

STUDENT SCHOOL RECORDS

- 1.0 **General.** Student records shall be maintained in accordance with the federal Family Educational Rights and Privacy Act of 1974 (FERPA), the Colorado Open Records Act, the Student Data Transparency and Security Act (Data Act) and other applicable laws.
- 2.0 **Education Records.** Student school records, or “education records”, are those records that are directly related to a student and maintained by the district or by a party acting for the district. Conversely, education records do not include those that incidentally relate to a student.
 - 2.1 **Exceptions.** Education records do not include the personal notes or records of district personnel that are in the sole possession of the author and are not revealed to anyone other than a substitute; employment records about a student who is employed by the district; or information obtained about a student after the individual is no longer a student.
 - 2.2 **Personal Knowledge or Information.** State or federal law does not prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from a student’s education records.
- 3.0 **Definitions.**
 - 3.1 "Student personally identifiable information" or "student PII" means information that, alone or in combination, personally identifies an individual student or the student's parent or family, and that is collected, maintained, generated, or inferred by the district, either directly or through a school service, or by a school service contract provider or school service on-demand provider.
 - 3.2 "Security breach" means the unauthorized disclosure of student education records or student PII by a third party or to a third party.
 - 3.3 The following terms used in this policy shall be as defined by the Data Act: "school service," "school service contract provider" and "school service on-demand provider."
- 4.0 **Custodian of Records.** The principal, or principal’s designee, shall be the custodian of records for the school. The custodian of records shall be responsible for classifying and maintaining records, deleting or transferring records when necessary, and granting or denying access to records. This custodian will follow the student records standard operating procedures (“SOP”) as prescribed by the district records manager.
- 5.0 **Retention of Records.**
 - 5.1 **Cumulative Records.** This classification includes but is not limited to: birth date, sex, race, ethnicity, names and addresses of parents, academic work completed, grades, CSAP scores, immunization record enrollment history, and attendance records. Cumulative records shall be permanent and maintained by the district for an indefinite period. Graduated student records will be sent to the district record department not more than six months upon graduation. Withdrawn student records will remain at the school site not longer than one year after the student’s date of withdrawal from the district. The records shall thereafter be sent to the district record department to be electronically scanned for archival retention.

- 5.2 **Supplementary Records.** This classification includes but is not limited to important but non-essential information such as: scores on standardized intelligence and aptitude tests, health data (other than immunization record) and family background. Supplementary information will be purged as outlined in the student records SOP.
- 5.3 **Discipline Records.** The District's Intervention Services department will maintain electronic records of student expulsion, alternative to expulsion and/or denial of admission cases until the student reaches the age of 21.
- 5.4 **Special Education Records.** The Executive Director of Special Populations is the records custodian for all district special education records, regardless of the school which a student attends. School-based special education records shall be kept separately from the cumulative file.
- 6.0 **Student/Parent Access to Education Records at the Schools.** A parent, guardian, or student age 18 or older may inspect student school records in any reasonable manner in consultation with a district employee during the regular hours of the school day. If a student is 18 years of age or older, the student's parent or guardian is also entitled to access student school records, despite the lack of written consent from the student, if the student is a dependent for federal income tax purposes or the disclosure is in connection with a health or safety emergency. When a student is concurrently enrolled in a district high school and one or more postsecondary courses at an institution of higher education ("IHE"), the high school and the IHE may exchange information regarding the student and disclose student PII from student school records to the parent or guardian, without the written consent of the student, if the student is a dependent for federal income tax purposes. A parent without parenting responsibilities or decision-making authority shall also have access to their child's education records unless a court order specifically limits or denies such access.
- 6.1 School officials may reserve the right to have appropriate school personnel present when the records are inspected to interpret the contents of the file, or to explain the meaning of certain tests or other documents.
- 6.2 The requesting party will notify the records custodian if the requestor wishes to have copies of the requested documents, rather than just the opportunity to inspect them. Copies of documents will be provided at \$.25 per page; copies of other writings will be provided for the actual cost of duplication. The records custodian may waive fees in the amount of \$5.00 and less in the custodian's discretion.
- 7.0 **Timing of Disclosure.** Education records shall be provided to the requesting party within a reasonable time under the circumstances, in accordance with the timeline prescribed by applicable law.
- 8.0 **Third Party Access to Education Records – Disclosure Without Written Consent.** The principal or designee may permit access to education records to the following individuals or agencies without prior parental permission:
- 8.1 A person or agency designated in writing by such student if the student is 18 years of age or older, or by either parent or guardian if the student is under age 18. The necessary release must specify the records to whom the release is to be made.
- 8.2 An officer or employee of a public, private, or parochial school where the student attends, is enrolled, or intends to enroll. Requests for records must be written and received from an officer or employee of the school the student attends or is enrolled, or in which the student intends to enroll.

- 8.3 A school official who has a specific and legitimate educational interest in inspecting the records for use in furthering the student's academic achievement or maintaining a safe and orderly learning environment.
- 8.3.1 A "school official" is a person employed by the District as an administrator, supervisor, teacher, or support staff member (including but not limited to paraprofessionals, transportation personnel, health and law enforcement unit personnel and before-and-after-school program personnel); a member of the school board; a person, agency or company with whom the District has contracted, or otherwise arranged to perform a specific task or service; or, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another "school official" in performing the school official's tasks.
- 8.3.2 A school official has a "specific and legitimate educational interest" if the official needs to review an education record in order to fulfill the official's professional and/or official responsibility. The necessary interest will also be found where a staff member or authorized volunteer works directly with students and has a specific and actual need to review education records to increase awareness of steps necessary for the safety and welfare of students and staff members. This provision applies whether or not the school official receives compensation.
- 8.4 Authorized representatives of any law enforcement agency of the state or of the federal government when the student is under investigation by such agency and the authorized representative states that such record is necessary for the investigation, may have access to truancy, disciplinary, and attendance records; reports of incidents on school grounds involving assault or harassment of a teacher or school employee; and notification of failure of a student to attend school, if school attendance is a condition of that student's sentence or release.
- 8.5 A person identified in a judicial order or lawfully issued subpoena. The school must make a reasonable effort to notify the parent, guardian or student if age 18 or older in advance of the disclosure so that the individual may have an opportunity to seek protective action, unless the court or the issuing agency has ordered that the existence or contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the parent or student is a party to a court proceeding and the court order is issued in the context of that proceeding.
- 8.6 Authorized representative of federal or state education agencies.
- 8.7 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.
- 8.8 A recruiting officer for any branch of the U.S. Armed Forces who requests names, addresses and home telephone numbers of secondary school students. If a student does not want such information released, the student must submit a written request to that effect to the school's principal.

- 8.9 Individuals requesting “directory information.” “Directory Information” includes a student’s name, student’s date and place of birth, grade level, major field of study, photograph, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance in a district school, degrees, honors and awards received, and most recent previous educational agency or institution attended. Parents and students age 18 or older may refuse to have any or all of these types of information released without written consent. Such refusal shall be indicated by written statement sent by October 1 of the school year to the principal of the school in which the student is enrolled. Such statement should include student’s name, student’s I.D. number, birth date, address, school the student and grade level. Home addresses, phone numbers and email addresses of students are specifically excluded from directory information. Where the applicable records custodian regards a particular request for what would otherwise be directory information to be harmful or an invasion of privacy, based on the circumstances, the custodian may refuse to disclose the requested information.
- 8.10 Appropriate parties in a health or safety emergency.
- 8.11 A court or agency may obtain disciplinary or attendance records if the student is required to attend school as a condition of release pending an adjudicatory trial; or, the student is required to attend school as part of a sentence imposed by the court, including a condition of probation or parole.
- 9.0 **Written Consent Requirements.** When a third party seeks access to an education record and disclosure is not permitted by Section 8.0, the district shall not allow access or disclose the records without the written consent of the parent/guardian or student if age 18 or older.
- 10.0 **Information Held by Third Parties.** District personnel are authorized to obtain such information regarding students as is required to perform their legal duties and responsibilities, including protection of the student, other students, and staff. Such information may be obtained from law enforcement, probation, state agencies, and courts as provided by law or authorized by interagency agreement.
- 11.0 **Challenges to Record Content.** A parent, guardian, or student age 18 or older who believes student school records, including disciplinary records, contain inaccurate information, are misleading, or violate the privacy rights of the student may submit a written request for a hearing to the principal within thirty (30) calendar days of receipt or review of the records. The principal shall submit the request to the appropriate Executive Director of School Services (Executive Director), who shall hold the hearing within thirty (30) calendar days of the request. The principal shall give the parent, guardian, or student age 18 or older reasonable advance notice of the date, time, and place of the hearing.
- 11.1 Prior to, or at the hearing, the student and the student’s parents or guardians shall have the right to make written objections to any information contained in the record. Any written objection must be signed by the student or parent/guardian and it shall become part of the student’s supplementary record.
- 11.2 At the hearing, school personnel shall be given an opportunity to show that the challenged information is accurate.

- 11.3 All parties shall be given an opportunity to have persons of their choice present their views regarding the record, subject to reasonable limitations as to time and number.
- 11.4 Upon conclusion of the hearing, the Executive Director shall either make a decision regarding the challenged material or may take the matter under advisement and make a decision within five (5) school days. The decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.
- 11.5 If the parent, guardian or student age 18 or older is dissatisfied with the Executive Director's decision, the parent, guardian or student age 18 or older may submit a written appeal of the decision to the Superintendent or the Superintendent's designee within ten (10) business days of the Executive Director's decision. The Superintendent or designee shall respond within ten (10) school days.
- 12.0 **Outsourcing and Disclosure to Other Third Parties.**
 - 12.1 For situations not addressed in Section 8.0 above, district employees shall ensure that student education records are disclosed to persons and organizations outside the district only as authorized by applicable law and District Policy. The term "organizations outside the district" includes school service on-demand providers and school service contract providers.
 - 12.2 Any contract between the district and a school service contract provider shall include the provisions required by the Data Act, including provisions that require the school service contract provider to safeguard the privacy and security of student PII and impose penalties on the school service contract provider for noncompliance with the contract.
- 13.0 **In accordance with the Data Act, the District Shall Post the Following on its Website:**
 - 13.1 A list of the school service contract providers that it contracts with and a copy of each contract; and
 - 13.2 To the extent practicable, a list of the school service on-demand providers that the district uses.
- 14.0 **Privacy and Security Standards.** The security of student education records maintained by the district is a high priority. The district shall maintain an authentication and authorization process to track and periodically audit the security and safeguarding of student education records.
- 15.0 **Security Breach or Other Unauthorized Disclosure.**
 - 15.1 Employees who disclose student education records in a manner inconsistent with applicable law and District Policy may be subject to disciplinary action, up to and including termination from employment. Any discipline imposed shall be in accordance with applicable law and District Policy.
 - 15.2 Employee concerns about a possible security breach shall be reported immediately to the Chief Information Officer or designee. If the Chief Information Officer is the person alleged to be responsible for the security breach, the staff member shall report the concern to the District General Counsel.
 - 15.3 When the district determines that a school service contract provider has committed a material breach of its contract with the district, and that such material breach involves the misuse or unauthorized release of student PII, the district shall follow this policy's accompanying Exhibit A in addressing the material breach.

- 15.4 Nothing in this Policy shall prohibit or restrict the district from terminating its contract with the school service contract provider, as deemed appropriate by the district and in accordance with the contract and the Data Act.
- 16.0 **Parent/Guardian Complaints.** In accordance with Exhibit A of this policy, a parent/guardian of a district student may file a written complaint with the district if the parent/guardian believes the district has failed to comply with the Data Act.
- 17.0 **Oversight Review.**
- 17.1 The district's practices with respect to student data privacy shall be periodically reviewed by the Chief Information Officer.
- 17.2 The Chief Information Officer or designee shall annually review this policy and accompanying regulation to ensure it remains current and adequate to protect the confidentiality of student education records in light of advances in data technology and dissemination. The Chief Information Officer shall recommend revisions to this policy as deemed appropriate or necessary.

LEGAL REFERENCES:

15 U.S.C. 6501 et seq.
 20 U.S.C. 1232g
 20 U.S.C. 1232h
 20 U.S.C. 1415
 20 U.S.C. 8025
 34 C.F.R. 99.1 et seq.
 34 C.F.R. 300.610 et seq.
 C.R.S. 19-1-303 and 304
 C.R.S. 19-1-304(5.5)
 C.R.S. 22-1-122
 C.R.S. 22-1-123
 C.R.S. 22-16-101 et seq.
 C.R.S. 22-16-107 (2)(a)
 C.R.S. 22-16-107 (4)
 C.R.S. 22-16-112 (2)(a)
 C.R.S. 22-32-109.1(6)
 C.R.S. 22-32-109.3(2)
 C.R.S. 22-33-106.5
 C.R.S. 22-33-107.5
 C.R.S. 24-71-101 to 24-71.3-121
 C.R.S. 24-72-203(3)(a)(b)
 C.R.S. 24-72-204 (3)(a)(VI)
 C.R.S. 24-72-204 (3)(d)
 C.R.S. 24-72-204(3)(e)
 C.R.S. 24-72-205 (5)(a)
 C.R.S. 24-80-101 et seq.
 C.R.S. 25.1-1-116

CROSS REFERENCES:

Policy 8300
 Policy 1800
 Student Records Standard Operating Procedure (SOP)
 District Records Retention Schedule

Hearing and Complaint Procedures Regarding Student Data Transparency and Security Act

- 1.0 Contract breach by school service contract provider. Within a reasonable amount of time after the district determines that a school service contract provider has committed a material breach of its contract with the district, and that such material breach involves the misuse or unauthorized release of student PII, the Board shall make a decision regarding whether to terminate the district's contract with the school service contract provider in accordance with the following procedure.
 - 1.1 The district shall notify the school service contract provider of the basis for its determination that the school service contract provider has committed a material breach of the contract and shall inform the school service contract provider of the meeting date that the Board plans to discuss the material breach.
 - 1.2 Prior to the Board meeting, the school service contract provider may submit a written response to the district regarding the material breach.
 - 1.3 The Board shall discuss the nature of the material breach at a regular or special meeting.
 - 1.4 At the Board meeting, a district representative shall first be entitled to present testimony or other evidence regarding the district's findings of a material breach. The school service contract provider shall then have an opportunity to respond by presenting testimony or other evidence. If the school service contract provider is unable to attend the meeting, the Board shall consider any written response that the school service contract provider submitted to the district.
 - 1.5 If members of the public wish to speak to the Board regarding the material breach, they shall be allowed to do so, in accordance with the Board's policy on public participation at Board meetings.
 - 1.6 The Board shall decide whether to terminate the contract with the school service contract provider within 30 days of the Board meeting and shall notify the school service contract provider of its decision. The Board's decision shall be final.
- 2.0 **Parent/Guardian Complaints Regarding the Student Data Transparency and Security Act.** In accordance with the accompanying policy, the parent/guardian of a district student may file a written complaint with the Chief Information Officer if the parent/guardian believes the district has failed to comply with the Student Data Transparency and Security Act (Data Act).
 - 2.1 The parent/guardian's complaint shall state with specificity each of the Act's requirements that the parent/guardian believes the district has violated and its impact on the student.
 - 2.2 The Chief Information Officer or designee shall respond to the parent/guardian's written complaint within 30 calendar days of receiving the complaint.
 - 2.3 Within 10 calendar days of receipt of the district's response, the parent/guardian may appeal to the Board. Such appeal must be in writing and submitted to the Superintendent.

- 2.4 The Board shall review the parent's complaint and the district's response at a regular or special meeting. A district representative and the parent/guardian may make brief statements to the Board, but no new evidence or claims may be presented. The Board may choose to conduct the appeal in executive session, to the extent permitted by law.
- 2.5 The Board shall make a determination regarding the parent/guardian's complaint that the district failed to comply with the Data Act within 60 days of the Board meeting. The decision of the Board shall be final.
- 2.6 This procedure shall not apply to parent/guardian concerns with their child's education records. If the parent/guardian files a complaint regarding their child's education records, the District shall follow its procedures governing access to and review of student education records, in accordance with FERPA, applicable state law and District Policy 5300.