

1 Joint School District No. 2, Meridian
2 Meridian Technical Charter High School, Inc. has adopted West Ada's (Joint School District No. 2) policy.
3 STUDENT PERSONNEL

4
5 Series 500

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7 Policy Title Education Records Policy 504.60

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10 **Education Records**

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

- 15
16 1. date and place of birth, parents and/or guardian addresses
17 2. transcripts, schools attended, and special education records
18 3. disciplinary records (severe disruptive behavior)
19 4. medical and health records collected and maintained by the school
20 5. personal information such as a student's identification number, social security
21 number, and school pictures

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

28
29 Personal notes made by teachers and other school officials that are not shared with
30 others (except substitutes) are not considered education records.

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32 **Student's Legal Name**

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

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35 **Disclosure of Education Records**

36 Joint School District No. 2 will disclose information from a student's education records
37 only with the written consent of the parent/guardian or eligible student, with the
38 exception that the district may disclose without consent when the disclosure is:

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

48
49 A school official has a legitimate educational interest if the official is:

- 50 a. Performing a task that is specified in his or her position description or by a
51 contract agreement.

- 52 b. Performing a task related to a student's education.
 53 c. Performing a task related to the discipline of a student.
 54 d. Providing a service or benefit relating to the student or student's family,
 55 such as health care, counseling, job placement, or financial aid.
 56 e. Maintaining the safety and security of the campus.
 57
 58 2. To officials of another school, upon request, in which a student seeks or intends
 59 to enroll.
 60 3. To officials of the U.S. Department of Education, the Comptroller General, the
 61 state and local educational authorities, in connection with audit or evaluations of
 62 state or federally supported education programs.
 63 4. In connection with a student's request of financial aid to determine the eligibility,
 64 amount, or conditions of the financial aid, or to enforce the terms and conditions
 65 of the aid.
 66 5. To state and local officials or authorities if specifically required by a state law.
 67 6. To organizations conducting studies for or on behalf of the district.
 68 7. To accrediting organizations to carry out their functions.
 69 8. To parents/guardians of an eligible student if the student is a dependent for
 70 income tax purposes.
 71 9. To comply with a judicial order or a lawfully issued subpoena.
 72 10. To appropriate parties in a health or safety emergency.
 73 11. To individuals requesting directory information so designated by the district.
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75 **Family Educational Rights and Privacy Act Requirements (FERPA):**

76 Students and parents/guardians will be given notification of their rights as defined by
 77 FERPA once every year. This notification will be given using a mass media tool. The
 78 annual notice will contain information regarding the right to inspect their child's education
 79 records, the right to seek an amendment to the record, and the right to consent to the
 80 disclosure of personally identifiable information. The notice will also inform the students
 81 and parents/guardians of their right to file a complaint with the U.S. Department of
 82 Education.
 83

84 **Inspection of Records**

85 Student education records will be available for inspection by parents/guardians and
 86 eligible students upon written request. The request will be granted within a reasonable
 87 time (not to exceed forty-five (45) calendar days). When an education record contains
 88 information about students other than a parent's child or the eligible student, the parent
 89 or eligible student may not inspect and review the portion of the education record that
 90 pertains to other students.
 91

92 **Record of Requests**

93 The district will maintain a record of all requests for information from a student's
 94 education records. The record will indicate the name of the party making the request,
 95 any additional party to whom the information may be re-disclosed, and the legitimate
 96 interest the party had in requesting or obtaining the information. The record may be
 97 reviewed by the parent/guardian or eligible students.
 98

99 **Non-custodial Parent**

100 Access to education records and information pertaining to a minor child including, but
 101 not limited to, medical, dental, health, and school or educational records, shall not be
 102 denied to a parent because the parent is not the child's custodial parent. If the custodial

103 parent requests in writing, the school district will remove information regarding the
104 address of the minor child prior to providing the information to the non-custodial parent.

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106 **Record Amendment**

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

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- 111 1. Parents/guardians or the eligible student must ask the district to amend an
112 education record. In so doing, they should identify the part of the education
113 record they want changed and specify why they believe it is inaccurate,
114 misleading or in violation of the student's privacy rights.
- 115 2. The district may comply with the request or it may decide not to comply. If it
116 decides not to comply, the district will notify the parents/guardians or eligible
117 student of the decision and advise them of their right to a hearing to challenge
118 the information believed to be inaccurate, misleading, or in violation of the
119 student's privacy rights.
- 120 3. Upon request, the district will arrange for a hearing, and notify the
121 parents/guardians or eligible student, reasonably in advance, of the date, place,
122 and time of the hearing.
- 123 4. The hearing will be conducted by a district official. The parents/guardians or
124 eligible student shall be afforded a full and fair opportunity to present evidence
125 relevant to the issues raised in the original request to amend the student's
126 education records. The parents/guardians or student may be assisted by an
127 attorney.
- 128 5. The district will prepare a written decision based solely on the evidence
129 presented at the hearing. The decision will include a summary of the evidence
130 presented and the reasons for the decision.
- 131 6. If the district decides that the information is inaccurate, misleading, or in violation
132 of the student's right of privacy, it will amend the education record and notify the
133 parents/guardians or eligible student, in writing, that the education record has
134 been amended.
- 135 7. If the district decides that the challenged information is not inaccurate,
136 misleading, or in violation of the student's right of privacy, it will notify the
137 parents/guardians or eligible student that they have a right to place in the
138 education record a statement commenting on the challenged information and/or
139 a statement setting forth reasons for disagreeing with the decision. The
140 statement will be maintained as part of the student's education records as long
141 as the contested portion is maintained. If the district discloses the contested
142 portion of the record, it must also disclose the statement.

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144 **Time Requirements for Maintaining Educational Records**

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

150 **Permanent Education Record**

151 Elementary, middle school, and high school personnel will maintain the education record
152 of students not currently in the district system for five years. The following information
153 will be maintained in the permanent education record:

- 154 1. Student's name
 155 2. Grades
 156 3. Attendance summary
 157 4. Entrance and withdrawal record
 158 5. Birthdate and place of birth
 159 6. Student identification number
 160 7. Transcripts
 161 8. Educational assessment data

162 The permanent education record of each student is maintained at the school level. The
 163 principal, individual teachers and special education personnel may also have files
 164 containing specific educational records.
 165

166 **Directory Information**

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

- 171 1. The information designated as directory information.
 172 2. The right of the parent or eligible student to refuse to allow the district to disclose
 173 the directory information regarding that particular student. This request must be
 174 received in writing within 30 calendar days of receipt of the notice.
 175

176 Directory information includes:

- 177 1. student name
 178 2. address
 179 3. telephone listing
 180 4. birthday
 181 5. attendance dates, awards earned, honor roll data, and diploma earned
 182 6. participation in officially recognized activities such as sports
 183 7. weight and height of members of athletic teams
 184 8. information typically found in school yearbooks or athletic programs
 185 9. photographs or videotapes of the student used by the district for recognition of
 186 student achievement and for community relations, including but not limited to
 187 inclusion in District publications, video presentations, and on the District's web
 188 site
 189

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

195 Whenever a student transfers from one school to another, within the district, the sending
 196 school will transfer all education records to the appropriate school. Whenever a student
 197 transfers from one school to another, within the state, or elsewhere, and the sending
 198 school is requested to forward student education records, the sending school shall
 199 respond by forwarding a certified copy of the transferred student's education record
 200 within ten days (exception according to Idaho Code 18-4511).
 201

202 **Disciplinary Records**

203 When an education record contains information of violent or disruptive behavior or
 204 disciplinary action of a student, the information must be included in the transfer of

205 student education records. The disciplinary information must be transferred by placing it
206 in a sealed envelope, marked confidential, and addressed to the principal or assistant
207 principal.

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209 **Students with Disabilities**

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

- 214 1. Before any meeting regarding an Individualized Education Program (IEP).
- 215 2. Before any hearing relating to the identification, evaluation, or educational
216 placement of a child.
- 217 3. Before any hearing relating to the provision of a Free Appropriate Public
218 Education (FAPE) to a child

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

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238 Date of Revisions:

239 01/12/10; 12/14/10

240 03/15/11; 01/10/12;

241 12/18/12

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