

## DaVinci Academy of Science and The Arts

Policy Number: 103

Policy Section: 100 - Administration

**POLICY TITLE: Student Records and Confidentiality**

### Revision History

Effective Date	Action Date	Revised
10 Jan 2007		May 16, 2024

**Student Records and Confidentiality Policy**

Effective Date: 10 Jan 2007

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**1. STUDENT RECORDS**

1.1 The following guidelines represent the policy of DaVinci Academy of Science and the Arts (DASA) concerning the confidentiality of student records. This policy has been revised to reflect current interpretations of the Family Educational Rights and Privacy Act of 1974, as amended (hereafter referred to as the "Act"). It is intended to serve as the written statement of policy and upon annual publication and dissemination as the notice of rights required by the regulation implementing the Act (45 C.F.R. Sections 99.5 and 99.6). DASA school policy, however, confers greater privacy rights in certain areas than does federal law, and these guidelines contain more than the federally mandated information with respect to such policy.

1.2 The following sections set forth specific DASA school policy concerning (A) informing individuals in attendance of their rights under the Act, the implementing regulation, and school guidelines, (B) permitting students or parent/guardian to inspect and review their records, (C) not disclosing personally identifiable information from the records of a student or an applicant for admission without his or her or his/her parent/guardian's prior written consent, (D) maintaining a record of disclosures of personally identifiable information from the records of a student and permitting a student or parent/guardian to inspect that record, and (E) providing a student or parent/guardian with an opportunity to seek the correction of his or her records through a request to amend his or her records or a hearing.

**2. GENERAL**

2.1 All information regarding students and their families shall be collected and maintained under safeguards of privacy established by federal and state laws or regulations (as cited in the legal reference to this policy), school board policies and administrative regulations.

2.2 An accurate and complete individual, permanent and cumulative record shall be maintained for each student in grades K-12 enrolled in the school division. When appropriate, a separate confidential record shall be maintained for those students requiring differentiated programs and/or special services such as gifted, handicapped and students with special needs. When a separate confidential record is established a notation on the cumulative record shall indicate the location of the confidential records. All data (cumulative and confidential) shall be considered the student's official scholastic records.

2.3 No statement in this policy or any implementing regulations shall be construed by employees as negating their responsibility for reporting child abuse or neglect cases as required by law.

2.4 All personnel authorized access to scholastic records shall be informed of this policy and its implementing regulations. Strict adherence shall be considered a condition of employment by the School Board.

### **3. LOCATION AND TYPES OF STUDENT EDUCATION RECORDS**

3.1 Examples of academic and non-academic student education records include without limitation:

Academic Records: Permanent record of academic performance (e.g., transcript, including supporting documents) maintained by the DASA school counselor; files of academic progress maintained by the individual DASA teachers.

Non-Academic Records: Files related to Financial Aid, Lunch Programs, International Student and Scholar Services, Student Accounts, the Library, and student discipline files.

3.2 Only information directly relevant to the educational processes of the school or which is voluntarily offered by the student and accepted from the student shall be included in student education records.

3.3 Specifically excluded from such student education records are:

Medical and mental health information which is created, maintained, or used by a physician, psychiatrist, psychologist, or other recognized professional in connection with treatment of the student and disclosed only to individuals providing the treatment. Such records are strictly confidential and not accessible except as provided by applicable laws;

Sole possession records or private notes maintained by individual faculty and instructional, supervisory, or administrative personnel for their own use and which are not accessible or released to anyone except a substitute;

Records created and maintained by Public Safety solely for law enforcement purposes.

### **4. CUSTODIAN(S) OF STUDENT RECORDS**

4.1 The employee responsible for the in-service education of records maintenance personnel and the collection, security, use, disclosure, periodic evaluation, transfer, and destruction of scholastic records data shall be designated as custodian of student records.

4.2 At the individual school level, the custodian of student records shall be the Principal or a designee.

### **5. NOTIFICATION OF RECORDS POLICIES AND REGULATIONS**

5.1 School Board Policies and regulations pertinent the scholastic records shall be available to interested parties on the DaVinci school website.

5.2 **Parents/Guardians/Eligible Students:** Each year the School Board shall notify adult students (over the age of 18), the parents and/or legal guardians of students in attendance and eligible students in attendance of their rights as established in School Board policies and regulations. Such notification may be by letter, mailing, patron organization bulletins or by public notice in the newspaper press. However transmitted, the notification shall include the following:

5.2a The types and location of scholastic records and information maintained therein;

5.2b The title and address of the employee responsible for the maintenance of scholastic records, the parties to whom data may be disclosed, and the purpose for disclosure;

5.2c The policy for reviewing and expunging scholastic records;

5.2d The policies and regulations for disclosure of data from scholastic records;

5.2e The right to challenge the content of scholastic records and to file with the Office of Family Compliance, US Department of Education, a complaint concerning an alleged failure by the school to comply with the Family Education Rights and Privacy Act (FERPA);

5.2f The fee for reproducing copies of scholastic records;

5.2g The data designated as directory information; and

5.2h The right to obtain, upon payment of the appropriate fee, a copy of School Board policies and division regulations on the management of the scholastic records and the location of same.

5.3 **Local Agencies:** Each year the custodian of scholastic records shall inform local agencies cooperating with the school in the student's educational development of the location of School Board policies and division regulating the management of scholastic records.

## 6. ACCESS TO STUDENT RECORDS

6.1 Licensed personnel (including itinerant teachers) within the student's school shall have access to his/her students' records.

6.2 Other licensed personnel and some employees shall have access to these records if the custodians of scholastic records determine they have a legitimate educational interest in requesting such access. The criterion for determining "legitimate educational interest" shall be the student's welfare.

6.3 Licensed personnel or school employees who copy data from student records shall protect the confidentiality of such data.

6.4 Classified personnel assigned to duties within the facility where student records are maintained shall have access to such records only with the prior approval of the custodian of scholastic records.

6.5 Students and paraprofessional employees shall not be assigned clerical duties where they may have access to scholastic records.

6.6 In-service Education: The custodian of student records shall supervise an in-service education program for employees having access to these records. The core documents for the program shall be this policy and its implementing regulations.

6.7 Employee Access Roster: Custodians of scholastic records shall maintain an up-to-date roster of school employees within their facility having access to scholastic records. These rosters shall be made available for public inspection.

6.8 Parents/Guardians/Eligible Students: The custodian of student records shall permit parents, legal guardians or eligible students to inspect and review such records. Compliance with requests shall be made without unnecessary delay and in no case more than fourteen (14) calendar days after the request has been made.

6.9 The custodian of student records may presume that both parents have the authority to inspect and review records relating to the student unless the school has been advised that either parent does not have the authority under applicable state law governing such matters as guardianship, separation, divorce or Child Protective Services.

6.10 Student (under eighteen) who is Subject of Record.

6.11 Transfer of rights to review scholastic records from the parent/legal guardian to an eligible student happens when the student reaches eighteen (18) years of age. Parents or legal guardians who continue to claim the student as a dependent may continue to access the student's scholastic record.

6.12 Third Parties: The custodian of student records shall keep a record of third parties authorized access to these records. Guardian ad litem or other representatives of a student may access scholastic records upon presentation of proper authority.

## **7. MONITORING AND MANAGEMENT OF STUDENT EDUCATION RECORD**

7.1 DaVinci Academy of Science and the Arts will manage the scholastic records of all students in compliance with applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA).

7.2 The Board of Education sets forth guidelines for the management of scholastic records by itemizing such categories as definitions, responsibilities of local educational agency, management of scholastic record, content of scholastic records, directory information, amendment procedure, access, disclosure, and destruction.

7.3 The DASA school office must maintain a list of all individuals or organizations who have obtained access to a student's record. The list must indicate the legitimate interest that each person or organization has in obtaining the information. This "record of access" is part of the student's education record. A record of access is not necessary for disclosures: 1) to the student, 2) pursuant to a written authorization from a student, 3) to school officials, 4) of directory information, and 5) in response to a subpoena or court order specifying that the existence and/or contents of such documents may not be revealed.

## **8. DISCLOSURE OF SCHOLASTIC RECORDS CONTENT**

8.1 The School Board authorizes making student directory information public as permitted under state and federal laws and regulations.

8.2 Student directory information is defined to include the following:

- Name of student in attendance or no longer in attendance;
- Address;
- Date and place of birth;
- Telephone listing;
- Dates of attendance;
- Participation in officially recognized activities and sports;
- Height and weight if member of athletic team;
- Awards and honors received;
- Student ID—ID accessible from a student ID badge;
- Grade Level;
- Video of students at school or in public events, such as plays, athletic events, art shows, and other public competitions; and
- Other similar information.

8.3 Release of Directory Information: Prior to release of such information the Executive Administrator shall give public notice of such intent on the school website, student registration, or announcements sent home to parents describing the information defined as "directory information". Annual notification of the Family Educational Rights and Privacy Act (FERPA) constitutes sufficient notice that directory information may be released unless the parent/legal guardian/student provides written notice of objection to the school division.

8.4 Student Directory Information may be released at the discretion of the Executive Administrator or Principal or Designee. The Executive Administrator, or a designee, is authorized to designate those categories to be made public and under what circumstances the information will be released. Directory information will not be released for commercial or marketing purposes.

8.5 No directory information concerning a student will be released without prior approval of the Executive Administrator, Principal, or designee.

8.6 Schools may release the names, addresses and telephone numbers of students to military recruiters. Parents/legal guardians or adult students may file a written objection with the school requesting that such information not be released without their prior written consent.

## **9. AMENDMENT OF SCHOLASTIC RECORDS CONTENT**

9.1 The parent, legal guardian or eligible student who believes that information in the student's record is inaccurate, misleading or violates the privacy or other rights of the student may request that the custodian who maintains the record amend such record. Upon receipt of such request the custodian shall be responsible for administering the subsequent procedures consistent with federal law and regulation, each school shall annually notify parents, legal guardians, or eligible students currently enrolled in attendance of their rights under the Family Education rights and Privacy Act (20 U.S.C. § 1232(g)) and related regulations.

## **10. PERIODIC EVALUATION OF SCHOLASTIC RECORDS**

10.1 In cooperation with guidance personnel, the custodian of student records shall annually review the contents of these records for the purpose of removing data no longer educationally useful and as directed.

## **11. TRANSFER OF SCHOLASTIC RECORDS**

11.1 Scholastic records shall be transferred as directed in school regulation and in accordance with Utah State Law.

## **12. IMPLEMENTATION**

12.1 The Executive Administrator is authorized to implement this policy with appropriate school regulations.

## **13. LEGAL REFERENCE**

The Family Educational Rights and Privacy Act, 20 U.S.C. § 1230, 1232 et seq., 34 C.F.R. Part 99 as amended.

No Child Left Behind Act of 2001 (PL 107-110).

Individuals with Disabilities Education Act (IDEA).