

Board Policy JR: Student Records

Status: ADOPTED

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Student Records

The District complies with all state and federal laws, rules and regulations regarding the confidentiality of, dissemination of and access to student records, including but not limited to the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, the Student Data Privacy, Accessibility, and Transparency Act, O.C.G.A. §§ 20-2-660 through 20-2-668, the Parents' Bill of Rights, O.C.G.A. § 20-2-86.

a. Educational Records:

The school system generally defines education records as any file, document or other material that contains information directly related to a student and that is maintained by a school system or a person acting on behalf of a school system, except as provided by law.

b. Confidentiality:

Information which is part of the educational record of a student shall be held in strict confidence as required by law. Permanent records will be kept in a secure area of the school. The school and School system will use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests (see definition below).

Disclosure includes access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

c. Cumulative Record:

An accurate cumulative record should be established for all students entering the school system. The record should include the following: the student's personal information (such as enrollment information and date of birth); Immunization record; Indication of administrative placement or retention in grades K-8; Standardized test information; Grade information for each school year; Date of withdrawal; Graduation information.

d. Procedures for Accessing Records:

▪ **Record of Access:**

A record of access will be maintained for each educational record file, and the record of access shall indicate who has requested and/or been granted access to the education record and the purpose of their access as required by FERPA. This requirement does not apply to access by:

- Parents/guardians/eligible students (students 18 or older);
- A school official as defined below;
- A party with written consent from the parent/guardian/eligible student (students 18 or older);
- A party seeking directory information as available pursuant to the annual FERPA Notification; or
- A party seeking or receiving records as directed by a federal grand jury or other law enforcement subpoena if the issuing court has ordered that the existence of the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

Parent/Guardian/Student Access:

In compliance with FERPA, parents/guardians/students over the age of 18 shall be given access to the records of the student. Records may be inspected by parents or eligible students (students 18 or older) within a reasonable length of time after the request, but in no case later than forty-five (45) days after the request is made. An appointment should be made with the Principal or counselor to review records. The school system

may not provide a parent/guardian/eligible student a copy of standardized test questions or test protocols. An electronic copy of requested records will be made available upon request, unless the district does not maintain a record in electronic format and reproducing the record in an electronic format would be unduly burdensome.

e. Non-Custodial Parent Access:

The District shall give full access rights to either parent, unless it has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. When access is requested by a parent that is not the primary physical or legal custodian of a minor student, schools may contact the primary physical and legal custodian to inform the parent of the request.

f. Disclosure to Third Parties/Outside Agencies:

NOTE: A correctly executed written release or a lawfully issued and enforceable court order or subpoena is generally required before any information may be released to any agency or individual other than the parent/guardian/eligible student. Copies of student records or information from student records may be disclosed without the written consent of the parent/guardian/eligible student, if the disclosure meets one or more of the following conditions permitted by FERPA. See 34 CFR § 99.31 for a complete list of all exclusions.

1. Disclosure is to officials of schools in which the student seeks or intends to enroll if the release of information is related to this enrollment or transfer;
2. Disclosure is to any appropriate party in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. When disclosing under the health and safety emergency exception, the school or school system 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; and the school or school system must also record the parties to whom the information was disclosed;
3. Disclosure is to other school officials, including teachers within the School system, who have been determined by the School system to have legitimate educational interest, defined as follows:

- **School Official:**

A school official is:

- a. A person employed by the school system as an administrator, supervisor, instructor, or support staff member;
- b. A person elected to the Clayton County Board of Education;
- c. A school or school system approved volunteer, or a person employed by or under contract to the school system to perform a special task, including but not limited to, an attorney, auditor, medical consultant, therapist, or insurance adjuster. These individuals perform a service of function for which the schools or school system would otherwise use employees; are under the direct control of the school or school system with respect to the use and maintenance of education 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.

- **Legitimate Educational Interest:**

A school official has a legitimate educational interest if the official is:

- a. Performing a task that is specified in his/her position description or by a contract agreement;
- b. Performing a task related to a student's education;
- c. Performing a task related to the discipline of a student;

- d. 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.
4. Disclosure is to authorized representatives of the comptroller of the US, Attorney General of the US, the Secretary or state and local educational authorities;
5. Disclosure is to officials involved in financial aid for which the student applied or received;
6. Disclosure is to parents of a dependent student or such parents as defined in Section 152 of the Internal Revenue Code of 1954;
7. Disclosure is to organization or individuals conducting authorized research if the studies are carried out in such a way that no personal identification of students or their parents/guardians can be made by persons other than the persons or organizations conducting the studies. Such information will be destroyed when no longer needed for the purpose for which it was collected.
8. Disclosure is to accrediting organizations in order to carry out their accrediting functions.
9. Disclosure is of information designated "directory information", as noted below.
10. Disclosure is pursuant to Court Orders and Subpoenas. When a copy of a record is requested by court order or subpoena, unless the issuing party has ordered that the existence of the court order/subpoena not be disclosed, the content of court order/subpoena not be disclosed, or the contents of the responsive documents to the court order/subpoena not be disclosed, the school systems shall make a reasonable effort to notify parents/guardians/eligible students in advance of complying with the Court order or subpoena.
11. Disclosure is to the parent of a student who is not an eligible student or to the student.
12. Disclosure is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the institution of postsecondary education with respect to that alleged crime or offense.
13. Disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the educational agency or institution under 42 U.S.C. 14071 and applicable federal guidelines.

If a record is released to the third party, a statement will be attached indicating that the third party is not to release a copy of the record without obtaining written permission from the parent/guardian/eligible student.

g. Notification Requirements:

- a. **Public Notice:** shall be given to inform parents/guardians/eligible students how and when information that is designated as student directory information may be released.
- b. **Student Guide:** Parents/guardians/eligible students will be notified of their rights under FERPA annually by publication in the school system's student guide. The guide is provided to every student on the first day of school each year or when the student enrolls.

- h. FERPA Challenge of Contents:** Parents/guardians/eligible students may challenge the contents of the student's education records and request corrections if they feel entries on the records are inaccurate, misleading, or otherwise in violation of the privacy rights of the student. However, a properly recorded grade or score may not be challenged for the purpose of having it changed to a higher grade. The review procedure for challenging entries is as follows:

Step I:

When a parent/guardian/eligible student wishes to challenge entries on a record, the request shall be submitted to the Principal of the school in which the student is or has been enrolled. The Principal or designee shall inform the parent/student/eligible student of the right to a hearing and investigate the complaint and

endeavor to settle the matter.

Step II:

If the conflict is not resolved at the school level, the complaining party will be informed that he/she may request a hearing before a Review Board. The complaining party must submit a request in writing to the school's Area Superintendent for a hearing by the Review Board. This hearing should be held within twenty (20) days of receipt of the request. The parents/guardians/eligible students shall be given reasonable notification of the date, place, and time of the hearing. The complaining parties will have a full and fair opportunity to present evidence, and may be represented by a person(s) of their choice, including an attorney, at their expense.

1. The Review Board consists of the following people who do not have a direct interest in the outcome of the hearing:
 - i. The Superintendent, or designee;
 - ii. Curriculum/Instruction Personnel or designee; and
 - iii. The Area Superintendent for the school from which the request originates.

A summary of the evidence and reason for the decision of the Review Board shall be given in writing to the concerned parties. This should be provided no more than ten (10) school days after the date of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reason(s) for the decision. The parents/guardians/eligible students may disagree with the Review Board's decision and have the right to issue a written statement to be placed in the student's record stating the reasons for disagreement. This statement will be maintained as long as the record is maintained; and will be disclosed when the school or School system discloses the portion of the record to which the statement relates.

i. Student Data Privacy, Accessibility, and Transparency Act Data Privacy Complaint:

The Student Data Privacy, Accessibility, and Transparency Act is a Georgia state law that is designed to ensure student data is kept private and secure from unauthorized access. Any parent or eligible student ("Complainant") may file a complaint with the District if that individual believes and alleges that a possible violation of rights under the federal or state privacy and security laws has occurred. A parent is defined as a natural parent, as guardian, or an individual acting as a parent in the absence of a parent or guardian. An eligible student is defined as a student who has reached 18 years of age or is attending an institution of postsecondary education.

1. The District will provide the Parent/Eligible Student Complaint form to the Complainant within 3 business days of receiving the request. The complaint form may also be made available on District website.
2. Each local school system shall designate at least one individual with the responsibility to respond to complaints filed by parents or eligible students. The following person has been designated to handle Student Data Privacy, Accessibility, and Transparency Act Data Privacy complaints:

Chief Technology Officer
1058 Fifth Avenue
Jonesboro, GA 30236
770-473-2700

3. A written response will be provided to Complainant within 10 business days of receipt of complaint.
4. The Complainant may file an appeal with the superintendent within 10 business days of receiving a written response.
5. Parents or eligible student may file an appeal for a final decision to the Clayton County Public Schools Board of Education within 10 business days of receipt of written response from the District.
6. The Board of Education will render a decision within 10 business days of receiving an appeal.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Note: To access the policy references, **CLICK HERE: [State of Georgia Terms and Conditions](#)** and close the LexisNexis tab, which will return you to the policy. Click on the links below to be taken to each specific code. **You should only have to do this one time per session.**

State References

Description

O.C.G.A. 10-12-0012	Retention of electronic records
O.C.G.A. 19-07-0005	Reporting child abuse
O.C.G.A. 20-02-0133	Free public instruction; exceptions; eligibility; procedure and requirements when child in custody of or in a placement or facility of a state agency
O.C.G.A. 20-02-0150	Eligibility for enrollment
O.C.G.A. 20-02-0159.5	Georgia Seal of Biliteracy; purpose; qualifications; insignia
O.C.G.A. 20-02-0160	Determination of enrollment; determination of funding
O.C.G.A. 20-02-0320	State-wide comprehensive educational information system; identification of data to implement Quality Basic Education Program
O.C.G.A. 20-02-0324.2	Video monitoring cameras in classrooms providing special education services; requirements; evaluations; funding
O.C.G.A. 20-02-0661	Legislative intent and findings
O.C.G.A. 20-02-0662	Student Data Privacy, Accessibility, and Transparency Act: Definitions
O.C.G.A. 20-02-0663	Designation and role of chief privacy officer
O.C.G.A. 20-02-0664	Role of department
O.C.G.A. 20-02-0665	Prohibition on the reporting and collection of certain data
O.C.G.A. 20-02-0666	Activities by operators; limitations
O.C.G.A. 20-02-0667	Parental and student review of education record; model policies
O.C.G.A. 20-02-0668	Rules and regulations
O.C.G.A. 20-02-0670	Requirements for transferring students beyond 6th grade; conditional admission; compliance
O.C.G.A. 20-02-0690	Educational entities; requirements for private schools and home study programs; learning pod protection
O.C.G.A. 20-02-0697	Cooperation of principals and teachers in public schools with visiting teachers and attendance officers; attendance reports and records kept by public schools; letter indicating enrollment
O.C.G.A. 20-02-0720	Inspection of students' records by parents
O.C.G.A. 20-02-0757	Applicability of public inspection and open meeting laws
O.C.G.A. 20-02-0786	Parents' Bill of Rights
O.C.G.A. 20-17-0002	Interstate Compact on Educational Opportunity for Military Children
O.C.G.A. 24-12-0021	Disclosure of AIDS confidential information
O.C.G.A. 31-22-0009.1	HIV tests - Who may perform test
O.C.G.A. 40-05-0022	Requirements for licensure; school attendance requirements
O.C.G.A. 49-05-0040	Child Abuse and Deprivation Records; definitions, confidentiality of records
O.C.G.A. 50-18-0070	Legislative intent; definitions
O.C.G.A. 50-18-0071	Right of access; timing; fees; denial of requests; impact of electronic records
O.C.G.A. 50-18-0072	When public disclosure not required

State References

O.C.G.A. 50-18-0073
O.C.G.A. 50-18-0074
O.C.G.A. 50-18-0099
Rule 160-5-1-.14
Rule 160-5-1-.07
Rule 160-1-3-.03
Rule 160-1-3-.05
Rule 160-4-7-.09
Rule 160-4-7-.19
Rule 160-4-2-.34

Federal References

15 USC 6501
15 USC 6502
15 USC 6503
20 USC 1232g
20 USC 1232h
34 CFR 300.174
34 CFR 300.618
34 CFR 300.624
34 CFR 98.7
34 CFR 99.21
34 CFR 99.31
34 CFR 99.7

Description

[Jurisdiction to enforce article; attorney's fees and litigation expenses; good faith reliance](#)
[Penalty for violations of Open Records Act; prosecution proceedings](#)
[Records management programs for local governments](#)
[Transfer of Student Records](#)
[Student And Staff Data Collections](#)
[Infectious Diseases](#)
[Assessment of Costs](#)
[Procedural Safeguards/Parent Rights](#)
[Services for Agency-Placed Students](#)
[Dual Enrollment](#)

Description

[Children's Online Privacy Protection Act - Definitions](#)
[Children's Online Privacy Protection Act-Regulation of unfair and deceptive acts in collection and use of personal info from and about children](#)
[Children's Online Privacy Protection Act - Safe harbors](#)
[Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#)
[Protection of Pupil Rights Amendment \(PPRA\)](#)
[Prohibition on mandatory medication](#)
[IDEA - Amendment of records at parent's request](#)
[IDEA - Destruction of information.](#)
[Filing a complaint under PPRA](#)
[FERPA - Amending education records; right to a hearing](#)
[Under what conditions is prior consent required to disclose information?](#)
[Contents of annual FERPA notice to parents and eligible students](#)