

Lewistown School District

STUDENTS

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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 shall include:

- basic identifying information
- academic transcripts
- immunization records
- attendance record

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-educational persons
- verified information of clear relevance to the student's education
- information pertaining to release of this record
- disciplinary information

Information in the permanent record will indicate authorship and date and shall be maintained in perpetuity for every student who has been enrolled in the District. Cumulative records shall be maintained for eight (8) years after the student graduates or permanently leaves the District. Cumulative records which may be of continued assistance to a student with disabilities who graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.

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

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Access to Student Records

The District shall grant access to student records as follows:

1. The District or any District employee shall not release, disclose, or grant access to information found in any student record, except under the conditions set forth in this document.
2. The parents of a student under eighteen (18) years of age shall be entitled to inspect and copy information in the child's school records. Such requests shall be made in writing and directed to the records custodian. Access to the records shall be granted within fifteen (15) days of the District's receipt of such a request.

Where the parents are divorced or separated, both shall be permitted to inspect and copy the student's school records unless a court order indicates otherwise. The District shall send copies of the following to both parents at either one's request, unless a court order indicates otherwise:

- a. Academic progress reports or records;
- b. Health reports;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses and other major school events, including pupil-parent interaction.

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

Access shall not be granted to the parent or the student to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment, or the receipt of an honor or award, if the student has waived his or her right of access, after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

3. The District may grant access to or release information from student records to employees or officials of the District or the Montana State Board of Education, provided a current, demonstrable educational or administrative need is shown, without parental consent or notification. Access in such cases shall be limited to the satisfaction of that need.
4. The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.

5. The District shall grant access to or release information from a student's records pursuant to a court order, provided that the parent shall be given prompt written notice, upon receipt of such order, of its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
6. The District shall grant access to or release information from any student record, as specifically required by federal or state statute.
7. The District shall grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student with particularity as to whom the records may be released, the information or record to be released, and the reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy shall be mailed to the parent or eligible student by the Superintendent. Whenever the District requests the consent to release certain records, the records custodian shall inform the parent or 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 the superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official.
9. Prior to the release of any records or information under items 5, 6, 7, and 8 above, the District shall provide prompt written notice to the parents or eligible student of this intended action. This notification shall include a statement concerning the nature and substance of the 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 the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian shall make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District shall notify the parents or eligible student, as soon as possible, of the information released, the date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.
11. The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act or criminal laws by the student..

12. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s).
13. The District charges a nominal fee for copying information in the student's records. No parent or student shall be precluded from copying information because of financial hardship.
14. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) shall be kept and maintained as part of such records. This record shall be maintained for the life of the student record and shall be accessible only to the parent or eligible student, records custodian, or other person. The record of release shall include:
 - a. Information released or made accessible.
 - b. The name and signature of the records custodian.
 - c. The name and position of the person obtaining the release or access.
 - d. The date of the release or grant of access.
 - e. A copy of any consent to such release.

Directory Information

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information shall be limited to:

- name
- address
- gender
- grade level
- birth date and place
- parents'/guardians' names and addresses
- academic awards, degrees, and honors
- information in relation to school-sponsored activities, organizations, and athletics
- major field of study
- period of attendance in school

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information.

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Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning school records will inform

them of their right to object to the release of this information.

Student Record Challenges

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

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

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will include the statement in any release of the information in dispute.

Legal Reference:	Family Education Rights and Privacy Act, 20 U.S.C. 1232g; 34 C.F.R. 99
	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

Policy History:

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Revised on: