

## STUDENT CUMULATIVE RECORDS

**The following list of terms and definitions are used throughout this policy and serve as a guide to ensure proper understanding of content:**

**“Court Orders”** shall mean any written direction from a court of competent jurisdiction directed to the student or affecting the student’s care or custody.

**“Discipline Record”** shall mean information about any and all periods of suspension or of expulsion from the regular school setting imposed on a student as a result of an infraction of the school or district’s code of conduct or other rules.

**“Emergency Treatment Card”** shall mean the card containing the general emergency information and procedures for the care of a student when the student becomes sick or injured in school as required in 14 **DE Admin Code** 811.

**“Identifying Data”** shall mean the name of the student, date of birth, sex, race and ethnicity, address, telephone number, Delaware student identification number and the name of the parent(s), guardian(s) or Relative Caregiver.

**“Progress Report”** shall mean a single record maintained for each student in kindergarten through grade 8 that contains end of year and up to date grades; standardized test(s) scores such as the state student assessment; and attendance data for each year of the student’s attendance.

**“School Health Record”** shall mean the form required by 14 **DE Admin Code** 811 for Delaware public school students.

**“Student Transcript”** shall mean a single record maintained for each student in grades 9 and above that contains the following: end of year and up to date grades; credits earned; class rank; Grade Point Average (GPA); withdrawal or graduation date; standardized test(s) scores such as the state student assessment, SAT, PSAT, ACT; attendance data and school activities. If applicable, a list of the career technical competencies achieved by a student enrolled in a specific career technical program shall also be included.

The cumulative record shall be considered the only official document of record for each pupil. The cumulative record will include the following:

- Health Records which include the Emergency Treatment Card and all other School Health Records supplied by the Nurse’s Office
- Identifying Data- birth certificate, social security card (a social security card is an acceptable form of identification; however, it is no longer a required form of identification), relative caregiver information, etc..)
- Progress Reports
- Scores on group or individual intelligence, achievement, aptitude or psychological tests
- Student Transcript (for students in grades 9 and above)
- Court Orders
- Student’s Cumulative Record Folder
- Discipline Records
- Attendance Records

- Pop ups (i.e., guardianship, release of student to certain guardians, etc.)
- 504 Plans
- Special Education File (these files are maintained separately under the supervision of the Special Education Coordinator within the school).

In accordance the Family Educational Rights and Privacy Act the district shall publish an annual statement notifying parents and/or eligible students of

- Their rights pertaining to inspection and review of cumulative records,
- Their rights to seek to amend education records, and
- Their rights to consent to the disclosure of personally identifiable information from the education records except as specified by law.
- Their right to opt out of the disclosure of Directory Information, as discussed in greater detail below.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

#### Availability/Review of Records

1. Cumulative records are maintained through the Guidance Office as confidential files. Every effort is made to protect the confidentiality of said documents and made available for review consistent with DE state guidelines, 14 Del. Administrative Code, section 252.
2. All persons approved for review by the Guidance Office shall be required to complete the *Student Folder Inspection Record* on the reverse side of the Cumulative Folder. The name of person inspecting, date of inspection and the reason for inspection shall be noted on this form.
3. Students, their parents, legal guardians, or parent designees of any student enrolled in the schools have the right to inspect and review any and all official school records, files, and data pertaining directly to their child and maintained in their student's file. (Note: A parent is a natural or adopted parent, guardian, or other person or agency acting as parent. In the case of separated or divorced parents, it will be assumed that both parents retain the right of access, review, or release of records.) This inspection shall be made with an appropriate school official available for the purpose of interpretation. Parents may choose someone else to look at the records for them.

Requests by parents to review records may be either verbal or written, except in the case of a "parent designee" where the request must be made

in writing. Opportunity for said review should be provided within ten (10) school days of the request. Parents may have one copy of the records made free of charge.

4. If either a student or parent questions the accuracy of the record or any part thereof, he/she may request through a letter to the superintendent that the record be amended. The superintendent's response to this request shall be made in writing, and if the response is negative, the person(s) making the request shall be advised of the right to a hearing.

Hearings as stated above shall include the following persons: the person(s) making said request, the building principal or designee, a central administrative office representative, and a representative of the school's guidance department. If, as a result of this hearing, the district decides not to amend the record, the student, parent, or parent representative will be provided the opportunity to place in the record a statement commenting on the information in question and the reasons for disagreeing with it. This statement shall be maintained as long as the record of contested portion is maintained. If for any reason, the contested portion is disclosed to another party (in accordance with a bona fide request), the statement will also be included in such disclosure.

If the school district or the individual school discloses directory information from education records without the parent's or eligible student's consent, it will notify the parents or eligible student of

- The types of information the district has designated as directory information;
- The right to opt out of disclosure of directory information.

Military recruiters will have the same access to secondary school students as provided to postsecondary institutions or to prospective employers.

The district will provide students' names, addresses, and telephone listings to military recruiters, when requested, unless a parent has opted out of providing such information.

#### Disclosure of Records

1. The school district will not disclose non-directory and personally identifiable information relating to a student without the prior written consent of the parent. However, upon request and under the jurisdiction (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), the school may without prior consent and under the following conditions, release information as listed here:
  - a. School officials with legitimate educational interest;
  - b. Other schools to which a student is transferring;
  - c. Specified officials for audit or evaluation purposes;
  - d. Appropriate parties in connection with financial aid to a student;
  - e. Organizations conducting certain studies for or on behalf of the school;
  - f. Accrediting organizations;
  - g. To comply with a judicial order or lawfully issued subpoena;

- h. Appropriate officials in cases of health and safety emergencies; and
  - i. State and local authorities, within a juvenile justice system, pursuant to specific State law ;
  - j. To a caseworker or other representative of a State or local child welfare agency or tribal organization authorized to access a student's case plan "when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student;
  - k. Pursuant to a judicial order without requiring additional notice to the parent in specified types of judicial proceedings in which a parent is involved.
2. Release of information to any agency or individual other than those listed above shall require the written permission of the students or his/her parents (if the student is under 18 years of age). This request must stipulate the exact information to be released and the reason for the request. Upon release of said information a copy of the request is to be placed in the student's folder.
  3. Any person who has reached eighteen years of age may sign for the release of his or her own records.

#### Transfer of Cumulative Records

- When a student transfers to any other school within the State of Delaware, the receiving school shall immediately request a transfer of the student's Cumulative Record. The original Cumulative Record shall follow each student (this includes files for students with disabilities and the discipline records housed within the office of the Administrator of Student Services). It is the school's responsibility to request the discipline records from the Administrator of Student Services.
- When a student transfers to any other school outside the State of Delaware, the Cumulative Record is copied. The original is maintained within the Guidance Office unless the student is a special education student. In these instances, the file will be forwarded to the Special Education Coordinator and retained for 3 years.

#### Inactive Cumulative Records

Upon termination of the pupil's formal education in the system because of graduation, withdrawal, drop out or death, the Cumulative Record is retained at the school through the end of the current school year and forwarded to Archives (unless the student is a special education student. In these instances, the file will be forwarded to the Special Education Coordinator and retained for 3 years.)

Adopted 3/27/90

Revised 5/25/04, 1/26/15, 12/21/20, 1/24/22