

2.7 STUDENT RECORDS POLICY

Scholars Academy adheres to the *Family Educational Rights and Privacy Act of 1974*, also known as the Buckley Amendment or FERPA (<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>), a federal law that affords parents and students who are 18 years of age or older (“eligible students”) certain rights with respect to the student’s education records.

These rights are:

1. The right to inspect and review the student’s education records within 45 days after the day the school receives a request for access. Parents or eligible students should submit to the school Executive Director, or his/her designee, a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student’s education records that the parent or eligible student believes is inaccurate, misleading or otherwise in violation of the student’s privacy rights under FERPA. Parents or eligible students who wish to ask the school to amend a record should write the Executive Director, or his/her designee, clearly identify the part of the record they want changed and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before the school discloses personally identifiable information in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the office that administers FERPA is (as of the date of publication of this policy):

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-59

The Executive Director, or his/her designee, will coordinate the inspection and review procedures for student education records.

Disclosure with Prior Consent of the Parent/Legal Guardian.

In all other cases, Scholars Academy will not release personally identifiable student information in education records or allow access to those records without prior consent of the parent/legal guardian. Such consent must be written, signed and dated, and must specify the records to be disclosed, the party to whom the records are to be disclosed, and the purpose of the disclosure.

Records of Disclosures.

Scholars Academy will maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, as well as the names of State and local educational authorities and Federal officials and agencies listed in Section 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent under Section 99.33(b), with the education records of the student as long as the records are maintained. For each such request or disclosure the record must include: (1) the parties who have requested or received personally identifiable information from the education records; and (2) the legitimate interests the parties had in requesting or obtaining the information.

Scholars Academy will maintain with the student's education records a record for each disclosure request and each disclosure, except disclosures:

1. pursuant to the written consent of the parent/legal guardian;
2. to instructional or administrative officials of Scholars Academy with a legitimate educational interest;
3. of directory information; or
4. to a party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena when the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

Scholars Academy will record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception in 34 CFR Section 99.31(a)(10) and Section 99.36:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the agency or institution disclosed the information.

Notice.

Scholars Academy provides official notice to parents/legal guardians of their rights under FERPA by publishing such notice in the Parent/Student Handbook.

Student Records; Maintenance; Contents; Confidentiality.

(a) The official record of each student enrolled in Scholars Academy shall be maintained in the school's files for five years after the student withdraws unless the Board determines that such files may be filed in another location designated by the Board for that purpose.

(b) The official record shall contain, as a minimum, adequate identification data including date of birth,

data, grading and promotion data, and such other factual information as may be deemed appropriate by the local board of education having jurisdiction over the school wherein the record is maintained. Each student's official record also shall include notice of any long-term suspension or expulsion imposed pursuant to G.S. 115C-390.7 through G.S. 115C-390.11 and the conduct for which the student was suspended or expelled.

(c) The official record of each student is not a public record as the term "public record" is defined by G.S. 132-1. The official record shall not be subject to inspection and examination as authorized by G.S. 132-6.

(d) The actual address and telephone number of a student who is a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes or a student with a parent who is a participant in the 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 in Chapter 15C of the General Statutes. (1975, c. 624, ss. 1, 2; 1981, c. 423, s. 1; 1985, c. 268; c. 416; 1997-443, s. 8.29(s); 2001-195, s. 1; 2002-171, s. 6; 2011-282, s. 13.)

(e) Annual Parental Notification. Scholars Academy shall annually provide parents, by a method reasonably designed to provide actual notice, information on parental rights under State and federal law with regards to student records and opt-out opportunities for disclosure of directory information as provided under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and notice and opt-out opportunities for surveys covered by the Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h.

(f) Requests for Changes/Amendments to Student Records. Generally, requests for Changes/Amendments must be made within one calendar year of the issuance of the record, or such other time as prescribed by law, to be considered by Scholars Academy. Changes/Amendments to Student Records may be considered beyond this time, in the sole discretion of the Executive Director, or his/her designee.

§ 115C-403. Flagging and verification of student records; Notification of law enforcement agencies.

Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of a child's disappearance, the superintendent of a local school administrative unit or his designee shall flag or mark the record of any child who is currently or was previously enrolled in a school of that unit and who is reported as missing. The flag or mark shall be made in such a manner that when a copy of or information regarding the record is requested, school personnel are alerted to the fact that the record is that of a missing child.

Before providing a copy of the school record or other information concerning the child whose record is flagged pursuant to this section, the superintendent or his designee shall notify the agency that requested that the record be flagged of every inquiry made concerning the flagged record, and shall provide a copy to the agency of any written request for information concerning the flagged record.

Student Transfers.

When any child transfers from one school system to another school system, the receiving school shall, within 30 days of the child's enrollment, obtain the child's record from the school from which the child is transferring. If the child's parent, custodian, or guardian provides a copy of the child's record from the school from which the child is transferring, the receiving school shall, within 30 days of the child's enrollment, request written verification of the school record by contacting the school or institution named on the transferring child's record. Upon receipt of a request, the principal or the principal's designee of the school from which the child is transferring shall not withhold the record or verification for any reason, except as is authorized under the Family Educational Rights and Privacy Act. Any information received indicating that the transferring child is a missing child shall be reported to the North Carolina Center for Missing Persons. (1989, c. 331, s. 1; 1998-220, s. 12.)

Directory Information.

Directory Information is excluded from FERPA's protection from release and can be released without parental or student consent. Directory information includes: student name; address; phone number; participation in school clubs, activities and sports; height and weight for athletic participation; attendance; degrees/awards; major field of study; and similar information. Scholars Academy may also release Directory Information to the press if deemed in the best interest of the student.

If a parent/legal guardian does not want some or all of this information about his/her child released, a parent/legal guardian may prevent its disclosure by sending a written request to the Executive Director prior to October 1 of each school year.

Records Transferred - Moving to New District.

Upon request, Scholars Academy discloses education records without consent to officials of another school in which a student seeks or intends to enroll. Discipline records are part of a student's educational record and will be released along with all other records, including students transferring to or from nonpublic schools.

Access to Pupil Records in Custody Situation.

When a child's parents do not live together, both parents have the right of access to all information relating to their child's education unless there is a current court order on file at Scholars Academy which specifically prohibits it.

Approved: January 26, 2016