.

B. All education records must be kept under a student's legal name as recorded on a birth certificate, court order, or certificate of adoption.

When a student initially enters kindergarten or the first grade in the Charlotte-Mecklenburg Schools, a birth certificate or other satisfactory evidence of birth must be presented so that the student's legal name and date of birth may be ascertained. If the parent does not have, or cannot obtain a birth certificate, then the name and birth date used on the records of such student must be that as shown on a document that is acceptable to the District as proof of date of birth.

The name used on the records of a student entering Charlotte-Mecklenburg Schools from another school district must be the name as shown on records from the school previously attended unless evidence is presented that such name has been legally changed through a court as prescribed by law.

The District reserves the right to request a copy of a birth certificate or court order at any time during a student's enrollment when either the legal name or the birth date is in question.

Once education records for a student have been established, a request for a change of name on the student's records will not be honored unless evidence is presented that the name of the pupil has been legally changed by a court as prescribed by law. In the case of a stepparent adoption or an adoption arranged by an authorized adoption agency, the name may be changed when a certified letter is received from the clerk of court stating that the petition of adoption has been filed with the court.

C. All education records are to be stored in lockable files with a 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.

E. Participants in the State of North Carolina's Address Confidentiality Program established pursuant to [Chapter 15C of the General Statutes](#) shall be kept confidential from the public and shall not be disclosed except as provided by law. When presented with a request for copies of education records and proper documentation of participation in the Address Confidentiality Program, the school shall redact any personally identifiable information that may plausibly disclose the identity of the participant.

IX. Serving Students of Military Families

A. School administrators shall make every effort to comply with [N.C.G.S. § 115C-407.5](#) in serving students of military families.

B. Upon receipt of a request for education records of a student of a military family, the school that has such records shall send a copy of the student's records to the requesting school within ten (10) days.

Legal Reference: [10 U.S.C. § 503\(c\)](#), [20 U.S.C. § 1232g](#), [-7908](#), [25 U.S.C. § 450b](#), [26 U.S.C. § 152](#), [42 U.S.C. § 5101](#); [N.C.G.S. §§ 7B-301](#), [-3100](#), [-3101](#), [15C](#), [115C-47](#), [-378](#), [-384](#), [-390.7 - 390.11](#), [-402](#), [-404](#), [-407.5](#)

Previous CMS Policy Code: [JRA](#)

[S-REC 8.23.22 Amended.pdf \(185 KB\)](#)