

4400 STUDENT RECORDS

I. PHILOSOPHY AND PURPOSE

Weber School District (District) values the privacy and confidentiality of personally identifiable information in student education records. The District collects, maintains, and uses student information only for educational purposes and to meet the needs of students. State and federal law requires that the District protect the privacy of student data and education records and to ensure parental access. The Family Educational Rights and Privacy Act (FERPA), 12 U.S.C. 1232 g, 34 CFR Part 99, governs access to education records. Title 53E, Chapter 9 of the Utah Code, Student Privacy and Data Protection, requires the District to adopt policies to protect personally identifiable student data. UTAH CODE ANN. § 53E9-101, et seq. Some records and information are granted additional protections by other laws. Weber School District complies with all state and federal student privacy laws. The purpose of this policy is to notify parents and students of the District's obligations under state and federal student privacy laws.

II. POLICY

Weber School District protects the privacy of student educational records and will disclose those records in accordance with state and federal law, as outlined in this Policy. Collection of student information will only be for educational purposes and will be in compliance with state and federal law. Employees are required to receive training each year on state and federal privacy laws regarding education records.

III. DEFINITIONS

- A. "Cumulative file" refers to a physical or digital record maintained by Weber School District for each student, containing, at a minimum, the following information:
1. Evidence of the student's legal name and date of birth;
 2. Student demographic data, including race, ethnicity, and gender;
 3. Name and contact information for the student's parents;
 4. A record of the student's courses, teachers, and grades or progress;
 5. A record of the student's performance on statewide assessments;
 6. Documentation concerning a student's eligibility for IDEA or 504 services;
 7. A record of suspensions and expulsions;
 8. Known allergies;
 9. A record of vision and health screening results; and
 10. Pertinent legal documents, including protective orders, custody orders, and parenting or education plans

- B. "Directory Information" means information contained in an education record that would not generally be considered harmful or an invasion of privacy if disclosed:
1. Directory information includes, but is not limited to, the following student information
 - a. name;
 - b. address;
 - c. telephone listing;
 - d. email address;
 - e. photographs, videos, and other likenesses;
 - f. major field of study;
 - g. dates of attendance
 - h. grade level;
 - i. participation in officially recognized activities and sports;
 - j. weight and height of members of athletic teams;
 - k. degrees, honors, and awards received;
 - l. the most recent educational agency or institution attended.
 - m. student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education; and
 - n. student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
 2. Directory information does not include a student's social security number in whole or in part.
- C. "Education Record" means those records that are files, documents, and other materials that contain information directly related to a student and that are maintained by the District or by a person acting for the District. Education Records are more fully described in Section IV of this policy.
- D. "Gender Identity" has the meaning provided in the Diagnostic and Statistical Manual (DSM-5- TR or most current version of DSM). A person's gender identity can be shown by providing evidence, including, but not limited to, medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity, or other evidence that the gender identity is sincerely held, part of

a person's core identity, and not being asserted for an improper purpose.

E. "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

F. "Law enforcement unit" means any individual, office, department, division, or other components of a school, such as a unit of commissioned police officers or non-commissioned security guards, that is officially authorized or designated by that school or school district to (1) enforce any local, state, or federal law, or refer to appropriate authorities a matter for enforcement of any local, state, or federal law against any individual or organization other than the agency or institution itself; or (2) maintain the physical security and safety of the agency or institution.

C. "Personally identifiable information" means information that identifies:

1. a user by:

- i. name;
- ii. account number;
- iii. physical address;
- iv. email address;
- v. telephone number;
- vi. Social Security number;
- vii. credit card information; or
- viii. bank account information;

2. a user as having requested or obtained specific materials or services from a governmental website;

3. internet sites visited by a user; or

4. any of the contents of a user's data-storage device.

D. "School Official" means any employee or agent of the District with a legitimate educational interest in a student's record. A school official includes (but is not limited to) teachers, school principal, board members, student services professionals, attorneys, consultants, independent contractors, and support or clerical personnel, and third-party contractors providing a service the District would otherwise provide using its own employees.

E. "Sex" means the biological, physical condition of being male or female, determined by an individual's genetics and anatomy at birth.

IV. EDUCATION RECORDS

A. Education Records will not be disclosed to anyone but the parent of the student, the student (if 18), or those identified in this policy, without written parental

consent.

- B. Education Records include all documents contained in the student's Cumulative Record.
- C. In addition to the documents contained in the student's Cumulative File, an Education Record also includes, but is not limited to:
 - 1. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings
 - 2. All achievement records, as determined by tests, recorded grades, and other teacher evaluations. Grades on assignments, including peer-graded assignments, are not education records until the teacher has collected them and recorded them.
 - 3. Health records not included in the Cumulative File
 - 4. Attendance records
 - 5. Records of teacher, counselor, or administrative notes, interventions, discipline, logs, or any other form of documentation regarding the student that are maintained in WSD's Student Information System ("SIS")
 - 6. Records transferred from other districts in which the student was enrolled
 - 7. Records of fees assessed and paid
 - 8. Transcripts
 - 9. Copies of correspondence with parents and others concerned with the student.
- D. The term "education records" does not include:
 - 1. Records or personal notes made by District personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary, approved substitute;
 - 2. Records maintained by designated law enforcement unit for the District.
 - 3. Records relating to a student who is employed by the District that (a) are made and maintained in the normal course of business, (b) relate exclusively to the student in the student's capacity as an employee, and (c) are not available for use for any other purpose. Records relating to a student who is employed as a result of his or her status as a student are education records and are not excepted under this paragraph.
 - 4. Records created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
- E. Per Weber School District Records Retention Schedule, all Education Records,

with the exception of records created and maintained related to special education, will be retained by the District for three years after a student separates from the District, and then they will be destroyed. Special education records shall be retained for five years, and then they will be destroyed.

V. ACCESS TO RECORDS

A. Access by Parents

1. Except as provided in paragraphs V.A.2. and V.A.5. or as further restricted under section X below, parents have a right to inspect and review the education records of their children. Access to the education records of a student who is or has been in attendance at a school in the District shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes, even if the student is 18 or older.
2. The school shall presume that each parent, regardless of custody designation, has authority to inspect and review their student's records unless the school has been provided a copy of a court order, state statute, or other legally binding document that specifically revokes these rights.
3. A parent's right to inspect and review his or her student's education record includes the right to access attendance records, test scores, grades, psychological records, applications for admission to other schools/colleges, and health or immunization information.
4. If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed.
5. Notwithstanding paragraph V.A.4. a parent may request to view a copy of security camera recording where the focus of the footage is the parent's student, even if other students can be seen and identified in the recording. A parent may not be given a copy of the recording unless the faces of the other students are blurred out (at the expense of the parent requesting the video) but a parent may view the recording at the school or district office with an administrator present.
6. In accordance with Utah Code § 53E-2-201, each school within the district shall ensure that no policy or action of the school or district interferes with a parent's freedom of access to information regarding the parent's child. Notwithstanding any other provision of law, a school or LEA may not prohibit a parent of a child from accessing the child's education record.
7. A parent, or adult student, requesting a copy of records will need to complete a request for records at the school of enrollment. School of enrollment will provide a copy of the records within 45 days. Identifiable information of other students will be redacted.

F. Access by Students

1. Students in Weber School District may also inspect and review their own education records in accordance with procedures set forth by the school that maintains the records.
2. When a student reaches eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

G. Access by School Officials

1. School officials who have a legitimate educational interest in a student's education record may access the record without parental consent.
2. A school official that is a third-party contractor, including an online educational service provider, may access a student's education records without parental consent provided the contractor:
 - a) Is performing an institutional service or function for which the District would otherwise use its own employees;
 - b) Has been determined to meet the criteria set forth in the District's annual FERPA rights for being a school official; and
 - c) Is under the direct control of the District regarding the use and maintenance of the education records or PII only for authorized purposes and does not re-disclose the educational records or PII to other parties (unless the provider has specific authorization from the District to do so and it is otherwise permitted by FERPA).
3. Online educational service providers, whether paid or free services, must be approved by the District Student Data Manager and must enter into a Data Privacy Agreement, which includes:
 - a) requirements and restrictions related to the collection, use, storage, or sharing of student data by the third-party contractor that are necessary for the education entity to ensure compliance with the provisions of this part and state board rule;
 - b) a description of a person, or type of person, including an affiliate of the third-party contractor, with whom the third-party contractor may share student data;
 - c) provisions that, at the request of the education entity, govern the deletion of the student data received by the third-party contractor;
 - d) provisions that prohibit the secondary use of personally identifiable student data by the third-party contractor; and
 - e) an agreement by the third-party contractor that, at the request of the education entity that is a party to the contract, the education entity or the education entity's designee may audit the third-party contractor to verify compliance with the contract.
4. Teachers and staff must seek approval from the District Data Manager

before entering into not only formal contractors but also consumer-oriented “click-wrap” software that is acquired by simply clicking “accept” to the provider’s terms of services.

H. Access by Others. In addition to parents, students, and school officials, the following may have access to records:

1. Individuals for whom the parent has given written consent. Parents should use the District Consent to Release Educational Records of Student form.
2. Officials of other schools, school systems, or institutions of postsecondary education in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student’s enrollment or transfer.
3. Authorized representatives of the Comptroller General of the United States, the Secretary of Education, the United States Attorney General, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs.
4. Personnel involved with the student’s application for, or receipt of, financial aid.
5. Organizations conducting studies for educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies.
6. Accrediting organizations that require the information for purposes of accreditation.
7. Individuals authorized by a judicial order or lawfully issued subpoena. When a subpoena for education records is issued on behalf of a person who is **not** the parent of the student or their legal representative, the District must provide reasonable notice to the parent that the subpoena has been issued and the District will comply unless otherwise directed by the Court, prior to providing the education records.
8. Appropriate persons who, in an emergency, must have such information in order to protect the health or safety of the student or other person.
9. An agency caseworker or other representative of a state or local child welfare agency who provides documentation showing the right of that caseworker or representative to access the particular student’s case plan.

VI. DIRECTORY INFORMATION

- A. School directories shall not be released to the public for commercial purposes.

- B. Under no circumstances will directory information compiled by outside agencies be released to anyone other than Weber School District personnel.
- C. Lists of names and addresses of children may not be given to any person or agency, except as authorized by the Superintendent or their designee.
- D. The records of the school concerning an individual pupil shall be used for the promotion of the welfare of the pupil, and shall not be made available to any outside person or agency unless it is reasonably clear that such person or agency will use the records to the advantage of the child or their family in the interest of justice.
- E. No teacher shall ever give information from a child's record to anyone outside the school staff, except the child's parents/legal guardians, unless they first obtain the permission of the principal.
- F. Other school officials may give information from the records only to the child, their parents, the authorized representatives of the child and their parents, police officers, or other public officials, prospective employers, representatives of recognized social agencies, or other persons approved by the child's parents/legal guardians.
- G. In the course of processing a request for information, a reasonable doubt on any aspect of the request or concern about the authorization to process the request should be deemed sufficient reason for the records manager to withhold all or part of the information until such time the question is resolved.

VII. AMENDMENT TO RECORDS

I. Right to Amend or Expunge Records

1. The parent of a student whose records are covered by this policy may ask the school to amend or expunge the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. A request to amend or expunge a record under this section must be made in accordance with the procedures outlined in subsection IV.B.
2. As defined in Utah Admin. Code R277-487-2, "expunge" means to seal a record so as to limit its availability to all except authorized individuals.
3. A school will not, without written parental consent, make changes to a student's education record regarding a student's gender identity that does not conform with the student's sex.

J. Procedures to Amend Records

1. A request to amend or expunge student records must be submitted to the principal of the school where the student attends. If the student no longer attends a school within the District, the request must be submitted to the principal of the school where the student last attended.
2. The request should be made in writing and should include the information

the parent believes is inaccurate, misleading, or in violation of the student's right of privacy, along with a reason or any supporting evidence to support the belief.

3. The principal, in consultation with other District employees who have knowledge of the information the parent is seeking to have amended or expunged, shall decide whether to amend or expunge the records. Within fifteen (15) school days of the principal's receipt of the request, the principal shall notify the parents in writing of the decision. If the principal decides to amend the record, it shall be amended within fifteen (15) school days. If the request is denied, the principal shall notify the parents of their right to a hearing under subsection IV.C.

K. Procedure for Hearing Regarding Record Change

1. A parent whose request to amend or expunge records is denied under paragraph IV.B.3 may request a hearing on the decision. The request for a hearing shall be submitted in writing to the Director of Elementary Education if the student is in sixth grade or below. The request shall be submitted to the Director of Secondary Education if the student is in seventh grade or above. The request must be submitted within ten (10) school days of receipt of the principal's decision.
2. The Director who receives a request for hearing shall schedule a hearing date with the parent and notify the parent in writing of the date, time, and place. The Director shall conduct the hearing and issue a decision unless he/she has a direct interest in the outcome, in which case the hearing will be assigned to an administrator who does not have a direct interest in the outcome.
3. The parents shall be given a full and fair opportunity to present evidence, and at their own expense, may be assisted or represented at the hearing.
4. The parents shall be notified of the decision in writing within ten (10) school days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have thirty (30) school days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the school's decision.

VIII. TRANSFERS TO AND FROM OTHER SCHOOLS

- A. Consistent with Utah Code Ann. § 53G-6-604, when a student transfers to, or seeks to enroll in a District school, the school shall request a certified copy of the student's educational record directly from the student's previous school within 14 days after enrolling the student.
- B. Consistent with Utah Code Ann.. § 53G-6-604, and unless prohibited or otherwise affected by paragraphs VII.B.1 and 2 below, when a school receives a request for a student's education records from another school, whether from within or outside the District, the school shall forward a copy of the cumulative records to the new school

within 30 days of the request.

1. If a student's record has been flagged after notification from the Criminal Investigations and Technical Services Division that the record is that of a missing child, the school shall not forward the record to the requesting school but shall notify the Division immediately of the request.
2. If a student falls under the protections of the Interstate Compact on Educational Opportunity for Military Children, Utah Code Ann. § 53E-3-901 et seq., the school shall release the student's records to a requesting school consistent with the provisions of the Compact.