

MANAGEMENT OF STUDENT RECORDS- DIRECTORY INFORMATION

I. Definition of a Student Record

Student record means anything for others to see or hear concerning the instruction, guidance, and educational progress of a student and that information is maintained in any medium including, but is not limited to, writing, print, film or tape. Personal, professional, and working notes (described in Section VIII) intended for use by the collector only, are not to become part of a student's record unless they are made available to persons other than the student, his/her teachers, or a substitute teacher that needs to know. When the sharing goes beyond those listed the notes are required to become part of a student's record and subject to all rules governing student records.

II. Age of Consent

When a student reaches age 18, the student is the only one who has control of his/her records. This shall not affect the rights of parents/guardians (hereafter referred to as family) of dependent children to have access to their student's records. It should be understood that the term parent means either natural parent, legal guardian, or an individual acting as a parent in the absence of a parent or guardian for a child. It will be presumed that either parent may exercise the rights granted parents under these rules unless documented legal evidence indicates that one specific parent has been expressly precluded from exercising parental rights. In the event a child is institutionalized, the rights afforded to persons under these rules shall be granted to the designated guardian or custodian of the child.

III. Categorization and Maintenance of Student Information

For the purpose of security and access, student information is categorized into two types of records. The two types of records that are produced and maintained by school personnel are permanent and cumulative records.

Category I - Permanent Records

Permanent Records constitute personal student information that is necessary for operation of the District and necessary for addressing student needs. Permanent Records include: (1) identification data [e.g., name (taken from the student's birth certificate), sex, birthdate, address, family name and address, telephone number], (2) race or ethnicity (as stated by the student, and if requested for statistical purposes), (3) attendance data, (4) record of achievement (e.g. grade level completed), (5) date of graduation, and (6) follow-up information after graduation. Permanent Records shall be maintained in perpetuity. Updating is to be done as changes occur.

Permanent Records are to be duplicated and the duplicates maintained in fire proof, secure files in two different locations.

Category II - Cumulative Records

Cumulative Records include student information of importance but not absolutely necessary to operate the school. It is of a more sensitive nature and of less historical importance. Cumulative Records shall include General and Observational data. General Data is: (a) health information, (b) family background, (c) standardized aptitude tests, (d) standardized intelligence scores, (e) vocational interest inventory, (f) educational and vocational plans, and (g) honors and activities. Observational Data is: (a) objective counselor or teacher ratings, (b) reading reports, (c) discipline data, and (d) reports of support services.

Cumulative Records shall be kept objective, factual and devoid of value judgements. Care is to be exercised to insure the accuracy of information included. Reported behavior pattern(s) and specific incidents are to be unambiguously described and clearly verified prior to becoming a part of the record. Information may not be placed in the record that does not have relevance to the education of a student. School personnel should be made aware that what they write for inclusion in the record in any and all contexts, may be shared with the student or family.

Cumulative Records shall be periodically reviewed. At a minimum, the review shall occur when a student moves from an Elementary School to the Middle School (Gr. 5 and 6), from Middle School to Middle School, from Middle School (Gr. 7 and 8) to Senior High, and when a student transfers out of the District. No more than five years after a student has graduated or has been permanently dropped from school may a Cumulative Record be destroyed. Selected information in a Cumulative Record may have permanent usefulness and be retained in the student's Permanent Record.

IV. Right to Challenge the Contents of a Student's Record

Families with children under the age of eighteen (18) shall be advised they have the right to challenge the content of their child's records when they deem that the records are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. A hearing must be held for such a challenge, unless the legal custodian of the records agrees with the family's challenge.

V. Hearing Procedure for Challenging the Content of a Student's Record

The request for a hearing shall be in writing and to the Building Principal. Within ten days of receipt of the request or at a time mutually agreed to, a hearing shall be held. The family shall be given reasonable notice of the time, place, and date of the hearing. The hearing panel, consisting of an equal number of certificated guidance

personnel, teachers, and Administrators (excluding the Superintendent), shall convene to hear evidence relevant to the matter, including evidence from representatives of appropriate professional disciplines. The family shall be afforded the opportunity to present evidence relevant to the issue(s) they have and to be assisted by persons of their choice but is done so at their expense. After the hearing is completed, a written decision shall be rendered as soon as possible but in no case more than five (5) school days after the hearing. The written decision is to be placed in the student's record. The decision shall be based solely on the evidence presented at the hearing and include a summary of the evidence and reasons for the decision. The decision may include any educationally, reasonable action with regard to the challenged portion of the education record, including alteration and deletion. Grades, however, may be challenged only on the basis of accuracy in recording and not on the basis of evaluation of performance. No person with a direct interest in the hearing's outcome, or responsible for placing the challenged information in the record, may participate in the rendering of a decision. Should the family be dissatisfied with the hearing decision, they may, within ten (10) days, request a review by the Superintendent. The Superintendent shall, within ten days of the request for the review, either sustain, modify, or overrule the decision of the panel. Should the Superintendent have a personal interest in the hearing's outcome or if the Superintendent was responsible for placing the challenged information in the record, the Board shall designate a Superintendent of another District or an Area Education Agency Administrator to review the decision.

VI. Right to Respond (See Section II)

The family has the right to respond in writing to any information in their child's records and the response shall become part of the record. Such a response shall be disclosed when the challenged or objectionable material as identified by a family, is disclosed to other parties.

VII. Dissemination of Permanent and Cumulative Records (See Section II)

Written consent, including an appropriate signature is required for the dissemination of student records. The consent shall be dated, specification of what in a record is to be released, the reasons for such release, and name(s) of the party or class of parties to whom such information is to be sent. Dissemination of Permanent and Cumulative, Records may be made without prior written consent, subpoena, or court order but only according to the following specifications:

- (1) District certificated personnel, clerical personnel responsible for the custody and keeping of records, certificated personnel of the Area Education Agency serving District students, those persons who have a legitimate educational interest, and other persons on the District's staff who have been determined by the Superintendent, Principal or person in charge of a Building to have a legitimate educational interest.

- (2) The Board when it is sitting as a whole to decide matters regarding an individual student.
- (3) Officials of another school or District in which one of our students seek or intend to enroll. The student's family shall be notified and have the opportunity to: (a) request a copy of the record at a reasonable cost and (b) challenge the content of the record. Student records of nonpublic students enrolled in courses or receiving services from this District may be shared with the certificated staff of the nonpublic school in which students are also enrolled, provided the families of the students are notified.
- (4) Authorized representatives of Federal and State educational authorities auditing and evaluating Federally supported educational programs.
- (5) Financial Aid officials in connection with a student's application for, or receipt of educational financial aid and only that information which is necessary for the receipt of such aid.
- (6) State and local officials or authorities to which information is required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.
- (7) Organizations conducting studies in the District for the purpose of developing, validating, or administering predictive tests; organizations administering student aid programs; or organizations conducting studies for the improvement of instruction. Such studies shall not permit the personal identification of students and their families to permit the personal identification of students and their families to persons other than representatives of such organizations. The destruction of such studies information shall be done when the information is no longer needed.
- (8) The Superintendent may approve the release of senior class rosters to college/universities, military organizations, and local organizations.
- (9) To school accrediting organizations in order for them to carry out their functions.
- (10) To families of dependent children as defined in the Internal Revenue Code of 1954. It shall be presumed that a student is dependent of his/her family until such time as substantial proof to the contrary is shown. Anyone alleging facts to the contrary shall be given up to fifteen days to produce substantial evidence of the fact, during which time access shall not be granted.
- (11) To appropriate person(s) in the event of an emergency and such information is necessary to protect the health or safety of a student or others. An emergency is described by: the seriousness of the threat; the need for the information to meet an emergency; the ability of the person receiving student information to deal with the situation; and the extent to which time is essential.
- (12) To juvenile justice agencies consistent with an interagency agreement between the District and the

agency. The school district will cooperate with the juvenile justice system in sharing information contained in permanent student records regarding students who have become involved with the juvenile justice system. The school district will enter into an interagency agreement with the juvenile justice agencies involved. The purpose of the agreement shall be to allow for the sharing of information prior to a student's adjudication in order to promote and collaborate between the school district and the agencies to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions and to support students in successfully completing their education.

The school district may share any information with the agencies contained in a student's permanent record that 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 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 consent or a court order. Information shared pursuant to the agreement shall be 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 shall remain confidential and shall not be shared with any other person unless otherwise provided by law. Information shared under the agreement is not admissible in any court proceedings that take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian. 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.

VIII. Professional/Working Notes

Professional, working notes are those maintained in confidential files by certificated personnel in a school (e.g.,

teachers, school psychologists, school counselor, school nurses). The information shall be maintained only so long as it is useful to the professionals in contact with the student. These data are not subject to required release to families or legal representatives unless the District is required to comply with a judicial order, or orders of administrative agencies having the power of subpoena.

IX. Administrative Responsibility for Student Records

The Superintendent or his/her designee shall be the custodian of all student records maintained at the District level. Even though the Superintendent designates someone to be the custodian of student records, the Superintendent shall remain primarily responsible. The Principal or his/her designee shall be the custodian of all student records at the Building level. Even though the Principal designates someone to be custodian of student records, the Principal shall remain primarily responsible. The Principal shall make maximum provision for the protection of student records from review by unauthorized personnel and for maximum physical security of such records. The Principal or his/her designee is responsible for categorizing student records and maintaining them so that each student's record is: identified by category; reviewed with cumulative and tentative student information deleted when necessary; and monitored for granting or denying access to the records on the basis of the District policy or procedures. The Principal shall ensure that the Building's staff receives periodic instructions and training regarding the privacy rights of students and families and the procedures for the collection, maintenance, accessibility, dissemination, and retention of student information. Each Building shall maintain, for public inspection, an up-to-date listing of the names and positions of District employees who routinely have access to personally identifiable student information.

X. Maintaining a Log Regarding Requests for Student Information

A log shall be maintained in each student's records on a permanently kept card in the records to indicate the legitimate educational or other interest that any person, agency, or organization had in accessing information from a student's record. District certificated staff and clerical personnel responsible for the custody and keeping of record(s) do not need to record their own access to student records unless such access is pursuant to a request for information from a person not on District staff or for other than legitimate educational interests. The log shall indicate the name, date and proposed use of the record. The log shall be made available to families and to school officials(s) responsible for the maintenance of records as a means of auditing the operation of the record-keeping system. In no case, the log shall not be accessible to anyone other than the family from the legal custodian of student records.

The log does not need to show requests for student information that was obtained through written consent if the party receiving the information was specifically named in the consent form or for the disclosure of Directory Information. Consent forms shall be kept as part of each student's record.

XI. Who Can Request Student Information (See Section II)

(A) A student, former student, family or family of a former student under age 18.

The following must be adhered to:

(1) A student's family or designated representative's request shall be granted within forty-five (45) days, by a scheduled appointment.

(2) A counselor or school official competent in interpreting student records must be present to explain the information to be examined, and

(3) Exception shall be made according to the principle of family consent and a student's age and legal rights. A family, a student, or a former student shall have access to the records as long as the student is a dependent. It shall be presumed, until sufficient evidence to the contrary, that a student attending school in this District is a dependent of his/her family.

(B) Family Members Other Than the Parents/Guardians

Such requests shall not be honored, whether the request is made in writing or in person. The release of information can be made only with the consent of the parents/guardians.

(C) Certificated School Staff

Certificated school personnel with a proper educational purpose shall have access to student records.

Such personnel shall respect and observe the importance of student records. Personal and professional responsibility and confidentiality is required for the uses to which such persons make of this special knowledge about students.

(D) Noncertificated School Staff

Noncertificated staff shall have access to student records only if it is in their routine job duty and is done under the supervision of a certificated person. Such persons are not to evaluate or interpret student records.

(E) Board of Education

Requests for student information from the Board while they sit as a whole may be honored under the safeguards established for District staff.

(F) Court, Agency, or Institution

Requests for student information from a court, agency, or institution shall be directed to a specifically named District representative. Requests originating from any federal, state, county, or local agency having a legitimate interest in a student's record and exercising the power of judicial order or subpoena may be processed so long as the use of the records is consistent with their statutory powers or responsibility. A reasonable effort shall be made to notify the student's family prior to compliance.

(G) Other Requests (See Section II)

No other person(s) may have access to information in a student's records unless one of the following circumstances exists:

- (1) Proper written consent of access to such records has been obtained. Blanket permission for access to a student's record shall not be honored;
- (2) The requested information is for outside research purposes and no individual student is identifiable; and
- (3) The person(s) requesting information is identified as exceptions under Section VII.

XII. Methods for Requesting Student Information

(A) Telephone Requests

Requests via the telephone, except for Directory Information, shall not be honored when the information requested must be obtained from student records. When a telephone request causes a person concern, advice from the Superintendent or his/her designee is to be sought.

(B) Written Requests

Written requests may be honored under the following conditions:

- (1) The inquirer is properly identified
- (2) The purpose of the request is clearly stated
- (3) The type of information required is expressly stated, and
- (4) Prior written consent was given by the family except in instances exempt under the provisions of Section VII.

(C) A Personal-Visit Request for Student Information

Given that proper identification is provided, a request for student information shall be honored under the following conditions:

- (1) The inquirer is properly identified .
- (2) The purpose of the request is clearly stated.
- (3) The type of information required is exactly stated.

(4) Prior written consent was given by the family except in instances exempt under the provisions of Section VII.

(5) A professional staff member is present during the entire in-person visit to interpret the information.

(6) A record of the visit is made.

XIII. Collection of Data

Surveys or similar data gathering activities regarding students shall conform to the appropriate regulations promulgated by the Department of Education.

XIV. Computerized Data Bank Records

Computerized data bank records pose special problems of maintenance, security, and access.

Computerized data bank records are to exist in accordance with the following principles: (a) There must be no personal data record-keeping system whose existence is secret, (b) There must be a way for a family to find out what information is in the record and how it is used, (c) There must be a way for a family to prevent information that was obtained for one purpose from being used or made available for other purposes without the family's consent, (d) There must be a way for a family to correct or amend information, and (e) Any organization creating, maintaining, using or disseminating records of identifiable personal information must assure the reliability of the information for its intended use and must take precautions to prevent misuse of the information.

XV. Nonpublic School Students Enrolled in a District School

Student records of nonpublic school students attending a District school shall be available to the families of those students.

XVI. Minor Students

All students under the age of eighteen (18) shall have reasonable access to their records. The withholding of any student record information from a minor student must be educationally justifiable or the result of a family request.

XVII. Third Party Permission Release

Except for Directory Information, student information requested from persons other than the student, family, or District personnel requires the receipt of written consent prior to release of any information. when a language other than English is the language commonly used in the home.

XVIII. Notice of Rights

District Administration shall cause to be published, at least annually in a newspaper of general circulation in the District and in appropriate school publications, notification of the rights accorded to students and families under

rules governing student records. Notice shall be sent individually in the language of the family or student over the age of 18,

XIV. Publication of Board Policy on Student Records and Related

The District shall publish and make available to interested persons upon request a copy of the Policy and related rules for the management of student records.

XX. District Personnel Right to Withhold Student Information

If in the course of processing a request for student information a reasonable doubt exists on any aspect of the request, or if there is a concern about the authorization to process the request, the staff member has justifiable cause to withhold all or part of the information request until permission to handle the request is approved. The District shall comply with a request for information before any meeting regarding an Individualized Education Program (I.E.P.) or hearing relating to the identification, evaluation or placement of a student in special education, and do so in no less than 45 days after the request has been made.

XXI. Destruction of Information for Special Education Students

District Administration shall inform families of Special Education students or such students over 18 years of age when personally identifiable information is no longer needed to provide educational services. The information may be destroyed only on receiving permission. However, a permanent record that includes a student's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed and year completed shall be maintained without time limitation.

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