

ORANGE COUNTY  
BOARD OF EDUCATION  
AGENDA ITEM ABSTRACT

Meeting Date: April 4, 2011

AGENDA  
ITEM No. 11-04-13

ACTION ITEM: (Y/N) Y

SUBJECT: Public Records Policy # 5070 Revised – 1st Reading Approval

INFO. CONTACT: Ms. Marcie Holland PHONE: 919-732-8126

ATTACHMENT: 1. Public Records Policy # 5070.

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**PURPOSE:** To revise the Public Records Policy # 5070.

**BACKGROUND:** Revised policy # 5070 has been updated to reflect legislated changes to G.S. 115C – 320 and -325(o) and reflects changes recommended by the North Carolina School Boards' Association. Due to North Carolina legislated changes, it specifies what information is considered public and is open to inspection.

Further, cross references to related policies have been added.

This revised policy has been reviewed by counsel.

**FINANCIAL IMPACT:** None.

**RECOMMENDATION:** The Superintendent recommends the Board of Education approve the revised Public Records Policy # 5070 1st Reading Approval.

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*Rescinds Policy Number:**Issued: 05/17/2004*

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The Orange County Board of Education is committed to providing access to public records and public information. All employees will comply with public records law and this policy.

#### **A. Public Record Defined**

Any record, in any form, that is made or received by the board or its employees in connection with the transaction of public business is a public record that must be made available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from the public records law, G.S. 132-1 through 132-9.

***The official records of students are not public records subject to inspection and examination. (For further information regarding the release of information about students, see policy 4700, Student Records.)***

Information in school system employee personnel files is protected from disclosure in accordance with G.S. 115C-319, except that the following employee information is public record.

1. Name.
2. Age.
3. The date of original employment or appointment.
4. The terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession.
5. Current position.
6. Title.
7. Current salary (includes pay, benefits, incentives, bonuses, deferred compensation and all other forms of compensation paid to the employee).
8. The date and amount of each increase or decrease in salary with the board.
9. The date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with the board.
10. The date and general description of the reasons for each promotion with the board.
11. The date and type of each dismissal, suspension or demotion for disciplinary reasons taken by the board. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal.
12. The office or station to which the employee is currently assigned.

The name of a participant in the North Carolina Address Confidentiality Program is not a public record and must be redacted from any records released. As necessary, school personnel may combine public and confidential records to meet the business needs of the system. However, if a record contains confidential information as well as public information, school officials must provide the requested public record with the confidential information removed or redacted.

As necessary, the school district may combine public and confidential records to meet the business needs of the district. However, if a record contains confidential information as well as public information, the school district must provide the requested public record with the confidential information removed or redacted. The school district will bear the cost of separating confidential information that is commingled with public records.

## B. Requests for Public Records

All requests for examining or obtaining copies of public records should be in writing or recorded by school district personnel. *This policy, administrative guidelines, information on the actual cost of producing public records, information on how to reach the records officer, information about how to appeal a denial of a public records request and information regarding any computer database indexes must be made available to individuals requesting public records.*

*Public records must be released in accordance with the law.* Any denial of a public records request will be made in writing with the basis for the denial. ~~Information will be made available to the requester concerning the cost of producing records and how to appeal a denial of a public records request.~~ The superintendent or designee may issue additional guidelines consistent with this policy to further clarify the process for requesting public records.

## C. Designation of Records Officer

The superintendent will designate a records officer or otherwise ensure that the duties of a records officer are met. The duties of the records officer will include the following:

- determining whether records are public or confidential by law, with assistance from the local board attorney, as necessary;
- determining the most cost-effective means of storing and retrieving public records that are related to confidential information;
- providing training, consultation, and guidelines to school officials who respond to or are otherwise involved in public records requests;
- determining the actual cost of providing copies of public records in the various forms, such as paper or ~~diskette~~ *electronic media*, in which the school district is capable of providing the records;
- determining the cost of a request for copies of public records when a special service charge is applicable or when Orange County Schools is voluntarily creating or compiling a record as a service to the requester; and
- reviewing appeals of any denial of a request for public records.

Other duties to be performed by the records officer, a designated electronic records officer, or by other employees as determined by the superintendent, include the following:

- reviewing, all electronic data-processing systems being considered for lease or purchase to ensure that it will not impede Orange County Schools' ability to permit public inspection and examination of records;
- ensuring that databases are indexed as required by law; and
- conducting an inventory of electronic databases maintained by the school district on a regular basis.

## D. Indexing of Computer Databases

All computer databases compiled or created after June 30, 1998, will be indexed as required by law. The form and content of the indexes will conform to the guidelines issued by the North Carolina Division of Archives and History.

Any computer database being considered for purchase or lease by Orange County Schools that will be subject to the indexing requirements should include the statutorily required index provided by the vendor at no additional cost to the school district. (vendor provision is not statutorily required, but is intended to assist the district in meeting its requirement to index databases.)

In addition, Orange County Schools will voluntarily index databases created or compiled prior to July 1, 1998, so long as the process is not unreasonably burdensome or costly. Any voluntary indexing does not have to meet statutory requirements or the guidelines issued by the North Carolina Division of Archives and History.

**E. Fees for Copies of Public Records**

The superintendent or designee is to determine the actual cost of providing copies of public records in the various forms in which Orange County Schools is capable of providing them. Persons requesting copies of public records will be charged any applicable fees as determined by the records officer (see subsection C above). The school system shall not charge any fees for separating confidential information that is comingled with public records.

**F. Destruction of Public Records**

Orange County Schools will comply with the Records Detention and Disposition Schedule for Local Education Agencies adopted by the N.C. Department of Cultural Resources, Division of Archives and History, unless otherwise required by statute, regulation or other legal authority. The superintendent may establish regulations for ~~distraction~~ destruction of records in accordance with the approved schedule.

**G. Communication**

~~This policy, administrative guidelines, information on the actual cost for producing public records, information on how to reach the records officer and any computer database indexes should be made available to employees and individuals requesting public records.~~

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 115c-114, -319 to -321, -402; 14-113.8(6); 115C-109.3, -319 to -321, -402; 132-1 to -9, -1.10; Public Database Indexing Guidelines and Recommendations, and Records Retention and Disposition Schedule for Local Education Agencies, N.C. Division of Archives and History, N.C. Department of Cultural Resources; N.C. Attorney General Advisory Opinion, letter to Elizabeth Buford, February 26, 1996.

**Cross References: Student Records (policy 4700), News Media Relations (policy 5040), Personnel Files (policy 7820)**