

STUDENT RECORDS/RELEASE OF INFORMATION ON STUDENTS

In recognition of the confidential nature of student education records, no person or agency may access student education records without prior written consent from the student's parent/guardian or the eligible student, except as set forth in law and this policy.

The superintendent or designee shall provide for the proper administration of student records in accordance with law, including the implementation of safeguard measures or procedures regarding access to and disclosure of student education records.

Content and Custody of Records/Information

Student education records in all formats and media, including photographic and electronic, may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns; and any individual education program (IEP).

Student education records do not include records maintained by a law enforcement unit of the school or district that are created by that unit for the purpose of law enforcement.

Nothing in this policy shall prevent employees from disclosing information derived from personal knowledge or observation and not derived from a student's education records.

School employees who share disciplinary and attendance information concerning a student pursuant to this policy are immune from civil and criminal liability if they act in good faith compliance with state law.

All requests for inspection and review of student education records and requests for copies of such records, as well as disclosure of personally identifiable information except as provided by law, shall be maintained as a part of each student's record.

School employees shall use reasonable methods to authenticate the identity of parents/guardians, students, school officials, and any other party to whom they disclose student education records. Authentication of identity prior to disclosure of electronic records through passwords or other security measures shall be required.

The principal is the official custodian of student records in their building.

Access to Records by Parent/Legal Guardian/Custodian of Record and Eligible Students

A parent/legal guardian/custodian of record ("parent") has the right to inspect and review their child's education records. However, if a student is 18 years old or older ("eligible student"), the student may inspect or review his or her own records and provide written consent for disclosure of such records and personally identifiable information therein. If an eligible student is a dependent for federal income tax purposes, the parent also is entitled to access their child's educational records despite the lack of written consent from the eligible student or the disclosure is in connection with a health or safety emergency.

Transferring Records to Other School Districts/Post Secondary Institutions

Student records, including disciplinary records, may be transferred without consent to officials of another school, school system, or post secondary institution that has requested the records and in which the student seeks or intends to enroll. The district will provide a copy of the record to the eligible student or student's parents if so requested.

Requesting and Receiving Information and Records from State Agencies

Within the bounds of state law, district employees shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including protecting public safety and the safety of the student. Such information may be obtained from the judicial department or any state agency that performs duties and functions under the Colorado Children's Code.

District employees receiving such information shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of all information obtained. School employees who knowingly violate this provision are subject to disciplinary action pursuant to Board policy and to a civil penalty of up to \$1,000.

If such information is shared with another school or school district to which a student may be transferring, it shall only be shared in compliance with the requirements of federal law, including the Family Education Rights and Privacy Act of 1974 ("FERPA").

When a petition is filed in juvenile court or district court that alleges a student between the ages of 12 and 18 years has committed an offense that would constitute unlawful sexual behavior or a crime of violence if committed by an adult, basic identification information, as defined in state law, along with the details of the alleged delinquent act or offense, is required by law to be provided immediately to the school district in which the juvenile is enrolled.

The information shall be used by the Board to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school employees and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students and employees. The Board shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with the student code of conduct and related policies.

Request to Amend Education Records

A parent or eligible student may ask the district to amend a student education record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student. Student grades cannot be challenged pursuant to this policy. Requests to amend a student education record shall be in accordance with the exhibit accompanying this policy.

Disclosure with Written Consent

Whenever the district is required by law or policy to seek written consent prior to disclosing personally identifiable information regarding a student, the notice provided to the parent or eligible student shall contain the following:

- a. Specific records to be disclosed
- b. Specific reasons for such disclosure
- c. Specific identity of any person, agency or organization requesting such information and the intended uses of the information
- d. Method or manner by which the records will be disclosed
- e. Right to review or receive a copy of the records to be disclosed

Parent or eligible student consent shall only be valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity, special education program or in any other school program shall not constitute the specific written consent required.

All signed consent forms shall be retained by the district.

Disclosure without Written Consent

The district may disclose student education records or personally identifiable information contained therein without written consent of the parent or eligible student if the disclosure meets one of the following conditions:

1. The disclosure is to a school official having a legitimate educational interest in the student education record or the personally identifiable information contained therein. In accordance with law, only those school officials who have a legitimate educational interest as described in this policy shall be permitted access to specific student education records.
 - a. For purposes of this policy, a "school official" is a person employed by the district as an administrator, supervisor, teacher or support staff member; a person serving on the Board of Education; a person or company with whom the district has contracted to perform specialized tasks (such as attorneys, auditors, consultants and health care providers); or a parent or student serving on an official committee or assisting another school official in performing their tasks.
 - b. A school official has a "legitimate educational interest" if disclosure to the official is:(1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (2) used within the context of official district business and not for purposes extraneous to the official's areas of responsibility; (3) relevant to the accomplishment of some task or to a determination about the student; and (4) consistent with the purposes for which the data are maintained.
2. The disclosure is to officials of another school, school system or postsecondary institution that has requested the records and in which the student seeks or intends to enroll, or has enrolled. Any records sent during the student's application or transfer period may be supplemented, updated or corrected as necessary.
3. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education or state and local educational authorities.
4. The disclosure is in connection with a student's application for, or receipt of, financial aid.
5. The disclosure is to state and local officials and concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children's Code. Such records and personally identifiable information shall only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent or eligible student.
6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction.

7. The disclosure is to accrediting organizations for accrediting functions.
8. The disclosure is to the parent of an eligible student and the student is a dependent for IRS for tax purposes.
9. The disclosure is in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or others.
10. The disclosure is to comply with a judicial order or lawful subpoena. The district shall make a reasonable effort to notify the parent or eligible student prior to complying with the order or subpoena, unless:
 - a. The court order or subpoena prohibits such notification; or
 - b. The parent is a party to a court proceeding involving child abuse and neglect or dependency matters and the court order is issued in the context of that proceeding.
11. The disclosure is to the Secretary of Agriculture, or authorized representative from the USDA Food and Nutrition Service or contractors acting on behalf of the USDA Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations and performance measurements of state and local educational agencies receiving funding or providing benefits of program(s) authorized under the National School Lunch Act or Child Nutrition Act.
12. The disclosure is to an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access the student's case plan because such agency or organization is legally responsible, in accordance with applicable state or tribal law, for the care and protection of the student.
13. The disclosure is of "directory information" as defined by this policy.

Disclosure of Disciplinary Information to School Personnel

In accordance with state law, the principal or designee shall communicate disciplinary information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student.

Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person. The principal or designee is required to inform the student and the student's parent when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student's parent may challenge the accuracy of such disciplinary information through the process outlined in JRA/JRC-E.

Disclosure to Military Recruiting Officers

Names, addresses and home telephone numbers, as well as directory information, of secondary school students shall be released to military recruiting officers within ninety (90) days of the request unless a parent or student submits a written request that such information not be released. Reasonable and customary actual expenses directly incurred by the district in furnishing this information will be paid by the requesting service.

Disclosure to Medicaid

In all cases in which a student is enrolled in the Colorado Medicaid program, the district shall release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The district shall obtain written consent annually from a parent before the release of any non-directory information required for billing. To accomplish this, the district shall include a consent form with individualized education plan (IEP) packet materials.

Disclosure to Criminal Justice Agencies

The superintendent or designee is authorized by law to share disciplinary and attendance information with a criminal justice agency investigating a criminal matter concerning a student enrolled or who will enroll in the district when necessary to effectively serve the student prior to adjudication. Such information shall only be shared upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the student's parent.

Disclosure to the Colorado Commission on Higher Education (CCHE)

On or before December 31 of each school year, the district shall disclose to the CCHE the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

Disclosure to Other Parties

Except as noted in this policy, student records will not be released to other individuals and parties without a written request and authorization of the parent or eligible student.

Disclosure of Directory Information

The district may disclose directory information without written consent of the parent or eligible student. The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 7 or the following Monday if September 7 falls on a weekend.

"Directory information" means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information which may be released includes but is not limited to the student's name, photograph, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors and awards received, the most recent previous education agency or institution attended by the student, and other similar information. Directory information also includes a student identification number or other unique personal identifier displayed on a student ID badge or used by the student to access or communicate in electronic systems, but only if the identifier cannot be used to gain access to student education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a password known only by the authorized user.

Student telephone numbers, addresses and e-mail addresses shall not be disclosed pursuant to this section.

Annual Notification of Rights

The district shall notify parents and eligible students of their rights pursuant to this policy at the beginning of each academic year. For notice to parents or eligible students who are disabled or whose primary or home language is other than English, the format or method of notice will be modified so it is reasonably likely to inform them of their rights.

A copy of FERPA and this policy may be obtained from the office of the superintendent during normal business hours.

Governing Law

The district shall comply with FERPA and its regulations as well as state law governing the confidentiality of student education records. The district shall be entitled to take all actions and exercise all options authorized under law.

In the event this policy or accompanying exhibit does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

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Legal refs.: 20 U.S.C. §1232g (Family Educational Rights and Privacy Act)
 20 U.S.C. §7908 (NCLB; release of names to military recruiters)
 34 C.F.R. §99.1 et seq. (FERPA regulations)
 C.R.S. 19-1-303 and 304 (records & information sharing under Colorado Children's Code)

 C.R.S. 22-1-123 (compliance with FERPA)
 C.R.S. 22-32-109(1)(ff) (disclosure of 8th-grade student names & addresses to CCHE)
 C.R.S. 22-32-109.1(6) (sharing information for school safety)
 C.R.S. 22-32-109.3(2) (sharing disciplinary & attendance information w. criminal justice agencies)
 C.R.S. 22-33-106.5 (court to notify of conviction of crime of violence and unlawful sexual behavior)
 C.R.S. 22-33-107.5 (district to notify of failure to attend school)
 C.R.S. 24-72-204(2)(e) (denial of inspection of materials received, made or kept by the Safe2Tell Program)
 C.R.S. 24-72-204(3)(a)(VI) (consent required to share address and phone number)
 C.R.S. 24-72-204(3)(d) (release of names to military recruiters)
 C.R.S. 24-72-204(3)(e)(I) (certain FERPA provisions enacted into Colorado Law)
 C.R.S. 24-72-204(3)(e)(II) (sharing information from personal knowledge or

observation)
C.R.S. 24-72-205(5) (fee for copying public record)
C.R.S. 25.5-1-116 (confidentiality of HCPF records)

Cross refs.: GBG, School Personnel Liability
JK, Student Discipline
JKD/JKE, Classroom Removal, Suspension, Expulsion, Denial of Admission
JLC, Student Health Services and Records
JLCG*, Medicaid Reimbursement
KBBA, Custodial and Noncustodial Parent Rights and Responsibilities
KLMA, Relations with Armed Forces Interservice Recruiting Committee