

# Data Privacy Policy 4705/7825

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Effective Date: 03/01/2025

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## 1. Introduction

The Eastern North Carolina School for the Deaf (ENCSD) is committed to protecting the privacy and security of students, staff, and school community information. This policy outlines our procedures for collecting, storing, using, and sharing educational records and personal data in compliance with:

- **Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)**
- **Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400 et seq.; 34 CFR Part 300)**
- **Fair Information Practice Principles (FIPPs)**
- **North Carolina State Privacy Laws**
- **Other applicable federal and state regulations**

## 2. Definitions

- **Personally Identifiable Information (PII):** Any data that can be used to identify a student, staff member, or parent, including but not limited to names, addresses, student IDs, birth dates, and educational records.
- **Education Records:** Any records maintained by ENCSD that relate directly to a student, including academic records, Individualized Education Programs (IEPs), disciplinary records, and medical records covered under IDEA.
- **Directory Information:** Information that may be disclosed without consent, such as student name, grade level, and participation in activities—unless a parent/guardian opts out.
- **Legitimate Educational Interest:** A school official's need to access student records to fulfill their professional responsibilities.

### 3. **Collection and Use of Student Information**

ENCSD collects student data for the sole purpose of providing quality educational services and ensuring student success. Data collection is limited to what is necessary to support teaching, learning, safety, and compliance with state and federal laws.

#### A. **Types of Information Collected:**

- Student identification and demographic information
- Academic records, including grades and assessments
- Special education and IEP documentation (for eligible students)
- Attendance and disciplinary records
- Health and emergency contact information
- Communication logs with families and staff

#### B. **How We Use This Information:**

- To support instructional and special education services
- To track academic progress and attendance
- To ensure student safety and well-being
- To comply with federal, state, and local reporting requirements
- To communicate with parents, guardians, and authorized school personnel

### 4. **Privacy and Security of Student Records**

ENCSD protects all education records and student PII through secure storage, restricted access, and encryption measures where applicable.

#### A. **Access to Student Records**

Student records are only accessible to:

- Parents/guardians (for minors) or eligible students (18+ years old)
- School officials with a legitimate educational interest
- State and federal agencies when required by law
- Other parties with explicit parental consent

Unauthorized access, discussion, or disclosure of student information is strictly prohibited and may result in disciplinary action.

#### B. **Safeguarding Confidentiality**

ENCSD follows best practices for safeguarding student and staff data, including:

- Secure storage of paper records (locked cabinets, restricted access)
- Digital encryption for electronic student records
- Two-factor authentication for accessing sensitive data
- Annual privacy training for all staff handling student data

## 5. **Student Rights Under FERPA & IDEA**

Under **FERPA (34 CFR § 99.10-99.12)** and **IDEA (34 CFR § 300.613)**, students and parents have the following rights:

### A. **Right to Access Records**

Parents and eligible students may inspect, review, and request copies of their education records. ENCSD will respond to requests within 45 days.

### B. **Right to Request Amendments**

If parents or students believe a record is inaccurate, they may submit a written request for correction. ENCSD will review the request and notify the requester of any changes.

### C. **Right to Control Disclosure**

Schools must obtain **written consent** before disclosing a student's PII, except in cases where FERPA permits disclosure, such as:

- **To school officials** with a legitimate educational interest
- **To other schools** where a student is transferring/enrolling
- **To state or federal education authorities** for audits and program evaluations
- **To comply with court orders or subpoenas**
- **To protect health or safety** in emergencies

Upon request, ENCSD may disclose student records to another school where a student seeks to enroll, with reasonable efforts to notify parents unless prior notification is included in the annual FERPA notice.

### D. **Right to Opt-Out of Directory Information**

Parents may opt out of having their child's directory information shared by submitting a written request to ENCSD's administration.

### E. **Right to File a Complaint**

Parents and students may file complaints regarding FERPA violations with:

**Family Policy Compliance Office**

U.S. Department of Education

400 Maryland Avenue, SW  
Washington, DC 20202-5920

## 6. **Protection of Pupil Rights Amendment (PPRA)**

Under PPRA, parents and eligible students have rights regarding:

- Surveys containing sensitive topics (e.g., political beliefs, psychological issues, religious affiliations, income, etc.)
- Opt-out rights for non-emergency physical exams or screenings.
- Reviewing instructional materials and data collection instruments used for student surveys.

Complaints related to PPRA violations may be filed with the Family Policy Compliance Office at the U.S. Department of Education.

## 7. **Student Directory Information & Opt-Out Rights**

ENCSD may release directory information without parental consent, unless a parent/guardian opts out. This includes:

- Student name, grade level, dates of attendance
- Participation in school activities and sports
- Awards, diplomas, and certifications earned
- Student photographs in school-approved publications

Parents may submit a written request to the school principal to restrict the release of directory information. Under federal law, ENCSD must also release student names, addresses, and phone numbers to military recruiters and institutions of higher learning, unless an opt-out request is submitted.

## 8. **Sharing and Disclosure of Student Information**

ENCSD does not sell, trade, or misuse student information. However, information may be shared in strictly regulated situations, including:

### A. **Permitted Disclosures Without Consent (Under FERPA & IDEA)**

- To school officials with a legitimate educational interest
- To other schools where a student is transferring/enrolling
- To state or federal education authorities for audits and program evaluations
- To comply with court orders or subpoenas

- To protect health or safety in emergencies

## B. **Third-Party Data Use**

ENCSD only partners with approved educational service providers (e.g., learning platforms, testing services) that comply with **FERPA, IDEA, and FIPPs**. All contracts require:

- Data encryption and security measures
- Limited use of student data for educational purposes only
- No unauthorized data sharing or selling

## 9. **Staff Responsibilities & Training**

All ENCSD employees are responsible for safeguarding student privacy. Staff must:

- Follow FERPA and IDEA confidentiality rules
- Use secure communication methods (e.g., no discussing student info in public areas)
- Report any suspected data breaches to administration immediately

Staff members receive annual privacy training to ensure compliance with local, state, and federal laws.

## 10. **Parental Involvement & Communication**

ENCSD values transparency and parental involvement. Parents are encouraged to:

- Review their child's records regularly
- Ask questions about how student data is used
- Opt-out of directory information sharing if desired

For any concerns, parents may contact ENCSD's Superintendent's Office at:  
[cheryl.iannucci@encsd.k12.nc.us](mailto:cheryl.iannucci@encsd.k12.nc.us)  
[252 206-7342](tel:2522067342)

## 11. **Reporting Privacy Concerns or Violations**

If you believe student privacy has been violated, you may report concerns to:

- ENCSD Administration
- North Carolina Department of Public Instruction
- U.S. Department of Education - Family Policy Compliance Office (FERPA Complaints)

ENCSD takes all privacy concerns seriously and will investigate any potential violations promptly.

## 12. **Updates to This Policy**

ENCSD reserves the right to update this Privacy Policy in response to changes in law, best practices, or school operations. Updates will be communicated via email and the school website.

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