PART 1: EDUCATION RECORDS

Sec. 1. "EDUCATION RECORDS" DEFINED

For the purposes of this policy, the term "education records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by Texas Leadership Public Schools (TLPS) or by a person acting for TLPS.

The term "education records" does not include:

1. Records that are created or received by TLPS after an individual is no longer a student in attendance, and that are not directly related to the individual's attendance as a student.
2. Records made by TLPS personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of TLPS that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is eighteen years of age or older, or who is attending an institution of postsecondary education, that are:
   a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
   b. Made, maintained, or used only in connection with treatment of the student; and
   c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. § 1232g; 34 C.F.R. § 99.3.

State and federal law safeguard educational records from unauthorized inspection or use. All information relating to student performance, including grades, test results, and disciplinary records are considered confidential educational records. Release of those records are restricted to parents or guardians; school staff members with a legitimate educational interest; various governmental agencies or in response to a subpoena or court order; or a school to which the student transfers or subsequently enrolls. Release to any other person or agency will occur only with prior written consent of the parent or guardian.

Sec. 2. SCREENING RECORDS

The Principal of each TLPS campus shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in TLPS. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with provisions below concerning "Access by Other Persons." *20 U.S.C. § 1232g; Tex. Health & Safety Code §§ 36.006, 37.003, 95.004; 25 Tex. Admin. Code § 37.145(b).*

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Sec. 3. IMMUNIZATION RECORDS

TLPS shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. TLPS shall cooperate with other districts and schools in transferring students' immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. *Tex. Educ. Code § 38.002*.

Sec. 4. MEDICAL RECORDS

The parent or guardian of a student is entitled to access to the student's medical records maintained by TLPS. On request of a student's parent or guardian, TLPS shall provide a copy of the student's medical records to the parent or guardian. TLPS may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code. *Tex. Educ. Code § 38.0095*.

a) *Privacy Rule for Non-"Education Records"*

To the extent TLPS is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), TLPS must comply with the Privacy Rule, 45 C.F.R. Part 164, with respect to protected health information that is not an education record. *45 C.F.R. §§ 160.103, 164.501.*

Sec. 5. FOOD ALLERGY INFORMATION

Information regarding a child's food allergy, regardless of how it is received by TLPS, shall be retained in the child's student records, but may not be placed in the health record maintained for the child by the school.

a) *Exceptions*

If TLPS receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the school. A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by TLPS, including a notation that the child's student records indicate that a parent has notified TLPS of the child's possible food allergy. *Tex. Educ. Code § 25.0022(d)–(f).*

Sec. 6. ASSESSMENT INSTRUMENTS

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by TLPS are confidential and may be made available only to the student, the student's parent or guardian, and to TLPS personnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and school system, and made available to the public, with appropriate interpretations, at regularly scheduled Board meetings. The information may not contain the names of individual students or teachers. *Tex. Educ. Code § 39.030(b)*.

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Sec. 7. ACADEMIC ACHIEVEMENT RECORDS (GRADES 9–12)

TLPS shall use the academic achievement record (transcript) form adopted by the State Board. This form shall serve as the academic record for each student and shall be maintained permanently by TLPS. Copies of the record shall be made available to students transferring to another district. The information may be provided to the student or to the receiving district or to both. TLPS shall respond promptly to all requests for student records from receiving districts. *19 Tex. Admin. Code § 74.5.*

Sec. 8. ENROLLMENT RECORDS

If a parent or other person with legal control of a child enrolls the child in TLPS the parent or other person, or district in which the child most recently attended school, shall furnish to TLPS all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the Commissioner in the Student Attendance Accounting Handbook.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

TLPS must furnish information under items 1 and 2 not later than the tenth working day after the date TLPS receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that TLPS transfer a child's student records, TLPS shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district. *Tex. Educ. Code § 25.002.*

PART 2: ACCESS, DISCLOSURE, AND AMENDMENT

Sec. 1. DEFINITIONS

a) *Attendance*

"Attendance" includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

b) *Disclosure*

"Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

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c) *Parent*

"Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

d) *Personally Identifiable Information*

"Personally identifiable information" includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;
4. A personal identifier, such as the student's biometric record, defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); social security number; or student number;
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the TLPS community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who TLPS reasonably believes knows the identity of the student to whom the education record relates.

e) *Record*

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche.

f) *Authorized Representative*

"Authorized representative" means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

g) *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, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.
34 C.F.R. § 99.3.

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h) *Signed and Dated Written Consent*

"Signed and dated written consent" may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person's approval of the information contained in the electronic consent.

34 C.F.R. § 99.30(d).

Sec. 2. ACCESS BY PARENTS

Access to the education records of a student who is or has been in attendance at TLPS shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes. *34 C.F.R. §§ 99.10, .31(a)(8).*

TLPS shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator. *34 C.F.R. § 99.4; Tex. Fam. Code § 153.012, .073.*

Sec. 3. ACCESS BY STUDENT

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student. Nothing in this section prevents TLPS from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency. *34 C.F.R. § 99.5.*

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed. *34 C.F.R. § 99.12(a).*

Sec. 4. ACCESS BY OTHER PERSONS

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following:

a) *School Officials*

School officials, including teachers, who have legitimate educational interests are authorized to review personally identifiable information in education records. An administrator, nurse, or teacher is entitled to access a student's medical records maintained by TLPS for reasons determined in TLPS policy.

A contractor, consultant, volunteer, or other party to whom TLPS has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

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1. Performs an institutional service or function for which TLPS would otherwise use employees;
2. Is under the direct control of TLPS with respect to the use and maintenance of education records; and
3. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

TLPS must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. *34 C.F.R. § 99.31, .36; Tex. Educ. Code § 38.009*.

b) ***Officials of Other Schools***

Officials of other schools or school systems in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that TLPS either:

1. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
2. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

In either case, TLPS shall furnish a copy of the transferred records to the parent if requested and shall give the parent an opportunity for a hearing to challenge the content of the record.
34 C.F.R. § 99.34.

c) ***Authorized Governmental Representatives***

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. *34 C.F.R. § 99.35*.

TLPS may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act ("FERPA") and any regulation implementing FERPA. TLPS is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 C.F.R. 214.3, or any corresponding regulation. *8 U.S.C. § 1372(c)(2); 8 C.F.R. § 214.1(h).*

d) ***Financial Aid Personnel***

Personnel involved with a student's application for, or receipt of, financial aid.

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e) *Juvenile Justice Officials*

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released; and
2. The officials and authorities to whom such information is disclosed certify in writing to TLPS that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent or the student.

The Superintendent or designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Texas Family Code § 58.0051.
Tex. Educ. Code § 37.084(a).

f) *Organizations Conducting Surveys*

Organizations conducting studies for, or on behalf of, TLPS for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

TLPS must enter into a written agreement with the organization that:

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
4. Requires the organization to destroy or return to TLPS all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.

If TLPS enters into an agreement with an organization conducting a study, it may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to TLPS in accordance with the requirements of 34 C.F.R. 99.33(b).
TLPS is not required to initiate a study or agree with or endorse the conclusions or results of the study.

g) *Accrediting Organizations*

Accrediting organizations that require the information for purposes of accreditation.

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h) ***Health & Safety Emergency***

Appropriate persons, including the student's parents, who, in an emergency, must have such information in order to protect the health or safety of the student or other person. In making a determination, TLPS may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If TLPS determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. *34 C.F.R. § 99.36*.

i) ***Secretary of Agriculture***

The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of schools receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act. *20 U.S.C. § 1232g(b)(1)(K).*

j) ***State or Local Child Welfare Agency***

An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student. *20 U.S.C. § 1232g(b)(1)(L).*

k) ***Directory Information***

Any person requesting directory information after TLPS has given public notice of that definition. *34 C.F.R. § 99.37*.

l) ***Written Consent***

The parent shall provide a signed and dated written consent before TLPS discloses personally identifiable information from a student's education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released. *34 C.F.R. § 99.30*.

Sec. 5. INFORMATION COLLECTION

a) ***DOE Funded Surveys***

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (DOE), to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.

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4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students 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 student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

20 U.S.C. § 1232h(b).

b) *Information Collection Funded by Other Sources*

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOETLPS shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. § 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. § 1232(c)(2). *20 U.S.C. § 1232h(c)(1)–(4).*

Sec. 6. SUBPOENAED RECORDS

TLPS shall release student records to an entity or persons designated in a subpoena. TLPS shall not disclose to any person the existence or contents of the subpoena if a court orders TLPS to refrain from such disclosure. Unless the court or other issuing agency orders TLPS to refrain from such disclosure or the order is an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, TLPS shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding. *20 U.S.C. § 1232g(b)(1)(J), (b)(2)(B); 34 C.F.R. § 99.31(a)(9)*.

Sec. 7. SEX OFFENDERS

TLPS may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to TLPS under 42 U.S.C. § 14071 and applicable federal guidelines. *34 C.F.R. § 99.31(a)(16).*

Sec. 8. REQUEST PROCEDURE

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. TLPS shall respond to reasonable requests for explanations and interpretations of the records. *34 C.F.R. § 99.10.*

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Sec. 9. DESTRUCTION OF RECORDS

TLPS shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 C.F.R. § 99.10(e).*

Sec. 10. DE-IDENTIFIED RECORDS

TLPS, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that TLPS or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

a) *Education Research*

TLPS, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. TLPS or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

Sec. 11. AUTHENTICATING REQUESTORS' IDENTITIES

TLPS must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom TLPS discloses personally identifiable information from education records. *34 C.F.R. § 99.31(b)–(c).*

Sec. 12. TRANSFER NOT PERMITTED

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy, TLPS shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. § 1232g(b)(4)(B); 34 C.F.R. § 99.33(a)(1).*

TLPS shall inform a party to whom a disclosure is made of the requirements of 34 C.F.R. § 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed

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information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. § 99.33(c)–(d).*

TLPS may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of TLPS if:

1. The disclosures meet the requirements of 34 C.F.R. § 99.31; and
2. TLPS has complied with the requirements of 34 C.F.R. § 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 C.F.R. § 99.32(b)(2).

34 C.F.R. § 99.33(b).

Sec. 13. RECORD OF ACCESS TO STUDENT RECORDS

Each campus shall maintain a record, kept with the education record of each student, that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. § 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. TLPS must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. § 99.32(b)(2) and make it available in response to a parent's request to review the record.
TLPS must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception (see "Health & Safety Emergency," above):

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom TLPS disclosed the information.

34 C.F.R. § 99.32.

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as TLPS maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. § 1232g(b)(4)(A).*

The record shall not include requests for access by, or access granted to, parents of the student or officials of TLPS, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or *ex parte* order. *34 C.F.R. § 99.32(d)*.

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Sec. 14. RIGHT TO AMEND RECORDS

The parent of a student whose records are covered by this policy may ask TLPS to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If TLPS decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records.

If TLPS decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, TLPS decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of TLPS. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.
34 C.F.R. § 99.20–.21.

Sec. 15. FEES FOR COPIES

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis. *20 U.S.C. § 1232g; 34 C.F.R. § 99.11; Tex. Educ. Code § 26.012.*

Sec. 16. RECORDS OF STUDENTS WITH DISABILITIES

TLPS shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities. *34 C.F.R. § 300.613(a).*

a) ***Access Rights***

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect TLPS records relating to the education of their child:

1. Parents may request that a representative inspect and review the records.
2. TLPS shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program ("IE"P) or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request.
3. TLPS shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records.

34 C.F.R. §§ 300.613, .614.

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b) *List of Types and Locations of Information*

TLPS shall provide parents on request a list of types and locations of education records. *34 C.F.R. § 300.616*.

c) *Parental Consent*

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. TLPS may not release information from these records without parental consent except as provided in FERPA. *34 C.F.R. § 300.622*.

d) *Confidentiality*

TLPS shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in TLPS shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. TLPS shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. § 300.623*.

e) *Destruction of Information*

TLPS shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
34 C.F.R. § 300.624.

Sec. 17. ANNUAL NOTIFICATION OF RIGHTS

TLPS shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA. For purposes of FERPA and student information confidentiality under this policy, a student is considered "in attendance" from the time TLPS receives a completed Lottery Information Form or completed Admissions Application packet from the student or, otherwise, from the time the student first attends classes at TLPS and is enrolled, until the student withdraws or graduates from TLPS.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

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3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. § 99.31 authorize disclosure without consent; and
4. File with the United States Department of Education a complaint under 34 C.F.R. §§ 99.63 and 99.64 concerning alleged failures by TLPS to comply with the requirements of the Act and 34 C.F.R. part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 C.F.R. § 99.20.
3. If TLPS has a policy of disclosing education records under 34 C.F.R. § 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

TLPS may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights. TLPS shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.
20 U.S.C. § 1232g(e); 34 C.F.R. § 99.7.

Sec. 18. CUSTODIAN OF RECORDS

The Superintendent or designee is designated as the custodian of all student records. The Principal of each campus is designated as an agent of the Superintendent or designee for the purposes of the receipt of requests concerning the disclosure of student records.

Sec. 19. PARENTAL RIGHTS AND STUDENT PRIVACY LOCAL POLICY

As a condition of receiving funds under any applicable program, TLPS adopts the following policies, pursuant to 20 U.S.C. § 1232h(c)(1):

1. Parents have a right to inspect any survey created by a third party before the survey is administered or distributed by TLPS to the student. Parents should submit such a request to the Principal, and shall be provided an opportunity to inspect the survey within a reasonable period of time as determined by Principal. Upon a parent's request to inspect a survey, the parent's child shall not participate in the survey until the parent has had a reasonable opportunity to inspect the survey, as determined by the Principal.
2. In the event a survey contains the items listed above, and is administered or distributed to students, TLPS shall comply with FERPA and other applicable law to protect student privacy.
3. Parents have a right to inspect all teaching materials, instructional materials, and other teaching aids used in the classroom of their child, including while participating in virtual or remote learning. Parents should submit such a request to the Principal. The Principal shall provide reasonable access to parents within a reasonable period of time, as determined by the Principal. *Tex. Educ. Code § 26.006.*
4. TLPS may administer physical examinations or other screenings to students as required and/or authorized by state or federal law and in accordance with other applicable policy.

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5. TLPS shall not collect, disclose, or use a student's personal information for the purpose of marketing or selling that information to third parties. This policy does not apply to or restrict the use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services offered by TLPS, for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs, or as otherwise required by law. This policy is also subject to state and federal public information laws and FERPA, that makes some student personal information, defined above as Directory Information, public.
6. Parents have a right to inspect any instrument used in collection of personal information, described above, before the instrument is administered to the student. Parents should submit such a request to the Principal. The Principal shall provide reasonable access to parents within a reasonable period of time, as determined by the Principal. Upon a parent's request to inspect such an instrument, the parent's child shall not participate until the parent has had a reasonable opportunity to inspect the instrument, as determined by the Principal.

The Superintendent or designee shall ensure that parents are provided reasonable notice of the adoption or continued use of these policies. Such notice shall be provided directly to the parents of the students in attendance at TLPS. At a minimum, TLPS shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described above.

Sec. 20. NOTICE OF SCHEDULED ACTIVITIES

The Superintendent or designee shall ensure that TLPS directly notifies parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described above.
3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by TLPS in advance, and not necessary to protect the immediate health and safety of the student or of other students.

PART 3: DIRECTORY INFORMATION

Certain information about students is considered "directory information" and will be released to anyone who follows procedures for requesting it unless the parent, or eligible student objects in writing to its release within ten calendar days of receiving notice of FERPA rights. A parent or eligible student may also choose to opt out of the release of directory information at any time during the school year. At any time after

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restricting the release of directory information, a parent or eligible student may in writing authorize TLPS to release directory information. *34 C.F.R. § 99.37*.

Sec. 1. DEFINITION

a) ***School-Related Purposes***

TLPS has designated the following categories of information as directory information for purposes of disclosure relating to school-sponsored/school-affiliated purposes:

1. student's name;
2. address;
3. telephone listing;
4. electronic mail address;
5. photograph (including video image);
6. date and place of birth;
7. major field of study;
8. degrees, honors, and awards received;
9. dates of attendance;
10. grade level;
11. most recent educational institution attended;
12. participation in officially recognized activities and sports; and
13. weight and height of members of athletic teams.

Directory information does not include a student's:

1. Social security number; or
2. Student identification number, unless the student identification number, user identification number, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems 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 personal identification number, password, or other factor known or possessed only by the authorized user.

School-sponsored/school-affiliated purposes are those events or activities that TLPS conducts and/or sponsors to support the educational mission of TLPS. Examples include, but are not limited to:

1. extracurricular programs or events (e.g., school plays, concerts, athletic events, graduation ceremony);
2. publications (e.g., newsletters, yearbook, etc.);
3. honor roll and other student recognition lists; and
4. marketing materials of TLPS (e.g., print media, website, videos, newspaper, etc.).

b) ***Military Recruiters and Institutions of Higher Education***

TLPS has designated the following categories of information as directory information for the purpose of disclosure to military recruiters and institutions of higher education, but only for secondary students:

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1. student's name;
2. address;
3. e-mail address; and
4. telephone listing.

c) ***Law Enforcement Authorities***

TLPS has designated the following categories of information as directory information for purposes of responding to requests for general student information made by law enforcement officials and authorities:

1. student's name;
2. address; and
3. telephone listing.

TLPS will comply with a request by a military recruiter or an institution of higher education for secondary students' names, addresses, and telephone listings unless a parent or eligible student has advised TLPS in writing not to release a student's information without prior written consent.

d) ***Release of Directory Information***

TLPS shall not release directory information except for the purposes indicated above, namely:

1. disclosure relating to school-sponsored/school-affiliated purposes;
2. disclosure to military recruiters and institutions of higher education, but only for secondary students; and
3. disclosure to law enforcement officials and authorities.

As such, there is no directory information available to any persons not meeting the above requirements and purposes.

Sec. 2. IN CLASS

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent TLPS from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

Sec. 3. FORMER STUDENTS

TLPS may disclose directory information about former students without satisfying the public notice conditions above. However, TLPS must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

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Sec. 4. CONFIRMATION OF IDENTITY OR RECORDS

TLPS may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. § 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.
34 C.F.R. §§ 99.3, .37.

PART 4: INFORMATION FROM LAW ENFORCEMENT

Sec. 1. ORAL NOTICE OF ARREST OR REFERRAL

Upon receipt of oral notice from a law enforcement agency that it has arrested a student or referred a student to the juvenile board for a specified offense, the Superintendent shall promptly notify all instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.

Sec. 2. WRITTEN NOTICE OF ARREST OR REFERRAL

Upon subsequent receipt of confidential, written notice of the arrest or referral, the Superintendent or designee may send the information in the confidential notice to a TLPS employee having direct supervisory responsibility over the student if the Superintendent or designee determines that the employee needs the information for educational purposes or for the protection of the person informed or others.

Sec. 3. ORAL NOTICE OF CONVICTION OR ADJUDICATION

Upon receipt of oral notice from a prosecuting attorney of a student's conviction, deferred prosecution, or adjudication of a specified offense, including a statement as to whether the student is required to register as a sex offender, the Superintendent shall, within 24 hours of receiving the notice, notify all instructional and support personnel who have regular contact with the student.

Sec. 4. NOTICE OF TRANSFER OR REENROLLMENT

Upon receipt of notice from a parole, probation, or community supervision office having jurisdiction over a student that a student has transferred or reenrolled, the Superintendent shall, within 24 hours of receiving the notice, notify all instructional and support personnel who have regular contact with the student.

A person who receives information described above shall not disclose it except as specifically authorized by Texas Code of Criminal Procedure § 15.27.

Required oral or written notice must include all pertinent details of the offense or conduct, including details of any assaultive behavior or other violence; weapons used in the commission of the offense or conduct; or weapons possessed during the commission of the offense or conduct.

Information received by TLPS under this provision shall not be attached to the permanent academic file of the student who is the subject of the report. TLPS shall destroy the information at the end of the academic year in which the report was filed.

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Sec. 5. DUTY TO FLAG RECORDS

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in TLPS is missing, TLPS shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, TLPS will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.

a) *Request in Person*

When a request for a flagged record is made in person, TLPS may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;
2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

After providing the information listed above, TLPS shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

b) *Request in Writing*

When a request for a flagged record is made in writing, TLPS may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, TLPS shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

c) *Removal of Flag*

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, TLPS shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearing-house. If a response is not received after the 45th day after the

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date of the request for confirmation, TLPS may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearing-house that the flag has been removed.
Tex. Code of Criminal Proc. art. 63.020–.022.

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