AR-5125 (a)

STUDENT RECORDS

DEFINITIONS

1. Education Records

"Education records" consists of all official records, files and data directly related to student that are maintained by the District or a party acting for the District. A student's education record could include identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), daily attendance data, scores on standardized intelligence, aptitude and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and written observations, and discipline data, including suspensions or expulsions. Student records are the property of the District, with access by others as set forth in this regulation.

2. Exclusions from the Term "Education Records"

The following documents are not "education records":

a. Aggregated data that does not contain "personally identifiable information" about a specific student.

b. Personal files, notes, or records maintained by staff members or professional consultants that are kept in their sole possession, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute. Such files or personal notes regarding students shall constitute the personal property of the person compiling the file.

c. An employment record made and maintained in the normal course of business that relates exclusively to an individual in his or her capacity as an employee. However, records relating to a student who is employed because of his or her student's status are education records.

d. Records of a student aged 18 or older that are made or maintained by a physician or mental health professional that are utilized for treatment of the student are disclosed only to individuals providing treatment. "Treatment" for this provision does not include remedial educational activities that are part of the District's instructional program.

e. Records created or received by the District after the student no longer attends and that are not directly related to the individual's attendance as a student.

f. Grades on peer-graded papers before they are collected and recorded by a teacher.

STUDENT RECORDS (continued)

g. Personal knowledge or observation of a school official. A school official is not prohibited from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation, and not from the student's education records.

3. Personally Identifiable Information

"Personally identifiable" information includes, but is not limited to the name of a student; the student's parent or other family members; the address of the student or the student's family; a personal identifier, such as the student's social security number, student number; or biometric record; indirect identifiers such as a student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or likable to a specific student and that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty, or information requested by a person who the District reasonably believes to know the identity of the student to whom the record relates.

"Biometric record" as used above means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. These include fingerprints, eye patterns, voiceprints, DNA, facial characteristics, and handwriting.

4. Directory Information

"Directory Information" means information contained in an education record that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, a student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, 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 and awards or honors received, scholarship eligibility, and the most recent school attended by the student.

5. Parent

"Parents" means a natural parent, an adoptive parent, foster parent, legal guardian, or an individual acting as a parent in the absence of a parent or guardian, or in the case of a student receiving services provided to exceptional children, a person acting as the parent of a child, or a surrogate parent appointed in accordance with state regulations. Either or both parents have access to a student's records, even if a separation or divorce has occurred, unless the parental rights of a parent have been legally terminated through adoption or other legal process; or unless a decree of divorce, separation, or other court order specifically prohibits parental access to school information or records.

STUDENT RECORDS (continued)

6. Eligible Student

"Eligible student" means a student who has attained eighteen years of age or is a legally emancipated minor.

7. School Official

A "school official" is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff); a person serving on the School Board; law enforcement unit personnel as defined in this regulation, a person or company with whom the District has contract to perform a special task (such as attorney, auditor, medical consultant, or therapist); a contractor, consultant, or other outside party to whom the District has outsourced services or functions that it would otherwise use employees to perform, provided that the outside party is under the direct control of the District with respect to use and maintenance of education records and subject to the same conditions governing use and disclosure of those records, or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

8. Education Program

"Education program" means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, and any program that is administered by an education agency or institution.

NOTIFICATION OF RIGHTS

Parents and students will be notified of their FERPA rights annually. *See Exhibit Form A*. Upon request, the District will provide parents or eligible students with a list of the types of records the District keeps, their locations and their custodians. In addition, the District shall maintain for public inspection a list of the names and positions of District employees who routinely have access to records collected or maintained in conjunction with the provision of services to exceptional children.

STUDENT RECORDS (continued)

CUSTODY AND PROTECTION OF STUDENT RECORDS

1. Places Records are Kept

   Student records will generally be maintained in the cumulative record folders in the administrative offices of the schools. With the consent of the Superintendent or designee, portions of student records may be kept in other places for reasons of effective school administration, such as data collected and maintained in physical education, vocational, health or special education locations.

2. Custodian of Records

   Student records in each place where they are maintained shall be under the control of a custodian appointed by the Superintendent. The custodian shall be responsible for carrying out this regulation with respect to the records under his/her control. The custodian shall use reasonable physical, technological, or procedural controls to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

3. Record of Access to Student Records

   Each individual student cumulative record folder, and each student record maintained separately from the folder, shall contain a written record of each request for, and each disclosure of, personally identifiable information.

   A record of access does not have to be kept for requests by, or disclosure to, the following individuals:

   a. parents of the student or an eligible student
   b. school officials with a legitimate educational interest
   c. those authorized to obtain disclosure by written consent of a parent or eligible student, unless the disclosure pertains to records of a student receiving special education or related services
   d. those who request directory information, unless the disclosure pertains to records of a student receiving special education or related services
   e. the Attorney General of the United States, or designee, when disclosure is pursuant to an ex parte order in connection with the investigation or prosecution of terrorism crimes
   f. enrolling school districts receiving records of a withdrawn student

STUDENT RECORDS (continued)

DESTRUCTION OF RECORDS

1. The District is not precluded from destroying any records, if not otherwise precluded by law, except that access shall be granted prior to the destruction of the education records where the parent or eligible student has requested such access.

2. In the case of records pertaining to students receiving special education or related services that are no longer needed by the District to comply with state or federal law or regulations, the District shall make reasonable efforts to notify the parent or eligible student, and offer the parent, or eligible student, a copy of the record. Such records shall be destroyed upon request of the parent or eligible student.

3. Records pertaining to the name, address, telephone number, grades, attendance, classes attended, grade level completed, and year completed of a student who has received special education, or related services must be maintained indefinitely.

ACCESS BY PARENTS OR ELIGIBLE STUDENT

A parent of a student who is under eighteen (18) years and who has attended or is currently enrolled in the District has a right to inspect and review his or her student's records or any part thereof. The right of access does not apply to the child's address if the Superintendent determines that release of the address poses a threat to the health or safety of the child.

An eligible student has a right to inspect and review his or her student record or any part thereof. Parent's rights under this policy transfer to the eligible student. However, once a student has become an eligible student, the District may disclose records of the student to the parent without the student's consent in the following instances:

1. If the student is a dependent of either parent for federal income tax purposes; or
2. In connection with a health or safety emergency.

The right of access specified in this section shall include:

1. The right to inspect and review the content of the student records
2. The right to obtain copies of those records, which shall be at the expense of the parent or the eligible student (but not to exceed the actual cost to the District or producing such copies)
3. The right to a response from the District to reasonable requests for explanations and interpretations of those records; and
4. The right to an opportunity for a hearing to challenge the content of those records.

STUDENT RECORDS (continued)

Access rights shall be exercised by presenting a written request to the student's school principal or the office of the Superintendent. The request shall identify the specific records, which the requesting person wishes to inspect or review. A form shall be made available for the purpose of making a written request for access. See Exhibit 5125 (c).

Record inspection shall take place during reasonable business hours as determined by mutual agreement between the District and the requesting person. Access shall be provided within forty-five (45) days after the written request has been made, except that the District shall respond to a request relating to records collected or maintained in conjunction with the provision of services to exceptional children within ten (10) days of the request and, in any case, before any meeting or hearing in which the parent or eligible student may participate relating to the identification, evaluation, placement, or program of the student.

Where records requested include, information concerning more than one student, a student's parent or eligible student may examine only the part of the record pertaining to that student. Where this cannot reasonably be done, the parent or eligible student shall be informed of the contents of the part of the record pertaining to that student.

ACCESS WITHOUT PARENTAL CONSENT

The District shall release personally identifiable information contained in a student's education records to entities or individuals other than the parent or eligible student only with the parent's or eligible student's written consent, except that the District may disclose personally identifiable information, other than information collected or maintained in conjunction with the provision of services to exceptional children, without prior consent to the persons or under the circumstances listed below:

1. School officials of the District who have a legitimate educational interest in having access to the records. A school official has a legitimate educational interest if the official needs to review an education record to fulfill his or her professional responsibility.

2. Officials of other schools or districts, schools, state-operated correspondence programs or post-secondary institutions in which a student seeks to enroll or is already enrolled, so long as the disclosure if for purposes related to the student's enrollment or transfer. It is the policy of the District to forward student records to the entities or programs listed in this subsection without notifying the parent or eligible student. The District shall forward these records within 10 business days after receiving a request. Notification of this practice will be provided to parents and students in the annual notification.

STUDENT RECORDS (continued)

Missing children: As required by state law, the District shall flag the school records of a child who is missing. Upon receipt of a request from another school or district for a record that has been flagged, the District shall immediately notify the Department of Public Safety. Unless directed to do so by the Department, the District may not forward a copy of the flagged records.

3. Upon their request, military recruiters and institutions of higher learning shall have access to a secondary student's names, addresses, and telephone listings, unless an objection is made by the student's parent or guardian. Parents/guardians shall be notified of their right to make this objection.

4. Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or the Department of Education and Early Development of the State of Alaska, if the information is provided in connection with an audit or evaluation of federal or state supported education programs.

5. To comply with a judicial order or a lawfully issued subpoena, provided the District will make a reasonable effort to notify the parent or eligible student in advance of compliance, unless ordered not to by the issuing agency. Furthermore, the District will not notify a parent who is a party to a court proceeding involving child abuse or neglect and the subpoena is issued in the context of that proceeding.

6. In connection with a student's request for or receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.

7. To organizations conducting certain studies for or on behalf of the District, as permitted by federal regulation.

8. To accrediting organizations to carry out their functions.

9. To appropriate parties in a health or safety emergency.

10. To a caseworker or other representative of a state, local or tribal child welfare agency with legal responsibility for the welfare of the student.

11. To a court in connection with a legal proceeding brought by the District against a student or parent, or by a student or parent against the District, to the extent that the education records of the student are relevant to the action being brought or the District's defense.

12. Directory information may be released subject to the conditions described in BP-5125.1.

STUDENT RECORDS (continued)

In addition, appropriate information concerning disciplinary action taken against a student may be released to teachers and school officials in other schools who have a legitimate educational interest in the behavior of the student.

DISCLOSURE OF INFORMATION TO THIRD PARTIES

1. The District shall not release personally identifiable information from a student's records except on the condition that the party to whom the information is disclosed shall not permit any other party to have access to the information without the prior written consent of the parent or eligible student. The District shall inform a party to whom disclosure is made of this requirement. *See Exhibit 5125 (d).*

2. The District may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures on behalf of the district without the consent of the parent or eligible student if (a) these further disclosures meet the requirements for access without consent; and (b) the District maintains a record of third parties granted access and the legitimate interest of such parties.

COOPERATION WITH THE JUVENILE JUSTICE SYSTEM

The District will cooperate with the juvenile justice system in sharing information contained in permanent student records regarding students who have become involved with the juvenile justice system.

Prior to adjudication, information contained in the permanent record may be disclosed by the District to the parties without parental consent or court order. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family for coordinating the delivery of programs and services to the student or student's family.

Information shared under this agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or custodian.

RECORDS PERTAINING TO CHILDREN WITH DISABILITIES

Personally identifiable information in those education records specifically collected or maintained in conjunction with the provision of services to exceptional children may not be released without the written consent of a parent or eligible student unless the disclosure is to:

1. A school official as described above;

STUDENT RECORDS (continued)

2. An official of a school or school system in which the student intends to enroll, provided, however, that a parent or eligible student must be notified of the disclosure, offered a copy of the record, and notified of his or her right to request amendment of the record.

3. A representative of the Federal Comptroller General, U.S. Department of Education, or Alaska Department of Education & Early Development.

The contents of a student's education records may be disclosed to any person with the written consent of the parent or eligible student. The written consent must specify the records to be released, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made. A copy of the records to be released shall be provided on request to the student's parents or eligible student, and to the student who is not an eligible student, if the student's parent so requests. See Exhibit 5125 (c).

If a parent or eligible student refuses to consent to the release of a student record specifically collected or maintained in conjunction with the provision of services to exceptional children, the District may initiate a hearing pursuant to the provisions of 4 AAC Section 52.550.

RELEASE OF INFORMATION FOR HEALTH AND SAFETY EMERGENCIES

The District may release information from records to appropriate persons, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other persons. The District will consider the totality of the circumstances, based on the information available at the time, to determine if there is an articulable and significant threat to the health or safety of a student or others.

The District may include in a student's records information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. Under the "health and safety emergency" exception, the District may disclose this information to teachers and school officials of the district, or to teachers and school officials of other districts, if those individuals have a legitimate educational interest in the behavior of the student.

CHALLENGES TO THE CONTENT OF STUDENT RECORDS

1. Request to Amend Records

   The parent of a student or an eligible student who believes that information contained in the student's education records is inaccurate or misleading or violates the privacy or other rights of the student may request that the District amend the records.

STUDENT RECORDS (continued)

A request for amendment shall be made to the Superintendent or the Superintendent's designated representative who shall decide whether to amend the records as requested within a reasonable period of time of the request. If the Superintendent or designated representative decides not to amend the education records, he/she shall inform the parent or eligible student of that decision and of the parent's, or eligible student's right to a hearing.

2. Right to a Hearing

   The District shall provide parents and eligible students an opportunity for a hearing to challenge the content of the student's records to insure that the records are not inaccurate, misleading, or in violation of the privacy or other rights of the student.

3. Conduct of the Hearing

   The hearing shall be conducted according to the following procedures:

   a) The hearing shall be held within a reasonable period of time after receipt of the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.

   b) The hearing shall be before a hearing examiner, who shall be appointed by the Superintendent and who may be an employee of the District who has no direct interest in the outcome of the hearing.

   c) The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under this policy and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.

   d) The District shall make its decision in writing within a reasonable period of time after the conclusion of the hearing.

   e) The decision of the District shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

   f) Where the hearing concerns information in a record specifically collected or maintained in conjunction with the provision of services to exceptional children, it shall be governed by the procedures specified in 4 AAC 52.550.

STUDENT RECORDS (continued)

4. Remedies

The following remedies shall apply based on the results of the hearing:

a) If the District decides that the information contained in a student's records is inaccurate, misleading or otherwise in violation of the student's rights, it shall amend the records accordingly and so inform the parent or eligible student in writing.

b) If the District decides that the challenged information is not inaccurate, misleading or otherwise in violation of the student's rights, it shall inform the parent or eligible student of the right to place a statement in the student's records commenting upon the contested information and/or stating why he or she disagrees with the District's decision. Any statement placed in a student's education records in accordance with this section shall

   (i) be maintained by the District as long as the contested record is maintained, and

   (ii) be disclosed whenever the contested portion of the record is disclosed to any party.

Reviewed in Consultation with Legal Counsel: August 15, 2005
Reviewed & Renumbered: September 20, 2010
Revised in Consultation with Legal Counsel: October 20, 2014
Revised using the AASB Sample: August 19, 2024
Reviewed: September 15, 2025