

# S-2: Administrative Procedures

## Student Records, Privacy Rights, and Release of Information



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### REFERENCES

- [Board Policy S-2](#)
- [S-2: Annual Notice](#)
- [S-2: Media Release Form](#)
- [S-2: Military and College Recruiting Opt-Out](#)
- [S-2: Optional Directory Information Opt-Out Form](#)
- [Data Governance Plan](#)
- [IT Security Plan](#)
- [Metadata Dictionary](#)
- [Student Data Disclosure Statement](#)

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### DEFINITIONS

**Eligible Student:** Any student over the age of 18, or who is married, legally emancipated, or enrolled in post-secondary education programs.

**Parent:** For purposes of these administrative procedures and the corresponding board policy, "parent" means:

- A. a biological or adoptive parent;
- B. a legal guardian or other individual legally authorized to make educational decisions for the child;
- C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;
- D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf has been terminated or specifically limited by a court order;
- E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act ("IDEA"); and/or
- F. a stepparent, if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act ("FERPA") with respect to the child's education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

"Parent" does not include the state or any political subdivision of government.

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### PROCEDURES FOR IMPLEMENTATION

#### I. General Procedures

- A. All documents in the student cumulative/permanent record file, which include directory information, ethnic origin, race, gender, schools and years attended, subjects completed, grades and credits earned, competency evaluations, certain health records, name and contact information for the student's parents, pertinent legal documents, record of any suspensions or expulsions, documentation concerning a student's eligibility for IDEA or 504 services, and other documents related to the education program, are private records with the exception of certain directory information.
- B. Student records shall be accessible to:
  - 1. Authorized school personnel having responsibility for the student's educational program, and to individuals conducting federal, state, or district audits of educational programs.
  - 2. Parents.
    - a. In the event that parents are divorced or separated, both parents shall be entitled to access their student's student records unless prohibited by court order.
  - 3. Eligible students.
- C. Except in accordance with state and federal law, access to student records shall not be given to individuals other than those listed in Section B above.
- D. Certain student information designated as "directory information" may be made public without prior written consent. However, there is no legal requirement that a school or the district release directory information about a student. The district has designated the following student information as directory information:
  - 1. student's name, address, and parent's telephone number and email address;

2. student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user;
  3. participation in officially recognized activities and sports;
  4. weight and height of members of athletic teams;
  5. dates of enrollment at a school;
  6. degrees and awards received;
  7. the most recent or previous educational agency or institution attended by the student;
  8. current grade in school and teacher(s); and
  9. yearbook photos.
- E. Through the Annual Notice, each year parents and students will be informed of their right to have the student's directory information not be made public by notifying the school in writing of their decision.
- F. A copy of the Annual Notice, which includes information on access rights, must be included in student registration packets and all student handbooks, posted on the district's website, and otherwise widely distributed and made available to parents.
- G. District staff, the media, or other organizations, with the approval of the school principal, may take photographs of students, make audio or video recordings of students, or interview students for school-related stories. These recordings or images may appear in district publications, the district/school website, on district-approved social networking accounts, or in the news media.
1. This information and these images are generally not considered harmful or an invasion of privacy if released. However, parents or eligible students may opt out of having such information released.
  2. Parents or eligible students should complete and submit the district's S-2: Media Release Form to the principal if they wish to opt out of giving consent for this information to be shared with the media.
- H. The district's S-2: Military and College Recruiting Opt-Out Form must also be included in high school registration packets, published in high school handbooks, posted on the district's website, and otherwise widely distributed and made available to parents.

## II. Student Personally Identifiable Information

- A. Access to student personally identifiable information ("PII") is limited to those individuals who have completed district training and require the information to perform their specific district employment functions.
- B. The district maintains a metadata dictionary that lists the student data collected and shared externally by the district. The metadata dictionary is available for review at: <https://apex.slcschools.org/apex/r/slcsd/approved-devices-and-software/home>.
- C. The district's processes for protecting student data are outlined in the district's data governance and IT security plans. These plans are available for review at: <https://www.slcschools.org/departments/business-administration/information-technology/student-data-privacy/>.
- D. Student data may not be shared with third-party vendors unless prior approval has been granted by the district's chief information officer and general counsel.

## III. Requests to Review Student Records

- A. Parents of students currently enrolled or eligible students may submit a written request to the school principal or designee to review or obtain copies of their student's record.
- B. Before allowing a person access to student records, school personnel must verify the identity of the person making the request.
- C. Directory information should not routinely be released to the public or media. School employees should contact the student services or IT departments if they have questions about requests they receive. Any release of directory information or other student personally identifiable information to third parties must be approved by the district data manager, which is currently the chief information officer.
- D. The Family Educational Rights and Privacy Act ("FERPA") covers education records that are directly related to a student and maintained by the district or a district employee. These records include, but are not limited to grades, transcripts, class lists, student course schedules, and student discipline files.
- E. Schools are not required to prepare special reports or to recreate lost or destroyed records to satisfy a request for student records.
- F. Copies of records must be provided to parents and eligible students at a reasonable cost. Inability to pay reproduction costs may not prohibit access to the record itself.
- G. Requests for access to records should be granted in a timely manner; however, schools have up to 45 days to reply to a request.
- H. Except for those individuals listed in Section I.1-3 below, schools must maintain a record of each request for access to and each disclosure they make from an education record.

1. The record of access must include the names of parties who have requested or received information from the records and the stated reason for the request.
  2. A copy of the signed parent consent to release a record must be kept in the student's cumulative file.
- I. Schools are not required to keep a log or other record of access if the request is from, or the disclosure made to, any of the following:
1. the parent or eligible student;
  2. a properly designated school official for a legitimate educational purpose; or
  3. a party seeking directory information.
- J. District employees who receive a request for student records from any law enforcement agent shall immediately contact the district's general counsel. See, S-7: Administrative Procedures, Law Enforcement Access to Students and Student Records.

#### **IV. Denial of Release of Student Information**

- A. When a school receives either a parent's or eligible student's written directive to prohibit the release of their student's directory information, or a signed Media Release Form or Military and College Recruiting Opt-Out Form, the school will document that directive in the student information system in a timely manner and in such a way that any employee may readily determine whether to prohibit disclosure of the student's information.
- B. When a parent or eligible student chooses the option of denying the release of their student's directory information, they are opting out of the release of all directory information. Parents may not select:
1. certain items that can or cannot be released; and/or
  2. certain circumstances under which information may or may not be released.
- C. Once an eligible student or parent has made a request to deny the release of the student's directory information, the request will be effective in successive school years, unless changed in writing by the eligible student or parent.
- D. Schools must monitor each request to ensure that the request is honored.
- E. For juniors and seniors in high school, all requests for student names, addresses, and telephone listings received from military recruiters or institutions of higher education will be referred to the district's director of information systems and technology for a response.
- F. Before releasing a student's directory information, the director of information systems and technology or school principal will verify, to the best of his/her ability, whether any documentation restricting the release of such information exists.
- G. Before releasing any student information to or on any media, the district's communications department or the applicable school employee will verify, to the best of his/her ability, whether any documentation restricting the release of such information exists.

#### **V. Requests to Amend Student Records**

- A. If a parent or eligible student believes their student's record contains information that is inaccurate, misleading, or in violation of the student's right of privacy, s/he may request that the record be amended or corrected.
- B. A written request must be submitted to the principal seeking a review of the student's record. The request should identify what information they believe to be inaccurate, misleading, or a violation of the student's privacy rights and provide any documentation that supports that position.
- C. The principal will review the record, gather more information, and may conference with the parents/eligible student to clarify their concerns.
- D. The principal will render a decision within 20 school days of the receipt of the request.
- E. If a parent/eligible student wishes to appeal the principal's decision, s/he may send a written request for a hearing to the director of student services within ten school days of the principal's decision.
- F. The director of student services will refer the appeal to a district hearing officer, who will conduct a hearing within 20 school days.
- G. Parents/eligible students will have the opportunity to present evidence supporting their request that the record be changed.
- H. Parents/eligible students may be assisted or represented by one or more individuals, including their attorney; however, parents/eligible students must give advanced notice if they intend to bring legal counsel, so that the district also has the opportunity to have legal representation present at the hearing.
- I. The hearing officer will render a written decision within 20 school days. The decision will include a summary of the evidence and the basis for the decision.
- J. If the decision is made to amend or correct the student's record, the amendment will be made and the parent/eligible student will be informed of the amendment in writing.
- K. If the hearing officer determines that the record will not be changed, the parent/eligible student may place a statement in the student's record commenting on the contested information and/or an explanation of why s/he disagrees with the hearing officer's decision.

**VI. Requests for Records by Subpoena or in an Emergency**

- A. Upon receiving a subpoena for student records, the school should immediately contact the district's records officer.
- B. Before releasing student information pursuant to a subpoena, the records officer will notify the parents that their student's records have been subpoenaed, so that the parents have an opportunity to seek legal counsel in quashing the subpoena.
  - 1. Parents will have a minimum of five calendar days to respond to the district records officer and provide evidence that they are working to quash the subpoena; or a court order indicating the subpoena has been quashed.
  - 2. If the district records officer does not hear from the parent by the deadline outlined in the notification, the records will be released in accordance with the subpoena.
- C. School officials and/or the district records officer may disclose student information to appropriate parties in an emergency situation if the sharing of the information is necessary to protect the health or safety of an individual.

**VII. Prior Written Notification and Consent Required for Student Participation in Certain Activities**

- A. Prior written consent from parents must be obtained before students are asked to complete written assignments, answer questions, complete questionnaires, or take psychological or psychiatric examinations, tests, or treatments which reveal any of the following information about the student or the student's family, whether such information is personally identifiable or not:
  - 1. political affiliations or, except as provided for in state law, political philosophies;
  - 2. mental or psychological problems;
  - 3. sexual behavior, orientation, gender identity, or attitudes;
  - 4. illegal, anti-social, self-incriminating, or demeaning behavior;
  - 5. critical appraisal of individuals with whom the student or family member has close family relationships;
  - 6. religious affiliations or beliefs;
  - 7. legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; or
  - 8. income, except as required by law.
- B. Prior written consent as outlined in Section A above is required in all grades, kindergarten through grade twelve. The prohibitions included in Section A also apply within the curriculum and other school activities unless appropriate prior written consent has been obtained.
- C. In order for the prior written consent to be valid, parents must be given notification at least two weeks before any information outlined in Section A is solicited.
- D. The parental notification requirement and opt-out opportunity also apply to the collection, disclosure or use of personal information collected from students for marketing purposes ("marketing surveys").
  - 1. Parents are not required by federal law to be notified about the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.
  - 2. The notice requirement applies to the conducting certain physical exams and screenings, including any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student.
    - a. This does not include hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required by State law.
- E. A school may not use the prior written consent that a different school or district obtained for a student who transfers into a district school after the beginning of the year.
- F. Neither the school nor district may provide a:
  - 1. reward to a student for a student's participation in any psychological or psychiatric examination, test, treatment, survey, analysis, or evaluation; or
  - 2. consequence to a student for a student's lack of participation in any psychological or psychiatric examination, test, treatment, survey, analysis, or evaluation.
- G. This notice must include information that a copy of the educational or student survey questions to be asked is available at the school, or online, for the parents to review.
- H. This notice must provide parents a reasonable opportunity to obtain written information concerning:
  - 1. records or information, including information about relationships, that may be examined or requested;
  - 2. the means by which the records or information shall be examined or reviewed;
  - 3. the means by which the information is to be obtained;
  - 4. the purposes for which the records or information are needed;
  - 5. the entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and

6. a method by which a parent can grant permission to access or examine the personally identifiable information.
- I. The written notice must also include
  1. the survey the school or district will administer to the parent's student;
  2. the intended purposes and uses of the data collected;
  3. the types of persons or governmental entities that:
    - a. share the collected data, including a list of recipients who will receive the student-level data; or
    - b. receive the data collected from a governmental entity on a regular or contractual basis; and
  4. the record series as defined in the Utah Government Records Access and Management Act (GRAMA) in which the data is or will be included, if applicable.
- J. School staff will provide appropriate consent forms to parents and will monitor student participation as per written parental consent.
- K. Unless otherwise agreed to by the parent and the person requesting written consent, the authorization is valid only for the activity for which it was granted.
- L. Following disclosure, parents may waive the two-week minimum notification period.
- M. The two-week prior written notification requirement is not applicable in a situation which a school employee reasonably believes constitutes an emergency, in relation to child abuse or neglect reports, or by order of the court.
- N. These procedures do not limit the ability of a student to spontaneously express sentiments or opinions otherwise protected from disclosure.
- O. If a district employee believes that a situation exists that presents a serious threat to the well-being of a student, that employee shall notify the student's parent without delay. If, however, the matter has been reported to the Division of Child and Family Services ("DCFS"), it is the responsibility of DCFS to notify the student's parent. (See, Board Policy S-8: Child Abuse.)
  1. These procedures outlining the need for prior written notification and consent in certain circumstances, are necessary in order for the district to comply with the Student Privacy Act and the Protection of Pupil Rights Amendment ("PPRA"). (See, Student Privacy Act at Utah Code Ann. §53E-9-203, and PPRA at 20 U.S.C. §1232(h); 34 C.F.R. Part 98.)
- P. District employees violating these procedures may be subject to discipline, up to and including termination.

### **VIII. Internet Safety**

In accordance with the Children's Internet Protection Act ("CIPA"), the district has developed an Internet safety plan that protects students from the unauthorized disclosure, use, and dissemination of their personal information on the Internet. Please refer to Board Policy I-23: Websites and Social Media, and Board Policy I-18: Acceptable Student Use of Internet, Computers, and Network Resources, and their accompanying administrative procedures for more information.

### **IX. Notification of Student Data Breach**

The district or appropriate school must notify the parent of a student if there is a release of the student's personally identifiable student data due to a security breach.