

FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT PROCEDURES (FERPA)

	GUIDE WORDS
Adopted July, 2007	Students Rights Student Records

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Student records shall be managed by the District Record's Custodians/
Senior Custodians (principals) in the following manner:

CLASSIFICATIONS OF STUDENT RECORDS

Student records shall include any and all official records, files and data directly related to a student during the time period a student is enrolled in the school. Student records shall be divided generally into two main categories: the Cumulative File and Supplementary Records File. Additional records may exist for a student in different file classifications.

- **Cumulative File**

The Cumulative File may contain all information about a student which is collected and maintained on a routine basis, such as identifying information (legal name, birth date, sex/gender, year in school, address, telephone number, parent's name, ethnic classification, emergency information, parent's place of employment, family doctor, babysitter, siblings), attendance records; grades and other student progress reports; results of tests of school achievement, aptitude and interest inventories; hearing, vision, and scoliosis screening; height and weight; health and immunization status reports; authorization for the administration of medication; and Individual Student Health Plans; records of school accomplishments and participation in school activities; verified reports of misconduct, including a record of disciplinary action taken, any hearing records, and suspension or expulsion records; any legal documents, and such other information as shall enable staff to counsel with students and plan appropriate activities.

- **Supplementary Records File**

Supplementary records about a student may be collected and maintained in connection with any referral for special considerations, such as reports connected with assessment and placement of a student, reports from non school persons and organizations such as physicians, psychologists and clinics, except for general screening purposes; reports pertaining to specific problems associated with the student; gifted and talented records, Title 1 records; and current reports of psychological or standardized intelligence tests and progress reports related to a student's disabling condition including 504 plans. All such reports included in these records shall be dated and signed. Duplicate copies of guidance case study reports and reports from non school agencies contained in a student's supplementary record may be maintained in the principal's or guidance counselor's office.

- **Electronic Student Records**

Electronic student records are those which are maintained through the District's data system. All electronic student records are covered by the Family Education Rights and Privacy Act. These records must be available to be printed in hard copy and placed in either the Cumulative File or the Supplementary Records File. Access to these records is in accordance with the Family

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Education Rights and Privacy Act, Health Insurance Portability and Accountability Act (HIPAA), No Child Left Behind (NCLB), the Pupil Privacy Rights Amendment (PPRA) and any other applicable state and/or federal regulation.

o The District can accept signed and dated written parental consents in electronic format so long as the District can authenticate the sender's identity. In such situations, the recipient shall note the method of authentication utilized upon the electronically received consent.

- **Health Records**

All health records other than those maintained in the Cumulative File shall be stored in a secure area accessible only to the designated Custodian. Such records are also covered by the Family Education Rights and Privacy Act and the Health Insurance Portability and Accountability Act as well as any other applicable federal regulation, unless state law provides stricter protection.

o There is a heightened standard of confidentiality for records pertaining to HIV, sexually transmitted diseases, drug or alcohol treatment, mental health treatment, family planning or abortion.

o The releases for information regarding sexually transmitted diseases, HIV and drug or alcohol treatments are more restrictive than ordinary medical releases.

o Only those staff members who have a legitimate, need to know educational interest may access these records through the Custodian/principal.

o No health records maintained in the Health Records files may be copied without the appropriate releases.

- **Working Notes**

Working notes of staff for the purpose of these regulations are defined as those records about students which are maintained in the sole possession of the writer and are not accessible or revealed to any other person except a substitute who temporarily takes the place of that staff member. Working notes are not considered student records within the purview of these procedures. All other working notes of staff shared with others are student records. School resource officer notes are not student records.

- **Directory Information**

Directory information is defined as the student's name, parents/guardians name, yearbook photograph, age, grade, dates of attendance, previous school attended, *semester GPA*, honor roll, honors, awards, participation in officially recognized curricular or extracurricular activities, weight and height of members of athletic teams and uniform number.

CONFIDENTIALITY

All student records, with the exception of Directory Information as permitted by the parent/guardian/adult student, are confidential. Any disclosure of student records shall only be in accordance with these procedures and any applicable state and federal laws. Any other disclosure is a violation of federal statute and of the Code of Ethics for Professional Educators.

ACCESSIBILITY OF STUDENT RECORDS

Information contained in the Cumulative File and/or Supplementary Records File shall be provided to persons and agencies as follows:

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The right of access granted the parent/guardian/adult student includes the right to be provided a list of the types of student-related education records maintained by the school and the district.

Parents/Guardians/Adult Students Right to Inspect

- Only parents/guardians of dependent children and adult students have the right to inspect the Cumulative File and/or Supplementary Records File of their children.
- Parents include a biological or adoptive parent or any individual who is acting as a parent in the absence of a parent or guardian.
- Access to records and information pertaining to a minor child shall not be denied to a parent because the parent is not the child's custodial parent. If the custodial parent requests, in writing, the school district will remove information regarding the address of the minor child prior to providing the information to the non-custodial parent.
- The District shall presume a parent has the authority to exercise rights regarding a student's record unless the administration has been provided current and valid legal documentation, confirmed with the Court, both parent, SRO or other valid and reliable sources, which limits access to student records. **(Form: Request to Review Education Records)**.
- The parent/guardian/adult student shall be provided analysis and interpretation by a qualified staff member of all information in the Cumulative File and Supplementary Records File. This action may be initiated by the parent/guardian/adult student or a staff member. In no case shall the review occur later than 5 business days after the request is made.
- Inspection and review shall be conducted during normal working hours, unless the Custodian consents to other arrangements. Custodians shall provide assistance, to the extent able, in the interpretation and analysis of student records as needed.
- The parent/guardian/ adult student shall have the right to inspect or to be informed of the content of any record containing personally identifiable information regarding more than one student, provided that the right to access shall apply only to that portion of the record or document which relates to the student of the parent/guardian or the adult student.
- Upon graduation from high school, a parent/guardian/adult student may request to receive a final transcript in addition to the diploma.
- Although records must remain within District control as they are District property, they may be copied or reproduced by or for the parent/guardian/adult student at their own expense. **(Note: Section on Health Records)**
- When the Senior Custodian determines that providing copies of students records to parents/guardians/adult students would not be in the best interest of the student, would violate statute, school policy or professional ethics, the Senior Custodian may deny a request for copies of a student's educational record.

The Student

- Information from the Cumulative File shall be interpreted to the student upon his/her request.

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- Information contained in Supplementary Records File shall be interpreted to the student upon his/her request and with the consent of the parent/guardian.
- The adult student may inspect his/her Cumulative File and Supplementary Records File.

Staff

- Only those staff members who have a legitimate educational interest in a student's records shall have access to the Cumulative File and any Supplementary Records File.

Other Districts

- Other districts shall be provided with records upon official request from the school or district, except as provided in Idaho Code 18-4511.
- In providing records to other Schools, the enrolling school shall be provided with a certified copy of the student's records within ten school days.
- When a student transfers to another school within the District, all records held by the Custodian relating to the student will be transmitted to the other school.
- When a student transfers to a different school district, the Senior Custodian will transfer all documents required to be transmitted pursuant to state and federal regulations, including those records required to be transmitted pursuant to No Child Left Behind. All non-official extraneous information will be destroyed at the discretion of the Senior Custodian.
- Pursuant to provisions of No Child Left Behind, disciplinary records with respect to suspension or expulsion must be transferred to the new school.
- At the time of transfer of the records, the parent or adult student may receive a copy of the records at his/her expense if requested and shall have an opportunity to challenge the contents of the records.
- Parents shall be advised through the annual FERPA notification that student records shall be released to another school where the student has enrolled or intends to enroll.

Other Persons and Organizations

- Information contained in the Cumulative File and Supplementary Records File of a student shall be released to persons and organizations other than the parent/guardian/adult student, and staff only with the written consent of the parent/guardian or adult student (**Form: Request for an Authorization of Release of Student Records**), with the following exceptions:
 - o Directory information may be released publicly without consent upon the condition that the parent/guardian or adult student be notified annually of the school's intention to release such information and be provided the opportunity to indicate that such information is not to be released without prior consent. Such information shall not be released for commercial reasons.
 - (i.) Directory Information in the form of names, addresses and telephone listings will be made available to the

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- U.S. Military according to the No Child Left Behind Act, unless the opt-out provisions have been implemented by the parent/guardian/adult student.
- o Information may be released to authorized representatives of the Comptroller General of the United States, the U. S. Department of Education and/or an administrative head of an education agency or state education authorities in connection with the audit and evaluation of federally supported education programs or in connection with the enforcement of the federal legal requirements for such programs.
 - o Information may be released to organizations conducting studies for educational agencies for the purpose of developing, validating or administering predictive tests or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents/guardians by persons other than the representatives of such organizations and if such information shall be destroyed when no longer needed for the purpose for which it has been gathered.
 - o Information may be released in compliance with a judicial order or lawfully issued subpoena, upon condition that the parent or adult student be notified in advance of such compliance.
 - (i) In the situation of an ex parte court order pursuant to the U.S. Patriot Act, the District will release educational records without consent or knowledge to the parent or student. Likewise, such disclosure shall not be noted in the student's educational records.
 - o Information may be released to appropriate persons and agencies in connection with an emergency to protect the health or safety of the student or other persons.
 - When information from a student's record, other than Directory Information, is released to any person or organization other than staff, a record of such release shall be maintained as part of the specific record involved.
 - Telephone requests for information about students shall not be honored unless the identity of the caller is known and the caller is authorized to receive the information under provisions of this procedure. A record shall be made of any such release of information and placed in the student's Cumulative File.
 - This record of access shall include date of access, name of the party granted access and the legitimate educational interest of the party granted access (**Form: Record of Access to Student Records**).

RECORD OF ACCESS

Each student records file maintained on a student shall have a **Record of Access to Student Records Form** in the file. Any person other than those having a legitimate, need to know educational interest in a student's record, who has access to the file, shall document that access by recording name, title, date, reason for access and identify any copies of made of any student record.

CHALLENGES AND HEARINGS

- Parents/guardians/adult students have the right to inspect educational records.

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- At the time of inspection and review, the parent/guardian/adult student may challenge the appropriateness and accuracy of any record directly related to the student and may demand correction or deletion. **(Form: Request to Amend Education Records)**
- Custodians may honor such demands by correcting or deleting records which are misleading, inaccurate, or violate privacy provided that the Senior Custodian concurs.
- If the demanded correction or deletion is denied by the Senior Custodian, the parent/guardian/adult student may request an informal appeal hearing before the Superintendent/designee, which hearing shall be held within 10 school days of the receipt of such request.
- During the informal appeal hearing the Superintendent/designee shall review the facts as presented by the parent/guardian/adult student and the Senior Custodian and decide whether or not to order the demanded correction or deletion.
- The Superintendent/designee shall send his/her written decision to the parent/guardian/adult student/Senior Custodian within 10 school days of the hearing. Upon denial of correction or deletion by the Superintendent/designee, the parent/guardian/adult student may request in writing a hearing before the Board of Trustees, which hearing shall be conducted at its next regular meeting or at a mutually agreeable time.
- During such hearing, which shall be closed to the public, the Board shall review the facts as presented by the parent/guardian/adult student and Senior Custodian/Superintendent/designee and decide whether or not to order the demanded correction or deletion.
- The Board shall send its written decision to the parent/guardian/adult student/Senior Custodian within 10 school days of the hearing.

Parents/guardians/adult students challenging the appropriateness and accuracy of student records may insert a written explanation of their objections in the student records.

MAINTENANCE OF STUDENT RECORDS

The student's counselor or teacher (as designated by the principal) shall be the Custodian of the Cumulative File. The principal or the student's counselor shall be the Custodian of the Supplementary Records File. The principal is the Senior Custodian of student records.

Custodians shall:

- o Maintain only those records authorized by these Procedures;
- o Safeguard student records from unauthorized use and disposition;
- o Maintain access records;
- o Honor access requests from parent/guardian/adult student;
- o Delete or correct records as directed by and in consultation with the Senior Custodian or upon order of the Superintendent/designee or the Board of Trustees; and
- o Follow the records review schedule and procedures established by the Senior Custodian.

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Senior Custodians may assume the duties of Custodians and shall:

- Request student records from other schools;
- o Maintain security of student records;
- o Transfer, destroy and expunge records as permitted;
- o Supervise activities of their records' Custodians;

- o Conduct informal hearings and grant or deny approval of corrections or deletions requested by parents or adult students;
- o Establish records' review schedules and procedures for their respective schools or departments in accordance with procedures governing records disposition;
- o Transfer student records to the next Senior Custodian as the student moves to the next level (elementary to middle school, middle school to high school) or upon graduation or transfer outside the district,
- o Preserve or destroy in accordance with applicable disposition procedures any records no longer pertinent to educational program placement; and,
- o Certify to the district records' Custodian (Superintendent/designee) by June 30 of each year the following:
 - (i) Only records pertinent to educational program placement are being maintained, unless otherwise authorized by law, and
 - (ii) Required reviews have been accomplished.

Refer any in-coming student special education records to the special education department and record such in the student's Cumulative File.
- o A Senior Custodian has limited authority to destroy/amend information contained in student records:
- o A Senior Custodian, in consultation with the Custodian of Records during a challenge process, can consent that any correction or deletion may occur relating to information that is inaccurate, misleading or violates privacy.
- o A Senior Custodian can remove non-official extraneous information from student records for a student transferring to another school district.
- o Should an in-coming student's educational record, as obtained from a different school district, contain information that may be inaccurate, misleading, violate the privacy or other rights of a student, or be more appropriately placed in a supplementary file maintained by the Custodian or counselor, the Senior Custodian shall consult with the District's records' Custodian and/or the parent/guardian/adult student regarding modification of the records.
- o The District records' Custodian shall provide overall supervision of student records' management and control and shall enforce the student records' policy and the administrative procedures.

DISPOSITION OF STUDENT RECORDS

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- The permanent student record shall serve as the record of the student's school history and academic achievement. Permanent records filed in the student's Cumulative File are to be extracted and retained before disposition of the folder.
- The General Educational Provisions Act and the federal regulations for State-Administered Programs both require that records be retained for at least five (5) years.
- With the exception of permanent records, student information will only be kept for a period of five (5) years after a student graduates high school or withdraws from the school district.
- In all cases, the student's permanent record card shall be retained in perpetuity by the District.

STUDENTS WITH DISABILITIES

- The parents/guardians of students with disabilities have the right to inspect and review the educational records of their children upon request.
- Parents/guardians of students with disabilities shall be notified when personally identifiable information that has been collected (more than five (5) years old) is no longer needed to provide services to the child.
 - In informing the parent/guardian/adult student about his/her rights regarding such records, the District shall advise the parent/guardian/adult student that the information may be needed by the student or the parent to establish eligibility for certain adult benefits, such as social security.
 - At the parent/guardian/adult student's request, the records relating to the disabling condition shall be sent to the parent/guardian/adult student.
 - The information must be destroyed at the request of the parent/guardian.
 - Permanent information will not be destroyed.

LARGE SCALE DESTRUCTION OF STUDENT RECORDS

After exercising care in accordance with that contained in the previous section (Disposition of Student Records), the Senior Custodian shall bundle all records and send them to the District's records' Custodian. Each bundle shall be plainly marked: "Student Records--for Destruction," dated and signed by the Senior Custodian. A summary sheet shall be completed and retained in the office. The sheet shall indicate: "As of this date, I have determined that the following records may be destroyed in accordance with District and state requirements and have submitted them for destruction." The summary sheet shall be dated and signed by the Senior Custodian.

NOTICE TO PARENTS OF RECORDS MAINTAINED

The principal at each school shall annually at or near the beginning of the school year provide written notice of the following information to parents/guardians/adult students:

- The types of records directly related to the students, which are maintained by the school.
- The name of the Senior Custodian to contact to review the records.
- A list of the individuals who have access to the records.

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- Notice that employees of the District will have access to the records when they have a legitimate, need to know educational interest, and that no record of their request will be kept.
- Notice of the District's policies for reviewing, challenging and expunging these records.
- The cost of reproducing records for the parent or adult student.
- The categories of directory information which may be released to the public unless objected to in writing by the parent/guardian/adult student.

- Notice of the Directory Information provided to military recruiters pursuant to No Child Left Behind, with clear specification of the parents'/adult students' right to opt out of the release of this information along with the process for exercising the "opt-out" rights.
- Notice of the parents rights under the PPRA relating to ED and non-Ed Funded surveys.
- Information regarding the school's use, with approximately dates of any non-emergency, invasive physical examination or screening of the students, with the parent's right to opt out of the activity.

For all new students entering the school throughout the year, written notice shall be a component of the registration process.