

Student Records: Access and Challenge

The school district shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, "parents/guardians and noncustodial parent(s)/guardian(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the school district."

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Used only as a memory aid.

Additionally FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

Access to Student Records

The Board directs that administrative procedures be formulated in compliance with the provisions of federal law relating to the availability of student records. The purpose of such procedures shall be to make available to the parents/guardians of students and noncustodial parent(s)/guardian(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the district may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent/guardian or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

Exceptions

Without the consent of a parent/guardian or eligible student, the District may release a student's information or records when it is in accordance with state or federal law, including but not limited to:

- a) Health and Safety Emergency Exception

School districts must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. School districts may release information from records to appropriate parties including, but not limited to, parents/guardians, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school district must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

- b) To Parents/Guardians of a Dependent Student

Even when a student turns 18 years of age or older the District may disclose education records to that student's parents/guardians, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent/guardian.

- c) Release of Information to Another Educational Institution

The district may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, upon request, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental/guardian consent is not required for transferring education records if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent/guardian about the disclosure, unless the parent/guardian initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232g
34 Code of Federal Regulations (CFR) Part 99

d) Student Directory Information

The district shall publish an annual public notice informing parents/guardians or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the district's definition of directory information, the parent/guardian/eligible student's right to refuse the release of student directory information and indication of the time period for their response. (Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.) Following such public notice and a reasonable response period, the district may release such information to an outside group without individual consent.

In accordance with the Family Educational Rights and Privacy Act (FERPA), the district defines student directory information as the following: name; address; telephone listing; date of birth; grade level; participation in officially recognized activities and sports; weight and height (if members of athletic teams); honors, degrees and awards received; and the name of the educational agency or institution most recently previously attended by the student.

Directory information **does not** include:

- a) A student's social security number; or
- b) A student's identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students (i.e., a student seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher) to Military Recruiters. In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, and the National Defense Authorization Act, as amended by the Every Student Succeeds Act (ESSA) of 2015, the school district shall notify parents/guardians that by law it routinely releases this information to military recruiters upon request subject to a parents'/guardians'/eligible students' request not to disclose such information with written parental/guardian verification of such request.

Challenge and Access to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity to review the content of school records by requesting an appointment through the district office. Furthermore, parents/guardians or eligible students shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for

the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Release of Information to the Noncustodial Parent/Guardian

The district may presume that the noncustodial parent/guardian has the authority to request information concerning his/her child and release such information upon request. If the custodial parent/guardian wishes to limit the noncustodial parent's/guardian's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Parents'/Guardians' Bill of Rights

The District posts a parents'/guardians' bill of rights for data privacy and security on this website, and it includes this bill of rights with every contract it enters into with a third-party contractor that receives student, teacher, or principal data. The bill of rights informs parents/guardians of the legal requirements regarding privacy, security, and use of student data.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99