

## **STUDENT RECORDS – ADMINISTRATIVE RULE**

Code **JRA-R** Revised **10/18**

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### **General provisions**

A student's "education records" are those records directly related to a student and maintained by the school district or a party acting for the school district.

"Parent" refers to a parent, a legal guardian, a person acting as a parent, a surrogate appointed in accordance with laws regulating programs for disabled students or a student who is 18 years of age or over, or a student who is attending an institution of postsecondary education on a full-time basis.

"Written consent" as used in this policy and administrative rule includes signed and dated written consent in electronic format that does the following.

- identifies and then indicates a particular person as the source of the electronic consent
- indicates the person's approval of the information in the electronic consent

Whenever a student is 18 or is attending an institution of postsecondary education, the rights accorded to and the consent required of the parent of the student will thereafter only be accorded to and required of the eligible student unless the school district has received notice that a court has awarded legal guardianship beyond the age of majority or the student is dependent on the parent/legal guardian for support and is claimed as dependent for tax purposes under the Internal Revenue Code. The school will document such notice.

In maintaining student records, the schools will follow applicable state and federal laws and regulations.

### **Location of the student records**

The school or the district records office (if a student is no longer enrolled) will maintain a cumulative record folder that contains directory information, scholastic information, standardized test data, health records, discipline records and other information. This cumulative record will include, but not be limited to, the following information:

- name (last, first and middle), also the preferred name (nickname)
- date of birth (verified) along with the sex and ethnic background
- address and telephone number
- names of parents and/or legal guardians
- health record, including surveys for vision, speech and hearing
- standardized test scores
- attendance and scholarship record card
- special services contact report
- reading and mathematics continual record
- appropriate correspondence with parents
- discipline records

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- criminal record (if convicted of certain crimes)
- incident reports relating to charges for certain offenses outlined in the Juvenile Justice Code, and relating to other offenses if requested by the principal
- other information in the form of notice by a law enforcement agency that a child has been charged with an offense as outlined in the Juvenile Justice Code, or upon final disposition of a case as outlined in the code.

Except as provided in paragraph 4 of this section, the district maintains copies of psychological reports and related records if the district has given psychological evaluations to the student as follows:

- in the office of special services
- in the student's school in a file especially for psychological reports

The appropriate personnel in the district office and/or the appropriate school will keep records concerning students who have had administrative hearings.

Once a student graduates, the district files the student's records in the high school. If a student drops out of school before graduation, the school will file his/her records for five years and then transfer the records to the district's central location for record storage.

### **Directory information**

Schools will treat each student's education records as confidential and primarily for local school use. The exception to this rule is for directory information, which includes the following information about a student:

- name
- address
- telephone number
- date and place of birth
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- dates of attendance
- diploma or certificate and awards received
- electronic mail address
- photographs, digital images, images on videotape and other electronic images (as related to school-sponsored or district-sponsored events, activities and special recognitions)
- grade level
- most recent previous educational agency or institution attended by the student
- other similar information which may appear in newspaper articles, on television, in radio broadcasts, on displays, on the world wide web or in district or school promotional pieces.

The district will not release directory information to any person or agency for commercial use. The district expects its employees to use good judgment in releasing directory information so it serves the best interests of the student.

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Within 15 days after the annual distribution of notification of privacy rights, the parent of the student or the eligible and currently enrolled student has the right to refuse to permit the designation of any or all of the categories of personally identifiable information as directory information. The parent/eligible student's notification must be in writing. The written notification will become part of the student's education record. The principal of the school the student is attending is responsible for notifying appropriate personnel of the request, filing the request in the student's cumulative folder and marking the folder as specified by the superintendent or his/her designee.

This notification of privacy will include notice to parents that military recruiters are entitled to some student directory information and that parents have the right to deny this access. Parent must complete JRA-E on an annual basis to deny military access to student information.

### **Release of school records**

The Family Education and Privacy Act of 1974 requires the following procedures in the release of school records.

- The district cannot release school records to any person or agency (employer, government agency, etc.) without the written consent of a student's parent. If the student is 18 years of age, he/she may sign for the release of his/her records.
- The district will release school records without prior written consent of parent or eligible student, to officials of other educational institutions in which the student seeks or intends to enroll. The school will notify the student's parent of the transfer only if he/she has requested this exception to the district's policy.

The USA PATRIOT Act authorizes the district to release student records without parental consent to federal law enforcement officials in some circumstances relevant to a terrorism investigation.

### **Records made by an employee**

A school district employee's personal records on a student are not part of the student's education records as long as that person keeps the notes solely for his/her own use and maintains them separately from the school files.

A substitute who performs the employee's duties on a temporary basis may use these personal records. However, the employee may not pass the records on to a successor.

### **Management of records**

The district will protect the confidentiality of personally identifiable data on children during collection, storage, disclosure and destruction.

School district personnel, school psychologist under contract with the school district and other eligible state and federal employees who need the records to carry out their assigned

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duties and who have a legitimate educational interest will have access to or may receive information from the education records. The superintendent will maintain a current list of such individuals. The district will also give access to parents and eligible students as provided below.

The appropriate administrative head of each group collecting or using personally identifiable information will give instruction regarding these regulations to the group.

### **Students transferring to another school**

When a student transfers to another public or private school, the school will send the student's permanent school records, including incident reports relating to charges for certain offenses outlined in law and the discipline record of suspensions and expulsions, to the receiving school and notify the parent of the transfer.

Schools must transfer these records as soon as possible, but no later than 10 business days, upon receiving the written request from the school to which the student is transferring. Schools may not withhold the transfer of records to a school for fees owed by the student.

### **Disclosure (except for directory information)**

The school district has the right to 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 immediately necessary to protect the health or safety of the student or other individuals.

The school will require a written request or consent from a parent or eligible student for each act of release of information. Blanket authorization for release of information is not permissible. Written requests or consent will include the types of information to be released, the purpose(s) for the disclosure, the parties or class of parties to whom the disclosure may be made, the date signed and the signature of the parent or eligible student.

The district will not require prior consent for disclosure when state and federal officials request the information as authorized by statutes or regulations implementing statutes.

The district will not require prior consent to disclose information to organizations conducting studies for, or on behalf of, the district for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instruction as long as students and/or their parents are not personally identified and the records are destroyed when no longer needed for the prescribed purpose.

The district will not require prior consent when disclosing information to accrediting organizations in order for them to carry out their accrediting functions.

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The district will not require prior consent when disclosing information in order for the school district to comply with a request from a judicial order, a lawfully issued subpoena, or a family court judge or his/her duly authorized representative acting in an official capacity.

Except as provided elsewhere in this administrative rule, the school district will keep a record of disclosures not authorized by the parent, eligible student or this administrative rule.

The student's cumulative folder will provide the following information:

- name of the party receiving the information
- data released
- legitimate purpose for which the data was requested.

On the same day, the person releasing the information must mail written notification of the above to the parent or eligible student at the last known address if there is no evidence that the parent or eligible student is aware of the release of the information.

### **Students in foster care**

Upon enrollment of a child in foster care, the Department of Social Services (DSS) will provide a copy of the court order to the school district for inclusion in the student's records.

The district will request school records of a student in foster care within two days of placement into a school and will transfer records within two days of receiving a request for school records of a student in foster care.

The district may permit an authorized representative of DSS to have access to the records of a child in foster care for the purpose of fulfilling educational case management responsibilities required by law and to assist with the school transfer or placement of the child.

### **Annual notification of rights**

Each school will distribute annual notice of privacy rights to parents and eligible students in attendance at the time of notification.

### **Request for inspection**

Anyone who wants to inspect the records must make the request for inspection (or an explanation or interpretation) of a student's record to the principal of the school in which the student is enrolled or where the record is housed.

Principals or designated district office administrators will set a time and place for the inspection of such records within a reasonable period of time, but in no case more than 45 days after the request has been made. If a hearing concerning the student is pending, the employee will honor the request for inspection of the student's record prior to the hearing.

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At the inspection, the principal will have appropriate personnel available to interpret information on the records.

The school district is responsible for the maintenance of each student's record. Therefore, school personnel are not to turn the original record or microfilmed copy of a record over to any person or organization unless they have a specific, written judicial order for such action.

If the parent or eligible student believes that the information in the education record is inaccurate, misleading or violates the privacy or other rights of the student, he/she can request an amendment to the record. The school official receiving the request will either amend the record, if appropriate, or notify the parent or eligible student within 15 working days in writing that the request is denied and that he/she has the right to request a hearing as provided below.

Each parent of a child has the right to inspect and review the child's record unless the school district has written evidence that there is a legally binding instrument or a court order governing such matters as divorce, separation or custody which provides to the contrary. The same applies to parental requests for disclosure to other individuals and to organizations.

A parent or an eligible student has the right to give written authorization for a representative to inspect and review the education records of the student.

### **Hearings to challenge information in students' records**

Parents or eligible students will make requests for hearings to the principal where the record is housed. The principal or his/her designee may conduct the hearing.

Principals or administrators will set a date, time and place for the hearing and notify the requester in writing of the date, time and place. The principal will establish the hearing date within five working days of receipt of the request. The principal must mail written notice of the hearing to the parent or eligible student at least 10 days prior to the hearing.

A school district official who does not have a direct interest in the outcome will conduct the hearing.

At the hearing, the principal or administrator will try to have present the person who has entered the information in question if the person is known and reasonably available. The parent or student who requested the hearing will have the right to question that person if present and be able to show evidence that would correct inaccurate, misleading or otherwise inappropriate information. Such evidence will become a permanent part of the student's record.

The parent of the student or the eligible student will have a full and fair opportunity to present relevant evidence, and may be assisted or represented at their expense by legal counsel.

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If, as a result of the hearing, the school district decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it will inform the parent or eligible student in writing that he/she has the right to place in the education record a statement commenting upon the information in the record and/or setting forth any reasons for disagreeing with the decision. Any such statement must remain with the record as long as the contested portion remains in the record. Disclosure of the contested portion must include the statement of the parent or eligible student.

The school district will send its decision (including a summary of the evidence), the reasons for the decision and the right to a judicial appeal in writing to the parent or eligible student within five working days after the conclusion of the hearing. The school district will base its decision solely on evidence.

### **Destruction of education records**

The school district may destroy data that are no longer needed for providing direct educational services as long as the following conditions apply:

- There is no outstanding request to inspect and review the education record.
- The district keeps the record of disclosures as long as it maintains the education record to which it relates.
- The data do not concern the referral, evaluation, staffing and placement of a disabled student or a student suspected at one time of having a disability. Such data will be sent to the office of programs for the disabled when no longer need for providing direct educational services to a student.

No one may remove the following items from a student's cumulative record at any time:

- name (last, first and middle), also the preferred name (nickname)
- date of birth (verified), along with the sex and ethnic background
- address and telephone number
- names of parents
- health record, including surveys for vision, speech and hearing
- standardized test scores
- end-of-year assessment scores
- attendance and scholarship record card

Special service contact report is to be removed from a student's cumulative record at the end of five years if the student is not enrolled in a special program. The curriculum coordinator or guidance counselor will remove this record. The continual reading and mathematics records K through eight are to be removed and made a part of the record keeping system to be in force for grades nine through 12. Correspondence with parents should be reevaluated and thrown away after five years. Any materials relating to a child's preschool and kindergarten experiences should be discarded after second grade.

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### **Record provided by the department of Juvenile justice**

A person's juvenile criminal record must be provided by the department of juvenile justice to the principal of the school which the juvenile is eligible to attend immediately upon the person's release from the department of juvenile justice.

The principal will ensure that the student's juvenile criminal record is maintained in the school disciplinary file or other such confidential location. Access to the record will be restricted to school personnel having need for such information in order to adequately address the educational needs of the student.

These records must be destroyed upon the student's completion of secondary school or upon reaching 21 years of age.

### **Fingerprint records**

In accordance with law, the county will provide each school in the county with the form and ink pads necessary to record each student's fingerprints in kindergarten through grade 12.

The district schools with the assistance of the State Law Enforcement Division and/or local law enforcement agencies will fingerprint school children in kindergarten and grades one through 12 when the parent of a child requests in writing that his/her child be fingerprinted for identification purposes for the child's protection.

The school will give the fingerprints to the student's parents.

### **The Family Educational Rights and Privacy Act Office**

Parents/Legal guardians and eligible students have the right to file written complaints concerning alleged violations of the Family Educational Rights and Privacy Act. Written complaints should be sent to the following address:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-4605

This office has the responsibility for investigating, processing and reviewing alleged violations. This office will refer appropriate cases to a review board for adjudication.

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