

Board Policy JR: Student Records

Status: DRAFT

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It is the policy of the Board of Education that accurate and complete education records shall be maintained for each student enrolled in the School District. Confidentiality of student records shall be preserved in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g et. seq. and its implementing regulations at 34 C.F.R. § 99.31, and the Student Data Privacy, Accessibility, and Transparency Act of Georgia (SDA), O.C.G.A. §§ 20-2-660 et. seq. In applicable instances, confidentiality of student records shall also meet any heightened requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 and its implementing regulations, or Section 504 of the Rehabilitation Act (Section 504), 29 U.S.C. § 794 and its implementing regulations.

Definitions:

For the purposes of this policy,

- an “education record” or “educational record” is defined as any records that are directly related to a student and are maintained by the District or by any party acting on the behalf of the District.
- A “parent” is defined as natural parents, guardians, 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 at any age.

All information in the student record shall be as objective as possible or be based on unbiased, non-discriminatory professional observation or judgment. Student records shall be expunged periodically only to eliminate records or data no longer valid or pertinent to the student, with other certain information being retained in accordance with the Georgia Records Act, O.C.G.A. § 50-18-90 et seq. (Records Retention Act).

Personal information from the student record shall not be collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose). Provided that this paragraph does not apply to 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.

I. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Confidentiality of student records shall be preserved while access is provided to parents, eligible students, and school officials with legitimate educational interests, as described in the annual FERPA notification given to parents and eligible students.

A. Personally Identifiable Information

With the exception of directory information as defined below, personally identifiable information shall not be released by the school district from an education record without prior written consent of the parent or eligible student, except to the extent authorized by the FERPA and the SDA. This restriction for personally identifiable information shall include those categories protected by the Georgia Open Records Act, O.C.G.A. § 50-18-72 such as but not limited to telephone numbers, personal email addresses, home addresses, birth dates, birth names, emergency contacts, and identities of immediate family members.

The District will not interject itself in disputes between parents; if personally identifiable information specific to a parent or emergency contact that may be associated with a student or education record is requested by another parent of the student, the enrolling parent's written consent must be obtained before the information is released. However, the District will give to non-custodial parents, upon request, all information required under state and federal laws unless there is a valid court order directing the District (including any school) not to divulge such information.

B. Directory Information

Directory Information constitutes information contained in students' education records that would not be considered harmful or an invasion of privacy if released. The Superintendent, or designee, shall

develop and maintain procedures for the disclosure of Directory Information in appropriate circumstances.

The Superintendent, or designee, shall notify parents and eligible students of the types of information designated as Directory Information within this Policy, on an annual basis and provide parents and eligible students with a specified period of time to “opt out” of the disclosure of any type of directory information. Written objections to the disclosure of Directory Information must be submitted within thirty (30) days of the student’s date of enrollment or the start of the school year, whichever is latest, and addressed to the school principal or designee. Each school shall ensure such objection or “opt out” becomes updated in the student education record.

The primary purpose of Directory Information is to allow the District to include student information in certain school publications or school-related activities such as:

1. Yearbooks,
2. Honor Roll or other recognition lists,
3. Graduation programs, and
4. Athletic and other extracurricular programs.

For the purpose of the policy, the following information is defined as directory information:

1. The student's name, address, electronic mail address, and date and place of birth.
2. Location and dates of attendance within the school district;
3. Participation in officially recognized activities and sports;
4. The weight and height of members of athletic teams;
5. Photograph;
6. Grade level;
7. Name of the most recent educational agency or school attended by the student; and,
8. Honors, awards, and other recognition connected with student performance at school.

Federal law mandates the disclosure of names, addresses, and telephone numbers of high school students upon request by military recruiters and institutions of higher learning. The District will make disclosures of student directory information to military recruiters and institutions of higher education upon request, unless a parent or eligible student submits a written objection to the Director of Legal Compliance which states their desire to prohibit the release of the student's directory information for this purpose. Written objections to the disclosure of Directory Information to military recruiters and institutions of higher learning must be submitted within (30) days of the date of the student's enrollment or start of the school year, whichever is later.

C. Academic Information

For the purpose of this policy, “Academic Information” shall be considered an Education Record. Academic Information includes such items as individual student attendance, student schedule or class assignment, disciplinary records, transcripts, and identifying test/assessment results. Such information is confidential and access is restricted.

Academic Information is available to the respective parents and eligible students. The rights afforded to parents can transfer to the student when the student reaches eighteen years of age or the student is attending an institution of postsecondary education at any age. Professional personnel, in the normal function of the school, may access student records. In addition, access to student records may be afforded:

1. In compliance with a judicial order or any lawfully issued subpoena. In this event, advanced notice of compliance will be given to parents or eligible students.
2. In the event of an emergency, if knowledge of information contained within the record is necessary to protect the health and/or safety of students or other persons.
3. If students move to another attendance area within the school system or enrollment is sought outside the school system.

Records of individual students shall be kept in a safe place of file. The student’s academic record shall be

maintained for a period established by the Records Retention Act.

D. Release of Records

Each school shall maintain a record, kept with the education records of each student, which indicates all parties which have requested or obtained access to a student's records. Where the consent of a parent or eligible student is required for the release of records, it shall be in writing, be signed and dated by the person giving consent and shall give:

1. A specification of the records to be released;
2. The purpose for such release; and,
3. Identify the parties to whom such records will be release.

The Board's policy is to provide parents and eligible students with an electronic copy of education record which they are entitled to, unless the education record is not minted in electronic format and reproducing the record in an electronic format would be unduly burdensome.

The Superintendent or designer shall develop procedures consistent with the Georgia Department of Education's model policies permitting parents or eligible students to file a complaint regarding a possible violation of rights under the SDA or under other fender or state student data privacy and security laws.

II. **FERPA HEARING**

The State Board of Education requires that state operated schools provide parents or eligible students an opportunity for a hearing for the purpose of challenging the content of students' records in order to ensure the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students. Parents or eligible students shall be provided an opportunity for the inappropriate data, and they shall be authorized to insert into the records a written explanation by the parents or eligible students respecting the contents of the records.

A. Jurisdiction of FERPA Hearing

Information such as that defined in this policy as "Academic Records" and "Directory Information" shall generally be considered as not challengeable, except to the extent that the information is recorded accurately. Any desired challenge of grades, promotion or retention decisions shall be governed by the separate Policy and Regulations IHA: Grading Systems and/or Policy and REGulation IHE: Promotion and Retention.

B. Procedures for FERPA Hearing

A school may attempt to settle a dispute with the parent of a student or an eligible student through informal meetings and discussions with the parent or eligible student. If the FERPA based complaint cannot be settled at the school level and there is a request for a hearing, the Principal shall provide the complaining parent or eligible student with acces to a FERPA Complaint Form, see Exhibit JR-E: Student Records Official Complaint Form. Formal hearings may only be necessary when informal means are not satisfactory to the parent or the school.

- The Office of Legal Compliance shall be responsible for receiving all written complaints regarding FERPA and the SDA.
- A written response shall be provided to the complaining parent or eligible student acknowledging receipt of the complaint and informing the parent or eligible student of the scheduled hearing date.
- A hearing with the parent or eligible student and school official shall be conducted within fifteen (15) business days of receiving the complaint.
- The hearing shall provide an opportunity for the parents or eligible students to present relevant evidence.
- A decision on the Complaint shall be rendered no later than ten (10) business days following the hearing. A copy of this decision shall be sent to the parent or eligible student, Superintendent and Principal.

There is no district level appeal, and the decision of the Office of Legal Compliance regarding FERPA complaints is final. Parents and eligible students may seek further review of the District's decision by the

U.S. Department of Education as outlined in the annual FERPA notification.

C. Annual Notice

Parents and eligible students shall receive notice of their privacy rights under federal and state law, including FERPA, the Protection of Pupil Rights Amendment (PPRA), 20 USC § 1232h and its implementing regulations, and the Georgia Student Data Privacy, Accessibility, and Transparency Act, in the student handbook distributed at the beginning of the school year and upon enrollment or by any means that are reasonable likely to inform them of their rights. Parents must also be notified in writing of any substantive changes in the procedures developed by the Superintendent, or designer, within forty-five (45) days of the effective date of any such changes.

The annual notification as required by FERPA will inform parents and eligible students of, and the applicable procedures related to, the following:

1. Parents and eligible students have the right to inspect and review the student's educational records.
2. Parents and eligible students have the right to request an amendment to student educational records that are believed to be inaccurate, misleading, or in violation of student privacy rights.
3. Parents and eligible students must give consent prior to the disclosure of personally identifiable information contained in their student's or their own educational record.
4. Parents and eligible students may file a complaint with the United States Department of Education concerning alleged failures of the District to comply with the requirements of FERPA.

Generally, a parent or eligible student will be permitted to obtain a copy of the student's education records upon reasonable notice to the District and payment of reasonable copying costs, if applicable.
