

## STUDENT RECORDS

### Definitions

For the purposes of this policy, the following terms are defined:

**Student** -- any person who attends or has attended a school in the school district.

**Eligible Student** -- a student or former student who has reached age 18 or is attending a post-secondary school.

**Parent** -- either natural parent of a student, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

**Education Records** -- any record (in handwriting, print, tapes, film, computer, or other medium) maintained by the school district or an agent of the district which contains information directly related to a student, **except**:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records created and maintained by the school district law enforcement unit for law enforcement purposes.
3. An employment record which relates exclusively to an individual in his or her capacity as an employee of the school district and which is not available for any other use.
4. Alumni records which contain information about a student after he or she is no longer in attendance at the district and which do not relate to the person as a student.

### Student Records - Provisions and Guidelines

#### A. General:

Each student's official school record will include the following:

1. Cumulative educational records to be retained permanently:
  - a. Name and address of parents/guardians (School district personnel may require an affidavit stating the individual who has legal guardianship of a child).
  - b. Verification of date and place of birth.
  - c. Dates and record of school attendance.
  - d. Course enrollment and grades.
  - e. Participation in extracurricular activities.
  - f. Achievement and/or standardized test data.
  - g. Discipline records.
  - h. Date of graduation or withdrawal.
  - i. Record of disclosure and inspection.

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- j. Medical/Health data.
  - k. Individual psychological evaluation (gathered with written consent of parents).
  - l. Individual intelligence tests, tests for learning disabilities, etc. (special education related).
  - m. Other verifiable information to be used in educational decision making.
2. Educational records shall be retained according to the guidelines set forth in the **Missouri Public Schools Records Manual**.
  3. Students who have received services under P.L. 94-142 and/or the Education for All Handicapped Act of 1975 shall have a special services student folder included in the cumulative folder which meets the provisions of the district's compliance plan.
  4. Teacher and staff comments on student records will be confined to matters related to student performance. Value judgments will be excluded from the record.
  5. Education records are distinguished from records of instructional or administrative personnel which are in the sole possession of the maker and not revealed to anyone except a substitute.
  6. It is the responsibility of the principal and the professional staff of the school to see that such records are kept in the proper manner and are utilized in accordance with the law.

**B. Review of Student Records**

1. Parents of student or eligible students may inspect and review the student's education records upon request. A parent may be denied access to their child's record if a court order or divorce decree removes that parent's right to have knowledge about and/or to participate in the child's education. If not denied by a court order or divorce decree, the non-custodial parent has access to student's records. Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he or she wishes to inspect. The principal (or appropriate school official) will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. Access must be given in 45 days or less from the date of receipt of the request. When a 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 record which pertains to other students.
2. If the eligible student or parents/guardians believe that the data in the student's record is inaccurate or improperly recorded they may challenge the information by following the appeals procedures outlined in Item E of this regulation.
3. Staff members who have a legitimate interest and need will be allowed information concerning the record of any student. The principal will ensure that such use will be limited to specific needs for providing the student with educational services.

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4. The school district will maintain a record of all requests for and/or disclosures of 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 redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parents or eligible student.

**C. Annual Notification of Rights to Parents/Guardians and Students**

1. A summary of the major provisions of the Family Educational Rights and Privacy Act shall be made available to students and parents/guardians by publication in the student handbook(s) or by distributing notification to the parents/guardians or eligible student at the beginning of the school year.
2. Annual public notice should be presented to parents or eligible students that "Directory Information" will be released as deemed necessary by school officials. The school district designates the following items as Directory Information: student's name, parent's name, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended and photograph. Directory information, as well as address and telephone number, can be disclosed to an accredited public educational organization, such as Special School District, or the Voluntary Interdistrict Choice Corporation, without a parent's prior written consent. Parents or eligible students will have ten (10) school days after the annual public notice to view the student's directory information and to provide notice in writing to the school district that they choose to not have this information released. Unless notified to the contrary in writing within the then (10) school day period, the school district may disclose any of those items designated as directory information without prior written consent.

**D. Release of Student Records**

1. Disclosure of information from a student's education records will be made only with the written consent of the parent or eligible student, subject to the following exceptions:
  - a. The district may disclose student record information without consent when the disclosure is:
    - 1) To school officials who have a legitimate educational interest in the records.

A school official is:

      - A person employed by the district as an administrator, supervisor, instructor, or support staff member, including health medical staff.
      - A person elected to the School Board.
      - A person employed by or under contract to the district to perform a special task, such as an attorney, auditor, etc.

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- A person who is employed by the school district's law enforcement unit.

A school official has a legitimate educational interest if the official is:

- 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.
- 2) To officials of another school, upon request, in which a student seeks or intends to enroll.
  - 3) To comply with a judicial order or a lawfully issued subpoena.
  - 4) To individuals requesting directory information so designated by the district in Item C of this regulation.
  - 5) In connection with a student's request for or receipt of financial aid to determine the eligibility amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
  - 6) To appropriate parties in a health or safety emergency.
- b. The district may disclose student record information if the parent or eligible student has been notified and provided at least three (3) working days within which to view such records when the disclosure is:
- 1) To organizations conducting certain studies for or on behalf of the district.
  - 2) To accrediting organizations to carry out their functions.
  - 3) To parents of an eligible student if the student is a dependent for income tax purposes.
- c. The district may disclose student record information to governmental entities if the school district has obtained within the current school year and has on file prior written permission of the parent or eligible student to release such records and the parent or eligible student has been notified and provided at least three (3) working days within which to view such records.

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- d. Pursuant to the Family Educational Rights and Privacy Act, the district may disclose student record information to certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with audit or evaluation of certain state and federally supported education programs as allowed by law. The district may consult with legal counsel prior to releasing student record information to such officials.

### **E. Appeals Procedures**

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

1. Parents or the eligible student must ask the school district to amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy rights.
2. The school 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 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.
3. Upon request, the school district will arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the district. The parents 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 or student may be assisted by one or more individuals, including an attorney.
5. The school 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.
6. If the school district decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the parents or eligible student, in writing, that the record has been amended.
7. If the school 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 or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
8. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the school district discloses the contested portion of the record, it must also disclose the statement.

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**F. Refusal to Provide Copies**

The school district reserves the right to deny a parent or eligible student a copy of the student's education records in the following circumstances, unless failure to provide a copy would effectively prevent the parent or eligible student the right to inspect and review the records:

1. The parent or student has an unpaid financial obligation to the school district.
2. The education record requested is an exam or set of standardized test questions. (An exam or standardized test which is not directly related to a student is not an education record subject to FERPA's access provisions.

When the school district receives a request for records from another school district enrolling a student who had previously attended the district, a response shall be made to the request within five (5) business days of receiving the request. A student's transfer records are those referred to in section G as cumulative school records, including discipline records.

**G. Response to Requests**

When the school district received a request for records from another school district enrolling a student who had previously attended the district, a response shall be made to the request within five (5) business days of receiving the request. A student's transfer records are those referred to in section H as cumulative school records, including discipline records. When a new student enrolls from another school district, the school will request all of that student's records within 48 hours.

**H. Types, Locations and Custodians of Education Records**

The following is a list of the types of school records that the district maintains, their location, and their custodians.

<u>Types</u>	<u>Location</u>	<u>Custodian</u>
<b>Cumulative School Records,</b> including discipline records (Current students)	School principal's office	School principal
<b>Cumulative School Records,</b> including discipline records (Former students)	Special Services office	Assistant Superintendent Special Services
<b>Health Records</b> (Current students)	School nurse's office	Special Services

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**Health Records**  
(Former students)

Special Services  
office

Assistant Superintendent/  
Special Services

**Occasional Records**  
as appropriate for specific record.  
(Student education records not  
identified above, such as those  
in superintendent's office, in  
the school attorney's office,  
or in the possession of teachers.)

Special Services  
office

Assistant Superintendent  
Special Services

Adopted: June 30, 1981  
Revised: February 14, 1984  
Revised: October 8, 1996  
Revised: November 8, 2005

Legal Refs.: Family Educational Rights and Privacy Act of 1974  
(P.L. 93-38-0) Fed Register June 17, 1996  
Missouri Safe Schools Act, H.B. 1301/1298 (1996)