

Adopted: 11-7-2025

All student records must be current and maintained with appropriate measures of security and confidentiality. The College is responsible for complying with all legal requirements pertaining to the maintenance, review and release of records retained by the College.

I. COMPLIANCE WITH FERPA RIGHTS

- A. The Family Educational Rights and Privacy Act (“FERPA”) provides students with certain rights to privacy of their educational records and rights of access by others to their educational records. College employees are expected to fully comply with this Policy.
- B. For purposes of this Policy, “student” means an individual who is or has been in attendance at the College. It does not include persons who have not been admitted or those who have been admitted but did not attend the College. “Attendance” starts when the individual matriculates or declares their intention to enroll at the College, whichever comes first.

II. ANNUAL NOTIFICATION OF RIGHTS

The College shall provide every student with an annual notice of their rights under FERPA. The Vice President for Student Services, or his/her designee, is responsible for preparing and delivering this annual notice.

III. RIGHT TO INSPECT RECORDS

- A. Students who want to inspect their education records should direct that request to the individual and within the timeframe as designated in the annual notice. Records which are available for inspection shall be provided to the student during regular business hours.
- B. Students may obtain copies of their educational records if circumstances make on-site inspection impractical and the student is in good standing. When copies are provided, the student may be charged a reasonable fee for the actual copying expense.

IV. DIRECTORY INFORMATION

- A. The College may release Directory Information without student consent. The College designates the following information as Directory Information¹:

¹ The items that can be included as Directory Information are listed in items 1-8 (there are more things that could be designated). However, many community colleges are significantly restricting what they designate as Directory

1. Student's name;
 2. Address;
 3. College-issued student email address;
 4. Major field of study;
 5. Participation in officially recognized activities and sports;
 6. Dates of attendance, grade level and enrollment status; and
 7. Degrees, honors and awards received.
- B. The College shall only release Directory Information to individuals and organizations that demonstrate, in the College's opinion, a legitimate, educational interest in the information or provide a direct service to the College; however, the College shall release Directory Information to military recruiters in compliance with the Solomon Amendment unless the student specifically restricts the release of their Directory Information.
- C. Students who do not wish to have their Directory Information released to the individuals and organizations identified above shall comply with the "opt out" provisions designated in the annual notice.

V. RELEASE OF EDUCATIONAL RECORDS

- A. The College will not release a student's educational records, aside from Directory Information, to any third party unless the student consents to the release; this policy specifies otherwise; or a valid, legal exception applies.
- B. The College shall disclose the education records of a student, who is under the age of 18, to:
- i. the student's school administrators and school counselors at the secondary school in which the student is dually enrolled, and
 - ii. to the student's parent(s) or guardian(s), so long as the parent or guardian claims the student as a dependent on the parent or guardian's federal tax return.

Prior to registration in any course at the College, a minor student must acknowledge in writing that the minor student's education records shall be disclosed as set forth in this subsection. The College may also require parents or guardians to certify they claimed the student as a dependent on their most recent federal tax returns, as set forth in Section VII D below.

- C. Disclosures may be made to school officials which include any of the following when that person has a legitimate educational interest in having access to the information:

Information due to increasing requests for Directory Information and wanting to provide their students with more confidentiality. Many schools are limiting their Directory Information designation to items 1, 5-8 and omitting 2-4. If you alter the list, be sure to revise in Section E in Procedure 5.4.3.2 – FERPA Annual Notice.

- 1) any administrator, certified staff member, or support staff member (including health, medical, safety, and security staff) employed by the College;
- 2) a member of the College's Board of Trustees;
- 3) a contractor, consultant, volunteer, or other party to whom the College has outsourced services or functions, such as, but not limited to: an attorney, auditor, cloud storage provider, consultant, expert witness, hearing officer, law enforcement unit, criminal or administrative investigator, insurer/insurance company adjuster, investigator, or any other claims representative, medical providers or consultants, or counselors/therapists, provided that the person is performing a service or function for which the College would otherwise use employees, is under the direct control of the College with respect to the use and maintenance of education records, and is subject to FERPA requirements governing the use and re-disclosure of PII from education records; and
- 4) a person serving on a committee appointed by the College, such as a disciplinary or grievance committee or other review committee.

- D. In compliance with Title IX, the College may disclose the final results of campus disciplinary proceedings in which a student respondent is charged with a violent crime or non-forcible sex offense. Upon the request of the complainant, disclosure may be made regardless of whether the respondent was found responsible. Disclosures to third parties may be made only if the student respondent is found responsible. Disclosure in this situation is limited to the name of the violator, the type of student code violation found to have occurred, and the sanction imposed by the College.
- E. The College may release a student's education records to the student's parents when requested by the parents and:
- i) the student is listed as a dependent on the parents' tax returns;
 - ii) the student violated a law or the College's policies regarding drugs and alcohol and the student is under the age of 21; or
 - iii) the disclosure is needed to protect the health or safety of the eligible student or other individuals in an emergency situation.

For disclosure of records under (i), the College may require parents or guardians to certify they claimed the student as a dependent on their most recent federal tax returns, as set forth in Section VII D below.

VI. CORRECTING RECORDS

A student has the right to challenge an item in his/her records believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. The student may file a grievance pursuant to Policy 4.6 – Student Grievance beginning at Step Three of Procedure 4.6.4 - Student Complaints. If the final decision is that the information in the record is, in the College's determination, not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the Vice President of Student Services shall inform the student of the right to place a statement in the record commenting on the

contested information in the record or stating why he/she disagrees with the College's decision.

VII. MISCELLANEOUS

- A. Students who believe their rights have been violated may file a complaint with the Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington D.C. 20202. Complaint must be filed within 180 days of the date of the alleged violation or the date the student knew or should have known of the alleged violation.
- B. A hold may be applied to the release of an official diploma or other information requested from an official record for a student who has overdue indebtedness to the College. A hold may be applied for failure to comply with a disciplinary directive. Such a student continues to have the right to see and photocopy his official record upon request.
- C. The College shall only destroy student records in accordance with federal and state laws and regulations and as allowed by the Records Retention & Disposition Schedule for North Carolina Community Colleges. The College shall not destroy student records if there is an outstanding request, grievance or legal matter related to those records.
- D. If the parents of a student, who is a dependent for federal tax purposes, requests access to that student's education records without prior consent of the student, the parents may demonstrate the tax dependency of a student by submitting to the College a copy of the first and signature pages of their most recently filed federal income tax return (with personal financial data redacted).²

² FERPA has, for over a decade now, allowed colleges to share student records with parents if the student was a tax dependent of the parent, regardless of the student's age. (Note, a parent can only claim a child up to the age of 24 if they are a full-time student). Whether to share records with a parent, however, was at the discretion of the College.

The new state legislation ("Leon's Law") now directs colleges to share student records with parents (who claim the student as a dependent) if the student is a minor. For students 18 years and over, it is still within the college's discretion to share information if the student is a tax-dependent.

FERPA does not provide any guidance on how colleges should verify a student's tax dependency. (Further, the new proposed rule from the System Office does not address verification either.) There are three easy ways to verify tax dependency: (1) the parent provides a copy of their tax return; (2) the parent attests/certifies they claim the student as a tax dependent (this could be accomplished by simply signing a form); or (3) the student certifies they are a tax dependent, also by signing a form. In the model language above, you will need to select between options 1 and 2. (Option 3 can be inserted or removed regardless of whether you choose option 1 or 2). Note, the recent template form sent out by the System Office requires the parent to provide a copy of their tax return.

Most universities that permit sharing education records of adult student with their parents require a copy of the first and last page of the parent's tax return, with sensitive information redacted. Whichever option you choose, we recommend requiring the same verification for minor students as you do for adult students. Lastly, if a college has the student's consent to share education records with parents, then proof of tax dependency is not necessary. Therefore, it may be easiest to gain a minor student's consent when they sign the acknowledgement required by Leon's Law.

Legal Reference: 10 U.S.C. § 983; 20 U.S.C. § 1232g; 34 C.F.R. pt. 99; N.C.G.S. § 115D-10.80