

PROCEDURE FOR STUDENT RECORDS – ACCESS

InspectionLog

A record of access, provided by an inspection log, must be kept with, but not be part of, each student's cumulative record. The record is available only to the record custodian, parent/guardian, eligible student, or federal/state/local official. It is maintained as long as educational records are maintained. It is to record each time non-school personnel, a parent/guardian, or an eligible student requests to review the cumulative record.

A. Parent and Pupil Access to Records

1. Each parent of a dependent child shall have access to the student's records maintained by the unit. For the purpose of the student records policy, "parent" shall mean either natural parent, legal guardian, or a foster parent who is acting as a parent in the absence of the natural parents or legal guardian. In the case of separated/divorced parents, both parties will have access to records unless otherwise stated in an official court order.
2. A step-parent does not have access to a student's record without the written consent of the natural parent. If legal adoption of the student by the step-parent has occurred, consent of the natural parent can be assumed.
3. At any time a parent or adult student requests access to the student record, qualified school personnel shall be present to interpret the record.
4. Access shall be granted as soon as reasonably possible but no later than 45 days after receipt of the request.
5. The parents, with written consent, have the right to have a representative of the parent inspect and review the records.
6. If any education record includes information on more than one student, the parents of those students shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.
7. After interpretation, parents shall have the right to request copies of the records or portions of the records.
8. A participating agency may not charge a fee to search for or to retrieve information under this part.

B. LimitationsonParentandStudentAccess

Each parent shall have access to the school records of the child subject to the following qualifications:

1. When the pupil record contains information from a source outside the school district which was accepted into the record with an understanding of confidentiality prior to November 18, 1974, the parent shall not have access to it until the source of the report has been contacted. The information shall be returned to its source, destroyed, or made available to the parent, whichever the source of the report directs. If the non-school source of the information cannot be contacted, the information shall be destroyed. All information for student records received from non-school sources on or after November 19, 1974, shall be accessible to parents.
2. When the student is at least 18 years old and less than half of his/her support is provided by the parent(s), parent(s) shall not have access to the student's records, unless parent(s) can show that child is a dependent.

C. Disclosure without prior consent

1. The amended regulations add several instances when schools may disclose education records without prior consent of parents or eligible students. Such disclosure may be made to state and local officials pursuant to state statutes adopted prior to November 19, 1974 that specifically allow such disclosure and reporting and if the disclosure or reporting concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released. Disclosure to state and local officials may also be made pursuant to state statutes adopted after November 19, 1974 that allow such disclosure.
2. The amended regulations also permit disclosure without prior consent in order to comply with a judicial order or lawfully issued subpoena. However, the school may disclose such information only after making a reasonable effort to notify the parents of the order in advance of compliance so that the parents may seek protective action. The school is absolved of the notification requirement where the subpoena is issued by a federal grand jury or for any law enforcement purpose and the issuing court or agency has ordered that the existence or information furnished in response to the subpoena not to be disclosed. Where the school initiates legal action against a parent or student, it may disclose to the court records relevant to the action but must make reasonable efforts to notify the parents in advance of the disclosure.

3. Disclosure in Health or Safety Emergencies

The regulations state that nothing in Family Educational Rights and Privacy Act (FERPA) prevents a school from including in the education records of a student appropriate information concerning disciplinary actions taken against the student for conduct that posed significant risk to the safety or well being of that student, other students, or other members of the school community; or from disclosing such disciplinary actions to teachers and school officials within the school or other schools who have legitimate educational interests in the behavior of the student.

In its commentary preceding the new regulations, the Department indicates that FERPA does not prevent a school from maintaining any type of education records that the school deems necessary or appropriate to maintain. This implies that disciplinary information regarding conduct other than that which posed a significant risk to the health or safety of students could be included if the school deems it appropriate.

In its comments the Department implicitly broadened its restriction on disclosure of disciplinary information to allow disclosure of disciplinary problems other than those posing a significant health and safety risk. The comments make clear that this provision does not impose any obligation to disclose information from a student's disciplinary record, but simply grants schools the discretion to determine whether such disclosure would be appropriate.

D. Employee and Third Party Access to Cumulative Records without Parent/Student Consent

Information contained in student educational records (cumulative records) shall be disclosed to persons, agencies, institutions, and organizations without parent/student consent as listed below:

1. Directory Information

Directory information may be disclosed WITHOUT parental consent provided public notice is given to the types of directory information to be disclosed and the parent is given the opportunity to indicate in writing that such personally identifiable information about his or her child shall not be disclosed. The following information about a student shall be considered directory information:

- the student's name
- parents' names
- photographs of students
- address, e-mail, telephone number
- date and place of birth
- major field of study
- dates of attendance in the public at ECU Community Schools
- grade level
- enrollment status
- diplomas, honors and awards received
- most recent school attended

- participation in officially-recognized activities/sports
- weight and height of members of athletic teams

The primary purpose of directory information is to allow ECU Community School to include information in school publications such as web pages, yearbooks, honor roll or other recognition lists, school programs and sports activity sheets. Directory information can also be disclosed to outside organizations without your prior written consent. Outside organizations include, but are not limited to, companies that publish yearbooks and news and media outlets.s.

If a parent or eligible student and does not want the ECU Community School to disclose some or all of the directory information listed above to all or certain recipients without prior written consent, the parent or eligible student must notify the principal of the school in writing within fifteen school days of the start of the school year (or by the fifteenth school day after enrollment if a student enters after the start of the academic year). That notification is valid for the current school year only. In the event that emergency or exigent circumstances arise after the fifteen day opt-out period, parents and/or eligible students may contact the school and request to opt-out of directory information.

~~The principal~~

~~shall give public notice of the categories of directory information to be released and give parents a reasonable period of time to inform the school in writing of any or all directory information not to be released for their particular child.~~

DIRECTORY INFORMATION SHALL NOT BE RELEASED FOR COMMERCIAL REASONS.

- School district employees or agents who need to have access to student information may have access to that portion of the record which is needed. This includes but is not limited to certified staff, clerical staff, teacher assistants and student teachers. In this exception, the disclosure is to a school official who needs to review an education record in order to fulfill his or her professional responsibility to the school district. A school official is: (i) a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); (ii) a person serving on the School Board; (iii) a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, therapist, or cloud computing service provider); or (iv) a parent, student, or other volunteer serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks).
- Other school units to which a student is transferring shall be provided with a student's record upon official request from that school unit. The parent or adult-aged student shall be notified of the transfer practice annually through a statement in the student/parent handbook published by each school.

The parent shall receive a copy of the records at his/her expense if requested. Records or portions of records shall be sent to other educational agencies to which students are seeking enrollment upon the request of the parent or adult-aged student.

Telephone requests for information from student records shall not be honored unless the identity of the caller is known and the caller is authorized to receive the information under provision of this policy. Written documentation may be requested for verbal telephone requests. A log of telephone requests shall be maintained by the school.

4. Court Order or Subpoena. Student record information shall be released only in compliance with a judicial order or lawfully issued subpoena. School officials shall make every reasonable effort to notify the parent in advance of releasing subpoenaed information. If this is not possible, the information shall be released to comply with the subpoena, and notice shall be sent to the parent simultaneously.

5. Educational Studies. Student record information shall be released to organizations conducting studies for educational agencies for the purpose of developing, validating, or administering predictive tests or improving instruction, provided that such studies are conducted in a manner that will not permit the personal identification of students and their parents by persons other than the representatives of such organizations and that such information will be destroyed when no longer needed for the purpose for which it has been gathered.

Even though an authorized school official may release information for educational studies without parental permission, action shall be taken to ensure that a written statement is received from the requesting organization guaranteeing that the record information will be used in compliance with the provisions of system policy.

6. Health and Safety Emergencies. Student record information may be disclosed provided that the threat to health or safety is serious; the information is necessary, not just convenient, to meet the emergency; the parties receiving the information are the ones that deal with the emergency; and time is of the essence such that parents cannot reasonably be reached to obtain their consent.

7. Representatives from the Department of Education or the North Carolina State Superintendent of Public Instruction. Information from students' records shall be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, the Director of the National Institute of Education, or the North Carolina Superintendent of Public Instruction in connection with the audit and evaluation of federally-supported educational programs or in connection with the enforcement of legal requirements which relate to them.

8. North Carolina State Statute. Student record information shall be released to state and local officials to whom such information is specifically required to be reported or disclosed pursuant to North Carolina Statute adopted prior to November 19, 1974.