

# Asheville-Buncombe Technical Community College

# (A-B Tech) Procedure

## Procedure 813: Privacy of Student Records

1. In compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA), Asheville-Buncombe Technical Community College will not disclose a student’s educational records without their consent except as otherwise stipulated herein.

Directory Information will be released to anyone who requests it, and Limited Directory Information will be released under specific conditions, unless the student requests in writing to the Student Records and Registration office that their Directory Information or Limited Directory Information be withheld. In such case, no Directory Information or Limited Directory Information will be released.

1. As a general rule, a student’s parents/guardians do not have access to a student’s educational records. In order for parents to have access to a student’s education records, beyond Directory Information and without written permission from the student, a parent must certify that the student is economically dependent as defined in Section 152 of the Internal Revenue Code of 1986. If a parent can prove dependency to the Student Records and Registration office by showing a copy of the parent’s most recent tax return or other acceptable documentation, then the parent may have full access to the student’s education records.
2. A-B Tech will release a student’s educational record without their written approval only under limited circumstances. These circumstances include the release of educational records to:
* Asheville-Buncombe Technical Community College officials who have legitimate educational interest in the records.
* Officials of another college or university in which the student seeks to enroll.
* Officials of secondary schools in which the student is concurrently enrolled.
* Certain federal and state educational authorities for purposes of meeting legal requirements in federally supported educational programs.
* Persons involved in granting financial aid or scholarships for which the student has applied or received.
* Testing and research organizations conducting certain studies for or on behalf of the school.
* Accrediting organizations to carry out their accrediting functions.
* Individuals named in a court order or lawfully issued subpoena, but only after the student has been duly notified. The college will then comply in the absence of any legal order cancelling the subpoena.
* Parents/guardians, law enforcement, and first responders in very narrowly defined emergencies affecting the health and safety of the student or other persons.
* State and local authorities, within a juvenile justice system, pursuant to specific state law.
* Parents/guardians of eligible students under the provision of paragraph 2 above.
* The public, when the discloser is the final results of an institutional disciplinary proceeding regarding a crime of violence or “nonforcible sex offense” where the institution has determined that a policy violation occurred.
* The victim of an alleged crime of violence or a non-forcible sex offense when the disclosure is the final results of an institutional disciplinary proceeding regarding that offense, regardless of whether the institution determined that a policy violation occurred.
* Certain individuals, pursuant to the specific conditions outlined in FERPA, in connection with a disciplinary proceeding when the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and, with respect to the allegation made against them, the student has committed a violation of A-B Tech policy.
* Parents of students under the age of 21 regarding the student’s violation of any Federal, State, or local law, or of any A-B Tech policy, governing the use or possession of alcohol or a controlled substance.
* Certain individuals when a student has been designated a sex offender or otherwise required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994
1. Law enforcement unit records are not educational records and may be disclosed by the A-B Tech Police Department to college officials, other law enforcement personnel and court officials without the student’s consent. Parents do not have an automatic right to inspect law enforcement unit records. Public inspection of law enforcement unit records is subject to the provisions of Chapter 132 of the North Carolina General Statutes (the North Carolina Public Records Act). All public records requests for law enforcement unit records must be reviewed by the college attorney for legal compliance.
2. Questions regarding student records should be directed to the College’s Student Records and Registration office.

## Definitions:

Directory Information: Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information shall include major field of study, dates of attendance, enrollment status (full-time or part-time), and degrees, honors, and awards received.

Limited Directory Information: Date of birth may be disclosed only as a means of verifying a student’s identity when a College employee has no other means of doing so; name, mailing address, telephone number, and email address may be disclosed only for educational purposes, at the discretion of College administration. (define protocols that would fall under this category of release of information?)

Education record: Records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

Eligible student: A student who is eighteen years old or starts attending any postsecondary institution and has complete control of their education records.

Law enforcement purpose: Enforcing state, local or federal law; referring possible violations of such law to law enforcement agencies for enforcement; or otherwise maintaining the physical security or safety of the school.

Law enforcement unit: Refers to the A-B Tech Police Department, which is officially authorized by A-B Tech to:

* Enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the agency or institution itself; or
* Maintain the physical security and safety of the agency or institution.

Law enforcement unit record: Any records, files, documents and other materials that are:

* Created by a law enforcement unit;
* Created for a law enforcement purpose; and
* Maintained by the law enforcement unit.

Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a student disciplinary action or proceeding conducted by the education agency or institution, are not law enforcement unit records, even if created and maintained by law enforcement unit personnel.

Legitimate educational interest: The need for an individual to know the content of a student's education record for purposes of educational related matters, including but not limited to academic and disciplinary issues. For purposes of this section, the personnel of the A-B Tech Campus Police are designated as school officials with a legitimate educational interest in student's education records.

Owner: Vice President for Student Services

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Pursuant to Board policy, Chapter 800, Section 813, this procedure must be followed to safeguard the privacy of student educational records.