

## STUDENT EDUCATION RECORDS

I. The Lyon County School District recognizes the confidential nature of student education records and that the primary purpose of keeping records on a student is for the educational welfare and advancement of the student. Those persons, agencies or firms seeking information from or access to student records must come within the exceptions of the Family Educational Rights and Privacy Act (FERPA) of 1974.

II. The United States Department of Education defines "education records" as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to grades, transcripts, assessments/tests class lists, student course schedules, health records, and student discipline files. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, video, audio, film, microfilm, microfiche, and e-mail. (34 CFR § 99.2)

III. Education records for students with disabilities are strictly confidential under the Individuals with Disabilities Education Act (IDEA). IDEA incorporates and builds upon the protections already provided by the Family Educational Rights and Privacy Act (FERPA). Specifically, IDEA provides additional protections for students receiving special education services, ensuring the privacy of their records beyond what FERPA already mandates. However, IDEA permits the disclosure of personally identifiable information (PII), such as education records, to officials of another school or agency where the student seeks or intends to enroll, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer.

IV. Administrative regulations below are established for the compilation, maintenance, release, destruction, and security of student records in conformance with federal requirements.

**Legal Reference(s):** Family Educational Rights and Privacy Act FERPA (The FERPA statute is found at 20 U.S.C. § 1232g and the FERPA regulations are found at 34 CFR Part 99); Individuals with Disabilities Education Act (IDEA).

Policy #JO  
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## COMPILATION AND MAINTENANCE OF STUDENT EDUCATION RECORDS

The Lyon County School District respects and values the rights of parents/legal guardians and “eligible students” (as defined by FERPA) regarding education records. Therefore, written permission will be obtained from a parent/legal guardian or eligible student before changing the preferred name and/or gender assigned at birth in the education record of a student enrolled in the LCSD.

1. Each student's official education record will include the following:

a. Records to be retained permanently:

- 1) Name and address of parent
- 2) Verification of date and place of birth
- 3) Dates and record of attendance
- 4) Course enrollment and grades (Transcripts)
- 5) Achievement test data
- 6) Date of graduation or withdrawal

b. Additional education records that may be retained include, but are not limited to:

- 1) Medical/health data.
- 2) Individual psychological evaluation (gathered with written consent of parents).
- 3) Individual intelligence tests, tests for learning disabilities, etc.
- 4) Other verifiable information to be used in educational decision making.

2. Maintaining Student Records

a. Transcripts of the scholastic record will contain only true factual information. The school will confine its record-keeping to tasks with clearly defined educational ends.

b. Items listed under 1-a and 1-b will be retained for 60 years after graduation or withdrawal.

c. Teacher and staff comments on student records will be confined to matters related to student performance. Value judgments will be excluded from the record.

d. Student records will be considered as current educational tools.

***NOTE:** Education records for students with disabilities will be maintained as outlined above. However, the Individuals with Disabilities Education Act (IDEA) requires schools to notify parents before destroying these records.*

## SECURITY AND RELEASE OF STUDENT EDUCATION RECORDS

- I. All school records of students are confidential. All records containing personal student information will be governed by the following principles:
  - A. Parents/legal guardians have the right, upon written request, to inspect and review any and all educational records relating directly to their dependent and legal wards. Each parent has full rights regarding access to educational records unless the District is provided with evidence that there is a court order, or legally binding document that specifically revokes these rights. The right accorded to parents/legal guardians transfers to the students upon attainment of their eighteenth birthday. As defined in 34 CFR 99.3, parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
  - B. The Lyon County School District maintains students' education records that (1) contain information which is directly related to a student and (2) are maintained by an education agency. These educational records are maintained in the LCSD student information system (e.g. Infinite Campus) and at the school of enrollment. Questions regarding educational records at the schools should be directed to the school principal in writing. Questions regarding other records should be directed to the superintendent or designee in writing. District personnel must be present to interpret records being reviewed.
  - C. Any request from parents/legal guardians, or students eighteen years of age or older must be complied within a reasonable length of time not to exceed forty-five (45) days from the date the request is received.
  - D. Parents/legal guardians or eligible students may, by written request to the principal of the school, challenge the content of student records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students. Additionally, parents/legal guardians or eligible students have the right to seek to amend education records. Such requests may become a part of the record at the discretion of the parent/legal guardian or eligible student.

Within ten (10) school days after receiving such a notice from a parent/legal guardian or eligible student, the principal shall notify the parent/legal guardian or eligible student in writing of the principal's decision and the reasons for the decision. The parent/legal guardian or eligible student shall have the right to appeal this decision to the superintendent or designee, within ten (10) school days after receipt of the principal's letter. The superintendent or designee, within fifteen (15) working days of receipt of such an appeal, shall hold a hearing with the parents/legal guardians and/or eligible student.

The parent/legal guardian or eligible student shall be informed in writing of the date and time of the hearing. Such notification shall be well in advance of the hearing date to allow time for the parent/legal guardian or eligible student to engage legal counsel and prepare and assemble any evidence the parent/legal guardian or eligible student wishes to present.

The superintendent or designee shall make his/her decision in writing within five (5) working days after conclusion of the hearing. The parent/legal guardian or eligible student shall be notified of the decision by certified mail.

E. Directory information is information not generally considered harmful or an invasion of privacy if disclosed. This includes a student's name, address, grade level, date and place of birth, photographs, participation in officially recognized activities and sports, weight and height if a member of an athletic team, years of attendance, degrees and awards received, and school attended. Photographs will only be considered directory information when used in printed school publications including the annual yearbook, playbills, honor roll or other recognition lists, graduation programs, newsletters, and sports activity programs/sheets.

Directory information may be made available without consent of parents/legal guardians or eligible students, provided that public notice has been made. A reasonable period of time must elapse between issuance of public notice and release of information to allow parents/legal guardians or eligible students to request that directory information not be released. Registration materials will inform parents of the right to restrict the distribution of directory information. This request may be rescinded in writing by a parent/legal guardian or eligible student at any time.

F. Information other than directory information is inaccessible without the written consent of the parent/legal guardian or eligible student. Exempt from this ruling are the following agencies and persons:

1. School officials who have a "legitimate educational interest" which may include:
  - a. Board of School Trustees;
  - b. Administrators;
  - c. Licensed employees;
  - d. School Resource Officers
  - e. Support staff; and
  - f. Contractors, consultants, volunteers, and other outside parties performing outsourced institutional services or functions.

“Legitimate educational interest” is defined as any activity having a direct effect on advancing a student’s educational level, coupled with a concern for the student’s social, emotional, and/or physical welfare.

2. Officials of other schools or school systems in which a student intends to enroll or where the student is already enrolled so long as disclosure is for the purposes related to the student’s enrollment or transfer.

3. Authorized representatives of the Comptroller General of the United States and of the Secretary of Education; heads of certain educational agencies and state educational authorities; provided that access to student records is necessary in connection with the audit and evaluation of a federally supported program or for the enforcement of federal legal requirements in connection with such a program, and that unless specifically authorized by federal law, no information is included which would permit the personal identification of students or parents/legal guardians after the data has been collected.

4. Representatives of accrediting organizations in order to carry out their accrediting functions.

5. Contracted organizations conducting studies and/or test-related services for the District.

6. Federal and state agencies in connection with student applications for, or receipt of, financial aid.

G. Any authorized persons receiving directory information or who request or obtain access to a student record must indicate in writing the date and specific reason for the request. These persons must verify in writing that they will not use directory information for any other purpose than indicated in the submitted request and that they will not sell said information to other parties.

Student directory information may not be released to commercial businesses for the purpose of advertising or marketing.

Pursuant to the No Child Left Behind Act of 2001, the LCSD shall provide access to secondary school students’ names, addresses, and telephone listings per the request of military recruiters or institutions of higher education. A secondary school student or the parent of the student may request that the student’s name, address, and telephone listing not be released without prior written parental consent.

The following organizations may receive directory information if the submitted written request is deemed by the superintendent's designee to have an educational benefit to the students:

1. Contracted organizations providing a service/product to the school.
2. Nonprofit postsecondary institutions requesting directory information, high school students' ranking and/or cumulative grade point averages.

H. Information may be released to others only:

1. With the written consent of the parent/legal guardian or eligible student specifying the records to be released, the reasons for such release, to whom and use to be made of the information; and with a copy of the records to be released transmitted to the parent/legal guardian or eligible student upon request.
2. When such information is furnished in compliance with judicial order or pursuant to any lawfully issued subpoena, upon the condition that the parent/legal guardian or eligible student is notified in advance of the compliance by the school with the subpoena or court order.

If after reasonable effort, the parent/legal guardian or eligible student cannot be reached, the court order or subpoena must be honored. Questions regarding judicial orders and subpoenas may be resolved in consultation with the Office of the General Counsel.

3. In cases where there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances.

I. Periodic review procedures shall be established for students' educational records in order to ensure accuracy and relevancy.

J. The District shall give parents/legal guardians of students in attendance or eligible students in attendance annual notice of their rights under the Family Educational Rights and Privacy Act. The notice shall also inform parents/legal guardians or eligible students that copies of this District administrative regulation are available on the District's website at [www.lyoncsd.org](http://www.lyoncsd.org) or upon request from any LCSD school's main office.

K. Through this annual notice, parents/legal guardians, or eligible students will be informed that they have the right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605, if the District fails to comply.

L. Any questions or unusual requests should be referred to the superintendent or designee.

II. Protection of Pupil Rights Amendment (PPRA) *Note: see LCSD Board Policy JF - Protection of Pupil Rights - Student Surveys*

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98) applies to programs that receive funding from the U.S. Department of Education (ED). The Protection of Pupil Rights Amendment is intended to protect the rights of parents and students in two ways:

A. It seeks to ensure that schools and contractors make instructional materials available for inspection by parents if those materials will be used in connection with a U. S. Department of Education funded survey, analysis, or evaluation in which their children participate; and

B. It seeks to ensure that schools and contractors obtain written parental consent before minor students are required to participate in any U. S. Department of Education funded survey, analysis, or evaluation that reveals information concerning:

1. Political affiliations;
2. Mental and psychological problems potentially embarrassing to the student and his/her family;
3. Sex behavior and attitudes;
4. Illegal, antisocial, self-incriminating and demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the students or parents; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents or students who believe their rights under the Protection of Pupil Rights Amendment may have been violated, may file a complaint with the U. S. Department of Education by writing to the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of the Protection of Pupil Rights Amendments occurred.

For additional information or technical assistance, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339.

*APPENDIX A*

**LYON COUNTY SCHOOL DISTRICT  
Notification of Rights under FERPA**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

(1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal a written request that identifies the record(s) they wish to inspect. The School principal or other official 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, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or eligible students who wish to ask the School to amend a record should write the School principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School 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 privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff); student teachers and related service interns; a person serving on the School Board; a person or company with whom the School has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the School discloses education records without consent to officials of another school district in which the student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the federal Office that administers FERPA are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920.

**Directory Information:** 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. Directory information may be released to agencies, institutions, the military, or businesses for the purpose of providing students with yearbooks, class rings, graduation announcements, athletic apparel, school pictures, scholarship opportunities, or other purposes that benefit the student and/or school. Directory information will not be released when the purpose is primarily for commercial or sectarian use. The Lyon County School District has designated the following information as directory

information: student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study, grade level; dates of attendance (but not attendance on a particular day); participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.

*Unless individual written objection to release such directory information is received by Lyon County School District from the parent or eligible student, any of the above information may be released in accordance with the purposes stated. All objections should be filed in writing with your student's school principal using the "Student Directory Information Opt Out Form"*

**LYON COUNTY SCHOOL DISTRICT  
Notification of Rights under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
  1. Political affiliations or beliefs of the student or student's parent;
  2. Mental or psychological problems of the student or student's family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
- *Receive notice and an opportunity to opt a student out of:*
  1. Any other protected information survey, regardless of funding;
  2. 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, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- *Inspect*, upon request and before administration or use:
  1. Protected information surveys of students;
  2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  3. Instructional material used as part of the educational curriculum.

These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

The Lyon County School District (LCSD) has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected

information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. LCSD will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. LCSD will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. LCSD will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

*Parents who believe their rights have been violated may file a complaint with:* Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

**APPENDIX B**

**LYON COUNTY SCHOOL DISTRICT  
Family Educational Rights and Privacy Act (FERPA)  
STUDENT DIRECTORY INFORMATION OPT OUT FORM**

School Year \_\_\_\_\_

Parents/Eligible Students: In accordance with the Lyon County School District's "Notification of Rights under FERPA," you have provided a written objection to release directory information contained in your child's education records. By checking the applicable box below, you may either opt out of the release of all directory information (Option A), or you may limit your opt out to name, address, and telephone number to be released to military recruiters (Option B).

**A. OBJECTION TO RELEASE OF ANY DIRECTORY INFORMATION  
(COMPREHENSIVE OPT OUT)**

TO: (Principal's Name) \_\_\_\_\_

SCHOOL: \_\_\_\_\_

REGARDING: (Student's Name – Please print) \_\_\_\_\_

I object to the district releasing directory information (student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study, grade level; dates of attendance (but not attendance on a particular day); participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended) about my student during this school year. I understand this means exclusion from school documents that typically are made public, such as class pictures, yearbooks, graduation programs, honor roll and other recognition lists, sports activity and theatrical programs. I also understand that this means exclusion of my child's name, address and phone number from the student directory, from other documents relating to school-related organizations and activities. Finally, I understand this means that my student will not be included in district videotape, audio recording, television and still photograph productions, and news media interactions.

Parent/Eligible Student Signature \_\_\_\_\_ Date \_\_\_\_\_

Parent/Eligible Student Name (Printed) \_\_\_\_\_

**B. OBJECTION TO RELEASE OF NAME, ADDRESS, AND TELEPHONE  
NUMBER TO MILITARY RECRUITERS**

TO: (Principal's Name) \_\_\_\_\_

SCHOOL: \_\_\_\_\_

REGARDING: (Student's Name – Please print) \_\_\_\_\_

I object to the district releasing the name, address, and telephone number of the student named above to military recruiters during this school year. I understand that once this form has been signed by either the student or a parent, only a parent may change it. I also understand that if I want to change it, the parent must notify the principal in writing that the form is no longer in effect and that student information may be released.

Parent/Eligible Student Signature \_\_\_\_\_

Date \_\_\_\_\_

Parent/Eligible Student Name (Printed) \_\_\_\_\_

***APPENDIX C***

**LYON COUNTY SCHOOL DISTRICT PARENT/ELIGIBLE STUDENT CONSENT TO  
RELEASE STUDENT EDUCATION RECORDS PROTECTED UNDER THE FAMILY  
EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

*I hereby authorize the Lyon County School District (LCSD) to allow the party listed below access to my student's confidential education records protected by the FERPA. I understand that I may revoke this authorization at any point and that the authorization will remain in effect until June 30th of the current school year.*

Please print student information below

Last Name	First Name	Middle Initial	Birthdate
Please describe the purpose of the release below.			

Please check the box next to the records you are authorizing for release.

<input type="checkbox"/>	All Education Records	<input type="checkbox"/>	Assessments	<input type="checkbox"/>	Family Contact Information
<input type="checkbox"/>	Transcripts	<input type="checkbox"/>	Health	<input type="checkbox"/>	Other, please specify:
<input type="checkbox"/>	Grades	<input type="checkbox"/>	Assignments		
<input type="checkbox"/>	Behavior/Discipline Logs	<input type="checkbox"/>	Schedule	<input type="checkbox"/>	Other, please specify:
<input type="checkbox"/>	Attendance	<input type="checkbox"/>	Reports		

\_\_\_\_\_  
Name of individual and/or program to whom you are authorizing release

\_\_\_\_\_  
Address of individual and/or program

\_\_\_\_\_  
Phone number and email of individual and/or contact person of the program

\_\_\_\_\_  
Parent/Eligible Student Signature

\_\_\_\_\_  
Parent/Eligible Student Printed Name

\_\_\_\_\_  
Date

<i>Lyon County School District Official Use Only</i>		
Records provided on (date):	Records provided to (name):	Employee Signature:

**APPENDIX D**

**LYON COUNTY SCHOOL DISTRICT PARENT CONSENT TO RELEASE  
OR EXCHANGE CONFIDENTIAL INFORMATION**

Student Name \_\_\_\_\_ Birthdate \_\_\_\_\_  
School \_\_\_\_\_ Grade \_\_\_\_\_

As required by the Family Educational Rights and Privacy Act (FERPA), the LCSD must obtain written consent before releasing or exchanging education records with certain persons or agencies outside of the school district. We are seeking your consent to release or exchange records for the following reasons:

- We need additional information about your child in order to improve the services or programs we provide to him or her.
- The person, agency, or program listed below needs information from the school district in order to provide or arrange services for your child.
- Other: \_\_\_\_\_

The school district seeks to release or exchange the following types of information with the agency or program identified below. Parents/guardians must initial each approved area for release.

Initial	Initial	Initial
medical evaluations _____	psychiatric evaluations _____	psychological evaluations _____
academic tests _____	discharge summary _____	other _____

**NOTE: The LCSD is obligated by FERPA and IDEA to confidentially maintain student education records.**

**Person, agency, or program with whom exchange or release is sought:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Phone/Email: \_\_\_\_\_

I give consent for the LCSD to release or exchange information with the above-named person, agency, or program for the purpose described. This authorization may be revoked at any time, except to the extent that action is already taken. Authorization expires 90 days from the date of signing.

\_\_\_\_\_  
Parent/Guardian/Eligible Student Signature

\_\_\_\_\_  
Date