

~~Minidoka County Joint School District No. 331 shall provide parents access to their children's records maintained by the district office or schools as a permanent record file. The term "parent" as used in this policy refers to the legal parent or guardian, exclusive of the student, or to the student whenever a student has attained eighteen (18) years of age. If the student has attained eighteen (18) years of age, permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.~~

Maintenance of School Student Records

All records and data directly related to an individual student which is incorporated into each student's cumulative record file or permanent record and intended for school district use or to be available to parties outside the school district compose the student's permanent record file.

Personal working notes made by teachers, counsel-ors, or other school district personnel regarding a class of students or individual students are not to be included in the student's cumulative record and are not available to parents, in-district personnel (other than the compiler), and may not be transmitted to other persons or agencies. Notes of this nature are not teacher or counselor ratings and observations. They should be used as memory aids in facilitating student evaluation and teaching which is in the best interests of the student and not at any time for the detriment of any student.

The District shall maintain a record for each student that shall contain information, including but not limited to the following:

1. Birth certificate;
2. Proof of residency;
3. Unique student identifier;
4. Basic identifying information;
5. Academic transcripts;
6. Immunization records;
7. Attendance records;
8. Intelligence and aptitude scores;
9. Psychological reports;
10. Achievement test results;
11. Participation in extracurricular activities;
12. Honors and awards;
13. Verified reports or information from non-educational persons;
14. Verified information of clear relevance to the student's education;
15. Log pertaining to release of student's record; and
16. Disciplinary information.

Information in student files shall be maintained for a period of _____ years after a student graduates or permanently leaves the District.

Destroy Records

With the exception of a transcript, all material in a student's record will be destroyed within three (3) years after the student concludes attendance in Minidoka County Joint School District No. 331 or graduates from the twelfth (12th) grade. A transcript is limited to the name of student, date of birth, place of birth, male or female, names and address of parents, attendance record, schools attended, standardized test scores, grade point average, class rank, scholastic grades and credits, grade level attained, notation of extracurricular activities engaged in, and year completed

Records for a special education student with disabilities who graduates or permanently withdraws from the District, including eligibility documentation, IEPs, consents, and written notices will, for at least six (6) years, be maintained until such time or when the District has been given written consent from the parent(s) and/or adult former student to destroy the records or transfer the records to the parent(s) or to the student if the student has succeeded to the rights of the parents. Such written records of individual students are confidential and shall be shredded or burned under supervision of the staff member responsible for the records if not released to the parent(s) and/or adult former student. The records manager should maintain a log that documents the date of destruction or release of records.

The Superintendent's designee shall be responsible for the maintenance, retention, or destruction of a student's records, in accordance with the District's procedure established by the Superintendent.

The unique student identifier is a number issued and assigned by the State Department of Education to each student currently enrolled or who will be enrolled. The unique student identifier shall follow the student from each school district or local educational agency (LEA) or upon return to a school district or LEA after an absence no matter the length of absence.

Access to Student Records

The District shall grant access to student records as follows:

1. School district personnel who are responsible for working with children or secretaries and clerks responsible for working on records shall have access to student permanent records.
2. The District or any District employee shall not release, disclose, or grant access to information found in any student record except under the conditions set forth in this policy and consistent with the provisions of state and federal law.
3. The parents of a student under 18 years of age shall be entitled to inspect and copy information in the child's school records. Such requests shall be made in writing and directed to the records custodian. Access to the records shall be granted within 15 days of the District's receipt of such a request.

Where the parents are divorced or separated, both shall be permitted to inspect and copy the student's school records unless a court order indicates otherwise. The District shall send copies of the following to both parents at either one's request, unless a court order indicates otherwise or parental rights have been terminated by court order or parental agreement:

- A. Academic progress reports or records;
- B. Health reports;
- C. Notices of parent-teacher conferences;
- D. School calendars distributed to parents/guardians; and
- E. Notices about open houses and other major school events, including pupil-parent interaction.

When the student reaches eighteen (18) years of age, graduates from high school, marries, enters military service, or becomes legally emancipated all rights and privileges accorded to the parent become exclusively those of the student. The parents of dependent students, as defined by the I.R.S. (i.e. student termed dependent for income tax purposes) may have access to student educational records if the parents establish, via either a copy of the applicable tax forms and/or a Parental Affidavit for Educational Records attesting to the student's dependent status.

Access shall not be granted to the parent or the student to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment, or the receipt of an honor or award, if the student has waived his or her right of access, after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

4. The District may grant access to, or release information from, student records to employees or officials of the District or the Idaho State Board of Education, provided a current, demonstrable, educational or administrative need is shown, without parental consent or notification. Access in such cases shall be limited to the satisfaction of that need.
5. For purposes of an audit or evaluation by a federal or state-supported education program, and to comply with federal requirements related to such a program. The receiving entity must be a state or educational authority or another entity allowed by the Family Educational Rights and Privacy Act (FERPA), or must be an authorized representative of such an entity.

For each new audit, evaluation, or enforcement effort, the District shall enter into a written agreement when designating anyone other than its employee as its authorized representative. The District shall be responsible for using reasonable methods to ensure, to the greatest extent practicable, that the authorized representative

- i. Uses the personal information only for the authorized purpose;
 - ii. Protects the personal information from further unauthorized disclosures or other uses; and
 - iii. Destroys the personal information when it is no longer needed for the authorized purpose. Such destruction shall be effected by any specified time period set forth in the written agreement.
6. The District may grant access to, or release information from, student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. Any such release in this regard shall be consistent with Idaho Code and Policy 3575 relating to the limitations on the release of student data.
7. The District shall grant access to, or release information from, a student's records pursuant to a court order or appropriate subpoena. In most instances, the parent/qualified student shall be given prompt written notice of such order/subpoena, a general statement of the documents which will be released, and the proposed date of release of the documentation requested. However, there are very limited circumstances under the USA Patriot Act where schools are required to disclose information without notice to the parent or student to the Attorney General of the United States upon an ex parte order in connection with the investigation or prosecution of terrorism crimes or other such specified situations when the court order prohibits disclosure (i.e. Federal Grand Jury Subpoena or Law Enforcement Subpoena wherein such order indicates disclosure is not permitted).
8. The District shall grant access to or release information from any student record as specifically required by federal or state statute.
9. The District shall grant access to, or release information from, student records to any person possessing a written, dated consent, signed by the parent or eligible student with particularity as to whom the records may be released, the information or record to be released, and the reason for the release. One copy of the consent form will be kept in the records, and one copy shall be mailed to the parent or eligible student by the Superintendent. Whenever the District requests the consent to release certain records, the records custodian shall inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.
10. The District may release student records to the Superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official.
11. Prior to the release of any records or information under items 5, 6, 7, and 8, and 9 above, the District shall provide prompt written notice to the parents or eligible student of this

intended action except as specified in item 5 6. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.

12. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian shall make this decision taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. Any release that is made must be narrowly tailored considering the immediacy, magnitude, and specificity of the information concerning the emergency and the information should only be released to those persons whose knowledge of the information is necessary to provide immediate protection of the health and safety of the student or other individuals (i.e. law enforcement, public health officials, trained medical personnel). The exception is temporarily limited to the period of the emergency and does not allow for a blanket release of personally identifiable information from a student's records. The District shall notify the parents or eligible student as soon as possible of the information released, the date of the release, the person, agency, or organization to which the release was made, and the purpose of the release and the same information shall be recorded in the student's record log.
13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s).
14. The District may charges a ~~nominal~~ fee for copying information in the student's records. No parent or student shall be precluded from copying information because of financial hardship. See Policy 4260 for information regarding the District copy fee schedule.
15. A log of all releases of information from student records, including all instances of access granted, whether or not records were copied, shall be kept and maintained as part of such records. This log shall be maintained for the life of the student record and shall be accessible only to the parent or eligible student, records custodian, or other such person. The log of release shall include:
 - A. Information released or made accessible;
 - B. The name and signature of the records custodian;
 - C. The name and position of the person ~~obtaining~~ requesting the release or access;
 - D. The legitimate interests the parties had in requesting or obtaining the information;
 - E. The date of the release or grant of access; and
 - F. A copy of any consent to such release; and
 - G. Any additional information required by state or federal law.

Directory Information

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information shall be limited to:

1. Name;
2. Address;
3. Gender;
4. Grade level;
5. Birth date and place;
6. Parents'/guardians' names and addresses;
7. Academic awards, degrees, and honors;
8. Information in relation to school-sponsored activities, organizations, and athletics;
9. Major field of study; and
10. Period of attendance in school.

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information.

Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning school records will inform them of their right to object to the release of this information.

Student Record Challenges

The parents may challenge the accuracy, relevancy, or propriety of the records, except for grades, and references to expulsions or out-of-school suspensions, if the challenge is made when the student's school records are being forwarded to another school. They have the right to request a hearing at which each party has:

1. The right to present evidence and to call witnesses;
2. The right to cross-examine witnesses;
3. The right to counsel;
4. The right to a written statement of any decision and the reasons therefore; and
5. The right to appeal an adverse decision to an administrative tribunal or official, to be established or designated by the State Board.

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will include a statement in any release of the information in dispute.

Provisions:

The following provisions are to assist in the administration of this policy:

1. Definition of cumulative student permanent record file.

- a. All records and data directly related to an individual student which is incorporated into each student's cumulative record file or permanent record and intended for school district use or to be available to parties outside the school district compose the student's permanent record file.
- b. The record of information maintained by special services is included as part of the individual student's cumulative school record. Special service personnel have a particular responsibility to provide professional services designed to individualize the school program of each referred student. An essential part of these services is recording and maintaining a case record of each student. This is a basic professional responsibility of each special service worker. Accordingly, these regulations do not imply maintaining abbreviated records but will communicate adequately the workers full evaluation, interpretation, and recommendations.
- c. Personal working notes made by teachers, counselors, or other school district personnel regarding a class of students or individual students are not to be included in the students cumulative record and are not available to parents, in district personnel (other than the compiler), and may not be transmitted to other persons or agencies. Notes of this nature are not teacher or counselor ratings and observations. They should be used as memory aids in facilitating student evaluation and teaching which is in the best interests of the student and not at any time for the detriment of any student.

2. Access to permanent records

- a. School district personnel who are responsible for working with children or secretaries and clerks responsible for working on records shall have access to student permanent records.
- b. Parents may have access to their child's permanent record (or student access to own record if over eighteen (18) years of age) within the time stipulated in the law. This should be accomplished as quickly as possible.
- c. No information may be released from any student's file including transcripts, without signed authorization of the parent with the following exceptions:
 1. School district use by personnel who have legitimate education interest.
 2. Information requested by research approved by the district.
 3. Information necessary for official audits.
 4. Information necessary for evaluations so long as the individual student is not identified.
 5. Information to schools from which notification has been received that the student intends to enroll.
- d. Signed authorizations are to become part of the student's permanent record or kept on file for review by authorized persona. Each authorization must name the persons to receive information form the students' record, specify what information is to be released, and state the reason for releasing the information. A copy of such information is to be furnished to the parent upon request.

3. Management of student permanent records

- a. ~~Parents (or students if over 18 years of age) may have access to their children's files through the following procedures:~~
 1. ~~Notification should be given the school principal or his designee for the purpose of arranging an appointment mutually agreeable to both parties for record review. Notification may be in writing, by telephone, or a personal visit. The request and date shall be noted on the access form and placed in the student's record file.~~
 2. ~~The child's record shall be shown to the parent by the principal or his designee with explanation given where necessary, within the time established by law. This should be accomplished as quickly as possible.~~
 3. ~~If a student is referred to special services, a record concerning the student and action taken by the special services office. Parents may have access to their child's records upon request provided they arrange an appointment with the special service person who has done the testing and/or collected the information included in the record so this person can be present to explain the record and answer questions. If this person is not available, the director will designate another person from the department to review the record with the parent.~~

4. Provision for Challenge

- a. ~~An opportunity will be given to parents to challenge any information contained in the child's records or the privacy of such record and to have a hearing with school personnel designated by the principal as knowledgeable of the child's record.~~
- b. ~~A record of any challenge including names of person(s) filing such a challenge, date and disposition of such challenge are to be placed on a form and entered in the student's file. Any challenge to remove or change information will be directed to the school principal. The principal will be responsible for setting up a review team to act on such matters.~~

5. Notification to Parents

- a. ~~Notification must be made to parents that their child's individual records are available to them for review. Such notice shall outline the procedures to be followed if they wish to review the records. They must also be notified that they may challenge any information in their child's record, and be given a hearing. Parents are to be notified of procedures for such challenging and hearing.~~

6. School Check Out

- a. ~~A form is to be offered for the parent's signature at any time a student is checked out of school. The form is to provide for the following:~~
 1. ~~Release of information to any school in which the student enrolls.~~
 2. ~~A statement that the parent has had opportunity to review his child's records and receive a copy if requested.~~

7. Release of Records

- a. ~~When records are requested from another school which anticipates the enrollment of a student who has been enrolled in Minidoka County Joint School District No. 331, transmittal of records can be made the following instructions given in "2" Access to Permanent Records, paragraph "(5)".~~
- b. ~~Other viewing or transmitting of records requires written authorization from parents.~~
- c. ~~Name of person or agency authorized to view or receive transmittal of records is required.~~
- d. ~~A statement of reason for viewing or receiving transmittal of records is required.~~

8. ~~Access Log~~

~~A form is to be kept in each student file which provides for a record of the name, position, agency's purpose of access, and date of all persons (except the student's teachers, counselors, principals, secretaries, and clerks) viewing the student's file, including parents. The school principal is responsible for maintenance of such a log.~~

9. ~~Teacher comments~~

~~Any comments made by school personnel which are intended to become part of the permanent record are to be factual reports of observation and verbal requests.~~

10. ~~Court Access~~

~~In the event a student's records are subpoenaed or access is required through court order, the parent and student are to be notified in writing in advance of compliance by the school to a court order or subpoena. Notation must be made on the access log of the request for records and also of the notification of the parents.~~

11. ~~Training for Responsibility for Record Security~~

~~Each building principal will have responsibility for orientation and periodic training of all school personnel who have access to student records and their security with regards to privacy rights of students, school policies and procedures for handling student's records, and routines within the school for proper handling of student records.~~

12. ~~Destroy Records~~

~~With the exception of a transcript, all material in a student's record will be destroyed within three years after the student concludes attendance in Minidoka County Joint School District No. 331 or graduates from the twelfth grade. A transcript is limited to the name of student, date of birth, place of birth, male or female, names and address of parents, attendance record, schools attended, standardized test scores, grade point average, class rank, scholastic grades and credits, grade level attained, notation of extracurricular activities engaged in, and year completed.~~



LEGAL REFERENCE: Idaho Code 32-717A

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