

Records

RECORD OF ACCESS

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Model operating procedures created by



Student Solutions

and

**Thompson
& Horton** LLP
ATTORNEYS | COUNSELORS

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Record of Access

What is Required

The District must maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student. See [PARENT OR ELIGIBLE STUDENT ACCESS TO EDUCATION RECORDS]. The record of access should include a listing of authorities, officials, and agencies that may make further disclosures of the student's education records in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. See [REDISCLASURE OF INFORMATION].

Required Entries

For each request or disclosure, the record of access must include:

- The name of the person or agency accessing the records;
- The purpose for which the party is authorized to use the records; and
- The date access was given.

If the District discloses personally identifiable information from an education record as permitted for redisclosure of information, the record of access must include the names of the additional parties to which the receiving party may disclose the information on behalf of the District. See [REDISCLASURE OF INFORMATION]. Likewise, it must include the legitimate interests that each of the additional parties has in requesting or obtaining the information. See [WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION]. This does not apply when a record of access is maintained by a state or local educational authority or federal official or agency who has access to records for auditing purposes.

When the District discloses personally identifiable information from education records under the health or safety emergency exception, it must record the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure, as well as the parties to whom the District disclosed the information. See [WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION].

Other Government Agencies' Records of Access

If a state or local educational authority or federal official or agency that has access to education records in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs, makes further disclosures of information from education records, the auditing authority, official, or agency must record the names of the additional parties to which it discloses information on behalf of the District. See [REDISCLASURE OF INFORMATION]. The auditing authority, official, or agency must also record the parties' legitimate interest in the information if the information was received from the District that has not recorded the further disclosures as part of its record of access entries or from another state or local educational authority or federal official or agency for audit purposes. See [WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION].

The auditing authority, official, or agency may maintain the record of access by the student's class, school, District, or other appropriate grouping, rather than by the student's name. Upon request by the District, the auditing authority, official, or agency that maintains the record of access of further disclosures must provide a copy of the record of access of further disclosures to the District within a reasonable period of time—not to exceed 30 days.

Upon request from a parent or eligible student to review the student's record of disclosure, the District must obtain a copy of the record of further disclosures to be maintained by the state or local educational authority or federal official or agency and make it available in response to a parent's or eligible student's request to review the student's record of disclosures.

Parties Not Required to Be Entered on the Record of Access

The following parties requesting or obtaining access to the student's education record do not have to be entered on the record of access:

- The parent or eligible student;
- A school official whom the agency or institution has determined to have a legitimate educational interest;
- A party with written consent from the parent or eligible student;
- A party seeking directory information, see [DISCLOSURE OF DIRECTORY INFORMATION]; or
- A party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency

has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

Retention and Inspection of Record of Access

The District is required to maintain the record of access with the education records of the student for as long as the records are maintained by the District. A record of access for disclosure of personally identifiable information to a juvenile service provider must be maintained for seven (7) years from the date of disclosure. See [WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION].

Additionally, the following parties may inspect the record of access:

- The parent or eligible student;
- Campus Administration or Personnel who are responsible for the custody of the records; and
- For the purposes of auditing the recordkeeping procedures of the District, Campus Administration and Personnel, including teachers whom the District has determined have legitimate educational interests, and authorized representatives from the Comptroller General of the United States, the Attorney General of the United States, the United States Security of Education, or state and local educational authorities.

Additional Procedures

Access to Records by Third Parties

Any disclosure of a student's personally identifiable information, other than to parents, eligible students, and appropriate individuals as listed above, will be recorded. This record will indicate the party who requested such disclosure and their interest in such disclosure, including name, date of access, and the purpose for which the person is authorized to use the records. This Record of Disclosure or Access Log will be available for inspection by parents and eligible students, officials responsible for such records, and appropriate federal and state officials for audit purposes.

Maintenance of Access Record

The record of access to document any person other than District and Campus Administration and Personnel with a legitimate educational interest should be kept in the

student's audit folder.

Recording Access to Computer Copies

Should the District maintain both computer and hard copies of a student's education records, as is commonly done for IEPs, for example, access does not need to be recorded twice if the same party views both the computerized and hard copy version of the record on the same occasion. However, access must be recorded if the party examines only the computer version of the record without viewing the hard copy.

[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE]

Evidence of Implementation

- Record of Access Maintained by District
- Record of Access Maintained by Other Party
- Access to Inspect Record of Access
- [DISTRICT FORMS]

Resources

[The Legal Framework for the Child-Centered Special Education Process: Record of Access - Region 18](#)

[FERPA for School Officials Guidance and Notices - U.S. Department of Education](#)

[Model Notification of Rights under FERPA for Elementary and Secondary Schools - U.S. Department of Education](#)

[Model Notification of Rights under FERPA for Postsecondary Institutions - U.S. Department of Education](#)

[ADDITIONAL DISTRICT RESOURCES]

CITATIONS

Board Policy FL; 34 CFR 99.31–99.33, 99.35–99.36, 300.614; Texas Family Code 58.0051(c)