

# Policy 0518-10

## Education Records

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### Education Records

Education records include a range of information about a student that is maintained in schools in any recorded way, such as handwriting, print, computer media, video or audio tape, film, microfilm and microfiche. Student education records are confidential. Records include:

- Date and place of birth, parents and/or guardian addresses
- Transcripts, schools attended, and special education records
- Disciplinary records (severe disruptive behavior)
- Medical and health records collected and maintained by the school
- Personal information such as a student's identification number, social security number, and school pictures

Records falling within the definition of "education record" pursuant to the Family Educational Rights and Privacy Act (FERPA) do not fall within the purview of HIPAA requirements. Reports, evaluations, summaries received by a school, including health records may be shared with individuals with legitimate educational interest and will move with a student if he/she transfers.

Personal notes made by teachers and other school officials that are not shared with others (except substitutes) are not considered education records.

### Student's Legal Name

The use of the student's legal name is required in the permanent file.

## Disclosure of Education Records

West Ada School District will disclose information from a student's education records only with the written consent of the parent/guardian or eligible student, with the exception that the district may disclose without consent when the disclosure is:

- To school officials who have a legitimate educational interest in the education records. A school official is:
  - A person employed by the district as an administrator, supervisor, instructor, or support staff member, including health and medical staff.
  - A person elected or appointed to the board of trustees.
  - A person employed by or under contract to the district to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
  - A person who is employed as a school resource officer.

A school official has a legitimate educational interest if the official is: - Performing a task that is specified in his or her position description or by a contract agreement. - Performing a task related to a student's education. - Performing a task related to the discipline of a student. - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid. - Maintaining the safety and security of the campus.

- To officials of another school, upon request, in which a student seeks or intends to enroll.
- To officials of the U.S. Department of Education, the Comptroller General, the state and local educational authorities, in connection with audit or evaluations of state or federally supported education programs.
- In connection with a student's request of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
- To state and local officials or authorities if specifically required by a state law.
- To organizations conducting studies for or on behalf of the district.
- To accrediting organizations to carry out their functions.
- To parents/guardians of an eligible student if the student is a dependent for income tax purposes.
- To comply with a judicial order or a lawfully issued subpoena.
- To appropriate parties in a health or safety emergency.
- To individuals requesting directory information so designated by the district.

## Family Educational Rights and Privacy Act Requirements (FERPA):

Students and parents/guardians will be given notification of their rights as defined by FERPA once every year. This notification will be given using a mass media tool. The annual notice will contain information regarding the right to inspect their child's education records, the right to seek an amendment to the record, and the right to

consent to the disclosure of personally identifiable information. The notice will also inform the students and parents/guardians of their right to file a complaint with the U.S. Department of Education.

## Inspection of Records

Student education records will be available for inspection by parents/guardians and eligible students upon written request. The request will be granted within a reasonable time (not to exceed forty-five (45) calendar days). When an education record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the education record that pertains to other students.

## Record of Requests

The district will maintain a record of all requests for information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom the information may be re- disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parent/guardian or eligible students.

## Non-custodial Parent

Access to education records and information pertaining to a minor child including, but not limited to, medical, dental, health, and school or educational records, shall not be denied to a parent because the parent is not the child's custodial parent. If the custodial parent requests in writing, the school district will remove information regarding the address of the minor child prior to providing the information to the non-custodial parent.

## Record Amendment

Parents/guardians or eligible students have the right to ask to have education records corrected they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of education records:

- Parents/guardians or the eligible student must ask the district to amend an education record. In so doing, they should identify the part of the education record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy rights.
- The district may comply with the request or it may decide not to comply. If it decides not to comply, the district will notify the parents/guardians or eligible student of the decision and advise them of their right to a hearing to challenge the

information believed to be inaccurate, misleading, or in violation of the student's privacy rights.

- Upon request, the district will arrange for a hearing, and notify the parents/guardians or eligible student, reasonably in advance, of the date, place, and time of the hearing.
- The hearing will be conducted by a district official. The parents/guardians or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The parents/guardians or student may be assisted by an attorney.
- The district will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
- If the district decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the education record and notify the parents/guardians or eligible student, in writing, that the education record has been amended.
- If the district decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents/guardians or eligible student that they have a right to place in the education record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the district discloses the contested portion of the record, it must also disclose the statement.

## Time Requirements for Maintaining Educational Records

The General Education Provisions Act and the federal regulations for State-Administered Programs both require that records be retained for at least five (5) years. With the exception of permanent education records, education records will only be kept for a period of five (5) years after the student graduates from high school or withdraws from the school district.

## Permanent Education Record

The following information will be maintained in the permanent education record:

- Student's name
- Grades
- Attendance summary
- Entrance and withdrawal record
- Birthdate and place of birth
- Student identification number
- Transcripts
- Educational assessment data

The permanent education record of each student is maintained at the school level. The principal, individual teachers and special education personnel may also have files containing specific educational records.

## Directory Information

Directory information can be made public if the district provides parents/guardians written notice. This notice will be given annually, in writing, using public media and/or the district website, school newsletters, school newspapers, and in information provided at student registration. The notice will include:

- The information designated as directory information.
- The right of the parent or eligible student to refuse to allow the district to disclose the directory information regarding that particular student. This request must be received in writing within 30 calendar days of receipt of the notice.

Directory information includes:

- student name
- address
- telephone listing
- birthday
- attendance dates, awards earned, honor roll data, and diploma earned
- participation in officially recognized activities such as sports
- weight and height of members of athletic teams
- information typically found in school yearbooks or athletic programs
- photographs or videotapes of the student used by the district for recognition of student achievement and for community relations, including but not limited to inclusion in District publications, video presentations, and on the District's web site

Directory information will be made available to the military or institutions of higher education according to the No Child Left Behind Act (ESEA 2001). As a general practice, directory information will not be given out.

## Transfer of Records

Whenever a student transfers from one school to another, within the district, the sending school will transfer all education records to the appropriate school. Whenever a student transfers from one school to another, within the state, or elsewhere, and the sending school is requested to forward student education records, the sending school shall respond by forwarding a certified copy of the transferred student's education record within ten days (exception according to Idaho Code 18-4511).

## Disciplinary Records

When an education record contains information of violent or disruptive behavior or disciplinary action of a student, the information must be included in the transfer of student education records. The disciplinary information must be transferred by placing it in a sealed envelope, marked confidential, and addressed to the principal or assistant principal.

## Students with Disabilities

The parents/guardians of students with disabilities have the right to inspect and review the educational records of their child upon written request. The request will be granted within a reasonable time (not to exceed forty-five (45) calendar days). Typical situations for request include:

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

Parents/guardians of students with disabilities shall be notified when personally identifiable information that has been collected (more than five (5) years old) is no longer needed to provide services to the child. The information must be destroyed at the request of the parent/guardian. Permanent information will not be destroyed. Permanent education records include the student's name, address, phone number, grades, attendance records, classes attended, immunizations, and the grade level and year that the highest level was attained.

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Reference: Code of Idaho,32-717A, The Family Education,Rights and Privacy Act of 1974,Individuals with Disabilities Act