

STUDENT PERSONNEL

Series 500

POLICY TITLE EDUCATION RECORDS ACCESS

No. 506.1

The Board recognizes the importance of maintaining education records and preserving their confidentiality as provided by law. Education records are kept confidential at collection, storage, disclosure and destruction stages. The District Administration is the custodian of education records. Education records shall be maintained in the District Office or housed by the building in which the student last attended.

Definitions

For the purposes of this policy, the defined words have the following meaning:

1. "Education Record" means those records that contain information directly related to a student and which are maintained by an education agency or institution or by a party acting for the agency or institution.
2. "Eligible Student" means a student who has reached eighteen years or attends a postsecondary institution. Parents/Guardians of an eligible student are provided access to education records only with the written permission of the eligible student unless the eligible student is defined as a dependent by the Internal Revenue Code. In that case, the parents/guardians may be provided access without the written permission of the student.

An education record may contain information on more than one student. Parents/guardians shall have the right to access the information relating to their student or to be informed of the information. Eligible students shall also have the right to access the information relating to themselves or be informed of the information.

Parents/guardians, eligible students and other individuals authorized in accordance with law shall have a right to access to the student's education records upon request without unnecessary delay and in no instance more than forty-five calendar days after the request is made. Parents/guardians, other than parents/guardians of an eligible student, may be denied access to a student's records if the school district has a court order stating such or when the district has been advised under the appropriate laws that the parents/guardians may not access the student records. Parents/guardians, an eligible student, or an authorized representative shall have the right to access the student's records prior to an Individual Education Program (IEP) meeting or hearing.

Copies of education records will only be provided if failure to do so would effectively prevent the parents/guardians or student from exercising the right to access the education records. Fees for copies of the records shall be waived if it would prevent the parents/guardians or student from accessing the records. A fee may not be charged to search or retrieve information from education records.

Upon the request of parents/guardians or an eligible student, the school district shall provide an explanation and interpretation of the education records and a list of the types and locations of education records collected, maintained or used by the school district.

If the parents/guardians or an eligible student believes the information in the education records is inaccurate, misleading or violates the privacy or other rights of the student, the parents/guardians or an eligible student may request that the school district amend the s education records.

Education records may be disclosed in limited circumstances without parental/guardian or eligible student's written permission. This disclosure is made on the condition that the student record will not be disclosed to a third party without the written permission of the parents/guardians or the eligible student. This disclosure may be:

- to school officials within the school district and AEA personnel whom the superintendent has determined have a legitimate educational interest, including but not limited to, board members, employees, school attorney, auditor, health professionals, and individual serving on official school committees;
- to officials of another school district in which the student wishes to enroll, provided the other school district notifies the parents/guardians the education records are being sent and the parents/guardians have an opportunity to receive a copy of the records and challenge the contents of the records unless the annual notification includes a provision that records will automatically be transferred to new school districts;
- to the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education or state and local educational authorities;
- in connection with financial aid for which the student has applied or which the student has received if the information is necessary to receive the financial aid;
- to organizations conducting educational studies or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents/guardians by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it was conducted;
- to accrediting organizations;
- to parents/guardians of a dependent student as defined in the Internal Revenue Code;
- to comply with a court order or judicially issued subpoena;
- consistent with an interagency agreement between the school district and juvenile justice agencies
- in connection with a health or safety emergency;
- as directory information or;
- in additional instances as provided by law.

The superintendent/designee shall keep a list of the individuals and their positions who are authorized to view a special education student's records without the permission of the parents/guardians or the eligible student. Individuals not listed are not allowed access without parental/guardian or an eligible student's written permission. This list must be available for public inspection and updated as changes occur.

The superintendent/designee shall also keep a list of individuals, agencies and organizations which have requested or obtained access to a student's education records, the date access was given and their legitimate educational interest or purpose for which they are authorized to view the records. The superintendent/designee, however, does not need to keep a list of the parents/guardians, authorized educational employees, officers and agencies of the school district who have accessed the student's education records. This list for an education record may be accessed by the parents/guardians, the eligible student and the custodian of education records.

Permanent education records, including a student's name, address, phone number, grades, attendance record, classes attended, grade level completed and year completed shall be maintained without time limitation. Permanent education records must be kept in a fire-safe vault or they may be maintained electronically with a secure backup file.

When personally identifiable information, other than permanent education records, is no longer needed to provide educational services to the special education student, the parents/guardians or eligible student shall be notified. This notice is normally given after a student graduates or otherwise leaves the school district. If the parents/guardians or eligible student request that the records be destroyed, the school district must destroy the records except for permanent records. Prior to the destruction of the records, the school district must inform the parents/guardians or eligible students may be needed by the parents/guardians or eligible student for social security benefits or other purposes. For purposes of policy, "no longer needed to provide educational services" means that a record is no longer relevant to the provision of instruction, support, or related services and it is no longer needed for accountability and audit purposes. At a minimum, a record needed for accountability and audit purposes must be retained for five years after completion of the activity for which funds were used.

The school district will cooperate with the juvenile justice system in sharing information contained in permanent student records regarding students who have become involved with the juvenile justice system. The school district will enter into an interagency agreement with the juvenile justice agencies (agencies) involved.

The purpose of the agreement is to allow for the sharing of information prior to a student's adjudication in order to promote and collaborate between the school district and the agencies to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

The school district may share any information with the agencies contained in a student's permanent record, which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication information contained in the permanent record may be disclosed by the school district to the parties without parental/guardian consent or court order. Information contained in a student's permanent record may be disclosed by the school district to the agencies after adjudication only with the parental/guardian consent or a court order. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family.

Information shared under the agreement is not admissible in any court proceedings, which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian. Confidential information shared between the school district and the agencies will remain confidential and will not be shared with any other person, unless otherwise provided by law. The school district may discontinue information sharing with an agency if the school district determines that the agency has violated the intent or letter of the agreement.

Agencies will contact the principal of the attendance center where the student is currently or was enrolled. The principal will then forward copies of the records within a reasonable time following receipt of the request.

The school district will provide training or instruction to employees about parent/guardian's and eligible students' rights under this policy. Employees shall also be informed about the procedures for carrying out this policy.

It shall be the responsibility of the superintendent/designee to annually notify parents/guardians and eligible students of their right to:

- Inspect and review the student's education records;
- Seek amendment of the student's education records that the parent/guardian or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the law authorizes disclosure without consent; and
- File a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the law.

The notice is given in a parent/guardian's or eligible student's native language. Should the school district collect personal information from students for the purposes of marketing or selling that information, the school district will annually notify parents/guardians of such activity.

The notice will include a statement that the parents/guardians have a right to file a complaint alleging the school district failed to comply with this policy. Complaints are forwarded to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Washington, DC. 20202-8520.

Legal Reference: 20 U.S.C. § 1232g, 1415
34 C.F.R. Pt. 99, 300, .610 *et seq.*
Iowa Code §§ 22; 279.9B, 280.24, .25, 622.10
281 I.A.C. 12.3(4); 41;
1980 Op. Att'y Gen. 720, 825.

Cross Reference: 501 Student Attendance
505 Student Scholastic Achievement
506 Student Records
507 Student Health and Well-Being
603.3 Special Education
708 School District Records
901 Public Examination of School District Records

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