

Requesting Student Records vs. Public Records

Public Records - In Kentucky, a "public record" (as defined in KRS 171.410 (1)) encompasses all documentary materials, regardless of format, prepared, owned, used, or retained by a public agency in connection with its regular business. Public records document the function and actions of the organization. These records are wide ranging but do not include student educational and health records, which are protected by FERPA and HIPAA.

Student Education Records - are records that are directly related to a student and are deliberately maintained by an educational agency or institution. These records are personally identifiable to the student and include, but are not limited to grades, transcripts, class lists, student course schedules, health records, student financial/lunch information, and student discipline files. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail. FERPA requires that these records must be made available upon request, to the parent or guardian of a student under the age of 18 or student who has reached the age of 18.

Email Records - reside in a gray area as an educational record. Because emails are not specifically *maintained* by the school district to document student enrollment, participation and achievement, and because most emails have a retention period limited to two years, email will remain considered a public record and not a student educational record by KCSD at this time.

Video/Audio Recordings - may be public records or student records, depending on the event, participants and circumstances. Requests for any video or audio recordings must be submitted in writing to the KCSD Records Specialist.

Managing the request of records: Depending on whether the record requested is a public record or educational record will determine the path necessary to fulfill the request. See below:

