

8330 - STUDENT RECORDS

Student records shall be maintained in accordance with School Board Policy [8330](#) and State/Federal laws and regulations.

The student record is the legal record for each student who is or has attended schools within the Corporation. All information contained in the student record must be factual, verifiable and of a constructive nature. The Board shall collect, maintain and use only information necessary for legally mandated Corporation functions.

Educational Records, as defined in Section 99.3 of the Family Educational Rights and Privacy Act, means those records, files, documents and other materials which: (1) contain information directly related to a student, and (2) are maintained by the Board or by a party acting for the Board. "Record" means any information or data recorded in any medium, including but not limited to: handwriting, print, tapes, films, microfilm, and microfiche, and electronic/digital formats.

The term, Educational Records, does not include:

- A. records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
 - 1. are in the sole possession of the maker thereof; and
 - 2. are not accessible or revealed to any other individual except a substitute;

For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his/her position.

- B. records maintained by a law enforcement unit of the Corporation that were created by that law enforcement unit for the purpose of law enforcement;
- C. records relating to a student who is eighteen (18) years of age or older, or is attending an institution of postsecondary education, which are:
 - 1. created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity; and
 - 2. created, maintained, or used only in connection with the provision of treatment to the student; and

3. not disclosed to anyone other than individuals providing the treatment; except, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice:

For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the educational agency or institution.

- D. records which contain only information relating to a person after that person was no longer a student in the Corporation. An example would be information collected by the Board pertaining to the accomplishments of its alumni.

The Corporation maintains or may establish video surveillance for security reasons at various areas around its facilities and on its buses. Video recordings, which show students, may constitute a student record, under certain circumstances. This is generally where the record is maintained to document student conduct or misconduct, unless it is maintained for law enforcement purposes as described above. Generally video taken of athletic events or other student performances which are open to the public will not be considered student records. The Superintendent will determine whether the video constitutes a student record prior to the release of any video surveillance containing students, other than to authorized individuals.

The student's school record shall contain the following information that shall be retained permanently or for one hundred years:

- A. name, address and telephone listing of parent (see [Form 8330 F1](#))
- B. enrollment data to include validated birth record, proof of residency, immunization records and social security number or computer number
- C. attendance records
- D. grades and/or transcripts
- E. standardized and/or mandated achievement test data, including proficiency test records which include the date each student meets the proficiency level for the test administered
- F. date of graduation and/or transfer or withdrawal

The student's school record shall contain, if applicable to the individual, the following information, to be retained for a period not less than two (2) years beyond the date of high school graduation:

- A. health and medical information; emergency medical authorization forms may be destroyed upon the annual receipt of the forms as required by law
- B. court order on parental rights and responsibilities and/or custodial or guardianship arrangements, including any court orders regulating access of a parent to school records
- C. awards and recognitions
- D. information and/or data relevant to the identification, evaluation and/or placement of students in accordance with the Individuals with Disabilities Education Act, Section 504 of the 1973 Rehabilitation Act, or other applicable State laws and regulations
- E. reports and such other confidential information generated by professionals or agencies outside the Corporation relevant to the student's educational program
- F. such other verifiable, factual and relevant information to be used in making decisions regarding the student's educational program, including disciplinary records

Disciplinary records including records of suspension and expulsion are a part of the student's record and must be transferred to a receiving school if a student transfers.

TRANSFER OF RECORDS

In evaluating requests to transfer data from School Corporation records, the Superintendent shall consider:

- A. the availability of a backup file if the data is lost or corrupted;
- B. the ownership of the new site or medium;
- C. the level of security for the data on the new site;
- D. the danger of theft, tampering, or corruption of the data in the course of transfer or at the new site;

- E. the potential for damage to students from misuse of the data if not adequately protected during transfer or at the new site; and
- F. the need to transfer the data and any adverse impact on the School Corporation operations of not permitting the transfer of data.

RESPONSIBILITY

The Custodian of Records (COR) shall be the principal who may delegate certain responsibilities to the school secretary. The COR is responsible for maintaining the confidentiality of directory information, if the parents have so requested, and other information in the educational record. The COR is responsible for the implementation of this Corporation's policies and procedures regarding confidentiality, including informing all personnel in this Corporation who collect, maintain, use or otherwise have access to student records of this Corporation's policies and procedures on confidentiality. S/He shall also maintain a current list of the locations of all records held for each student in his/her school.

The Corporation's Records Officer (CRO) shall prepare an annual notice to parents/eligible students which shall inform them of their rights to (see Form 8330F9):

- A. inspect and review the student's educational records;
- B. request an amendment to the records if the parent or eligible student believe the information to be inaccurate or misleading;
- C. limit the disclosure of personally identifiable information defined as directory information within Policy [8330](#) or to such other disclosures not required by law;
- D. request a hearing if the Corporation refuses to amend records believed by the parent to be misleading or inaccurate and to file a complaint with the Department of Education if the parent is dissatisfied with the results of the hearing;
- E. obtain a copy of the Corporation's policy on student records.

The notice may be in the form of a section of the local newspaper, Corporation's newsletter, and/or the student handbooks (see [Form 8330 F9](#)).

Ongoing Maintenance of Records

- A. **Public Listing of Authorized Employees** (see [Form 8330 F2](#))

1. Each COR shall maintain a current listing of those employees and other persons authorized to access personally-identifiable information housed at the location specified.
2. Each COR shall post and maintain the listing for public inspection at his/her respective location.

B. Types and Location of Records

1. The CRO shall prepare a listing of the types and locations of records collected, maintained, or used by the Corporation, and the name of the COR at each location

The list shall be provided to parents/eligible students upon request.

2. The student record shall be stored in secured facilities or equipment. The records shall be available only to those specified in policy or these guidelines.

C. Consent to Disclose Information (see [Form 8330 F4](#) and Form 8330 F8)

1. Whenever there is a request for a copy of information from a student's record, the COR shall obtain written and dated consent, prior to disclosure of records, from parents/eligible students which includes:
 - a. the records that may be disclosed;
 - b. the purpose for which the disclosure may be made;
 - c. the party or class of parties to whom the disclosure may be made;
 - d. whether or not the parents/eligible students wish to have a copy of the records disclosed and/or, if the student is not an eligible student, whether the Corporation should provide that student with a copy of the disclosed record.

Signed permission should be obtained from eligible students prior to allowing their parents access to the records, provided the student is not considered a dependent under Section 152 of the Internal Revenue Code.

2. Prior consent will not be needed if:

- a. the disclosure is to other Corporation personnel, including teachers, who have a legitimate educational interest (as defined by Board policy) in the information;

The term "Corporation personnel" means a person employed by the Corporation as an administrator, supervisor, teacher, instructional aide, secretary, or support staff member including health or medical staff and law enforcement unit personnel; a person serving on the Board; a person or company with whom the Board has outsourced services or functions it would otherwise use its own employees to perform such an attorney, auditor, medical consultant, or therapist; a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his/her tasks.

- b. the disclosure is to another school, School Corporation, or postsecondary institution, as stated in Board policy;
- c. the disclosure is, subject to the conditions set forth in applicable Federal and/or State statutes and/or regulations, to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the United States Secretary of Education, or State and local educational authorities;
- d. the disclosure is in connections with a student's application for or receipt of financial aid; (See section below entitled: "Disclosure for Student Financial Aid");
- e. the disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction;

Disclosures pursuant to this paragraph are limited to circumstances when the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information; the information is destroyed when no longer needed for the purposes for which the study was conducted; and the Board enters into a written agreement with the organization that contains all the content required by applicable Federal regulations;

This written agreement will include: (a) specification of the purpose, scope, duration of the study and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

- f. the disclosure is to authorize representatives of the Comptroller General, the Attorney General, the Secretary of Education, or state and local authorities, and is made for the purpose of conducting an audit or evaluation of a federal or state supported education program, or to enforce or comply with federal requirements relating to those programs. A written agreement between the parties is also required under this exception. Mandatory elements of this written agreement include: (a) designation of the receiving entity as an authorized representative; (2) specification of the information to be disclosed; (3) specification that the purpose of the disclosure is to carry out an audit or evaluation of a government supported educational program or to enforce or comply with the program's legal requirements; (4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; (5) a statement requiring the organization to destroy all personally identifiable information when it is no longer needed for the study along with a specific time period in which the information must be destroyed; and (6) a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Pursuant to the audit exception, the District will use "reasonable methods" to verify that the authorized

representative complies with FERPA regulations. Specifically, the District will verify, to the greatest extent practical, that the personally identifiable information is used only for the audit, evaluation or enforcement of a government –supported educational program. The District will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the District will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the District will verify that the information is destroyed when no longer needed for the audit, evaluation or compliance activity.

- g. the disclosure is to accrediting organizations to carry out their accrediting functions;
- h. the disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;
- i. the disclosure is to comply with a judicial order or lawfully issued subpoena;

Disclosures permitted by this paragraph may only occur after the Board makes a reasonable effort to notify the parent or eligible student of the order or subpoena, so the parent or eligible student may seek protective action, unless the disclosure is authorized by applicable Federal regulations. Additionally, if the Board initiates legal action against a parent or student, the Board may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the Board to proceed with the legal action as plaintiff. Likewise, if a parent or student initiates legal action against the Board, the Board may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the Board to defend itself.

- j. the disclosure is in connection with an emergency; (See section below entitled: "Emergency Release");
- k. the disclosure is information the Board has designated as "directory information";

- B. If any educational record includes information on more than one (1) student, the parents/eligible students shall have the right to review and inspect only the records relating to the student, or to be informed of that specific information.

- C. The request for a review must be honored without unnecessary delay, and before any meeting regarding an individualized educational program or hearing relating to the identification, evaluation, or placement of the student and in no case later than forty-five (45) days from receipt of request.

- D. The parents/eligible students have a right to have their representative inspect and review the records upon submission of a signed and dated written consent which:
 - 1. specifies the records which may be disclosed;
 - 2. states the purpose of disclosure;
 - 3. identifies the party or class of parties to whom the disclosure may be made.

- E. The Corporation shall presume that either parent has the authority to disclose, inspect, and review the student's records unless a court order indicates otherwise or unless otherwise prohibited by law.

If the parents/eligible students request an opportunity to inspect and review records, a written request is necessary.

- F. The parents/eligible students are to complete the Corporation's Request for Information [Form 8330 F5](#) prior to receiving copies of any record.

The COR shall arrange a mutually-agreeable time for the review with the parents/eligible students.

- G. Subject to the limitations within the law, policy and/or guidelines, the COR shall provide parents/eligible students with copies of any information in the student's educational records and shall respond to reasonable requests for explanation and interpretation of the records. Signed permission should be obtained from eligible students prior to allowing their parents access to the records. Copies of the records, except for test protocols, shall be provided for the current cost of duplication unless that fee effectively prevents the parents/eligible

students from exercising the right to inspect and review the records. Copies of test protocols will be provided only under the following circumstances:

1. the parent is physically unable to come to the school to view the protocols;
 2. if the principal believes the protocols should be sent to an appropriately-licensed outside professional;
 3. if the parent is preparing for a hearing under Article 7 or section 504.
- H. If the parents/eligible students request disclosure of specific information by telephone, the COR shall not disclose requested information.

Third Party: Disclosure, Inspection/Review, and/or Copies of Records

When authorized, the COR shall permit inspection and review of a student's educational records, disclose specified information, or provide copies of educational records only after the requesting party has agreed not to share the information with a third party unless the parents/eligible students have so consented or the particular circumstances meet the requirements of the Family Education Rights and Privacy Act (FERPA) on third-party disclosure.

Amendments of Records (see [Form 8330 F6a](#), [Form 8330 F6b](#), and Form 8330 F6c)

The COR shall provide parents/eligible students with the opportunity to amend records when they believe that any of the information regarding their student is inaccurate, misleading, or violates the student's privacy.

- A. Upon receipt of a written request to amend records, the COR shall ascertain the specific information that is requested to be amended and the reason for the change.

The COR shall decide whether or not to amend the record.

- B. If the COR decides not to amend, the parents/eligible students shall be so informed of the decision as well as of their rights to a hearing. The parents/eligible students also have the right to place a statement in the records commenting on the contested information in the records and/or stating s/he disagrees with the decision of the COR. Such a statement shall be maintained with the contested part of the records as long as the records exist and shall be disclosed as part of any record disclosure.

- C. Unless specified otherwise in law, third parties seeking to access confidential information in a student's record that has been generated by a professional or agency outside the Corporation may access these records only through the originator and in compliance with the laws governing disclosure.

- D. If the Corporation and parents/eligible students agree to the requested amendments, the COR shall make necessary changes in the student record and send the parents/eligible students written confirmation that the changes have been made.

- E. If the parents/eligible students request a Records Hearing, the Superintendent shall:
 - 1. select the Records Hearing Officer (RHO) (who may be an official of the Corporation who does not have a direct interest in the outcome of the hearing);

 - 2. direct the person selected as the RHO to arrange a hearing with the parents/eligible students within ten (10) business days from the date of the hearing request or at a mutually agreed time.

The RHO shall inform the parents/eligible students that they shall be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals of their choice, including an attorney, at their own expense.

The RHO is responsible for maintaining the student's record during the appeal process so that no information is lost or destroyed.

- F. The Records Hearing Officer shall conduct the hearing by:
 - 1. introducing the participants;

 - 2. reviewing the agenda for the hearing;

 - 3. identifying the records in question;

 - 4. reviewing the items for which amendment is being requested;

5. allowing the parents/eligible students and/or their representative to present evidence related to the issues;
 6. allowing the Corporation's representative(s) to present evidence related to the issues;
 7. recording the evidence presented by both parties;
 8. allowing each party a reasonable period of time to question the evidence of the other party;
 9. adjourning the hearing.
- G. No later than ten (10) business days from the conclusion of the records hearing, the RHO shall summarize and send a copy of the findings to the Superintendent (see Form 8330 F7).
- H. The Superintendent, within ten (10) business days after receiving the findings of the Records Hearing Officer, shall make a decision, **based solely upon the evidence presented at the hearing**, and send to the parents/eligible students:
1. a letter stating the decision and the justification for the decision;
 2. a copy of the RHO's Report;
 3. copies of the amended records, if any;
 4. a notification of the right to place a statement in the record commenting on the contested information or stating why s/he disagrees with the decision.

EMERGENCY RELEASE

The COR may release any personally-identifiable information (without parent's/eligible student's consent) to appropriate parties in connection with a health/safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Upon receipt of a request for emergency information, the COR, shall ascertain whether the request constitutes a health/safety emergency and, if so, provide the requested information immediately.

TRANSFER OF RECORDS TO OTHER CORPORATIONS

Transfer of student records, including disciplinary records regarding any current suspensions and expulsions, must be within twenty (20) days of request and shall not be withheld from the school for a student's failure to pay any fees, fines, or charges imposed by this Corporation.

The COR shall transfer a student's records to another school when requested by the Corporation in which the student intends to enroll, provided the Board notifies the parents of the transfer, informs the parents of their right to get a copy of the document, and affords the parents an opportunity for a hearing to challenge the content of the record. (See [Form 8330 F4](#)).

A copy of the cover letter sent to the School Corporation shall be retained in the student's file.

If parents/eligible students request a copy of the records being transferred, they shall be provided free of charge.

If a student is under the care of a shelter for victims of domestic violence, release of information is limited by law.

DISCLOSURE FOR STUDENT FINANCIAL AID

The COR may release, **without consent of the parent(s) or eligible student**, student information regarding financial aid for which a student has applied or which a student has received, provided that personally-identifiable information from the education records of the student may be used only:

- A. to determine the eligibility of the student for financial aid;
- B. to determine the amount of financial aid;
- C. to determine the conditions which will be imposed regarding the financial aid;
- D. to enforce the terms or conditions of the financial aid.

DESTRUCTION AND REVIEW OF RECORDS

If a student is identified as a student with a disability under the Individuals with Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act of 1973, the COR shall:

- A. maintain the student's educational records for five (5) years after termination of special education programs, services, and/or graduation; and
- B. only destroy such educational records after notifying the parents/eligible students that the information is no longer needed to provide educational services and will be destroyed.

The personally-identifiable information on a disabled student shall be retained permanently unless the parents/eligible students request that it be destroyed as specified in these guidelines. The COR should remind them that the records may be needed by the student or the parents for Social Security benefits or other purposes (see [Form 8330 F9](#)).

RIGHT TO FILE A COMPLAINT WITH THE U.S. DEPARTMENT OF EDUCATION

Parents and eligible students will be informed of the address where a complaint can be filed if they believe their rights have been violated on [Form 8330 F9](#). It is important that the address used on this form be checked annually to verify the accuracy of the address for complaints regarding the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA).

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