

Policy Title:

*Student Records Access*

Code No. *506.3*

The board recognizes the importance of maintaining education records and preserving their confidentiality, as provided by law. Student records containing personally identifiable information are kept confidential at collection, storage, disclosure and destruction stages in accordance with law. The board secretary is the custodian of student records. Student records may be maintained in the central administration office or administrative office of the student's attendance center.

**Definitions:**

For the purposes of this policy, the defined words have the following meaning:

- "Educational Record" means those records that contain information directly related to a student and which are maintained by an education agency or a by a party acting for the agency or institution.
- "Eligible Student" means a student who has reached eighteen years or attends a postsecondary institution. Parents or guardians of an eligible student are provided access to education records only with the written permission of the eligible student unless the eligible student is defined as a dependent by the Internal Revenue Code. In that case, the parent or guardian may be provided access without the written permission of the student.

An education record may contain information on more than one student. Parents/legal guardian will have the right to access the information relating to their student or to be informed of the information. Eligible students will also have the right to access the information relating to themselves or be informed of the information.

Parents/legal guardians, eligible students, and other individuals authorized in accordance with law, will have a right to access the student's records upon request without unnecessary delay and in no instance more than 45 calendar days after the request is made. Parents, other than parents of an eligible student, may be denied access to a student's records if the school district has a court order stating such or when the district has been advised under the appropriate laws that the parents may not access the student records. Parents/legal guardian, an eligible student or an authorized representative of the parents will have the right to access the student's education records prior to an Individualized Education Program (IEP) meeting or hearing.

Copies of student records will be provided if failure to do so would effectively prevent the parents/legal guardian or student from exercising the right to access the education records. Fees for copies of the records are waived if it would prevent the parents or student from accessing the records. A fee may not be charged to search or retrieve information from education records.

Upon the request of parents/legal guardian or an eligible student, the school district will provide an explanation and interpretation of the education records and a list of the types and locations of education records collected, maintained or used by the school district.

If the parents/legal guardian or an eligible student believes the information in the student records is inaccurate, misleading or violates the privacy rights of the student, the parents/legal guardian or an eligible student may request that the school district amend the education records. The school district will decide whether to amend the student records within a reasonable time after receipt of the request. If the school district determines an amendment is made to the student record, the school district will make the amendment and inform the parents/legal guardian or the eligible student of the decision in writing.

If the school district determines that amendment of the student's education record is not appropriate, it will inform the parents/legal guardian or the eligible student of their right to a hearing before the hearing officer provided by the school district. If the parents/legal guardian or the eligible student's request to amend the education record is further denied following the hearing, the parents/legal guardian or the eligible student are informed that they have a right to place an explanatory letter in the education record commenting on the school district's decision or setting forth the reasoning for disagreeing with the school district. Additions to the student's education records will become a part of the education record and be maintained like other education records. If the school district discloses the ~~student~~ education records, the explanation by the parents/legal guardian or eligible student will also be disclosed.

In general, the school district may only disclose personally identifiable information from a student's education record with the signed and dated written consent of the parents or eligible student. However, education records may be disclosed in limited circumstances without parental/legal guardian or eligible student's written permission. This disclosure may be made to the following individuals or under the following circumstances:

- to school officials within the school district and AEA personnel whom the superintendent or designee has determined to have a legitimate educational interest, including, but not limited to, board members, employees, school attorney, auditor, health professionals, and individuals serving on official school committees;
- to officials of another school district in which the student wishes to enroll or is already enrolled, provided the other school district notifies the parents/legal guardian or eligible student the student records are being sent and the parents/legal guardian or eligible student have an opportunity to receive a copy of the records and challenge the contents of the records (unless disclosure is initiated by the parents/legal guardians or eligible student, or the annual notification includes a provision that records will automatically be transferred in such cases);
- to the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education or state and local educational authorities;
- in connection with financial aid for which the student has applied or which the student has received if the information is necessary to receive the financial aid;
- to organizations conducting educational studies and the study does not release personally identifiable information;
- to accrediting organizations;

- to parents of a dependent student as defined in the Internal Revenue Code;
- to comply with a court order or judicially issued subpoena;
- consistent with an interagency agreement between the school district and juvenile justice agencies;
- in connection with a health or safety emergency;
- as directory information; or
- as otherwise permitted by law.

## STUDENT RECORDS ACCESS

The school district may share any information with the agencies contained in a student's permanent record, which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication, information contained in the permanent record may be disclosed by the school district to the parties without parental/legal guardian consent or court order. Information contained in a student's permanent record may be disclosed by the school district to the agencies after adjudication only with parental/legal guardian consent or a court order. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family. Information shared under the agreement is not admissible in any court proceedings, which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.

Confidential information shared between the school district and the agencies will remain confidential and will not be shared with any other person, unless otherwise provided by law. The school district may discontinue information sharing with an agency if the school district determines that the agency has violated the intent or letter of the agreement.

Agencies will contact the principal of the attendance center where the student is currently or was enrolled. The principal will then forward copies of the records within 10 business days of the request.

The school district will provide training or instruction to employees about parents/legal guardian and eligible students' rights under this policy. Employees will also be informed about the procedures for carrying out this policy.

It is the responsibility of the superintendent or designee to annually notify parents/legal guardian and eligible students of their right to inspect and review the student's records, seek amendment of the student's records, and consent to disclosures of information from the student's records except as may otherwise be permitted by law. The notice is given in a parents/legal guardian or eligible student's native language.

The notice will include a statement that the parents have a right to file a complaint alleging the school district failed to comply with this policy. Complaints are forwarded to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Washington, DC. 20202-4605

## USE OF STUDENT RECORDS REGULATION

Student records are all official records, files, and data directly related to students, including all material incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or school system specifically including, but not necessarily limited to: dates of attendance; academic work completed; level of achievement (grades, standardized test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns.

The intent of this regulation is to establish procedures for granting requests for access to the student's records, use of the data, and procedures for its transmittal within 45 calendar days.

### A. Access to Records

1. The parent or legal guardian of a student will have access to these records upon written request to the board secretary.

The parent or legal guardian will, upon written request to the board secretary, have the opportunity to receive an interpretation of the records, have the right to question the data, request amendment of the records and a hearing pursuant to the procedures outlined below, and, if a difference of opinion is noted following the hearing, is permitted to file a letter in the cumulative folder stating the dissenting person's position.

A student, eighteen years or older, has the right to determine who, outside the school system, has access to the records. Parents/legal guardian of students who are 18 years or older but still dependents for income tax purposes may access the student's records without prior permission of the student.

2. A school official has a legitimate educational interest if the official needs to access or review student records to perform their professional responsibilities with regard to the student(s) whose records are being accessed. A school official is a person employed by the school district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school district has contracted to perform a special task (such as an attorney, auditor, AEA employee, medical consultant, or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee or student assistance team, or assisting another school official in performing his or her tasks. A school official may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records.

**B. Release of Information Outside the School**

1. To release education records to other school(s) in which the student intends to enroll or is already enrolled, the parents, legal guardian, or eligible student must be notified of the transfer and the kinds of information being released unless disclosure is initiated by the parents/legal guardians or eligible student or the school district annually notifies parents that the records will be sent automatically.
2. Education records may be released to official education and other government agencies only if allowed by state or federal law.
3. To release education records to other persons or agencies, signed and dated written consent is given by the parent, legal guardian, or eligible student. This consent form will state which records are released, to whom they are released, and the reason for the release. A copy of the specific records being released will be made available to the person signing the release form if requested.
4. Before furnishing education records in compliance with judicial orders or pursuant to any lawfully issued subpoena, the school district will make a reasonable attempt to notify the parents, legal guardian, or eligible student are notified in advance.
5. Education records may be shared with juvenile justice agencies with which the school district has an interagency agreement. This information is shared without prior parental consent. The agreement is a public document available for inspection.
6. Information in education records that has been designated as directory information may be shared if the parent, legal guardian, or eligible student has not opted out of the designation of that information as directory information.
7. Other releases of information may take place as permitted by law.

**Hearing Procedures**

1. Upon parental or eligible request, the school district will hold a hearing regarding the content of a student's education records, which the parent/legal guardian or eligible student believes to be inaccurate, misleading, or in violation of the privacy rights of the students.
2. The hearing will be held within a reasonable time after receipt of the parent/legal guardian or eligible student's request. The parent/legal guardian or eligible student will receive reasonable advance notice of date, time and place of hearing.
3. The hearing officer may be an employee of the school district so long as the employee does not have a direct interest in the outcome of the hearing.
4. The parents/legal guardian or eligible student will be given a full and fair opportunity to present evidence relevant to the issues. The parent/legal guardian or eligible student may be represented by an individual at their choice at their own expense.
5. The hearing officer will render a written decision within a reasonable period after the hearing. The decision will be based upon evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.
6. The parents/legal guardian or eligible student may appeal the hearing officer's decision to the superintendent or designee within 10 days if the superintendent or designee does not have a direct interest in the outcome of the hearing.
7. The parents/legal guardian or eligible student may appeal the superintendent or designee's decision, or the hearing officer's decision if the superintendent or designee was unable to hear the appeal, to the board within 10 days. It is within the discretion of the board to hear the appeal. If the board does not hear the appeal, then the superintendent or designee's decision, or the hearing officer's decision, if the superintendent or designee was unable to hear the appeal, shall be final.

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