



New Hanover County Schools  
*Engaging Students, Achieving Excellence*

# **STUDENT RECORDS MANAGEMENT MANUAL**



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# DEFINITIONS

**Access** – The conditions and standards by which NHCS employees and parents may review and obtain confidential student information.

**Amendment** – Any alteration of a student’s educational record including corrections, deletions, or additions of information.

**Confidentiality** – All student information is kept private. Access and disclosure of information occurs only under carefully prescribed conditions and standards.

**Consent** – Consent means that the child’s parent(s) and/or eligible student: (1) has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication as appropriate; (2) understands and agrees in writing to the carrying out of the activity for which his/her consent is sought; and (3) understands that the granting of consent is voluntary and may be revoked at any time. Consent from a parent or eligible student must be written and dated. Consent must (a) specify the records that may be disclosed, (b) state the purpose of the disclosure, and (c) identify the party or class of parties to whom the disclosure may be made.

**Destruction** –Shred or incinerate.

**Directory Information** –New Hanover County policy #8700 defines directory information as: students name; address; telephone listing; electronic mail address; date and place of birth; school of enrollment. This information may be disclosed to a third party without parental consent unless a parent has submitted a written notification that they do not want this information released on behalf of their child.

**Disclosure** – The conditions and standards by which New Hanover County Schools releases, transfers or otherwise communicates confidential student information to any party other than employees or parents. Disclosure means release of personally identifiable information other than directory information in any format (oral or written) to a third party.

**Educational Record** – Any personally identifiable information recorded in any way that is directly related to a student and maintained by NHCS. It includes but is not limited to handwriting, print, tape (audio and video), film, microfilm and microfiche.

**Eligible Student** – A student who has reached 18 years of age or is attending on a full time basis an institution of post-secondary education, is

an eligible student. An emancipated youth under the age of 18 is also an eligible student.

**Employee Access** – The conditions and standards by which New Hanover County Schools employees may review and obtain confidential student information.

**Folder** – A manila, letter-size file folder.

**Legitimate Educational Interest** – Access to and disclosure of information in the educational record is granted to school personnel who have direct evaluation, guidance, teaching or supervisory responsibilities for the student.

**Module** – A component of a student’s educational record. NHCS maintains four (4) modules of a student’s educational record.

**Official Record** – Modules One and Two of the student’s educational record are the official record.

**Parent** – Parent means a parent, guardian, person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with the procedures described in the Student Support and Intervention System Manual. It includes persons acting in the place of a parent, such as a grandmother or stepparent with whom a child lives, as well as persons who are legally responsible for a child’s welfare. A foster parent may serve as a parent if the foster parent has: an ongoing and long-term parental relationship with the student, is willing to participate in making educational decisions on the student’s behalf, and has no interest which conflicts with the interest of the student.

**Personally Identifiable Information** – Any information in an educational record, other than directory information, which allows a student to be identified.

**Reverse Chronological Order** – Dated documents are maintained in date order with the most recent date at the top of several dated documents.

# EDUCATIONAL RECORDS

## CONTENT/TYPES OF INFORMATION

All educational records are confidential and maintained in four modules. A student's official record includes **Modules 1 and 2**.

- ❖ **Module One** contains information that is required of all students (e.g.-grades, attendance, immunization record, birth certificate).
- ❖ **Module Two** contains any additional information gathered pertinent to a particular student (e.g. IEP, 504 Plan, ELL tests results, ELL plans, custody agreements).
- ❖ **Module Three** contains any additional records pertinent to a student required to be kept by the principal under the Safe Schools Act or by another agency.
- ❖ **Module Four** contains other information such as personal memory notes of school employees. When accessing, destroying, maintaining, disclosing, transferring, or amending records, it is important to remember there are two parts to a student's official record.

### RECORDS PROCESS DOCUMENTS

The following documents are used to support various processes associated with educational records management and may be used with any Module.

**Annual Notice** (about Educational Records) – Document which is provided to parents or eligible students each year. The notice states the school systems method of maintaining confidentiality of information.

**Educational Record Exchange Form** – A form that is used between in-county schools to accompany any number of records.

**Employee Access List** – Document posted in location where records are maintained which indicates the school employees who have access to students' educational records.

**Mutual Exchange of Information** – Document which permits the disclosure of confidential information among schools and physicians, hospitals, therapists, and/or other community individuals or agencies.

**Request for Educational Records** – A letter which is used to request educational records from another educational system.

# RECORDS PROCESS DOCUMENTS

## CONTENTS OF MODULE ONE

The following information is to be included in Module 1 for **all** students. Paper clips should be on the right side of the paper documents.

**Record of Access/Disclosure** (Green form) – This form is attached on the left side of Modules 1, 2 and 3. This form should be signed by anyone inspecting a student’s educational record that is not included on the employee access list.

**Enrollment Packet/Student Information Form** –Pre-K, Elementary, Middle and High Schools: This form should be completed by the parent or guardian when enrolling a student. This form should be reviewed and updated annually.(Current students Student Verification Form Print and place in Cum record)

*Paper-clipped to Enrollment Form/ Scribbles Enrollment Application (if applicable):*

**Proof of Residency** – Attach the proof of residency provided by the parent or custodial adult. Proofs of Residency accepted are: Copy of a residential mortgage statement, current lease, deed, property tax, homeowner’s insurance policy or current renter’s insurance policy. Students identified as McKinney- Vento are not required to provide Proof of Residency.

**Residency/Registration Affidavit** – If a parent or custodial adult does not have a verifiable residence but is living with a resident of New Hanover County, the parent or custodial adult and the county resident must sign a notarized Residency/Registrations Affidavit to satisfy the residency requirement.

**Attendance Summary** – PowerSchool generated report that documents each school year’s attendance.

**NHCS Unofficial Transcript: Elementary & Middle (Formerly Scholastic Record)** – Each year a computer-generated unofficial transcript is filed in chronological order. If a student has a Scholastic Record sheet in Module 1, clip an unofficial transcript to it.

**Standardized Test Record: Elementary & Secondary** - Copies of assessment, test results (EOG testing, writing tests, Iowa Test, Competency Tests). New for the 2016-2017 school year (**and only for**

**students in grade 3 and/or grades 3 – 4 transitional class) Read to Achieve Proficiency Status** along with corresponding evidence which may include, but not limited to: i-Ready Student Summary Report, RTA Promotion Recommendation Form, evidence of RTA Good Cause Exemption, etc. These should be kept in reverse chronological order with the most recent being on top. **If a student has a Standardized Test Record (Yellow form) paper clip copies behind the Standardized Test Record card.**

**Read to Achieve Proficiency Status Form:** The RtA Proficiency Status form should be included in all third grade cumulative folders. This form documents if and how a student has met RtA Legislation requirements or if they have met the requirements for a Good Cause Exemption (CGE). If a student has met the RtA Legislation requirements, please check the pathway they showed proficiency in. If a student has qualified for a Good Cause Exemption, please check all that apply. If a student did not show proficiency or meet the requirements of GCE please check, “Student did NOT meet RtA proficiency requirements.”

**K-3 Literacy Assessment** – This is an electronic, reading assessment required by SDPI, completed by K – 2 teachers. A printed report should be updated annually.

**Report Card** – One copy of the final report card and Reduced Elective (RC if applicable) should be placed in the folder by the person responsible for reviewing the folder. Report cards should be paper clipped together in reverse chronological order.

**NC Transcript** – The NC Transcript (generated from PowerSchool) provides information required by the post-secondary system and includes demographic, performance, testing, immunization, awards, previous school and attendance data beginning in 9<sup>th</sup> grade. Attached the Reduced Elective Credit documentation, if applicable.

**Language Survey Form (HLS)** – This is a one-time form filled out on the enrollment application in Scribbles. This will help identify the primary language of the enrolling student. If the HLS indicates another language besides English spoken at home, the **NHCS ESL Office will be notified by Scribbles**. Then Data Managers will need to complete questions 1 and 2 in PowerSchool. (Move back)

**Safe Schools Enrollment Document** – Any student presented for initial enrollment or re-enrollment at a school that has previously been at another school outside of New Hanover County shall have a parent or legal guardian sign the enrollment document required under NCGS 115-366(a5). This document requires a student to meet the criteria specified in the document in order to be enrolled in school. *This document must be notarized.*



**Pupil Transfer/Withdrawal Form: Elementary & Secondary** – The Pupil Transfer/Withdrawal Form is to be completed at the time of withdrawal from any New Hanover County school.

**Students Permanent Health Record: Pre-K – 12** (Salmon form) – Paper clipped behind the record should be a copy of the student’s birth certificate, immunization record and the NC Health Assessment Form. (State law requires that every child entering the NC public school system for the first time, irrespective of grade, to submit proof of having received a Health Assessment within the previous 12 months, and within 30 calendar days of entry/attendance effective school year 2016-2017.) This should contain all immunization records and other pertinent health information (such as hearing and vision screening, etc.).

**Technology Form Packet: Elementary/Middle/High** – This electronically signed form includes Network and Internet Safety for Students, Acceptable Use of Personally Owned Devices (Bring Your Own Device, BYOD), and Student Image Release. **This form will be signed each school year, and filed in Module 1.** *\* This form should be printed from the enrollment application under student information. Then refer to engagements and communications by clicking on the eye to print this form. This form is embedded in the online Scribbles Enrollment Application for in the 20-21 school year. Beginning 21-22 this form will be printed and placed in Module 1.*

## CONTENTS OF MODULE TWO

Module Two contains information specific to a particular student. The following information may be contained in the Official Record of some students.

### **LEFT SIDE:**

**Record of Access/Disclosure** (Green form) – This form is attached on the left side of Modules 1, 2 and 3. This form should be signed by anyone inspecting a student’s educational record that is not included on the employee access list.

**Court Documents** – A student who enrolls in school must reside with his/her custodial adult. These documents include custody agreements, parental and custodial affidavits, documents that limit or discontinue parental rights, adoption papers, subpoenas, court order for records or any order of protection documents.

**Educational Affidavit: Custodial & Parental** – These affidavits are used when a student resides with a caregiver adult, who is a domiciliary of New Hanover County, as a result of any of the circumstances listed in General

Statute 115C-336 (a3). The caregiver adult and the student's parent, guardian, or legal custodian must each complete and sign separate affidavits.

**Military Connected Form** (generated from PowerSchool) - Session Law 2014-2015 House Bill 1060 requires collection of information if a student has an immediate family member(s) connected to the U.S. Military. (Embedded in Scribbles Application 21-22)

**AIG Plan** – The Differentiated Education Plan (DEP or Individualized Differentiated Education Plan (IDEP) should be updated annually and signed by the parent, teacher, gifted education specialist, and administrator. A signed copy of the Match Team record should be kept for all students who an AIG Match Team decision was made, including students who did not qualify for AIG identification.

**ELL Plan** – To be completed within the first 30 days of student entry to an ESL program. Document provides language proficiency levels, classroom instructional modifications and testing accommodations. ESL teacher provides plans and conferences with all core instruction teachers that work with an ESL student. Original goes in Mod II. A copy is provided to the teacher(s) of record and the ESL teacher retains a copy.

### **ELL Documentation**

**W-APT Score Report** – This is the Language Proficiency Placement test given to incoming Kindergarteners and 1<sup>st</sup> Semester 1<sup>st</sup> grade students whose HLS indicates another language besides English spoken at home. W-APT Scores Report establishes eligibility for ESL services. The ESL teacher/TA places the “Summary Scoring Sheet” into the student’s Mod II folder.

**WIDA Screener** – This is the English Language Proficiency assessment given to incoming students grades 1-12 whose HLS indicates another language besides English spoken at home. WIDA Screener Scores Report establishes eligibility for ESL services. The Data Manager/TC prints the “WIDA Screener Scores Report” and places it in the Mod II folder.

**Monitoring Form** – Exited students are tracked for 4 years. Federal guidelines require ESL programs track all exited students for four (4) years. Required minimum form completion is once a semester. Original is placed in Mod II with copies distributed by the ESL teacher to Teacher(s) of record. Electronic correspondence with the form template is acceptable.

**ACCESS Score Report** – Scores from annual spring ACCESS language proficiency testing detailing an overall language composite and scores for the reading, writing, speaking and

listening components of the test. Score reports are received through Testing and Accountability. The ESL teacher receives and places in Mod II.

**Parent Refusal of ESL services** – This form is signed by the parent requesting not to provide ESL services to the child. This won't exempt the student from taking the ACCESS test every spring until reaching the North Carolina existing criteria. The Parent Refusal form is placed by the ESL teacher in the Mod II folder.

**ELL Consideration of Retention Form K-8** – This form is to be completed by the teacher of record, the ESL teacher, and the Principal. A signed copy of the Retention Form is placed in the Mod II folder by the ESL teacher.

**Expulsion Letter** – This letter is used to notify a parent/guardian of the expulsion of a student.

**Long Term Suspension Letter** – This letter is used to notify a parent/guardian of the long-term suspension of a student.

**RIGHT SIDE:**

**Formal Evaluation/Reevaluation** – This process includes several documents and reports related to individual evaluation processes designed to address individual student needs.

1. Referral/Reevaluation
2. Consent to Evaluate
3. Standardized test protocols (when these documents are shared with team members or parents; otherwise treated as personal memory notes if not shared). Test protocols must be labeled with the following statement: "New Hanover County Schools entered into a contract with the publisher upon purchase of this test not to (a) violate copyright law by making any copies of this document and (b) release test content."
4. Reports prepared by psychologists and other evaluation service providers
5. Reports submitted by independent evaluators
6. Other requests, memos, and correspondence related to these processes

**Consent for Evaluation**– The Consent for Evaluation is completed and presented to the parent for signed written consent with a copy of the Referral or Reevaluation Report.

**Individualized Accommodation/504 Intervention Plan** – According to The Americans' with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, schools must ensure that programs, services, and activities are accessible to and useable by persons with disabilities when the

system's programs, services and activities are viewed in entirety. The Section 504 Individual Accommodation Plan (IAP) contains the same quality components of an Intervention Plan for Student Success with some additional requirements to align the process with Section 504 of the Rehabilitation Act of 1973. The IAP more specifically identifies a student's disability and the student's access to the regular educational program. An IAP should address the student's access to the regular educational program as independently and naturally as possible. (for more information, go to <http://www.nhcs.net/sped/MANUAL/Section%20504%20Individual%20Accommodation%20Plan.pdf>)

**Invitation to Conference** – One of the fundamental elements of the processes described in this Manual is the strength of team decision-making and parental involvement. Each of the processes uses slightly different variations of the Invitation to Conference depending on the specifics of the process and any regulations or policies that govern the Invitation to Conference process.

- MTSS Team Conference: This invitation is used to invite parents to participate in Student Support Team meetings in preschool, grades nine through twelve (9-12) and meetings to discuss interventions for parentally placed private school students.
- Student Support Team Conference (PSM/RTI): This invitation is used to invite parents to participate in Student Support Team meetings in grades kindergarten through eight (K-8) using the Problem Solving Model - Response to Intervention process.
- Section 504 Conference: This invitation is used to invite parents to participate in Student Support Team meetings in preschool through grade twelve (PK-12) to address Section 504 processes, such as evaluation, eligibility, Individualized Accommodation Plan (IAP) development and review. IDEA-related Conference
- The Invitation to an IDEA-related Conference not only is an important regulatory process but also is a quality process emphasizing clear communication, teaming and parental involvement. IDEA-related conferences are meetings that could lead to an IEP (e.g. evaluation design or consideration of evaluation results) or involve a student with an IEP (e.g. initial IEP proposal, IEP review, Manifestation Determination, Transition planning). The school must take steps to ensure that one or both of a student's parents, guardian or surrogate parent and the student, when appropriate, are present at the meeting and are afforded the opportunity to participate in the meeting. The Goalview Meeting Notice: Invitation to Conference folder contains features to meet these requirements and the parent must receive a written Invitation to the Conference. The notice may be provided to the parent in-person, as a part of home-school communication, in the US Mail or by email.

**Intervention Plan within MTSS (Multi-Tiered System of Support) Tier 2/3 documentation of students at risk** – This documentation complies with G.S. 115C-105.41 (previously accomplished by a PEP, Personalized Education Plan)

## CONTENTS OF MODULE THREE

This module of a student's educational record contains information under the direct control of the principal of a school and is to be shared on a need to know basis only.

The contents of Module Three are not stored in the same place as Module One or Two. **Module Three information must be stored in a secure area as prescribed by law.**

Examples of documents that shall be contained in Module Three are:  
**DSS "Written Demand for Information"** – This letter orders the disclosure of student information relative to Department of Social Services (DSS) Child Protective Service investigations and has the effect of a court order. This document is a Module 3 record when it DOES NOT contain a statement limiting parental access to the document.

**Disciplinary Records** – File notes, and any other reports (i.e. PowerSchool) relative to a student's disciplinary history (e.i. infractions, in-school suspensions, out of school suspensions, long-term suspension documents, disciplinary hearing board documents, letters concerning absences and attendances, Judicial Attendance Council (JAC) findings/summary).

**Notifications of infectious health related issues (AIDS, Hepatitis B, or other transmissible infectious diseases)** – When a principal is notified, in writing, by a health agency that a student has an infectious disease, the principal must keep that written notification and its contents in a secure area.

**Notifications required by the Safe Schools Act from the Court System** – A principal must be notified, in writing, by a law enforcement agency when a student has committed an act which is covered by the Safe Schools Act. The principal must keep that written notification and its contents in a secure area.

**NHCS Documentation of Incidents Reportable Under the Greenblatt Act** – When the documentation of incident has been completed for use of physical restraint, mechanical restraint, seclusion or use of aversives; a copy should be filed in the student's Module 3 educational record.

*This folder should be delivered Principal to Principal.*

# CONTENTS OF MODULE FOUR

Module Four is a concept. Modules Four information includes personal memory notes (i.e. grade books, field trip permission forms, test protocols).

Module Four information also includes DSS Written Demand (when it contains a parent notice limitation), Child Protective Services Reports and referrals to School Support Services personnel (e.i. School Social Worker, School Counselor, School Psychologist) unless this information supports Module Two processes (formal evaluation, Individualized Education Program, Individual Accommodation Plan/504) or Module Three process (attendance and/or discipline).

# STORAGE, COLLECTION, AND MAINTENANCE OF EDUCATIONAL RECORDS

Maintenance and Security of Student Educational Records – The principal of the school, or his designee, shall be responsible for the maintenance, security, and release of all school records. The classroom teacher in grades K-12 is charged with the responsibility of entering information in the school records, keeping the information current, accurate, and in accord with policy approved and adopted by the N. C. State Board of Education. The principal, or his designee, shall regularly review records for accuracy and compliance. Records shall be kept in a central location and should not be removed without following proper procedures as directed by the principal of the school. The New Hanover County School's internal auditor has the authority to review the student educational records for accuracy and compliance in accordance with policies and procedures. The internal auditor will note on the yearly school audit report should there be an exception to the maintenance or security of the student educational records.

Module One and Two may be stored together or separately. Joint storage of Module One and Two is **strongly recommended**. Module One and Two, if stored together should be stored as follows:

- **Pre-K Center**– Grade level, teacher Name, alphabetically
- **Elementary School** – Grade level, teacher Name, alphabetically
- **Middle and High School** – Alphabetically by grade level

Module Three is stored and maintained separately from Modules One and Two. Module Four is stored and maintained by the individuals producing the record.

The principal, or his designee, of the school shall:

1. Enter and file information to appropriate module of a student's educational record. (see Educational Records/Types of Information, pages 5-13)
2. Keep the information current, accurate and in accordance with all the local laws, regulations, policies and procedures contained in the manual.
3. Arrange documents within a module in reverse chronological order and group in the correct manner. (see Module Content Order, pages 16-27)

4. Follow the guidelines of the destruction schedule prior to any removal of information from a student's Educational Record. (see Destruction of Educational Records, pages 30-33)

**Supplies needed:**

Paper clips (Module 1)

Prong Fasteners for Module 2 or Files that already have prongs

Blue dividers for Mod 2 (Pinto said they had some made up)

No staples throughout the Module folders

Labels

Manila File Folders

Mod 1 stamp

Mod 2 stamp

"This student has:" stamp

(Green) Records of Access form (this is ordered from print shop)

(Yellow cardstock) Standardized Test Record form (this is ordered from print shop)

(Salmon cardstock) Student's Permanent Health Record (this is ordered from print shop)



# MODULE ONE CONTENT ORDER

## for Pre-K

The contents of Module One should be kept in the following order:

1. **Record of Access/Disclosure**  
(Green form stapled on the left side of folder)
2. **Enrollment/ Student Information Form / Scribbles Enrollment Application**
  - Paperclip proof of residency (Only keep current year)
  - Home Language Survey*\*Embedded in Scribbles Enrollment Application (Keep oldest)*
3. **Attendance Summary** (Newest on top)
4. **Teaching Strategies Report Card**
5. **Student Permanent Health Record Pre-K – 12** (Salmon colored card stock)  
Paperclip Birth Certificate, Health Assessment, Immunizations, Medical Exemption Statement for religious reasons. (Only keep most current immunizations)

# MODULE ONE CONTENT ORDER for Elementary School

The contents of Module One should be kept in the following order:

1. **Record of Access/Disclosure**  
(Green form stapled on the left side of folder)
2. **Enrollment/ Student Information Form / Scribbles Enrollment Application**
  - Paperclip proof of residency (Only keep current year)
3. **Attendance Summary**  
(Newest on top)
4. **NHCS Unofficial Transcript Elementary**  
(Newest on top)
5. **Standardized Test Record: Elementary/Secondary** (Yellow Cardstock)  
(Newest on top – starting UNDER the Yellow Sheet)
  - **RtA Proficiency Status Form** (as needed)
6. **K-3 Literacy Assessment**
7. **Report Cards**  
(Newest on top)
8. **Home Language Survey**  
*\*Embedded in Scribbles Enrollment Application*(Keep oldest starting with K)
9. **Safe Schools Enrollment Form**  
Not every student will have this (Keep most current document starting with K)
10. **Pupil Transfer/Withdrawal Form** (not every student will have one)
11. **Student Permanent Health Record Pre-K – 12** (Salmon colored)  
Paperclip Birth Certificate, Health Assessment, Immunizations, Medical Exemption Statement for religious reasons. (Only keep most current immunizations)
12. **Technology Packet Form**  
*\*Embedded in Scribbles Enrollment Application*

# MODULE ONE CONTENT ORDER for Middle School

The contents of Module One should be kept in the following order:

1. **Record of Access/Disclosure**  
(Green form stapled on the left side of folder)
2. **Enrollment/ Student Information Form / Scribbles Enrollment Application**
  - Paperclip proof of residency (Only keep current year)
3. **Attendance Summary**  
(Newest on top)
4. **NHCS Unofficial Transcript Middle**  
(Newest on top)
5. **Standardized Test Record: Elementary/Secondary** (Yellow Cardstock)  
(Newest on top – starting UNDER the Yellow Sheet)
  - **RtA Proficiency Status Form** (as needed)
6. **Report Cards**  
(Newest on top)
7. **Home Language Survey**  
*\*Embedded in Scribbles Enrollment Application*(Keep oldest starting with K)
8. **Safe Schools Enrollment Form**  
Not every student will have this (Keep most current document)
9. **Pupil Transfer/Withdrawal Form** (not every student will have one)
10. **Student Permanent Health Record Pre-K – 12** (Salmon colored)  
Paperclip Birth Certificate, Health Assessment, Immunizations, Medical Exemption Statement for religious reasons. (Only keep most current immunizations)
11. **Technology Packet Form**  
*\*Embedded in Scribbles Enrollment Application*

# MODULE ONE CONTENT ORDER for High School

The contents of Module One should be kept in the following order:

1. **Record of Access/Disclosure**  
(Green form stapled on the left side of folder)
2. **Enrollment/ Student Information Form / Scribbles Enrollment Application**
  - Paperclip proof of residency (Only keep current year)
3. **Attendance Summary**  
(Newest on top)
4. **NHCS Unofficial Transcript**  
(Newest on top)
5. **Standardized Test Record: Elementary/Secondary** (Yellow Cardstock)  
(Newest on top – starting UNDER the Yellow Sheet)
  - **RtA Proficiency Status Form** (as needed)
6. **Report Cards**  
(Newest on top)
7. **NC Transcript**  
(Newest on top)
8. **Home Language Survey**  
*\*Embedded in Scribbles Enrollment Application*(Keep oldest starting with K)
9. **Safe Schools Enrollment Form**  
Not every student will have this (Keep most current document)
10. **Pupil Transfer/Withdrawal Form** (not every student will have one)
11. **Student Permanent Health Record Pre-K – 12** (Salmon colored)  
Paperclip Birth Certificate, Health Assessment, Immunizations, Medical Exemption Statement for religious reasons. (Only keep most current immunizations)
12. **Technology Packet Form**  
*\*Embedded in Scribbles Enrollment Application*

# **MODULE ONE CONTENT ORDER for Graduated Students (High School)**

The contents of Module One should be kept in the following order:

- 1. Record of Access/Disclosure**  
(Green form stapled on the left side of folder)
- 2. NHCS Final Transcript**  
(Newest on top)
- 3. NHCS Unofficial Transcript**  
(Newest on top)
- 4. Standardized Test Record: Elementary/Secondary** (Yellow Cardstock)  
(Newest on top – starting UNDER the Yellow Sheet)  
**RtA Proficiency Status Form** (as needed)
- 5. Pupil Transfer/Withdrawal Form** (not every student will have one)
- 6. Student Permanent Health Record Pre-K – 12** (Salmon colored)  
Paperclip Birth Certificate, Health Assessment, Immunizations,  
Medical Exemption Statement for religious reasons. (Only keep most  
current immunizations)

## Module 1 Content Questions & Answers:

1. Many student records contain duplicate copies of documents or certain processes produce duplicate copies of records. How should duplicate copies be maintained? Can duplicate information be maintained at other places?  
*It is not required for duplicate information to be maintained. Yes. (Birth Certificate, Shot Records, etc.)*
2. How are “attachments” to Health documents required to be attached?  
*Paper clipped.*
3. Should copies of the papers returned to the sending agency kept in Module 3 be maintained?  
*No.*
4. What do we do with the EOG/EOC Report?  
*The EOG/EOC report should be kept in chronological order and paper clipped behind the Standardized Test Record.*
5. Should nurses note initial and new non-required immunizations on the Permanent Health Record (PHR)?  
*It is not required.*
6. Many student records contain photocopies of the social security card. Should these be destroyed?  
*Yes, no educational record should include a copy of the social security card.*
7. In which Module should letters and forms that change school assignment because of completion of school year, employee benefit, open choice, and hardship be kept?  
*These forms are no longer available as of 21-22 school year, because this information is in scribbles.*
8. Should a copy of “proof of residence” be placed in Module 1?  
*Yes, clip to the enrollment application. In the past proof of residence has not been kept or filed but residency issues are now requiring investigation more frequently.*
9. Is a copy of the Birth Certificate required in the file?  
*Yes, as a part of the Permanent Health Record (PHR).*
10. Should a Safe Schools document be completed when going from 5<sup>th</sup> to 6<sup>th</sup> grade or 8<sup>th</sup> to 9<sup>th</sup> grade within NHCS?  
*No. A Safe Schools document is not required for level transfers within New Hanover County.*

11. Is a Safe Schools Enrollment document required for transfers within the NHCS system?  
*No. It is the responsibility of the Principal who has direct control of Module 3 to share discipline records on a need to know basis. When students transfer within the NHCS system, resulting in the transfer of their record, the principal determines if any information in Module 3 needs to be shared.*
12. In which module does the consent to photograph belong?  
*This form was combined with other technology forms in what is now called Technology Form Packet. There is a Technology Form Packet for Elementary, Middle and High Schools. The signed Technology Form is maintained in Module 1 and is renewed every year.*
13. Are assessments that are primarily used for instructional purposes (e.i. STAR, AR, Quarterly Math Assessments, Semester Language Arts Assessments, Release Tests) Educational Records that should be addressed in the module system?  
*No. The purpose of these records is to provide data to teachers to plan instruction. These records are roster-like information and are not considered a student educational record.*
14. Does the Student Portfolio, for students in grade 3 and the grades 3 - 4 transitional class, get placed in Module 1?  
*No. The Student Portfolio is not part of Module 1. The Student Portfolio should be destroyed at the end of grade 4. The only documentation that remains in a student's Module 1 is the Read to Achieve Proficiency Status form along with corresponding evidence which may include, but not limited to: IReady Student Summary Report, RTA Promotion Recommendation Form, evidence of RTA Good Cause Exemption, etc. Questions about the corresponding evidence should be directed to the Testing Coordinator or Instructional Coach at the school.*
15. Does the Student Portfolio get sent to a student's new school when transferring?  
*The only time the Student Portfolio is sent to a student's new school is when a student in grade 3 or grades 3 – 4 transitional class has not met proficiency (The transfer can occur during the school year or at the end of the school year). The Read to Achieve Proficiency Status form should also be completed by the sending school and forwarded with the Student Portfolio.*

# **MODULE TWO CONTENT ORDER for All Schools**

**Everything in the Mod 2 should be two-hole punched and attached with prongs.**

**The contents of Module Two should be kept in the following order:**

1. On the left side:
  - (a) Record of Access/Disclosure (on top)
  - (b) The following are categorized by type with a blue sheet of paper to separate and then in reverse chronological order:
    1. Court documents
    2. Educational Affidavit – Custodial and Parental
    3. Military Connected Form (Embedded in Scribbles Application 21-22)
    4. AIG Plan – DEP and Match Team Record
    5. ELL Plan/ ELL Documentation
    6. Expulsion letter
    7. Long-term suspension letter
  
2. On the right side, the following in reverse chronological order (newest on top):
  - (a) On the right side, the following are categorized by type with a blue sheet of paper to separate and then in reverse chronological order:
    1. Medical Intervention Plan and associated documents
    2. IEP and associated documents
    3. Individual Accommodation Plan (504) and associated documents
    4. Intervention Documentation and Tier 2 or 3 Problem Solving Tools
    5. Evaluation and associated documents (did not qualify)



## Module 2 Content Questions & Answers:

1. Should copies of the papers returned to the sending agency kept in Module 3 be maintained?

*No.*

2. How could the “stamp” system be strengthened to track Module 2?

*It is essential and required that the stamp which lists all three Modules is placed on the front of the Module 1 folder. If an Educational Record has Module 2 contents, then Module 2 must be checked. The same procedure must be used for Module 3. If neither Module 2 nor 3 have contents then it is not necessary to maintain a physical folder. There must be a physical folder if there are contents for that particular module. When Module 1 and 2 are not maintained together, a school must adopt a system that identifies each Module 2 location. This system could involve the use of a checkout or sign-out card, which is maintained with Module 1 or could involve a prominent posting indicating the locations of Module 2 information. There may be other systems that could be used. Schools are responsible for purchasing the stamp system which includes a stamp listing all three Modules, and stamps Module 1, Module 2 and Module 3.*

3. Where will the Health Department Emergency Medical Plan be located?

*The student's Emergency Medical Plan is an Administrative Record and maintained by the school nurse. Copies may be duplicated as needed in locations for use by those who need to know this information.*

4. We were once told to keep test protocols regarding Special Education and Related Services separate because files were getting too fat. Do the years of testing protocols need to go back into Module 2?

*The NHCS Records Management Manual recommends that test protocols be maintained as Module 4 information. If this document is shared with others (and is therefore no longer a personal memory note) it becomes Module 2 information. It is further recommended that once a test protocol is included in a report or a plan that is destroyed.*

5. In which Module should a copy of the Custody Affidavits be kept?

*Module 2. Custody Affidavits must be maintained until status changes or student graduates.*

6. Should DSS always present a written demand before school personnel provide information during an investigation?  
*Yes, they should.*
  
7. How should a written referral to School Social Workers, School Counselors, Nurses, and other Student Support staff, be maintained?  
*If the written referral is a part of a Student Support Team process, the referral document is maintained in Module 2. Otherwise, the written referral is maintained in Module 4.*
  
8. A record contains information about a parent with HIV, how should this record be treated?  
*This question refers to a special cause situation. The situation occurred when a school received a psychological report from an outside agency as a part of SST intervention planning. The report contained a statement concerning the medical condition of the parent. There is no requirement to treat this information any differently than any other Module 2 information.*
  
9. Where are test protocol booklets, personal notes, Speech-Language Pathology (SLP), Occupational Therapy (OT), and Physical Therapy (PT) information kept?  
*The NHCS Records Management Manual recommends that test protocols be maintained as Module 4 information. If this document is shared with others (and is therefore no longer a personal memory note) it becomes Module 2 information. It is further recommended that once test protocol information is included in a report or a plan, the test protocol should be destroyed. SLP's, OT's and PT's have developed a Module 2 notice concerning educational records that they maintain.*
  
10. The term active/inactive should be clarified (e.i., inactive IEP versus inactive educational record).  
*Inactive IEP is no longer a concept. All IEPs not "in effect" remain in Module 2. The term inactive refers to a student who is no longer enrolled in a New Hanover County School.*

### **Module 3 Content Questions & Answers:**

1. In which Module should letters to parents about attendance and absences be kept?  
*Module 3. (As a discipline document)*
2. Should a copy of a physician's medication authorization and mediation log be attached to the Permanent Health Record (PHR)?  
*No, the physician's authorization and the medication log is an administrative record that remains at the building at which it was generated. Health-related records are to be filed yearly and placed in a secured, locked area in the school where services were rendered. Health records must be labeled "Health Records for school year \_\_\_\_-\_\_\_\_. Destroy in year \_\_\_\_" (add 29 years to the end of the school year).*
3. What module should the NHCS Documentation of Incidents reportable under the Greenblatt Act be filed in?  
*This document should be filed in the Student's Module 3 Educational Record.*
4. What module should the NHCS Documentation of Incidents reportable under the Greenblatt Act be filed in?  
*This document should be filed in the Student's Module 3 Educational Record.*

### **Module 4 Content Questions & Answers:**

1. Should there be a Module 4 folder?  
*No. Module 4 is a concept.*
2. In which Module should Child Protective Services Investigation Reports be kept? Or should the request be destroyed upon receipt?  
*Module 4. The destruction of Module 4 records, and thus items included in the record, is left to the discretion of the person who maintains the record.*
3. How should a written referral to School Social Workers, School Counselors, Nurses, and other Student Support staff, be maintained?  
*If the written referral is a part of a Student Support Team process, the referral document is maintained in Module 2. Otherwise, the written referral is maintained in Module 4.*

4. Where are test protocol booklets, personal notes, Speech-Language Pathology (SLP), Occupational Therapy (OT), and Physical Therapy (PT) information kept?  
*The NHCS Records Management Manual recommends that test protocols be maintained as Module 4 information. If this document is shared with others (and is therefore no longer a personal memory note) it becomes Module 2 information. It is further recommended that once test protocol information is included in a report or a plan, the test protocol should be destroyed. SLP's, OT's and PT's have developed a Module 2 notice concerning educational records that they maintain.*
  
5. Should the Judicial Attendance Council (JAC) referral be filed in Module 3?  
*No. Module 4 and it is stored and maintained by the individuals producing the record because of the confidential nature. JAC information should not be part of the cumulative records when and if the student transfers to another school, public or private.*

# TRANSFER OF EDUCATIONAL RECORDS

Each school is responsible for forwarding together as a single record the original copy of Modules One and Two of a student's Educational Record upon request from another New Hanover County School as a single record. It is mandatory to maintain a written record of the date and destination to which Modules One and Two were sent.

Modules One and Two are maintained permanently by the New Hanover County School system. A copy of the Educational Record will be forwarded to an out-of-county school system upon request. The local school will retain the original copy of the Educational Record.

Upon enrollment in New Hanover County Schools, the request for Educational Records should be mailed within five business days. The Education Amendment of 1974, "Protection of the Rights and Privacy of Parents and Students", Section 438(b)(1), parts A and B, page 97, states that "school officials, including teachers within the educational institution and officials of other schools in school systems in which the student may intend to enroll may receive a student's records without a written consent for such release.

**It is mandatory to maintain a log showing the sending of files from one New Hanover County school to another New Hanover County school, with the date of transmittal and a log number.**

Inactive records are the records of students who have moved out of New Hanover County and students that have withdrawn and no longer attend school. The school that withdrew or recorded a no show will maintain the Educational Records of students who leave New Hanover County Schools.

## **TRANSITION GRADES – TIMELINE**

When students transition from Pre K to Kindergarten, grade 5 to grade 6 and grade 8 to grade 9, **Modules One and Two** must be sent to the new school together, as a single record. **This transfer of records must take place by June 30th including the attestation form.**

## Transferring Records Questions & Answers:

1. Can Module 1 and 2 be sent at different times when records are transferred? For example, can Module 1 be sent earlier than June 30th?  
*No. Send all records together as a single record.*
2. What should the turn-around time be when requested to transfer records to another school or organization?  
*Five business days.*
3. Does an inactive record transfer to the next school?  
*Inactive records remain at the last school noted in PowerSchool for 5 years. If a student returns to the county, the record provided from the most recent school will be more up to date.*
4. Where do we keep the records of students that move out-of-county?  
*Records remain at the last school noted in PowerSchool for 5 years and then are sent to the Electronic Records Department.*
5. Should the medication log be transferred?  
*No. A medication log is an Administrative Record and remains at the school. Administrative Records have a different destruction schedule.*
6. Should the Physician's Medication Authorization be maintained with the log and/or the educational record?  
*A physician's medication authorization is an Administrative Record, maintained by the school nurse during the school year. Health-related records are to be filed yearly and placed in a secured, locked area in the school where services were rendered. Health Records must be labeled "Health Records for school year \_\_\_\_ - \_\_\_\_". Destroy in year \_\_\_\_" (add 29 years to the end of school year).*
7. Does the Student Portfolio get sent to a student's new school when transferring?  
*The only time the Student Portfolio is sent to a student's new school is when a student in grade 3 or grades 3 – 4 transitional class has not met proficiency (The transfer can occur during the school year or at the end of the school year). The Read to Achieve Proficiency Status form should also be completed by the sending school and forwarded with the Student Portfolio.*

# DESTRUCTION OF EDUCATIONAL RECORDS

The destruction of educational records procedure must be followed as outlined in Board Policy File 8700. The following items are never to be destroyed and should be permanently maintained:

1. Final NC Transcript (High School)
2. NHCS Unofficial Transcript/Scholastic Record (Elementary and Middle)
3. Standardized Test Record
4. Students Permanent Health Record

At the time of destruction, the educational records which contain personally identifiable information must be destroyed by shredding or incineration. Educational records which contain personally identifiable information which go to the landfill may compromise confidentiality.

The contents of a student's Educational Record must be destroyed according to the following schedule:

## RECORDS PROCESS DOCUMENTS

Annual Notice about Educational Records	Not maintained
Technology Form Packet	Annually and after graduation
Employee Access list	Update annually
Mutual Exchange of Information	After graduation or when revoked
Record of Access/Disclosure (disclosure of	After graduation  permanent records after graduation are recorded differently, according to a centralized procedure)
Request for Educational Records (Incoming student)	Upon receipt of requested information
Request for Educational Records (Outgoing student)	After five (5) years

Parental record amendments	Same schedule as records that are amended
K-5 Writing Folder	End of grade 5

## MODULE ONE

Enrollment/Student Information Form	Updated each year
Proof of Residency	Once no longer applies
Residency/Registration Affidavit	Once no longer applies
Language Survey Form	After graduation
K-2 Literacy Assessment	End of grade 5
Attendance Summary	After graduation
Teaching Strategies Report Card	End of grade 5
NHCS Unofficial Transcript/Scholastic Record: Elementary/Middle	Never
Standardized Test Record	Never
Attachments to Test Record	Never
Report Card	After graduation
NC Transcript	Never
Safe Schools Enrollment Form	After graduation
Pupil Transfer/Withdrawal Form	After 5 years
Students Permanent Health Record	Never
Health Assessment	Never



## MODULE TWO

Court Documents	1 year after student exits system
Educational Affidavit	1 year after student exits system
Military Form	1 year after student exits system
AIG Plan	1 year after plan expires
ELL Plan/ELL Documentation	5 years after student graduates or receives certificate of completion; or student turns 28
Expulsion Letters	2 years after the student returns to school or at graduation
Long-Term suspension letters	2 years after the student returns to school or at graduation
Intervention Plan for Students at risk Documents (Tier 2 and/or 3)	5 years after student graduates or receives certificate of completion; or student turns 28
Formal Evaluation/Reevaluation Process documents	5 years after student graduates or receives certificate of completion; or student turns 28
Individual Accommodation/504 Plan	5 years after student graduates or receives certificate of completion; or student turns 28
Individualized Education Program	5 years after student

Process documents

graduates or receives  
certificate of  
completion; or  
student turns 28

# MODULE THREE

Disciplinary Records

5 years after student leaves current school

Infectious Disease Notification

Return to agency providing information when student leaves current school

Safe Schools Act Notification

Return to agency providing information when student leaves current school

# MODULE FOUR

All Module Four records may be destroyed at the discretion of the person who maintains the record.

## **Destruction Questions & Answers:**

1. Should Module 3 information that is returned to the sending agency be sent by registered mail?

*This is not required.*

2. When will old files be collected from the school?

*The educational records of the students who have left the system (inactive records) remain at the student's last school noted in PowerSchool for five years. After five years Modules 1 and 2 should be sent together with an inventory list to Electronic Records located at the Spencer Quality Development Center. A Maintenance Department work order should be submitted to move the records and Electronic Records should be notified simultaneously.*

3. Where and how should schools house "inactive" records?

*Inactive records are Modules 1 and 2 of the educational records of students who have left New Hanover County Schools. These records remain at the school the student last noted in PowerSchool for five years. The Modules must be kept together as a single record, separately from active records, and grouped by year of withdrawal.*

# PARENT/GUARDIAN, STUDENT, AND EMPLOYEE ACCESS TO EDUCATIONAL RECORDS

**Parent** – A parent, or eligible student as defined below, may inspect and review the student’s educational record.

In cases where the parents of a student are divorced and one parent has legal guardianship, both parents continue to have access privileges to the information contained in the student’s educational record when the student is under 18, unless the custody order limits access to only one parent.

To review the student’s educational record (Modules One, Two, and Three), the following procedure must be followed:

1. Parents must provide proper identification when requesting to inspect and review a student’s educational record.
2. Parents may have access only to information about their child.
3. The principal or his/her designee shall arrange a conference with the parent to inspect and review and/or interpret a student’s educational record within a reasonable period of time, but not to exceed 45 days.
4. A student’s educational record (at all maintenance locations) can be inspected or reviewed at the school, in an area designated by the principal, but must not leave the school premises.
5. One free copy of the student’s educational record per household will be provided each year upon request of the parent within a reasonable period of time, but not to exceed 45 days.
6. Parents have the right to have a representative present when inspecting and reviewing the student’s educational record.

**Eligible Student** – All parental rights pertaining to a student’s educational record are transferable to the student at age 18. It is permissible, according to Board Policy, to allow the parent/legal custodian continued access privileges if the student is not available and the parent/legal custodian requests students’ information

**Employee** – Each school year, the principal must prepare and update as necessary the Employee Access List which indicates the school employees who have access to the student’s educational records. *Note: The Employee Access List to Modules One, Two and Three might not list the same people.* The Employee Access List must be posted in each area of the school where all or part of the student’s educational records are maintained. The list must include names of those individuals who have

legitimate educational interest. School employees not on the Employee Access List must make a request to the principal or his/her designee to access a student's educational record.

Employees *not* listed on the Employee Access List must record their access on the Record of Access/Disclosure document located in the student's educational record. If the school maintains Module One, Two and Three in one location, one Record of Access/Disclosure may be used. If these modules or parts of modules are maintained at separate locations, then each module or parts of modules must contain a Record of Access/Disclosure.

Under North Carolina General Statutes, student teachers and interns have the same access privileges and responsibilities as employees. Volunteers and student aides are not permitted to access personally identifiable information, other than directory information.

### **Access to Education Records Questions & Answers:**

1. When parents request to review their child's record, the Records Manual states that this should occur in a conference, why is this important?  
*To explain and maintain security of the information.*
2. How are interns and student teachers treated with regard to access since they are not employees, parents or students?  
*North Carolina General Statute 115C-309 says that student teachers and interns "shall have the same protection of the laws accorded the certified teacher." Therefore, their access would be the same as an employee.*
3. Should an access list be posted next to computers where educational records information is electronically maintained?  
*No, these records are password protected and a duplicate of the information is maintained in a student's educational record.*
4. Can a copyrighted document that is in a child's record be copied (e.i., test protocol booklets)?  
*No.*
5. Does a parent need to sign the Record of Access/Disclosure?  
*No.*
6. If a 17 year old is dually enrolled in high school and a post secondary school, is the student an "eligible student"?  
*No. The student remains primarily a high school student.*

# **PARENT/GUARDIAN OR ELIGIBLE STUDENT REQUESTS TO AMEND OR CORRECT RECORDS**

If a parent or eligible student, believes information contained in this student's educational record (Modules One, Two or Three) is inaccurate, outdated, irrelevant, misleading or violates the privacy of a student, a request can be made to amend the student's educational record by submitting the request in writing to the school's principal.

The written request must describe the information the parent wishes to amend and the reason for the request. The written request must be signed and dated. The principal must decide whether or not to comply with the request to amend the record within a reasonable period of time not to exceed 45 days. The principal must inform the parent, in writing, of the decision concerning the request.

If the principal concurs with the request, the principal will implement the request and maintain the parent's and the principal's written decision as a part of the educational record in the module affected.

If the principal does not concur with the request, the principal may propose other remedies with regard to the request. Other remedies may include, but are not limited to, the inclusion of rebuttal or clarifying information from the parent which will become a part of the student's educational record. If the parent agrees to the principal's proposal, the parent request and the principal's proposal must be communicated in writing and implemented and maintained as part of the student's educational record in the module affected.

If the principal refuses the parent request, the principal must inform the parent, in writing, of the decision and include the reason for the refusal and the parent's right to a hearing to contest the decision. The refusal must include the procedure for the parent to request a hearing. A record of the principal's refusal must be maintained as a part of the student's educational record in the module affected.

A parent has the right to contest the decision of a principal by written request for a hearing to the Assistant Superintendent of Student Support Services. The parent's written request for a hearing must include the name of the student, the school the student attends, a brief description of the requested change, a copy of the principal's written decision and

information regarding how the parent can be contacted. The hearing must be scheduled within a reasonable amount of time, not to exceed 45 days after the receipt of the request. The Assistant Superintendent of Student Support Services must give the parent written notice of the time, date and place of the hearing. The notice must be provided not less than 10 days prior to the scheduled hearing. The parent must be given a full and fair opportunity to present evidence and is entitled to representation at the hearing, at the parent's own cost. The hearing will be conducted by a person designated by the Assistant Superintendent of Student Support Services who does not have a direct interest in the student or the issues requested by the parent. The decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision. After the hearing, the Assistant Superintendent of Student Support Services will submit a written decision within a reasonable period of time, not to exceed 45 days.

If the Assistant Superintendent of Student Support Services agrees with the request, the request will be implemented and the written decision will be maintained as a part of the student's educational record (with module affected). If the Assistant Superintendent of Student Support Services does not concur with the request, the Assistant Superintendent of Student Support Services may propose other remedies with regard to the request of the parent.

If the Assistant Superintendent of Student Support Services refuses the request, then the parent may place in the affected module of the student's educational record, a written statement commenting on the proposed amendment and any reasons for disagreeing with the decision of New Hanover County Schools. The Assistant Superintendent of Student Support Services's written decision and any parental statement or explanation placed in the student's educational record becomes a part of the student's educational record and must be maintained as long as the student's educational record is maintained for that student. If the student's educational record is disclosed to any parties, this information must also be disclosed.

# AUTHORIZED CONSENT FOR DISCLOSURE

Personally identifiable information from Module One and Two, as well as from the Discipline Record in Module Three may be disclosed orally or in writing to a third party upon receiving *written and dated consent* from the parent or eligible student. Consent must specify the records that may be disclosed, state the purpose of the disclosure, (and identify the third party or parties to whom the disclosure may be made). Situations that may occur frequently are requests from the parent to share information with a private physician, minister or therapist; hospital or clinic, friends or relative; or with another public agency. School officials in New Hanover County frequently request disclosure of confidential records or information from a physician, hospital, or therapist in the community. The Authorization for Mutual Exchange of Information may be used for this purpose.

During the school year, a student's image/photo or work may be included in a classroom or school project that may include, but is not limited to: plays, workshops, classes, conferences, videos, web page postings, artwork, computer labs or school publications. Permission from the parent is required before any activity of this kind can take place. The Technology Form Packet has been developed for this purpose.

There are exceptions permitting or requiring school personnel to disclose certain personally identifiable information without parental consent. The regulations or safeguards that apply are explained at the end of this section.

Parental Consent is not required to transfer records to a school where the student has enrolled.

## **Disclosure of Directory Information**

Directory information is information that is generally not considered harmful or an invasion of privacy if released. New Hanover County School Board Policy 8700 defines Directory Information as a student's name, address, telephone listing, electronic mail address, date and place of birth, and school enrollment. This information may be disclosed without parental consent unless the parent advises the LEA in writing that they do not want their child's information disclosed without their consent. (Personally Identifiable Information cannot be released without parental consent. The Family Educational Rights and Privacy Act permits the release of Directory Information unless a parent opts-out).



### **Disclosure of Information to School Officials with Legitimate Educational Interest**

1. School officials from another school or school district in which the student has enrolled or is planning to enroll
2. Federal, state or local officials for the purpose of auditing and/or compliance
3. Organizations performing studies for, or on the behalf of, educational institutions to (a) develop, validate, or administer predictive tests, (b) administer student aid programs, or (c) improve instruction
4. School officials, school lawyers, and expert witness(es) for the school system as needed to prepare for a hearing

### **Release of Information for Legal Purposes**

1. To child protective services workers from the Department of Social Services (DSS) upon receipt of a “written demand for any information or reports, whether or not confidential, that may in the Director’s opinion be relevant to the investigation of or the provision for protective services”. Under North Carolina General Statute 7B-3100, a DSS “written demand for information” has the same effect as a court order.
2. Under court order or subpoena of the record (See Authorized Consent for Disclosure, first paragraph, middle section)

### **Release of Information for Emergency Purposes**

1. In connection with an emergency when knowledge of the information is necessary to protect the health or safety of the student or other individuals.

### **The Following Regulations Apply to the Above Exceptions to the consent requirement**

1. The parent or eligible student has the right to refuse to let the agency or institution release Directory Information pertaining to their child. Parent notification must be made annually giving parents ten days to notify in writing their refusal. At any point past the ten days, parents may choose to opt-out of the release of Directory information and their request will be honored after the day their written notice is received.
2. Regarding Personally Identifiable Information, disclosure may only occur for the purposes listed in the written consent.
3. The school must use New Hanover County Schools the “Record of Access/Disclosure to Education Records” form to document requests for *access to and each disclosure of personally identifiable information* from the education records of each student. For each request for access or disclosure, the record must include (a) the parties who have requested or received the information, (b) the legitimate interests the parties had in requesting the information, and (c) the date of disclosure

4. In making disclosures to a third party regardless of parent or student consent, the issue of re-disclosure must be addressed. The party receiving the information cannot disclose the information to any other party without the prior consent of the parent or eligible student. The one exception to re-disclosure refers to school officials in another school or school district in which the student has enrolled or is planning to enroll.
5. The school must make a reasonable effort to notify the parent or eligible student of the request for confidential information (including court order or subpoena) in advance of compliance. Upon request, a copy of disclosed information must be given to the parent or eligible student.

### **Disclosure Questions & Answers:**

1. When a child is in the custody of DSS and resides with a foster parent, who can sign consent for a Mutual Exchange of Information?  
*In general, DSS provides the written consent. In the event the student is in either the Formal Evaluation or the IEP process, foster parents or surrogate parents are also authorized to give consent.*
2. One person has physical custody and a different person has legal guardianship, who gives consent?  
*The legal guardian gives consent.*
3. FERPA defines an educational agency or institution as “public or private”, so why is consent required to obtain educational records from a private school?  
*Although FERPA doesn’t require consent, individual private schools may require consent if the private school doesn’t receive federal funds.*
4. Does the Mutual Exchange of Information contain enough information so that all Module 2 records associated with special education services can be disclosed?  
*Yes.*
5. The Records Manual is unclear about the process of re-disclosure of information. What should the procedure on this be?  
*The following information must be placed on a cover letter or fax cover sheet when documents are disclosed to third parties:*

*This information is part of the confidential educational record of a student. The receiving party must follow the Family Education Rights and Privacy Act, Section 99.33 in re-disclosing this information.*

*Records received by New Hanover County Schools personnel must be reviewed and placed in the appropriate Modules. The*

procedures in the Records Manual govern access and further disclosure of this information.

6. Where does a “DSS written demand” get filed? Does this change if school personnel report suspected neglect or abuse?

*A Department of Social Services written demand for records is a court order that does not require parental consent for the disclosure of the information requested. Depending on what information is requested, a written demand should be maintained in the Module from which information was disclosed. If the written demand relates to an employee’s report of suspected neglect or abuse. A court order is required.*

*The statement on page 30 #5 states that the “school must make a reasonable effort to notify the parent or eligible student of a request for confidential information (including court order and subpoena).” The school would not be required to notify the parent of the reason that DSS has requested the information but it must notify the parent that the request for the educational record was made and complied with. When the school discloses information to a third party it is recorded on the green Record of Access/Disclosure. Parents are notified about disclosures of their child’s educational record from this document.*

7. How should disclosure be handled when school officials are asked to disclose records as a part of a police or FBI investigation?

*Under School Board Policy parental consent is not required when releasing records to State and Local authorities, within a juvenile justice system, pursuant to specific state law, or, to comply with a judicial order or lawfully issued subpoena.*

8. How about the disclosure of certain scholastic information (i.e., SAT test scores) on specific students associated with academic awards committees made up of volunteers, parents and community members?

*Applications for awards that disclose such information must include a signed consent from the parent or eligible student so this information can be disclosed to such committees.*

9. Volunteer tutors test and have personally identifiable information about students but are not employees, how does our system of confidentiality work in this situation?

*Volunteers and student assistants must not have access to Educational Records except for directory information. However, if parents have refused the release of directory information, their permission will need to be sought before directory information can be shared.*

10. Are the disclosure requirements about a student’s suspension different from a felony?

*Court documents concerning felony convictions and short-term suspension letters are maintained in Module 3. Long-term suspension letters are maintained in Module 2. Disclosure and access requirements for Module 3 information are more restrictive than Module 2.*

11. Should the Public Relations office be informed when directory information is requested or refused?

*No. Each school manages the lists of students within their school whose parents have submitted a written notice of their desire to prevent the release of directory information. Questions or concerns about the Family Educational Rights and Privacy Act can be referred to the school administrator or Student Support Services.*

12. If a school from another state or county requests copies of the discipline record, can we send it or discuss it with that school?

*Yes, if specifically requested.*

13. When dealing with an outside agency, can we refuse to disclose directory information on a student (i.e., newspaper)?

*School Board policy states that directory information may be disclosed. Staff should use discretion and may refuse the request. They cannot however refuse the request from Military recruiters. In all cases, Directory Information cannot be shared without parental consent, if the parent has submitted a written notice (Opt Out form) refusing the release of directory information.*

14. Can we verify the graduation of a student when an employer requests this information over the phone?

*No. Parental permission, or that of an eligible student, is needed because this is not defined by Board Policy as Directory Information. Schools can release the school of enrollment if the parents have not submitted a written letter to prevent the release of Directory Information to third parties.*

15. Please clarify how a court order is needed to disclose Module 4 information?

*Subpoenas and court orders are written documents, which must be provided to the person who maintains the information. When such written documents are received, the person must comply with the order.*

# CONFIDENTIALITY AND ANNUAL NOTICE

Confidentiality of information contained in a student's educational record is a federally protected right of all students within the New Hanover County School System. Confidentiality is insured in several ways:

1. The Assistant Superintendent of Student Support Services is designated as the school official responsible for ensuring confidentiality.
2. The principal at each school is designated with the responsibility to protect confidentiality at the collection, storage, disclosure and destruction phases and to maintain and secure a student's Official Record as well as other educational records about students.
3. The Student Records Management Manual is updated yearly and published online.
4. Training is provided to New Hanover County School employees on the Student Records Management Manual.
5. The Student Records Management Manual specifies how New Hanover County Schools strictly adheres to school board policy and federal and state statutes and regulations.
6. Annual notice is provided to parents and students 18 years of age or older about their rights.
7. Employees who knowingly or willfully make or procure false records shall be guilty of a Class 1 misdemeanor upon conviction and may be fined, imprisoned and/or lose State Board licensure.

Each parent and eligible student must be notified annually about their rights with respect to educational records. The NHCS Annual Notice about Educational Records has been developed for this purpose. The principal at each school is required to provide this notice each year. The principal may provide the NHCS Annual Notice about Educational Records in one of two ways:

1. Include a complete copy of the Annual Notice in each student's final report card, or
2. Include the complete text of the Annual Notice in the school's student/parent handbook or other publication a school uses to notify all parents and students.

As stated in this manual and the Annual Notice, the principal or designee is the initial point of contact for parents and students regarding any inquiries or requests concerning a student's educational record or rights associated with this information. A parent's written request refusing to

disclose directory information is valid until changed by the parent or the eligible student.

# **STUDENT RECORDS MANAGEMENT TRAINING**

The Assistant Superintendent of Student Support Services shall establish and publish an annual training system for employees concerning procedures found in the New Hanover County Schools Student Records Management Manual.

# FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

[NHCS FERPA](#)



# PUBLIC LAW AND BOARD POLICIES

Public School Laws 115C-12.1

[http://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter\\_115c.html](http://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_115c.html)

Board Policies: Policy  
[NHCS-Policy Manual Series 4000 \(New\)](#)

Series 8000 (Students)  
[NHCS - Policy Manual Series 8000 \(Old Policy\)](#)

# STUDENT PERMANENT HEALTH RECORD PROCEDURES

## STUDENT'S PERMANENT HEALTH RECORD

Section 9 – G.S. 130A-152 and

NORTH CAROLINA'S IMMUNIZATION RULES  
15A NCAC 19A.0400 .0401

Dosage and Age Requirements for Immunization

<http://www.immunize.nc.gov/schools/k-12.htm>

## Student's Permanent Health Record

1. <https://www.nhcs.net/divisions/student-support-services/enrollment/immunization-information>
2. <https://www.immunize.nc.gov/schools/>

# SCHOOL ATTENDANCE AND STUDENT ACCOUNTING MANUAL

School Attendance and Student Accounting Manual

<https://files.nc.gov/dpi/documents/fbs/accounting/manuals/sasa.pdf>

# INACTIVE RECORDS PROCEDURE

*(Note: NHCS student records will be transitioning our inactive files to Scribbles conversion, this section of the manual will be updated as soon as our inactive records procedures are complete.)*

## **GRADUATE FILES**

Keep **all** records for 5 years.

Lists should be created and maintained in excel spreadsheets (sort by year of birth, last name alphabetical order). Email a copy of your grad list to [angela.walker@nhcs.net](mailto:angela.walker@nhcs.net).

## **INACTIVE FILES**

1. Keep **all** records for 5 years.
2. Lists should be created in excel spreadsheets with (sort by year of birth, last name alphabetical order). Also email a copy to [angela.walker@nhcs.net](mailto:angela.walker@nhcs.net).

### **Please Note the Following:**

Email or call with any questions you may have when inquiring about procedures of this office.

**Please**, let us work together for the utmost efficiency in maintaining student records and making completion of these tasks less cumbersome.

**Please** provide an updated list of ALL persons who are responsible for student record maintenance in your school by emailing it to [angela.walker@nhcs.net](mailto:angela.walker@nhcs.net).

Please **maintain a list of ALL GRADUATES AND IN-ACTIVES** at your school if you are not already doing so.

# RECORDS RETENTION AND DISPOSITION SCHEDULE

Records Retention and Disposition Schedule

<https://resources.finalsite.net/images/v1568641753/nhcsk12ncus/c2spzhf70lutv1hgzpxc/RecordsRetentionandDispositionSchedule.pdf>

# NHCS Student Records Team

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