



Book	Cleveland County Board of Education Policy Manual
Section	5000 - Community Relationships
Title	PUBLIC RECORDS – RETENTION, RELEASE, AND DISPOSITION
Code	5070
Status	Active
Legal	Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-47(40), -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1 to -9; 135-8(f)(2) (f); Records Retention and Disposition Schedule for Local Education Agencies, N.C. Department of Natural and Cultural Resources (1999), available at https://archives.ncdcr.gov/documents/local-education-agencies-schedule
Adopted	July 22, 2019
Last Revised	July 25, 2022

The Cleveland County Board of Education (the "Board") is committed to providing access to public records and public information. All employees shall comply with the 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.

Though the school improvement plan is a public record, the school safety components of the plan are not public records subject to public records law. Schematic diagrams, as described in G.S. 115C-105.53 and -105.54, and emergency response information, as described in G.S. 115C-47(40) and -105.54, are also not considered public records subject to public records law.

Confidential records are not open to the public. These include personnel and student records, minutes of closed sessions, records pertaining to such matters as may be discussed in closed session, and any other records required to be kept confidential by law or as may be exempt from the North Carolina Public Records Law (G.S. ch. 132).

The official records of students are not public records subject to inspection and examination. Further, any written material containing the identifiable scores of individual students on any test taken pursuant to the state testing program described in Chapter 115C, Article 10A of the North Carolina General Statutes is not a public record. Any test that is developed, adopted, or provided as part of the state testing program is not a public record until the State Board of Education designates that the test is released.

Any report received from the Teachers' and State Employees' Retirement System pursuant to G.S. 135-8(f)(2)(f) is not a public record and will be treated as confidential.

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.

B. Designation of Records Officer

The Superintendent may designate a records officer or otherwise ensure that the duties of a records officer are met.

1. Duties of the Records Officer

The duties of the records officer include the following:

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

2. Other Duties

A designated electronic records officer, or other employee(s) as determined by the Superintendent shall review all electronic data-processing systems created by the school system or being considered for acquisition through lease, purchase, or other means, to ensure they are designed and maintained in a manner that:

- a. will not impede the school system's ability to permit public inspection and examination of public records; and
- b. provides a means of obtaining copies of such records.

C. Requests for Public Records

All requests for examining or obtaining copies of public records should be submitted in writing to the office of the Superintendent. The public's right to access applies to existing records in any form and includes the right to obtain a copy of the record. The school system is not required to create or compile a record that does not exist or put into electronic medium a record that is not kept in electronic medium. Upon request, 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.

District staff will keep a list of all public records requests in the order in which said requests are received. Responding to public records requests as promptly as possible in accordance with state law, staff shall also be responsible for compiling all documents that are potentially responsive to each individual request. Once staff has compiled any and all potentially responsive documents, staff shall provide the documents to the Board attorney for legal review to ensure that the district is

only releasing documents that are statutorily public in nature, and so that any and all necessary redactions may be performed prior to the disclosure. The Superintendent may authorize either or both the Board attorney or the Records Officer to provide a substantive response to the requestor.

Public records must be released in accordance with the law. Any denial of a public records request must be made in writing and must include the basis for the denial. The Superintendent or designee may issue additional guidelines consistent with this policy to further clarify the process for requesting public records.

D. Fees for Copies of Public Records

Persons requesting copies of public records will be charged any applicable fees as determined by the records officer. The school system shall not charge any fees for separating confidential information that is commingled with public records.

E. Electronic Mail Lists

A school employee may be authorized by the Superintendent or designee to maintain an electronic mail list of individual subscribers. Such a list may be used only: (1) for the purpose for which the subscribers subscribed to it; (2) to notify subscribers of an emergency to public health or public safety; or (3) in the event of deletion of the list, to notify subscribers of the existence of any similar lists. Although such electronic mail lists of individual subscribers shall be available for public inspection in either printed or electronic format to the extent permitted by law, school officials shall not provide anyone with copies of such lists. Release for public inspection of any subscriber list must be consistent with the Family Education Rights and Privacy Act (FERPA) if the list contains personally identifiable information from student education records.

F. Destruction of Public Records

To the extent required by law, school personal shall maintain public records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. The Superintendent may establish regulations for the destruction of records in accordance with the approved schedule.