

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH50236-LE-170 (04/02)

Short Title: School Volunteer Records Are Confidential.

(Public)

Sponsors: Representative Saunders.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF
EDUCATION PRIVATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 13 of Chapter 115C of the General Statutes is amended
by adding a new section to read:

"§ 115C-209.1. Confidentiality of certain volunteer records.

(a) All records of a local school administrative unit regarding volunteers, former
volunteers, and persons applying to be volunteers are confidential and are not public
records as provided in Chapter 132 of the General Statutes. These records shall be open
for inspection only to the following persons:

- (1) The volunteer, former volunteer, person who applied to be a volunteer,
or that person's properly authorized agent who may examine the
person's file in its entirety at any reasonable time;
- (2) The superintendent and other supervisory personnel;
- (3) The parent or guardian of any student with whom the volunteer has or
had contact;
- (4) Members of the local board of education and the board's attorney; and
- (5) A party, by authority of a subpoena or proper court order, only to the
extent authorized by and in accordance with that subpoena or court
order.

(b) A local board of education may also release or permit the inspection of a
volunteer file if, prior to the release of the information or inspection of the file, the local
board of education:

- (1) Determines that the release of the information or inspection of the file
is essential (i) to maintaining the integrity of the local board of

1 education or (ii) to maintaining the level or quality of services
2 provided by the local board of education; and

3 (2) Prepares a memorandum setting forth the local board's reasons for
4 releasing the records or permitting the inspection of the files. This
5 memorandum shall be retained in the files of the superintendent and
6 shall be a public record.

7 (c) As used in this section, a volunteer is a person who provides services to a
8 local board of education without expectation of compensation and with the
9 understanding that the local board of education is under no obligation to continue
10 accepting those services or to compensate the volunteer for them.

11 (d) This section shall not be construed to require a local school administrative
12 unit to maintain records on volunteers, former volunteers, or persons applying to be
13 volunteers, except where there is evidence of volunteer misconduct."

14 **SECTION 2.** This act is effective when it becomes law.