

PUBLIC RECORDS – RETENTION, RELEASE, AND DISPOSITION

Policy Code: **5070/7350**

The Wake County Board of Education 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.

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

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.

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.

The Board may operate in closed session for the limited purposes allowed by law. Minutes and general accounts of closed sessions are confidential and will not be released to the public so long as public disclosure would frustrate the purpose of the closed session.

B. REQUESTS FOR PUBLIC RECORDS

All requests for examining or obtaining copies of public records should be in writing or recorded by school system personnel. Requests may be made to the Office of Communications. The school system will respond as promptly as possible in light of the nature of each request.

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

C. FEES FOR COPIES OF PUBLIC RECORDS

The Board's intent is to make public records accessible free of charge except in the limited circumstances set forth in this provision. Persons requesting copies of public records may

be charged 25 cents per page for paper copies and the actual cost, as determined by the Superintendent or designee, for public records requested in any other format. In addition, the Superintendent or designee may assess a special service charge for any public record requests that require the extensive use of information technology resources or extensive clerical or supervisory assistance by school system personnel. Any such special service charge shall be reasonable and based on the actual costs incurred for such extensive use of information technology resources and/or the actual labor costs of the personnel providing the services, not including any costs associated with the redaction of privileged or confidential information from otherwise public records. For purposes of this policy, the Board considers eight (8) hours or more to be "extensive" clerical or supervisory assistance. The school system will provide an estimate of any such special service charge before making the records available and will give the requester the option of paying the charge or narrowing the scope of the request. Even if the actual hourly rates are greater, the school system will charge no more than the following rates when calculating a special service charge: clerical time – \$15.00 per hour; supervisory time – \$25.00 per hour.

D. 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~~, school officials shall not provide anyone with copies of such lists. Nothing in this section shall be construed to create a right of access to any information in an email list that is confidential under the Family Educational Rights and Privacy Act (FERPA) or other applicable law.

E. DESTRUCTION OF PUBLIC RECORDS

To the extent required by law, school personnel 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, unless otherwise required by statute, regulation, or other legal authority.

Legal References: 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](#); *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (2019), available at <https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules>

Adopted: