

BP 4.16

Student Records: Confidentiality and Release

Legal Authority NCGS 114A; NCGS 115D-89; NCGS 115D-90; Session Law 2023-106

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Policy

McDowell Technical Community College recognizes the importance of exercising responsibility in the maintenance and security of all student records. In order to meet that responsibility and the requirements of the Family Education rights and Privacy Act of 1974 (FERPA), as enacted by Congress, and NC Session Law 2023-106 the College makes the following information known:

- I. Types of educational records and information which directly relate to students and which are maintained by the College, such as:
 - A. Permanent Student Files: Transcripts of work at other institutions, health forms or records, recommendation letters, placement test profiles, application and residency forms.
 - B. Transcripts: Academic record of all courses taken while enrolled at the College.
 - C. Student Financial Aid Records.

- II. The official responsible for the maintenance of each type of record, the persons who have access to those records and the purpose for which they have access:
 - A. The Chief Academic Officer is the individual responsible for the maintenance of student files and transcripts.
 - B. The permanent clerical staff in the Student Services Office has access to the files for maintenance purposes.
 - C. The Student Success counselors have access to the files for the purpose of academic advisement.
 - D. Other authorized College personnel have access whenever the nature of their responsibility requires access to student records or information contained therein.
 - E. Only Financial Aid Staff may access student financial aid records.

- III. The policy of the College for reviewing, maintaining, transcribing, and expunging records:
 - A. As a matter of policy, the institution destroys all student records except the official transcript five (5) years after the student leaves the College.
 - B. Parents and legal guardians of independent students 18 years of age or older do not have the right to view student records, grades, test scores, etc. unless written consent of the student is received. Parents of dependent students as defined in Section 152 of the Internal Revenue Service Code of 1954 may review student records without the written consent of the student.
 - C. Requests for student transcripts will be honored for students with no outstanding debt to the College.
 - D. Student's records and/or official transcript will be forwarded only upon the written request of the student.
 - E. Whenever it is requested that grades or records of students be released to faculty or to any agency, written permission must be obtained from the student

except as outlined in II preceding. Forms are available in the Student Services Office for this purpose.

- F. Unless otherwise requested by the student, instructors may post final exam and end of course grades provided a numerical code is used.

IV. Compliance with Session Law 2023-106

This section outlines the inclusion of students in various educational pathways and mandates compliance with session law 2023-106 by community colleges.

A. Definitions

- a. The term CCP student (Career & College Promise) is inclusive of students enrolled in the College Transfer Pathways, Career and Technical Education Pathways, Cooperative Innovative High Schools (CIHS) encompassing early and middle colleges, and Workforce continuing education CTE Pathways in which unemancipated students under the age of 18 registered with a public school unit, including those participating in CCP programs on college campuses.
- b. Child: A person under age 18 years of age who has not been emancipated pursuant to Article 35 of Chapter 7B of General Statutes.
- c. Parent: A person with legal custody of a child, including a natural parent, adoptive parent, or legal guardian

- B. Community Colleges are not considered public school units under State law, they are required to collaborate with LEA's to ensure compliance with Session Law 2023-106 for unemancipated minors participating in CCP and CIHS programs.

- C. State entities, including community colleges, must comply with certain requirements related to biometric data, blood, DNA, video and audio recordings of minors, and reporting criminal offenses.

- a. Biometric Data, Blood and DNA:
 - i. Parents have the right to prevent anyone from creating, sharing, or storing their child's biometric scans, blood, or DNA without prior written consent. The parent is required to provide written notice that colleges cannot create, store, or share these items. In other words, unless a parent asserts this right, parental consent will not be required.
 - ii. Some exceptions to this requirement include when:
 - 1. related to a juvenile justice offense;
 - 2. the biometric scan occurs in a place open to the public in which there is not expectation of privacy; and
 - 3. the biometric scan is used for security or surveillance of buildings, grounds, or school transportation only.
 - iii. Usually, community colleges do not use or store this type of data, but if your college decides, it may need to create, use, or store such information, please contact your local college counsel for further advice.
- b. Video and Audio Recordings of Minors:
 - i. Obtain prior written consent from parents before creating video or voice recordings of their child, except in situations outlined in Session Law 2023-106.
 - ii. Maintain Records of consent for auditing purposes.
- c. Report Criminal Offenses:
 - i. Promptly notify the parent and the public school unit if an employee suspects a criminal offense against their child, unless notification would impede an investigation.

- ii. Ensure coordination with public school units for effective communication and collaboration.
 - d. Educational Records
 - i. Allow parents access to and review of all education records related to their child under FERPA.
 - ii. Ensure compliance with FERPA requirements for students under 18 years of age.
- D. Parental Request for Information
 - a. Requests must be made in writing from the Parent as defined in "A" above to the Chief Academic Officer.
- E. Provide training to faculty and staff members involved in CCP programs regarding compliance requirements and procedures outlined in Session Law 2023-106.
- F. Monitoring and Review:
 - a. Regularly monitor compliance with Session Law 2023-106 and review procedures to ensure effectiveness and adherence to legal requirements.