

## Student Education Records

The District shall comply with all required components of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA) when maintaining, retaining, granting access to, disseminating, and disposing of student educational records. In addition, the District shall comply with all notification requirements required by these laws.

### Access

The District shall grant access to student educational records to individuals authorized by law in accordance with law. When applicable, appropriate consent will be obtained to release records and the District will honor opt-out requests. The District shall comply with all recordkeeping requirements related to record access and disclosure as delineated in law.

School officials with a legitimate educational interest in a student's educational record shall be granted access to the portions of the record that they have a need to know. For the purpose of this policy, legitimate educational interest is defined as access that is needed in order for a school official to fulfill his/her professional responsibility. School official is:

- An individual employed by the District in an administrative, instructional, or support staff position;
- School board members;
- School resource officer(s);
- A person or company contracted by the District to perform institutional services and/or functions, including, but not limited to, attorneys hired by the District and data storage and protection agencies;
- A volunteer that performs institutional services and/or functions for the District;
- A consultant hired to perform institutional services and/or functions for the District.

This list of school officials shall be included in the district's annual FERPA notification. School officials will receive appropriate training and information on privacy to ensure records are not misused. The District shall put reasonable methods in place to ensure that school officials only obtain access to educational records or portions of educational records in which they have a legitimate educational interest.

### Review and Amendments

The Board shall develop procedures for a parent/guardian/student to review and amend educational records. These procedures shall be delineated in board-approved regulations and shall be disseminated annually in accordance with law. These include:

1. The right to inspect and review the student's education records within 45 days of the day the District receives a request for access. Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask the school district to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:  
Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-4605

### **Collection of Information**

- A. Information about students and their families shall be collected upon entry into the Fargo Schools. It shall be kept current and will include, but it not limited to:
  1. Basic information about the student and his/her family
  2. Proof of identity/certified birth certificate
  3. Attendance records
  4. Grades or progress reports
  5. Health information - including immunization records
  6. Records of achievement in the basic skills
  7. Results of intelligence, aptitude and interest tests
  8. Results and records pertaining to the identification and placement of special needs students
  9. Court orders
  10. Passport and Citizenship papers
  11. Guardianship transfers
- B. In compliance with NDCC 12-60-26, submission of proof of identify of a child within 40 days of initial enrollment is required. For purposes of this section, "Proof of Identity" means a certified copy of a birth certificate, a certified transcript or similar student record from the previous school or any other documentary evidence the school or superintendent considers appropriate proof of identity.
- C. When a pupil enters from another school district, the principal should ask the parent to complete Form AF6910.1, which should then be sent immediately to the former school requesting the school records. This would be in addition to gathering the current information from the parent and/or student.
- D. If a child is transferring from another school, appropriate school records for the child must be requested within 30 days of enrollment. Records from the sending school must be received within 60 days. A certified transcript or similar records from the previous school are considered proof of identity on a transferring student.

- E. If proof of identity is not received in the time specified, Fargo Public Schools will notify local law enforcement authority that no proof of identity has been presented for the child.
- F. Each school year the principal shall notify all parents of the regularly scheduled standardized tests to be administered. For any individual test administered during the school year by special education personnel, signed parental authorization is required.
- G. When data is to be collected or used for non-school purposes (research studies, local surveys, etc.) either by school personnel or outsiders, written authorization must be obtained from the Superintendent of Schools.

### **Record Maintenance**

- A. Each principal shall be responsible for the maintenance and security of all student records within the building. Personnel in the Office of Student Records shall be responsible for the permanent records which are kept at the District Office. All student records shall be kept in a locked file when not in use.
- B. Maintaining the confidentiality of information contained within student records is recognized as a most important priority. The release of any information contained within student records by an employee of the district to persons other than those authorized in this regulation, shall be viewed as a very serious violation.
- C. At transition points (i.e. elementary to junior high school, junior high to high school) a thorough screening may be made of the contents of each student file. Out-of-date material of no further use may be destroyed.
- D. When a student withdraws from school, the principal shall be responsible for screening the cumulative record file. Irrelevant and outdated material should be removed and the attendance dates, grades and test information brought up-to-date.
- E. Three years after a class has graduated, the registrar shall supervise the destruction of the cumulative files for the class being certain the permanent record card for each student is sent to the District Office, Student Records. The same procedure should be followed for students from that class who left school before graduation. The district will retain the transcript electronically from this point forward. In addition, Special Education Case Managers will review students' cumulative files and send all Special Education Records to the district office. Testing results are recorded and imaged and file is kept for three years post-graduation. At the end of the three year period, an attempt to contact students at their last known address and offered the records or the records are destroyed per district protocol.

### **Record Dissemination**

Other schools: When a student enrolls, or intends to enroll, or has enrolled in another school, the District shall forward a copy of the student's educational record, including disciplinary records [including those involving suspension and/or expulsion] to the new school district once an authorization to release records is received. The District shall retain the original student record.

- Directory information: The Board defines directory information as a student's name, address, telephone number, degrees, honors, and awards received, institutional email address, photograph, electronic personal identifier, and enrollment status as directory information. The District may release this information without a parent/guardian/authorized student's consent unless the parent/guardian/authorized

student has requested to opt-out. Opt-out notices will be disseminated in accordance with law. The Board shall approve a list of entities to which directory information may be disseminated. This list shall include entities granted access to directory information under FERPA.

- The District may release the contents of a student's educational record for reasons permitted by law, such as, but not limited to, health and safety reasons after taking into account the totality of circumstances and determining an articulable and significant threat to the health and safety of the student or others exists.
- De-identified information may be released upon request if the request meets conditions permitting release of such information under law.

### **Use of Online Resources for Educational Purposes**

The Internet provides a wealth of useful content and tools that can be used by classroom teachers to provide engaging enrichment and enhancement educational opportunities. Most of these resources require only a small amount of student directory information, such as name and email address to provide access to the resource. Some online intervention resources are used for more specific content area assistance. These intervention resources measure student growth within the program and necessarily collect information on that progress.

The District will follow all federal and state guidelines in the documentation and notification of the use of student data in these online resources. Every effort will be made to maintain a list of online resources used that require the entry of any identifiable student data. This list will record the online resource, the student data involved, and the purpose for using the resource. The list will be available on the District's public website for review.

### **Release of Information**

- A. Students and their parents shall have access to records.
  1. A student or parent shall be given the opportunity to see the student file - both the paper file and any electronic data - at any time. The only time a parent can be denied access to student records is when a divorce or separation agreement or court order contains a clause, which denies the parent access to student records. It is the responsibility of the parent to notify school authorities of the agreement or court order and also supply a copy of such order.
  2. It is important that the principal or designee interpret the record to the student or parent whenever possible.
  3. A copy of the record will be furnished without cost at the request of the parent or the student. The words "Personal Copy" should be written in large letters across the middle of the record so that it could not be presented as an official record. Parents requesting several personal copies of a record at any one time shall be charged ten cents per page for each additional copy.
  4. If a parent asks to carry the record to another school district, this request should be refused. The transcript with the school seal must be sent directly to a school or agency.
- B. When a student transfers to another public school in Fargo the student record should be sent directly to that school via the school mail.

- C. When a student withdraws from the Fargo Public Schools, the cumulative record folder will remain in the school of attendance for the balance of the school year or until requested by another school.
- D. When a request for a file is made by another school district, it will be our policy to forward materials in the file to that district. The copy of the permanent record card must be retained by the high school for a minimum of three years and thereafter filed at the District Office.
- E. When a request is received from a community agency for information from a student's cumulative folder, the signed release from the parent to that agency is filed and a notation is made indicating when it was sent.
- F. Student or parental consent to forward student records may reasonably be implied when the student transfers to another school; when the student has applied for admission to an institution of higher learning or when the student has made application to agencies for financial aid.
- G. In the case of a subpoena, the principal shall if possible notify the parent before releasing the record. The parent may, through an attorney, challenge the use of the record in court. However, the school district is required by law to release the records regardless of parental objection.
- H. Written consent of the student or his/her parent must be received prior to the release of any personally identifiable records or files or personal information contained therein, to any individuals, agencies or organizations other than those indicated above.

#### **Non-Directory Data Sharing with External Entities**

External organizations exist that provide additional educational support to students. With cooperation between the schools, the parents, and these organizations, struggling and disadvantaged students can be supplied with useful supplementary assistance. Often, this cooperation involves the two way transmission of information between the school and the organization about individual student schedule, attendance, grade, and discipline information that is above what is considered basic demographic information.

For an organization to participate in the two way exchange of student information:

- A. The organization must apply to the Associate Superintendent of Teaching and Learning for consideration. In the application, the organization should provide a summary of the services provided, the student data sharing needs being requested, the corresponding data that will be shared in return with Fargo Public Schools, and a recommendation of support from a Fargo Public Schools building principal.
- B. The Associate Superintendent will review the request and either approve, approve with amendments, or deny the request. Approval will depend on the usefulness of the services provided to the individual student and the appropriateness of the data requested to be shared.
- C. If the organization is approved, permission from the parent is still necessary before non-directory student information can be provided from Fargo Public Schools. This permission can be obtained in the form of a signature from the parent on the Student Data Sharing Agreement Form included at the end of this policy document.

#### **Record Retention & Destruction**

Permanent record is defined as a record containing a student's name, address, phone number, record of grades, years enrolled, courses attended, and grades completed.

All components of a student's educational record shall be retained for the duration required by state law after which only the permanent record will be retained; however, no record will be destroyed for which there is an outstanding request from a parent/student to review.

Special education records may be retained for a duration longer than required by law at the discretion of the Superintendent. An attempt to notify parents of special education students shall be made and their consent shall be obtained before the non-permanent components of a special education student's educational record are destroyed.

## **STUDENT EDUCATION RECORDS ACCESS & AMENDMENT PROCEDURE**

### **Reviewing an Educational Record**

The District will comply with a parent/guardian/eligible student's right to inspect educational records. This right will be granted using the following procedure:

1. A request to view an educational record shall be granted by the deadline in law (45 days).
2. A request may be made orally or in writing to the building principal.
3. The principal shall notify the parent/guardian/eligible student of the time and place when a record may be inspected.
4. The principal or designee shall be present when the parent/guardian/eligible student reviews the record.
5. If circumstances prevent a parent/guardian/eligible student from reviewing the educational record at the school office, the District shall prepare and mail a copy of the record or make alternative arrangements for the parent/guardian/eligible student to review the record. Any expense incurred from copying and/or mailing a record may be charged to the parent/guardian/eligible student at state rates, except as prohibited by law.

### **Amending an Educational Record**

A parent/guardian/eligible student has the right to request an amendment to any portion of the educational record s/he believes to be inaccurate, misleading, or in violation of the student's right to privacy. A parent/guardian/eligible student shall use the following procedure to dispute or request an amendment to an educational record. This procedure shall not be used to dispute a grade, disciplinary decision, or opinions/reflections of a school official contained in an educational record.

1. Any request to amend an educational record shall be made in writing and submitted to the building principal.
2. The principal shall review the request within a reasonable time and approve or deny it. The principal's decision shall be submitted to the parent/guardian/eligible student. If the principal denies the amendment request, s/he shall inform the parent/guardian/eligible student of his/her right to request an appeals hearing.
3. Requests for an appeals hearing shall be submitted to the Superintendent. The hearing shall be held within a reasonable time after the appeal request has been made.
4. The Superintendent shall serve as the hearing officer. A representative of the parent/guardian/eligible student's choosing may accompany the parent/guardian/eligible student at the parent/guardian/eligible student's expense. The parent/guardian/eligible student shall have a full and fair opportunity to present evidence related to the amendment request.
5. The Superintendent's decision is final and binding and shall be submitted to the parent/guardian/eligible student at a reasonable time after the hearing.

6. If the Superintendent denies the amendment request, s/he will notify the parent/guardian/eligible student within a reasonable time of his/her right to submit a written response commenting on the contested material and/or explaining the disagreement with the hearing officer's decision. This written response shall be retained and, when applicable, disseminated in accordance with law.

Original 11-26-1974  
Reviewed 1-15-03  
Revised 8-29-03  
Revised 3-9-09  
Revised 1-2013  
Revised 7-2015  
Reviewed 7-2021

**NOTICE OF DIRECTORY INFORMATION**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that **Fargo Public School District #1** with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, **Fargo Public Schools** may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with district procedures.

The primary purpose of directory information is to allow the **Fargo Public Schools** to include this type of information from your child's education records in certain school publications.

Examples include:

A playbill, showing your student's role in a drama production;

The annual yearbook;

Honor roll or other recognition lists;

Graduation programs; and

Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require school districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the school district that they do not want their student's information disclosed without their prior written consent.

If you do not want **Fargo Public Schools** to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by **September 20th**. **Fargo Public Schools** has designated the following information as directory information: *Note: an LEA may, but does not have to, include all the information listed below.*

*This list must be consistent with policy.*

Address

Date and place of birth

Dates of attendance

Degrees, honors, and awards received

Electronic personal identifier

Grade level

Institutional electronic mail address

Major field of study

Participation in officially recognized activities and sports

Photograph

Student's name

Telephone listing

The most recent educational agency or institution attended

Weight and height of members of athletic teams



Request to Withhold Directory Information for the **[List year]** School Year:

- Please do not release **any** directory information. (See definition above)
  
- Please do not release the following **part or parts** of directory information: (check all that apply)
  
- Name
  
- Telephone
  
- Photograph
  
- Other (specify): \_\_\_\_\_
  
- Please do not release directory information to:
  
- Military Recruiters
  
- Colleges & Universities
  
- Other (specify): \_\_\_\_\_

Student's Name: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*NOTE: If the student is a high school senior or is otherwise scheduled to graduate, this opt-out request will continue to remain effective after the student has graduated from high school.*

Revised: 7/18

FARGO PUBLIC SCHOOLS RELEASE OF SCHOOL RECORDS TO POST-HIGH SCHOOL INSTITUTIONS

I hereby authorize Fargo Public Schools to provide \_\_\_\_\_, (name of institution) located at \_\_\_\_\_, with a copy of the school transcript for: (address of institution)

FULL NAME MAIDEN NAME

DATE OF BIRTH

LAST PUBLIC SCHOOL ATTENDED DATE LAST ATTENDED

I am aware that this transcript is available for my inspection at any time and that I may receive a copy upon request. Please note: a \$5.00 fee per copy will apply.

SIGNATURE DATE

RELATIONSHIP EMAIL ADDRESS PHONE NUMBER

Fargo Public Schools Student Records 700 7th Street South Fargo, ND 58103

DATE MAILED \_\_\_\_\_

NOTICE: WHEN YOU PROVIDE A CHECK AS PAYMENT, YOU AUTHORIZE US EITHER TO USE INFORMATION FROM YOUR CHECK TO MAKE A ONE-TIME ELECTRONIC FUNDS TRANSFER FROM YOUR ACCOUNT OR TO PROCESS THE PAYMENT AS A CHECK TRANSACTION. WHEN WE USE INFORMATION FROM YOUR CHECK TO MAKE AN ELECTRONIC FUNDS TRANSFER, FUNDS MAY BE WITHDRAWN FROM YOUR ACCOUNT AS SOON AS THE SAME DAY WE RECEIVE YOUR PAYMENT AND YOU WILL NOT RECEIVE YOUR CHECK BACK FROM YOUR FINANCIAL INSTITUTION. IF YOU HAVE ANY QUESTIONS PLEASE CONTACT STUDENT RECORDS AT 701-446-1025

FOR OFFICE USE ONLY: PAYMENT RECEIVED \_\_\_\_\_ DATE OF PAYMENT \_\_\_\_\_ DATE MAILED \_\_\_\_\_

FARGO PUBLIC SCHOOLS  
REQUEST FOR HEARING  
ON STUDENT RECORDS

I have come to an impasse with \_\_\_\_\_, Principal of  
\  
\_\_\_\_\_ School, concerning the records of  
\  
\_\_\_\_\_.

I hereby request a hearing on this matter, and it is my understanding that this will be scheduled within fifteen (15) days of this application.

SIGNATURE \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_ DATE \_\_\_\_\_

**Please complete this form in triplicate. The parent (or student) should retain the original, send one copy to school principal, and one copy to the Assistant Superintendent for Instruction, District Office, 700 7<sup>th</sup> Street South, Fargo, ND 58103.**

**FARGO PUBLIC SCHOOLS  
RECORD OF INSPECTION OF  
STUDENT RECORDS**

NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

Only the following persons have authority to inspect this file:

- |                         |                                      |
|-------------------------|--------------------------------------|
| Building Administrators | Special Services Case Managers       |
| Office Secretaries      | Special Service Providers            |
| Counselors              | Special Service Evaluators           |
| Classroom Teacher(s)    | Federal & State Monitoring Personnel |

The custodian of this file is the building administrator. Any person examining this file other than the administrator and office secretary must sign, date and identify the purpose for the examination. If this file is removed from the office in which it is kept, the building administrator of the file will be responsible for its safety.

<u>Record Examined By:</u>	<u>Date:</u>	<u>Purpose:</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____

**AUTHORIZATION TO SHARE DATA BETWEEN AGENCIES**

Student (Last Name, First Name, Middle Initial):	Student Date of Birth:	Parent/Guardian Name:	
Street Address:	City:	State:	Zip code:

I AUTHORIZE <b>FARGO PUBLIC SCHOOLS</b> and My School: _____			
TO SHARE INFORMATION WITH: _____			
Street Address:	City:	State:	Zip code:

<p><b>Data shared:</b> Student Schedule, Attendance, Grades, Teacher Comments, Discipline Information*, Other* (be specific)</p> <p>_____</p> <p>_____</p> <p><small>* This sharing would not be available through PowerSchool access, but would have to be requested as needed from the school/principal/counseling staff as needed.</small></p>
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**CONSENT:**

This authorization is voluntary and remains in effect until revoked by the student or student's parent/guardian by written notice to the school or other party. Unless otherwise agreed in writing, information may be disclosed under this authorization in any form or medium, including oral, written, or electronic transmission.

Student Signature (if 18 or older): _____	Date: _____
Parent/Guardian Signature or Custodian: _____	Date: _____
Relationship: _____	

District Official Signature: _____	Date: _____
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Notice: Except for information subject to 42CFR Part 2, information disclosed to another entity may potentially be re-disclosed in which case it may not be protected by state or federal law.

FARGO PUBLIC SCHOOLS

AF 6910-1

PERMISSION TO RELEASE SCHOOL RECORDS

You are hereby authorized to provide \_\_\_\_\_ School

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

with a copy of the school records of

STUDENT'S FULL NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

ADDRESS OF CURRENT SCHOOL \_\_\_\_\_

STUDENT'S FULL NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

ADDRESS OF CURRENT SCHOOL \_\_\_\_\_

STUDENT'S FULL NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

ADDRESS OF CURRENT SCHOOL \_\_\_\_\_

STUDENT'S FULL NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

ADDRESS OF CURRENT SCHOOL \_\_\_\_\_

STUDENT'S FULL NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

ADDRESS OF CURRENT SCHOOL \_\_\_\_\_

Please send immediately the entire record of the student(s) listed above. I am aware that these school records are available for my inspection at any time, and that I may receive a personal copy upon request.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

According to the Final Regulations – Family Educational Rights and Privacy Act (Buckley Amendment), June 17, 1976, school officials of other schools in which the student intends to enroll, may receive a student's record without a written consent for such release.

(Please print and submit form to your school)