

It will be the policy of the Cherokee County Board of Education to protect the confidentiality of personally-identifiable information in student educational records in compliance with the Federal Government's Family Educational Rights and Privacy Act (FERPA). FERPA applies to directory information authorized for release in writing by the parent, legal guardian or eligible student, pursuant to valid subpoena or judicial order after written notification to the parent, legal guardian or eligible student, or as otherwise specified by State or Federal Law. The School District will annually notify all students and parents of their FERPA rights, including the right of the parent, legal guardian or eligible student to access their child's/their educational records as provided below in this Policy.

STUDENT EDUCATIONAL RECORDS

Definition

A. Educational Records:

Any record, file, document or other material that contains information directly related to a student and that is maintained by the School District or a person acting on behalf of a School District. 20 U.S.C. § 1232g(a)(4)(A). Possible exclusions to educational records are discussed in 20 U.S.C. § 1232g(a)(4)(B).

B. Confidentiality:

Information which is part of the educational record of a student will be held in strict confidence. The School District will use reasonable methods to ensure that school officials obtain access to only those educational records in which they have legitimate educational interests.

Challenging Content of Student Educational Records

A parent, legal guardian or eligible student may challenge the contents of their/their child's educational records as defined above and request corrections if entries on the educational records are believed to be inaccurate, misleading, or otherwise in violation of the privacy rights of the student. 34 CFR § 99.20(a). A request to correct a student educational record must clearly identify the part of the educational record in question; and specify why the educational record is believed to be inaccurate, misleading or a violation of the student's privacy.

- A.** If the parent, legal guardian or eligible student wishes to challenge the educational record, a request must be submitted in writing to the Principal of the school in which the student is or has been enrolled. The Principal or his/her designee will investigate the complaint and endeavor to settle the matter.
- B.** If the Principal or his/her designee cannot settle the matter at the school level, the parent, legal guardian or eligible student may request a second review by the Chief

Operations Officer (COO) or his/her designee. The requesting party must submit a request in writing to the COO. The COO or his/her designee will determine if the educational records are inaccurate, misleading, or contain information that violates the student's privacy rights.

- C. If the conflict cannot be resolved by the COO or his/her designee, the parent, guardian or eligible student will be informed that he/she may request a hearing before a Review Board. The requesting party must submit a request in writing to the Superintendent for a hearing by a Review Board. This hearing will be held within 20 days of the Superintendent receiving the request. The Superintendent will determine the appropriate personnel to review the matter consisting of no less than three Review Board members.
 - 1. The decision of the Review Board will be provided in writing to the parent, legal guardian or eligible student no more than 10 school days after the date of the hearing.
 - 2. If the parent, legal guardian or eligible student disagrees with the Review Board's decision, they may provide a written statement which will be placed in the student's educational record stating the reasons for disagreement. This statement will be maintained as long as the educational record is maintained and will be disclosed when the school or School District discloses the portion of the record to which the statement relates.

Procedures for Accessing Student Educational Records

The following procedures will be used for permitting access to student educational records and any other confidential information pursuant to FERPA:

A. Parent/Guardian/Eligible Student Access:

A parent, legal guardian or eligible student will be given access to their/their student's educational records.

- 1. Instructional materials intended for use, current grade reports and attendance records will be made available for inspection within three business days or as otherwise provided by law.
- 2. All other educational records may be inspected by the requesting parent within a reasonable length of time after the request, but no later than 45 calendar days after the written request.
- 3. Requests for interpretation of psychological reports must be made through the School District's Special Education Department.

B. Student Access:

All access rights provided to parents and/or legal guardians become the student's once the student has reached age 18 or has commenced study at a postsecondary education institution. At age 18, the student has the right to access his/her educational records and the right to prevent access by his/her parents.

C. Non-Custodial Parent Access:

Parents who are not the physical or legal custodian of a minor student, or who do not have primary physical or legal custody, may have access to the student's educational records and information if his/her parental rights are not terminated or his/her rights to access to educational records and information has not been restricted in some manner by legal authority. In these cases, the school may contact the primary physical and legal custodian to inform the parent of the request.

D. Disclosure to Individuals/Agencies Other than Parents/Guardians/Eligible Students/Non-Custodial Parents:

A correctly executed written request and/or release from the parent, legal guardian or eligible student or a lawfully issued and enforceable Court Order or subpoena is generally required prior to the release of student educational records to any agency or individual other than the parent, legal guardian and/or eligible student. However, should emergency situations arise where it is necessary to protect the health or safety of the student or other individuals, the School District may release personally identifiable information to a third party without prior written consent from the parent/guardian/eligible student.

E. Transcript Charges:

1. The School District will provide one copy of a student's educational record without charge.
2. The School District will charge a per page fee for copies of a student's educational record released to third- parties and for additional copies of educational records that have been previously provided to the parent, legal guardian and/or eligible student. If an educational record is requested by a student's current medical or educational service, by another school or government agency, Guardian Ad Litem, Court Appointed Special Advocate (CASA), or pursuant to court order or subpoena, the School District may waive the per page fee for provision of copies of educational records.

Release of Information without Written Consent

Records may be released without prior written consent if the disclosure is permitted by applicable law, such as one or more of the following conditions:

- A.** To other school officials, including teachers, who have a legitimate educational interest. A school official is: 1) A person employed by the School District as an administrator, supervisor, instructor or support staff member; 2) A person elected to the Cherokee County Board of Education; 3) A school or School District approved volunteer, or a person employed by or under contract to the School District to perform a special task; including, but not limited to: an attorney, auditor, medical consultant, psychologist, therapist or insurance adjuster. These individuals perform a service or function for which the schools or School District would otherwise use employees; are under the direct control of the school or School District with respect to the use and maintenance of an educational record; and may

receive information only on the condition that he/she will not disclose the information to any other party without prior consent of the parent/guardian/eligible student. A school official has a legitimate educational interest if the official is: 1) Performing a task that is specified in his/her job description or by a contract agreement; 2) Performing a task related to a student's education; 3) Performing a task related to the discipline of a student; 4) Providing a service or benefit relating to the student or student's family, health care, counseling, or job placement; including, but not limited to: an attorney, auditor, medical consultant, therapist, or insurance adjuster.

- B.** To officials of another K-12 school or school system, where the student seeks or intends to enroll for purposes related to the student's enrollment or transfer.
- C.** To officials of a post-secondary institution, where the student seeks or intends to enroll for purposes related to the student's enrollment or transfer. Upon a request from a post-secondary institution or its designated official(s), the School District reports any school misconduct that results in a long term out of school suspension (more than 9 consecutive school days), expulsion for more than nine consecutive school days, or an assignment to an alternative program/school. (Note: The School District expects all students to model a high level of citizenship and responsibility. Therefore, when students are asked on college applications about disciplinary actions during their high school years, students are expected to answer truthfully and completely.)
- D.** Pursuant to any judicially imposed procedure, court order or subpoena. However, educational records should not be released until a reasonable effort has been made to notify the parent, legal guardian or student (18 years of age or older) that the record has been requested, except if:
 - 1. a party is seeking or receiving educational records as directed by a Federal Grand Jury or other law enforcement subpoena if the issuing court or agency has ordered that the existence of the contents of the subpoena or the information furnished in response to the subpoena not be disclosed); or,
 - 2. a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding.

Maintaining Student Educational Records

The School District will maintain copies of all student educational records for the minimum period of time as required by the State of Georgia the Common Records Schedules for School Systems and/or the School District's records retention plan.

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REVISED: July 21, 2022

Cherokee County Board of Education