File: JRA/JRC

Student Records/Release of Information on Students

In recognition of the confidential nature of student education records, no person or agency may access student education records without prior written consent from the student's parent/guardian or the eligible student, except as set forth in law and this policy.

The Superintendent or designee will provide for the proper administration of student records in accordance with law, including the implementation of safeguard measures or procedures regarding access to and disclosure of student education records.

Content and Custody of Student Education Records

The principal is the official custodian of records in his or her building.

Student education records in all formats and media, including photographic and electronic, are those records that relate directly to a student. Student education records may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any Individualized Education Program (IEP).

Student education records do not include records maintained by a law enforcement unit of the school or District that are created by that unit for the purpose of law enforcement.

Nothing in this policy will prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from a student's education records.

In accordance with applicable law, requests for inspection and review of student education records, requests for copies of such records, and disclosure of personally identifiable information therein must be maintained as a part of each student's education record.

School personnel must use reasonable methods to authenticate the identity of parents, students, school officials, and any other party to whom they disclose student education records. Authentication of identity prior to disclosure of electronic records through passwords or other security measures will be required.

Access to Student Education Records by Parents and Eligible Students

A parent/guardian ("parent") has the right to inspect and review his or her child's education records, if the student is under 18 years of age. If a student is 18 years old or older ("eligible student"), the student may inspect or review his or her own education records and provide written consent for disclosure of such records and personally identifiable information therein. However, the parent is also entitled to

access his/her child's education records, despite the lack of written consent from the eligible student, if the eligible student is a dependent for federal income tax purposes or the disclosure is in connection with a health or safety emergency. Access to student education records by parents or eligible students will be in accordance with the regulation accompanying this policy.

Request to Amend Student Education Records

A parent or eligible student may ask the District to amend a student education record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student. Student grades cannot be challenged pursuant to this policy. Requests to amend a student education record must be in accordance with the regulation accompanying this policy.

Disclosure with Written Consent

Whenever the District is required by law or policy to seek written consent prior to disclosing personally identifiable information from a student's education record, the notice provided to the parent or eligible student willl contain the following:

a. The specific records to be disclosed;

b. The specific reasons for such disclosure;

c. The specific identity of any person, agency or organization requesting such information and the intended uses of the information;

d. The method or manner by which the records will be disclosed; and

e. The right to review or receive a copy of the records to be disclosed.

The parent's or eligible student's consent is only valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity, special education program or in any other school program does not constitute the specific written consent required by this policy.

All signed consent forms will be retained by the District.

Disclosure Without Written Consent

The District may disclose student education records or personally identifiable information contained therein without written consent of the parent or eligible student if the disclosure meets one of the following conditions:

1. The disclosure is to a school official having a legitimate educational interest in the student education record or the personally identifiable information contained therein. In accordance with law, only those school officials who have a legitimate educational interest as described in this policy will be permitted access to specific student education records.

a. For purposes of this policy, a "school official" is a person employed by the District as an administrator, supervisor, teacher or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, 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.

b. A school official has a "legitimate educational interest" if disclosure to the school official is: (1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (2) used within the context of official District business and not for purposes extraneous to the official's areas of responsibility; (3) relevant to the accomplishment of some task or to a determination about the student; and (4) consistent with the purposes for which the data are maintained.

2. The disclosure is to officials of another school, school system or postsecondary institution that has requested the records and in which the student seeks or intends to enroll, or has enrolled. Any records sent during the student's application or transfer period may be supplemented, updated or corrected as necessary.

3. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities.

4. The disclosure is in connection with a student's application for, or receipt of, financial aid.

5. The disclosure is to state and local officials and concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children's Code. Such records and personally identifiable information will only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent or eligible student.

6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction.

7. The disclosure is to accrediting organizations for accrediting functions.

8. The disclosure is to the parent of an eligible student and the student is a dependent for IRS tax purposes.

9. The disclosure is in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or others.

10. The disclosure is to comply with a judicial order or lawful subpoena. The District will make a reasonable effort to notify the parent or eligible student prior to complying with the order or subpoena unless:

a. The court order or subpoena prohibits such notification; or

b. The parent is a party to a court proceeding involving child abuse and neglect or dependency matters and the court order is issued in the context of that proceeding.

11. The disclosure is to the Secretary of Agriculture, or authorized representative from the USDA Food and Nutrition Service or contractors acting on behalf of the USDA Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations and performance measurements of state and local educational agencies receiving funding or providing benefits of program(s) authorized under the National School Lunch Act or Child Nutrition Act.

12. The disclosure is to an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access the student's case plan because such agency or organization is legally responsible, in accordance with applicable state or tribal law, for the care and protection of the student.

13. The disclosure is of "directory information" as defined by this policy.

Disclosure of Directory Information

Directory information may also be disclosed without written consent of the parent or eligible student. "Directory information" means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information which may be released may include the student's name, photograph, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors and awards received, the most recent previous education agency or institution attended by the student, and other similar information. Directory information also includes a student identification number or other unique personal identifier displayed on a student ID badge or used by the student to access or communicate in electronic systems, but only if the identifier cannot be used to gain access to student education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a password known only by the authorized user.

Student telephone numbers and addresses will not be disclosed pursuant to this section.

The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 7th or the following Monday if September 7th is a Saturday or Sunday.

Disclosure of Disciplinary Information to School Personnel

In accordance with state law, the principal or designee will communicate disciplinary information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. Any teacher or counselor to whom disciplinary information is reported must maintain the confidentiality of the information and will not communicate it to any other person.

State law requires the principal or designee to inform the student and the student's parent when disciplinary information is communicated and to provide a copy of the shared disciplinary information. The student and/or the student's parent may challenge the accuracy of such disciplinary information through the process outlined in this policy and accompanying regulation.

Disclosure to Military Recruiting Officers

Names, addresses and home telephone numbers, as well as directory information, of secondary school students must be released to military recruiting officers within 90 days of the request, unless a parent or eligible student submits a written request that such information not be released. Reasonable and customary actual expenses directly incurred by the District in furnishing this information will be paid by the requesting service.

Disclosure to Medicaid

In all cases in which a student is enrolled in the Colorado Medicaid program, the District must release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The District will obtain written consent annually from a parent before the release of any non-directory information required for billing. To accomplish this, the District will:

NOTE: Choose one or more of the following.

- include a consent form with the "start of school" information each fall.
- include a consent form with IEP packet materials.
- include a consent provision on the Medical Emergency form.

Disclosure to the Colorado Commission on Higher Education (CCHE)

On or before December 31st of each school year, the District will disclose to the CCHE the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

Annual Notification of Rights

The District will notify parents and eligible students of their rights pursuant to this policy at the beginning of each academic year. For notice to parents or eligible students who are disabled or whose primary or home language is a language other than English, the format or method of notice will be modified so it is reasonably likely to inform them of their rights.

A copy of the Family Educational Rights and Privacy Act, and this policy and accompanying regulation and exhibit may be obtained from the Office of the Superintendent during normal business hours.

Governing Law

The District will comply with the Family Educational Rights and Privacy Act (FERPA) and its regulations as well as state law governing the confidentiality of student education records. The District will be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law will control.

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LEGAL REFS.: 20 U.S.C. 1232g *(Family Educational Rights and Privacy Act)*
20 U.S.C. 7908 *(military recruiter access to student records)*
34 C.F.R. 99.1 *et seq. (FERPA regulations)*
34 C.F.R. 300.610 *et seq. (IDEIA regulations concerning confidentiality of student education records)*
C.R.S. 19-1-303 and 304 *(records and information sharing under Colorado Children's Code)*
C.R.S. 22-1-123 *(District shall comply with FERPA)*
C.R.S. 22-32-109 (1)(ff) *(duty to establish policy on disclosing eighth grade students names and mailing addresses to the Colorado Commission on Higher Education)*
C.R.S. 22-32-109.1 (6) *(duty to establish policy on sharing information consistent with state and federal law in the interest of making schools safe)*
C.R.S. 22-32-109.3 (2) *(duty to share disciplinary and attendance information with criminal justice agencies)*

C.R.S. 22-33-106.5 *(court to notify of conviction of crime of violence and unlawful sexual behavior)*
C.R.S. 22-33-107.5 *(District to notify of failure to attend school)*
C.R.S. 24-72-204 (2)(e) *(denial of inspection of materials received, made or kept by Safe2Tell Program)*
C.R.S. 24-72-204 (3)(a)(VI) *(schools cannot disclose address and phone number without consent)*
C.R.S. 24-72-204 (3)(d) *(information to military recruiters)*
C.R.S. 24-72-204 (3)(e)(I) *(certain FERPA provisions enacted into Colorado Law)*
C.R.S. 24-72-204 (3)(e)(II) *(disclosure by staff of information gained through personal knowledge or observation)*
C.R.S. 24-72-205 (5) *(fee for copying public record)*
C.R.S. 25.5-1-116 *(confidentiality of HCPF records)*

CROSS REFS.: JK, Student Discipline
JLC, Student Health Services and Records
JRCA*, Sharing of Student Records/Information between School District and State Agencies
KLMA, Relations with Military Recruiters, Postsecondary Institutions and Prospective Employers
KLG-R, Relations with Federal Immigration Officials