

## **Billings School District 2**

### **STUDENTS**

#### Student Records

##### Maintenance of School Student Records

The District maintains two (2) sets of school records for each student, a permanent record and a cumulative record.

The permanent record includes:

- the name and address of the student;
- the name and address of the student's parent or guardian;
- the student's birth date; the student's academic work completed;
- the student's level of achievement (grades, standardized achievement tests);
- the student's immunization records as per 20-5-506, MCA; and
- the student's attendance data; and
- a record of any disciplinary action taken against the student that is educationally related.

For the purposes of this procedure, a disciplinary action that is educationally related is an action that results in the expulsion or out of school suspension of the student.

The cumulative record may include:

- intelligence and aptitude scores;
- psychological reports;
- achievement test results;
- participation in extracurricular activities;
- honors and awards;
- teacher anecdotal records;
- verified reports or information from non-staff persons;
- verified information of clear relevance to a student's education;
- information pertaining to release of this record; and
- disciplinary information.

The District requires information in a permanent record to indicate authorship and date. The District will maintain in perpetuity a permanent record for every student who has been enrolled in the District. The District will maintain cumulative records for eight (8) years after a student graduates or leaves the District permanently. After five (5) years, the District may transfer cumulative records that may be of continued assistance to a student with disabilities who graduates or permanently withdraws from the District to parents or to a student if a student has succeeded to the rights of the parents.

A building principal is responsible for maintenance, retention, or destruction of a student's permanent or cumulative records, in accordance with District procedure established by the Superintendent.

Access to Student Records

The District will grant access to student records as set forth below.

1. Neither the District nor any District employee will release, disclose, or grant access to information found in any student record, unless the conditions set forth in this policy are met.
2. Parents of a student under eighteen (18) years of age are entitled to inspect and to copy information in their child's school records. A parental request to view or to copy records must be made in writing and must be directed to the Superintendent. The District will grant access to records within fifteen (15) days of receipt of such a request.

When parents are divorced or separated, the District will permit both parents to inspect and to copy a student's school records unless a court order indicates otherwise. The District will send copies of the following to both parents at the request of either parent, unless a court order indicates otherwise:

- academic progress reports or records
- health reports
- notices of parent-teacher conferences
- school calendars distributed to parents/guardians
- notices about open houses and other major school events, including pupil-parent interaction

When a student reaches eighteen (18) years of age, graduates from high school, marries, or enters military service, the District observes that all rights and privileges accorded to a parent become exclusively those of a student.

When a student has waived his or her right of access, after being advised of the right to obtain names of all persons making such confidential letters or statements, the District will not grant access to a parent or a student to confidential letters and recommendations concerning admission to a postsecondary educational institution, application for employment, or receipt of an honor or award.

3. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information. A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to

administrators, teachers, counselors, paraprofessionals, and coaches), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifying information from education records, or such other third parties under contract with the District to provide professional services related to the District's educational mission, including, but not limited to, attorneys and auditors. A school official has a legitimate educational interest in student education information when the official needs the information in order to fulfill his or her professional responsibilities for the District. Access by school officials to student education information will be restricted the portion of a student's records necessary for the school official to perform or accomplish their official or professional duties.

4. The District may grant access to or release information from student records without parental consent or notification to any person, for purposes of research, statistical reporting, or planning provided that no student or parent can be identified from the information released and the person to whom information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
5. The District will grant access to or release information from a student's records pursuant to a court order, provided that a parent is given prompt written notice, on receipt of such order, of its terms, the nature and substance of information proposed to be released and is given opportunity to inspect and copy such records and to challenge their contents.
6. The District will grant access to or release information from any student record, as specifically required by federal or state statute.
7. The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by a parent or eligible student with particularity as to whom records may be released, information or record to be released, and reasons for a release. The District will keep one (1) copy of a consent form in a student's records, and the Superintendent will mail one (1) copy to a parent or eligible student. Whenever the District requests a consent to release certain records, the Superintendent will inform a parent or an eligible student of the right to limit such consent to specific portions of information in the records.
8. The District may release student records to a superintendent or an official with similar responsibilities in a school in which a student has enrolled or intends to enroll, on written request from such official. School officials may also include those listed in #3 above.
9. Before release of any records or information under items 5, 6, 7, and 8 above, the District will provide prompt written notice to parents or an eligible student of the intended action. This notification will include a statement concerning the nature and substance of records

to be released and the right to inspect, copy, and challenge the contents.

10. The District may release student records or information in connection with an emergency, without parental consent, if knowledge of such information is necessary to protect the health or safety of a student or other persons. The Superintendent will make this decision, taking into consideration the nature of an emergency, the seriousness of a threat to the health and safety of a student or other persons, the need for such records to address an emergency, and whether a person to whom such records are to be released is in a position to deal with an emergency. The District will notify parents or an eligible student, as soon as possible, of the information released, date of release, the person, agency, or organization to whom a release was made, and the purpose of a release.
11. The District may disclose, without parental consent, student records or information to the youth court and to law enforcement authorities pertaining to violations of the Montana Youth Court Act or criminal laws by a student.
12. The District may charge a nominal fee for copying information in a student's records; however, no parent or student will be precluded from copying information because of financial hardship.
13. The District will assure that a record of all releases of information from student records (including all instances of access granted, whether or not records were copied) is kept and is maintained as part of such records. The District will maintain this record for the life of a student record and will assure it to be accessible only to a parent or an eligible student, the Superintendent, or other designated person. The record of release will include:
  - information released or made accessible
  - name and signature of the Superintendent
  - name and position of the person obtaining the release or access
  - date of release or grant of access
  - copy of any consent to such release

#### Directory Information

The District may release certain directory information regarding students, unless parents prohibit such a release. Directory information will be limited to the student's:

- name;
- address;
- telephone number;
- photograph, image or likeness (individually or in a group) in pictures, videotape, film, or other medium;

gender;  
grade level;  
birth date and place;  
names and addresses of parents or guardians;  
academic and other school-related awards, degrees, and honors;  
information related to school-sponsored activities, organizations, and athletics, including  
weight and height;  
major field of study; and  
dates of attendance in school,

The Superintendent will notify parents and students of their right to object to release of directory information.

### Student Record Challenges

Parents may challenge accuracy, relevancy, or propriety of records, except for (1) grades and (2) references to expulsions or out-of-school suspensions, if a challenge is made when a student's school records are being forwarded to another school. Parents have a right to request a hearing at which each party has the right:

- to present evidence and to call witnesses
- to cross-examine witnesses
- to counsel
- to a written statement of any decision and the reasons therefor;
- to appeal an adverse decision to an administrative tribunal or official, established or designated by the Board of Public Education.

Parents may insert a written statement of reasonable length describing their position on disputed information; the Superintendent will include that statement in any release of information in dispute.

### Implementing Policy 3600 Student Records

<u>Cross References:</u>	Policy 6430	Development of Administrative Procedures
	Policy 3606	Transfer of Student Records
	Procedure 3600-P2	Challenge to Student Records – Hearings
	Procedure 3600-P3	Withholding Records for Financial Obligation
	Procedure 3600-P4	Student Record Safeguard List
	Procedure 3600-P5	Special Education Records
	Form 3600-F1	FERPA Notification
	Form 3600-F2	Letter Notifying Parent of Financial Obligation & Withholding of Records

Form 3600-F3 Letter Notifying Montana School of Financial  
Obligation & Withholding of Records  
Form 3600-F4 Letter Notifying Montana School that Financial  
Obligation was Met & Records can be Released

Legal References: Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2011); 34  
C.F.R. 99 (2011)  
§ 20-5-201, MCA Duties and sanctions  
§ 40-4-225, MCA Access to records by parent  
§ 41-5-215, MCA Youth court and department records – notification  
of school  
10.55.909, ARM Student records

Procedure History:

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