

**WILDER SCHOOL DISTRICT #133
EDUCATIONAL PROGRAM
SERIES 500**

POLICY TITLE: STUDENT RECORDS

Code No. 505.1

DEFINITION OF EDUCATIONAL RECORDS

Educational records are defined as those records directly related to a student and maintained by this district or by a party acting on behalf of this district. Educational records include, but are not limited to the cumulative file, special education records and disciplinary records.

Educational records do not include records of instructional, supervisory, and administrative personnel and education personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

The cumulative file of each student is maintained at the school office for each school in this district. The building principal, individual teachers and special education personnel may also have a file containing particular educational records.

ANNUAL NOTIFICATION REQUIREMENTS

The Family Educational Rights and Privacy Act (FERPA) has specified that student records are confidential, with some exceptions. Parents and eligible students (students over the age of eighteen (18)) will be provided an annual notification of their rights under FERPA. The annual notice will contain information regarding the right to inspect their children's records, the right to seek an amendment of a record, and the right to consent to disclosures of personally identifiable information, with certain exceptions, and the right to file a complaint with the U.S. Department of Education.

[Consistent with applicable provisions of No Child Left Behind, secondary school students and the parents of secondary school students will also be provided notification of disclosure obligations of the District in regard to military recruiters, including the fact that a request can be made that information not be provided to military recruiters absent specific written parental consent.](#)

RIGHT TO INSPECT EDUCATIONAL RECORDS

Parents or eligible students may inspect and review educational records. This school district will comply with a request for access to records within a reasonable period of time, but in no case more than forty-five calendar (45) days after it has received the

request. This district will respond to reasonable requests for explanations and interpretations of the records. A copy of the records will be given to the parent or eligible student upon request. The school district will not destroy any educational records if there is an outstanding request to inspect and review the records.

DISCLOSURE OF STUDENT RECORDS TO NONCUSTODIAL PARENT

A noncustodial parent's access to records and information pertaining to his or her minor child will not be denied solely because the parent is not the child's custodial parent. However, information concerning a minor child's address will be deleted from all records supplied to a noncustodial parent if the custodial parent has advised the school district in writing to do so.

PERSONALLY IDENTIFIABLE INFORMATION

Personally identifiable information will not be released without the prior written consent of the parent or eligible student, except under specific circumstances. Personally identifiable information is defined as such information including, but not limited to:

1. The student's name;
2. The name of the student's parent or other family member;
3. The address of the student or student's family;
4. A personal identifier such as the student's social security number or student number;
5. A list of personal characteristics that would make the student's identification easily traceable; or
6. Other information that would make the student's identity easily traceable.

RELEASE OF INFORMATION WITHOUT PRIOR CONSENT

Personally identifiable information will be released without prior written consent of the parent or eligible student under the following conditions:

1. The disclosure is to other school officials, including teachers within this district who have a legitimate educational interest. *A legitimate educational interest includes performing education- or discipline-related tasks in connection with a student, providing services to a student or a*

student's family, or performing administrative or other educational responsibilities prescribed by the school or the district;

2. The disclosure is to officials of another school, school system or institution of post-secondary education where the student seeks or intends to enroll;
3. The disclosure is to state and local educational authorities;
4. The disclosure is in connection with financial aid for which the student has applied or which the student has received;
5. The disclosure is to organizations conducting studies for, or on behalf of, this school district to develop, validate or administer predictive tests, administer student aid programs or improve instruction;
6. When information is disclosed to organizations as set forth in paragraph five (5), the study must be conducted in such manner that does not permit personal identification of parents and students by individuals other than representatives of the organization. The information must be destroyed when no longer needed for the purposes for which the study was conducted. If a third party violates the requirement to destroy the information when it is no longer needed, this school district may not allow that third party access to personally identifiable information from educational records for at least five (5) years;
7. The disclosure is to an accrediting organization to carry out its accrediting function;
8. The disclosure is to parent of a dependent student as defined by the Internal Revenue Code;
9. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that this school district make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance. However, the prior notification requirement does not apply where the subpoena is issued by a federal grand jury or for any law enforcement purpose and the issuing court or agency has ordered that the subpoena not be disclosed.
10. The disclosure is in connection with a health or safety emergency;
11. The disclosure is information that this school district has designated as "directory information";

12. The disclosure is to the parent of a student who is not an eligible student, or to the student.

This school district will maintain a record of each request for access to and each disclosure of personally identifiable information from the information record of each student as long as the records are maintained. The access log will specify the individuals who have requested or received personally identifiable information from the educational records and the legitimate interest the parties had in requesting or obtaining the information. If the information was released without prior parental consent, the specific exception for such consent will also be set forth.

DIRECTORY INFORMATION

Directory information is defined as information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to:

1. Student name;
2. Address;
3. Telephone listing;
4. Date and place of birth;
5. Major field of study;
6. Participation in officially recognized activities such as sports;
7. Weight and height of members of athletic teams;
8. Dates of attendance, degrees and awards received; and
9. The most recent previous school, school district or institution attended.

This school district may disclose directory information after giving public notice to parents of students in attendance and eligible students in attendance that:

1. All information as set forth in the definition of directory information has been designated as directory information by this school district;
2. A parent or eligible student has the right to refuse to allow this school district to designate any or all of the types of information about the student as directory information;

3. A parent or eligible student must notify this school district in writing that the parent or eligible student does not want any or all of those types of information about the student released within *thirty (3) calendar days* after receiving notice that directory information may be disclosed;
4. This school district may disclose directory information about former students without notice.

PROCEDURE TO AMEND RECORDS

If a parent or eligible student believes that the educational records relating to the student contain information that is inaccurate, misleading or in violation of the student's right of privacy or other rights, this school district may be asked to amend the record. The following procedure will be followed:

1. *Within thirty (30) calendar days* of receiving a request to amend the record, this district will decide whether to amend the record requested.
2. If it is determined by this school district not to amend the record as requested, it will inform the parent or eligible student of its decision and the right to a hearing.
3. The parent or eligible student, on request, has an opportunity for a hearing to challenge the contents of the student's educational records on the grounds that the information contained in the educational records is inaccurate, misleading or in violation of the privacy or other rights of the student.
4. If this school district determines that the information being contested is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it will amend the records and inform the parent or eligible student of the amendment in writing.
5. If this school district decides that the information in the educational record is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the district will inform the parent or the eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of this school district, or both.
6. If such a statement is received by this district, it will remain as part of the record for as long as the student's record is maintained and the statement will be disclosed whenever this district discloses the portion of the record to which the statement relates. This district will hold the requested hearing within a reasonable time after it receives a request for the hearing. Notice of the date,

time, and place will be given to the parent or eligible student within a reasonable amount of time prior to the hearing.

7. The hearing may be conducted by any individual, including an employee of this district, who does not have a direct interest in the outcome of the hearing. The hearing will give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised. The parent of eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
8. This district will make its decision in writing within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision.

TRANSFER OF STUDENT RECORDS

When a written request has been received from the principal or designated agent of the receiving school for the educational records of a pupil, the principal shall send all educational records of the student to the receiving school as soon as practicable and shall retain a copy.

Upon request for transfer of a student's educational records by an educational institution, the adult student or the parents or guardians of the pupil shall be entitled to review the records, to a copy of the records, if desired, and to a hearing to challenge the content of the records if requested.

- (a) The transfer of a student's educational record shall be made immediately upon request from a receiving school and shall not be delayed or denied for failure to pay a fine or fee assessed by the school. A reasonable effort shall be made to collect for damaged or lost library books or textbooks.
- (b) An official request for the transfer of records from a recognized receiving school will be honored upon request of the receiving school in which a pupil or adult student seeks to enroll.
- (c) Release forms are not required when sending transcripts to recognized post-secondary educational institutions, if sent in response to an official request from the institution or if sent by the senior high school along with the student's application for admission. A notation must be made on the Permanent Record Card when transcripts are sent to post-secondary educational institutions.
- (d) Educational records of groups of students promoted or transferring within the

district are to be sent in bulk with a transmittal list to the receiving school as soon as possible, but not later than ten (10) school days after the close of the grading period. If a student fails to appear in the receiving school within four (4) weeks after the time and his/her designated arrival, his/her educational records are to be placed in the school's records storage.

- (e) The Superintendent of Schools or designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal.

FEE FOR THE REPRODUCTION OF EDUCATIONAL RECORDS

A fee for copying student records shall be charged by the school district. The fee for the copies of the student educational records shall not exceed the actual cost of reproduction of the records and shall not reflect the cost of retrieving the records.

- (a) Student records transferred from a Wilder District School to a receiving school will be at no cost to the receiving school district.
- (b) A reasonable charge not to exceed 50 cents per page will be assessed adult students or the parents or guardians of pupils requesting copies of student records or transcripts. However, this fee may be waived at the school's discretion.
- (c) Each student is entitled to one free copy of his or her transcript.

The school principal, program administrator or designee shall be responsible for the

EDUCATIONAL RECORDS OF STUDENTS WITH DISABILITIES

This district will allow parents of students of disabilities the right to inspect and review any educational records relating to their children that are collected, maintain, or used by this district.

The district will also comply with a request to inspect and review records without unnecessary delay, in no case more that forty-five (45) calendar days after the request has been make, in these situations:

1. Before any meeting regarding and Individualized Education Program (IEP);
2. Before any hearing relating to the identification, evaluation, or educational placement of a child; or
3. Before any hearing relating to the provision of a Free Appropriate Public Education (FAPE) to a child.

In dealing with the educational records of exceptional students with disabilities, this district will inform parents when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child. The information must be destroyed at the request of the parents. However, this district may maintain a permanent record of the student's name, address, and phone number, his or her grades, attendance records, classes attended, grade level completed, and year completed without time limitation.

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ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

Pursuant to the applicable provisions of No Child Left Behind, the District shall provide, upon a request made by military recruiters of an institution of higher education, access to secondary school students names, addresses and telephone listings. In accordance with the provisions of the District's existing policy, such information has already been deemed to be Directory Information which is subject to public disclosure.

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A secondary school student or the parent of the student may request that the student's name, address and telephone listing not be released without prior written parental consent. The District shall notify parents of the option to make a request and if such a request is made, the District shall comply with this request.

The District shall provide the same access to secondary students to military recruiters as is provided generally to post-secondary educational institutions or prospective employers.

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WAIVER OF ACCESS TO RECORDS

A parent, guardian or adult student may waive the right of access to any specific document contained in a student's educational record provided:

- (a) The parent, guardian or adult student is informed that a waiver of access is optional and cannot be required by the school for any purpose.
- (b) The parent, guardian, or adult student is notified, upon request, of the names of all persons submitting confidential documents; and
- (c) The parent, guardian or adult student is informed the documents obtained through waiver of access will be used for the purposes for which the documents were specifically intended.

A waiver of the right to access is to be sought only for those documents otherwise

unobtainable and for which the appropriate school official determines a necessary use. If the record, after receipt and review, is determined not to be needed any longer by the school, it shall be returned to the originator. A waiver shall include, but not be limited to, access to confidential letters or statements. A waiver shall not be valid unless in writing and signed by the adult student or parents or guardians of the pupil. A waiver will remain valid until revoked in writing. School districts may not require that an adult students or parents or guardians of pupils waive any of their rights under Idaho statute.

DATE OF REVISION :November 11, 2013

REFERENCE: Idaho Code Sections 32-717A, 33-209

The Family Educational Rights and Privacy Act of 1974

20 USC 1232g

34 CFR Part 99

Individuals with Disabilities Education Act

20 USC 1412(2)(D) and USC 1417

34 CFR Section 300.560 through Section 300.576