

OLDHAM COUNTY BOARD OF EDUCATION POLICY

STUDENT RECORDS

9040

References: KRS 61.870-61.884; Family Education Rights and Privacy Act; 34 CFR §99.30, et seq.; Elementary and Secondary Education Act 20 U.S.C. § 7908 as amended by the Every Student Succeeds Act of 2015; Protection of Pupil Rights Amendment
Relates to: 9040F

9040.01 ANNUAL NOTIFICATION OF PARENTS AND STUDENT RIGHTS

The Board shall, through the news media, provide notification annually to the parents of students, or the students, if they are eighteen years of age or older or emancipated (“eligible students”), of the rights to inspect and review any and all official records, files and data directly related to their child or to the eligible student. Additional notice may be given by schools individually, or by published notification in the student handbook, school catalog, school newspaper, or posted on the bulletin board.

Provisions for non-English speaking parents, to obtain interpretation of the act shall, upon request, be provided by the Superintendent.

A copy of the adopted policy for this act may be obtained in the office of the Superintendent of Schools or in the Principal's office of any Oldham County School.

9040.02 INSPECTION AND REVIEW OF RECORDS

1. The right to inspect and review educational records includes:
 - (a) A reasonable request for explanations and interpretations of records by those eligible to review records.
 - (b) The right to request copies of the record from the educational agency if the failure of the educational institution to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the educational records.
 - (c) The right of either parent of the student to inspect and review the educational records of their student unless the educational agency has been provided with evidence that an instrument, or a state law or court order governing such matters as divorce, separation or custody, which provides to the contrary.
2. A request to review or inspect the records of a pupil currently in attendance or who has attended an Oldham County School shall be submitted in writing to the Principal of the school in which the student is enrolled or has been enrolled.
3. The principal shall reply to the request and the response shall specify the procedure, place and time the review and inspection is to take place. The review and inspection shall take place no later than 45 days after the request is received.
4. The right to review and inspect does not include the right to obtain copies. Request for copies of records may be denied. If the educational records of a student contain information on more than one student, the parent of the student or the eligible student may inspect and review or be informed of only the specific information which pertains to that student.
5. Persons wishing to inspect or review records must have an adequate means of identification such as driver's license or another picture identification card.

9040.03 FEES FOR COPIES OF EDUCATIONAL RECORDS

1. Copies of student records who transferred to another school district shall be sent free upon request of the district or school which receives that transferring student.
2. Upon request, one copy of student records shall be sent to post-secondary educational institutions, first employer or vocational school free of charge.
3. Copies of records provided other than stated in this section, item 1 and 2 will be at a cost of 25 cents per page.

9040.04 TYPES OF EDUCATIONAL RECORDS AVAILABLE AND LOCATION

1. Student information available for inspection and review is included in a cumulative student record which has current information regarding the progress and growth of individual students as they go through school, including personal identifying data; selected family data; selected physical, health and sensory data; standardized test data; membership and attendance data; and school performance data.
2. Records may be reviewed in the director, program planner, or principal's office of the school or center in which the student is currently enrolled. The request shall be made to the principal and the schools' addresses are as follows:

Buckner Elementary, 4307 Brown Blvd., La Grange, KY 40031
Camden Station Elementary, 6401 W. Highway 146, Crestwood, Kentucky 40014
Centerfield Elementary, 4512 Centerfield Road, Crestwood, Kentucky 40014
Crestwood Elementary, 6500 W. Highway 146, Crestwood, Kentucky 40014
Goshen Elementary, 12518 Ridgemoor Drive, Prospect, KY 40059

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Harmony Elementary, 1901 S. Highway 1793, Goshen, KY 40026
Kenwood Station Elementary, 6321 Veteran's Memorial Parkway, Crestwood, KY 40014
LaGrange Elementary, 500 W. Jefferson, La Grange, Kentucky 40031
Liberty Elementary, Department of Pupil Personnel, 6165 W. Highway 146, Crestwood, KY 40014
Locust Grove Elementary, 1231 East Highway 22, Crestwood, KY 40014
East Oldham Middle School, 1201 E. Highway 22, Crestwood, KY 40014
Oldham County Middle School, 4305 Browns Blvd., La Grange, KY 40031
North Oldham Middle School, 1801 S. Highway 1793, Goshen, Kentucky 40026
South Oldham Middle School, 6403 W. Highway 146, Crestwood, Kentucky 40014
North Oldham High School, 1815 S. Highway 1793, Goshen, Kentucky 40026
Oldham County High School, 1150 North Highway 393, La Grange, Kentucky 40031
South Oldham High School, 5901 Veteran's Memorial Parkway, Crestwood, Kentucky 40014
Buckner Alternative High School, 1350 North Highway 393, La Grange, Kentucky 40031
Oldham County Pre-School Center, 4309 Brown Blvd., La Grange, KY 40031
The Arvin Center, 1650 Colonels Drive, LaGrange, Kentucky 40031

3. Students attending or graduating from Oldham County Schools before 1954 may obtain records information from the Central Office, Director of Pupil Personnel, 6165 W. Highway 146, Crestwood, Kentucky.
4. Those students attending or graduating from the Oldham County High School after 1953 may obtain records information from the Guidance office at the Oldham County High School.
5. Graduates of all other high schools may obtain records from the Guidance office at the appropriate school.

9040.05 ORGANIZATIONS AND PERSONS ELIGIBLE TO REVIEW RECORDS

The Board may permit disclosure of student records without written consent of the parent of the student or the eligible student:

1. To other school officials, including teachers, certified and classified administrators, school resource officers and school security officers, the district's attorneys, software providers approved by the district to perform functions normally performed by district employees, and others who have been determined by the district to have a legitimate educational interest because the information is necessary to support any aspect of the student's educational program or for the school official to perform his or her duties;
2. To officials of another school or school system or postsecondary school in which the student seeks or intends to enroll;
3. To military recruiters when name, address and phone numbers are requested;
4. To authorized representatives of the Federal Government;
5. To state and local officials or authorities to whom information is specifically allowed to be reported or disclosed pursuant to State law;
6. If the disclosure is in connection with financial aid to attend an educational agency or institution for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine the eligibility for the aid, the amount of the aid, the conditions for the aid, or to enforce terms and conditions of the aid.
7. To accrediting organizations in order to carry out their accrediting functions;
8. To comply with a judicial order or lawfully issued subpoena after reasonable effort has been made to notify the parent(s) or eligible student in advance of compliance, unless the court orders that the existence of the subpoena need not be disclosed;
9. To appropriate parties in a health or safety emergency as determined by the Superintendent; or
10. If the disclosure is information designed by the Board as "directory information".

9040.06 RECORDS RELEASE TO JUVENILE JUSTICE SYSTEM

Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense, schools shall provide all records specifically requested in writing, and pertaining to that child to any agency that is listed as part of Kentucky's juvenile justice system in KRS 17.125 if the purpose of the release is to provide the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to

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any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

9040.07 CONFIDENTIALITY OF STUDENT RECORDS

The Board of Education shall maintain the confidentiality of student records in compliance with the Family Education Rights and Privacy Act, the Kentucky Family Education Rights and Privacy Act (KRS 160.700 et seq.), the Protection of Pupil Rights Amendment, the Health Insurance Privacy and Accountability Act (HIPPA) to the extent applicable, the Individuals with Disabilities Education Act (IDEA) to the extent applicable and all other applicable federal and state laws and regulations governing student records. The following provisions of OCBE Policy 9040 and the provisions of OCBE Policy 1032 shall apply to student records maintained by the Board of Education.

9040.08 DIRECTORY INFORMATION AND CONDITIONS FOR DISCLOSURE

Personally, identifiable information which the Board designates as directory information includes; student's name, age, place of birth, schools attended, grade level, participation in school sports and activities, photograph/picture, height and weight of members of athletic team, dates of attendance, awards, honors, and academic achievement. Directory information may be disclosed without prior notification to the parent. The parent of the student or the eligible student objecting to disclosure of directory information must inform the principal of the student's school in writing within 2 weeks of the first day of the school year; including what personally identifiable information the school is prohibited from disclosing. The Board does not permit release of any complete list of students, faculty or staff directories.

9040.09 DISCLOSURE OF RECORDS INFORMATION IN HEALTH AND SAFETY EMERGENCIES

An Oldham County School may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individual.

The determining factors considered for released information are:

- (a) The seriousness of the threat to the health or safety of the student or other individuals;
- (b) The need for the information to meet the emergency; which the parties to whom the information is disclosed are in a position to deal with the emergency; and
- (c) The extent to which time is of the essence in dealing with the emergency.

9040.10 DISCLOSURE RECORDS MAINTAINED

The Oldham County Schools shall maintain a record of each third-party request and each disclosure of personally identifiable information from the records of a student. The record maintained shall indicate:

1. The parties who have requested or obtained the records or personally identifiable information from the education records of the student and the specific reason these parties had in requesting or obtaining the information.
2. The record of disclosures may be inspected:
 - (a) By the parent of the student or the eligible student,
 - (b) By the school official and his or her assistants who are responsible for the custody of the records, and
 - (c) For the purpose of auditing the record keeping procedure of the educational agency or institution by the parties authorized in, and under the conditions set forth on 9040.06 (organizations and persons eligible to review records).

9040.11 LIMITATIONS ON REDISCLOSURES

1. The Oldham County Schools shall disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student and the personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purpose for which the disclosure was made.
2. The school releasing information shall inform the party to whom a disclosure is made of the requirement set forth in item "a", of this section.

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9040.12 AMENDMENT OF EDUCATION RECORDS

1. The parent of a student or an eligible student who believes that information contained in the education records of the students is inaccurate or misleading or violates the privacy or other rights of the student may request that the records be amended.
2. A teacher or school administrator may request that an education record of a student be amended in order to correct the information contained therein, to conform the information to district or school policies, or to add distinctions or designations earned by the student.
3. The principal at each school shall have sole authority for modifying the education records of students attending his or her school. The principal may designate the responsibility for amending records to a member of his or her staff. However, all changes and requests for amendment must be approved by the principal.
4. Any request to amend an education record shall be made in writing to the school principal, and shall clearly identify the portion of the record to which the request applies, and the reason for the request.
5. The principal shall decide whether the requested amendment to the education records of the student is warranted within a reasonable period of time after receipt of the request and shall notify the requesting party of his or her decision.
6. If the principal determines that the requested amendment to the education records of the student is not warranted, the principal shall so inform the requesting party in writing of his or her determination. If the request was made by a parent or eligible student, the principal shall also advise the parent or the eligible student in writing of the right to a hearing.

9040.13 REQUEST FOR A HEARING

The Oldham County Schools shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to ensure that information in the education records of the student is not inaccurate or misleading.

9040.14 CONDUCT OF THE HEARING

1. The hearing shall be conducted within the following procedures:
2. The hearing shall be held within a reasonable period of time after the educational agency or institution has denied the request, and the parent of the student or the eligible student shall be given notice of the date, place and time of the hearing in advance;
3. The hearing shall be conducted by an official of the central office as designated by the Superintendent who does not have a direct interest in the outcome of the hearing;
4. The Parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted, be represented by individuals of his or her choice at his or her own expense, including an attorney, be permitted to tape record the hearing if they so choose.
5. The official of the school involved shall make its decision in writing within a reasonable period of time after the conclusion of the hearing; and the decision of the school official shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
6. If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.
7. If, as a result of the hearing, the school official decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the school official.
8. Any explanation placed in the education records of the student under this section shall:
 - (a) Be maintained by the school as part of the education records of the student as long as the record or contested portion thereof is maintained by the school and
 - (b) If the education records of the student or the contested portion thereof is disclosed by the educational agency or institution to any party, the explanation shall also be disclosed to that party.

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9040.15 STUDENT RECORDS MAINTENANCE, RETENTION AND DISPOSAL

Student records shall be maintained pursuant to State regulations as pursuant to Board Policy 1032.

9040.16

Retention and disposal of student records shall be determined by the Model Public School District schedule set forth in the General Agreement by the Board and the State Archives and Records Commission as partially outlined in Board Policy 1032.

9040.17 HEALTH RECORDS

Each elementary and secondary school shall initiate a cumulative health record for each pupil entering school. Such record shall be maintained throughout the pupil's attendance. Such record shall be uniform and shall include screening tests related to growth and development, vision and hearing; teacher observation of general appearance and behavior; and findings and recommendations of physician and dentist including immunization record. A follow-up by the proper health or school authorities shall be made on each defect noted and the result recorded. This information will be safeguarded according to applicable health requirements of the Insurance Profitability and Accountability Act of 1996.

9040.18 RIGHT TO FILE A COMPLAINT

The parent of a student or an eligible student has the right to file a complaint with the U.S. Department of Education if they believe that the Board has failed to comply with the above provisions of the Federal Education Rights and Privacy Act. Complaints should be addressed to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
202-260-3887