

## Nebo School District Board of Education

## Policy JO

**STUDENT RECORDS****COMPREHENSIVE SYSTEM**

The Superintendent or his/her designee shall develop and maintain a comprehensive system of student records management. Student data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school personnel.

**CUSTODIAN OF RECORDS**

The principal is custodian of all records for currently enrolled students at the assigned school, and for students who have withdrawn or graduated.

**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 an education agency or institution or by a person acting for such agency or institution.*

The term "education records" does not include:

1. Records that contain information about a student after he or she is no longer a student in the District.
2. Records or personal notes made by District personnel that are kept in the sole possession of the maker and are not accessible or revealed to anyone other than a temporary, approved substitute.
3. Records maintained by law enforcement officers.

**CUMULATIVE RECORD**

A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This cumulative record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for non-enrolled students shall be retained for the period of time required by law.

**ACCESS TO EDUCATION RECORDS**

*For purpose of this document, "Parent" includes a natural parent, or guardian, or an individual legally acting as a parent in the absence of a parent or guardian. Access to the education records of a student who is or has been in attendance at a school in the District shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes.*

The school shall presume that a parent has authority to inspect and review their 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 parent is entitled to access to all appropriate written records of the school concerning the parent's child, including attendance records, test scores, grades, psychological records, applications for admission to other schools/colleges, and health or immunization information.

Whenever a student has attained eighteen (18) years of age or older, or is attending an institution of post-secondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

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.

#### **ACCESS BY SCHOOL OFFICIALS**

*For the purpose of this policy, "school officials" shall mean any employees, trustees, or agents of the District, or of facilities with which the District contracts for placement of students with disabilities. The term also includes attorneys, consultants, and independent contractors who are retained by the District, or by facilities with which the District contracts for placement of students with disabilities.*

School officials have a "legitimate educational interest" in a student's records when they are working with the student, considering disciplinary or academic actions, reviewing an individual education plan for a student with disabilities, compiling statistical data, or investigating or evaluating programs that may involve the student.

#### **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:

1. School officials, including teachers, who have legitimate educational interests.
2. Officials of other schools or school systems in which the student seeks or intends to enroll.
3. Authorized representatives of the Comptroller 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.
4. Personnel involved with the student's application for, or receipt of, financial aid.

5. Organizations conducting studies for educational agencies or institutions 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.

6. Accrediting organizations that require the information for purposes of accreditation.

7. Parents of a student who is a dependent for tax purposes.

8. Appropriate persons who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

9. Persons or organizations authorized in writing by the school's administration to obtain directory information.

The parent shall provide a signed and dated written consent before the school 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.

Each record custodian shall be responsible for the education records located at the school. These records may include:

1. Admission data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades and teacher evaluation.
4. Health services record, including:
  - a. The results of a tuberculin test required by the District.
  - b. The findings of screening or health appraisal programs the District conducts or provides.
  - c. Immunization records.
5. Attendance records.
6. Student questionnaires.
7. Records of teacher, counselor, or administrative

## **TYPES AND LOCATIONS OF RECORDS**

conferences with the student or pertaining to the student.

8. Verified reports of serious or recurrent behavior patterns.

9. Copies of correspondence with parents and others concerned with the student.

10. Records transferred from other districts in which the student was enrolled.

11. Records pertaining to participation in extracurricular activities.

12. Information relating to student participation in special programs.

13. Records of fees assessed and paid.

14. Other records that may contribute to an understanding of the student.

## **DIRECTORY INFORMATION**

Directory information may include a student's name, address, telephone listing, date and place of birth, photograph, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received, and the most recent previous school attended by a student.

Directory information may, at the discretion of the principal or his/her designee, be released to appropriate individuals or organizations that file a written request at the school.

The school may release information if it has given public notice of:

1. The types of personally identifiable information that it has designated as directory information.
2. The right of the parent to refuse to permit the school to designate any or all of that information about the students as directory information.
3. The period of time within which the parent must notify the school in writing that he or she does not want any or all of those types of information about the student designated as directory information.

## **IMMUNIZATION RECORDS**

The school shall maintain an individual immunization record during the period of attendance for each student admitted. The school shall cooperate with other districts in transferring student's immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making school record transfers.

**MEDICAL RECORDS** The parent or guardian of a student is entitled to access to the student's medical records maintained by the school. On request of a student's parent or guardian, the school shall provide a copy of the student's medical records to the parent or guardian.

**ASSESSMENT INSTRUMENTS** The results of individual student performance on basic skills assessment instruments or other achievement tests administered by the school are confidential and may be made available only to the student, the student's parent or guardian, and to the school personnel directly involved with the student's educational program.

**TRANSCRIPTS AND TRANSFERS OF RECORDS** The school may request transcripts from previously attended schools for students transferring into Nebo District schools. However, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if he/she is eighteen (18) years of age or older.

The school shall promptly forward education records upon request to officials of other schools or school systems in which the student intends to enroll.

**ACADEMIC ACHIEVEMENT RECORD (TRANSCRIPT GRADES 9-12)** The Academic Achievement Record (transcript) shall serve as the academic record for each student and shall be maintained permanently by the school. Copies of the record shall be made available to students transferring to another district.

**REQUEST PROCEDURES** The cumulative record shall be made available to the parent. Records may be reviewed during regular school hours upon written request to the records custodian. The records custodian or designee shall be present to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and the records shall be restricted to use only in the principal's, or counselor's office, or other restricted area designated by the records custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

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. The school shall respond to reasonable requests for explanations and interpretations of the records.

**RECORDS OF ACCESS TO STUDENT RECORD** Each school 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. The record 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 the school 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.

The record shall not include requests for access by, or access granted to, parents of the student or officials of Nebo School District, requests accompanied by prior written consent of the parent, or requests for directory information.

## **RIGHT TO AMEND RECORDS**

The parent of a student whose records are covered by this policy may ask the school 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 the school 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 the school 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, the school 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 the school. 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.

## **PROCEDURE TO AMEND RECORDS**

Within fifteen (15) school days of the record custodian's receipt of a request to amend records, the school shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten (10) school days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence, and at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ten (10) school days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have thirty (30) school days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the school's decision.

## **SUBPOENAED RECORDS**

The school shall release student records to an entity or persons designated in a subpoena. A reasonable effort will

be made to notify the parent that a subpoena has been received requesting access to their student's records. The school shall not disclose to any person the existence or contents of the subpoena if a court orders the school to refrain from disclosure.

**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, the school shall not permit access to information from education records to that third party for a period of not less than five (5) years.

**RECORDS RESPONSIBILITY FOR STUDENTS WITH DISABILITIES**

The official responsible for ensuring the confidentiality of any personally identifiable information in records of students with disabilities shall be the Coordinator/Director of Special Education.

**FEE 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.

Approved: 8-15-01

**NEBO SCHOOL DISTRICT**

**STUDENT RECORDS**

**CONSENT TO RELEASE EDUCATIONAL RECORDS OF STUDENT**

Student Name: Date of Birth:

School: District: Date:

Pursuant to the Family Education Rights and Privacy Act, I hereby give consent for the release of the above-named student's records to:

(Name of Agency or Person Requesting Records)

(Address of Agency or Person Requesting Records)

Type of records to be released:

Reasons records are to be released:

**SIGNATURES OF RELEASE**

(Parent Signature or Student Signature if Student is over 18 yrs. of age) (Date)

(Signature of Witness) (Date)

NOTICE: A copy of this consent will remain in the student's permanent file as long as the student's file remains active.