

Student Records

General

The Board of Education recognizes the need for and usefulness of keeping educational records for each student which will reflect the physical, emotional, social and academic aspects of a student's development in the educational process.

Information about a student demands judicious and will always be used so as to contribute to the student's welfare. Safeguards will be established by the administration to protect the student and the student's family from invasion of privacy in the collection, maintenance and dissemination of information, and to provide accessibility to recorded information by those legally entitled thereto.

Definitions

1. "Student's record" means any item of information directly related to an identifiable student, other than directory information, which is maintained by the school district or required to be maintained by an employee in the performance of his/her duties whether recorded by handwriting, print, tapes, film, microfilm or other means. Student records include information related to an individual student gathered within or without the school system, and maintained within the school system regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information which is maintained for the purpose of a second party review is considered a student record.

"Student record" will not include informal notes related to a student compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute.

"Substitute" means a person who performs on a temporary basis the duties of the individual who made the notes, and does not refer to a person who permanently succeeds the maker of notes in his/her position. Medical records are not open to public inspection.

2. "Personally identifiable information" means that the data or information includes the name of a student or student's parent, or other family member, the address of the student, a personal identifier such as the student's social security number or student number, a list of personal characteristics which would make the student's identity easily traceable, or other information which would make the student's identity easily traceable.
3. "Directory information" means one or more of the following items: student's name, address, telephone number, 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, diplomas and awards received and the most recent previous public or private school attended by the student.

4. “Parent” means a natural parent, an adopted parent, or legal guardian. If parents are divorced or legally separated, only the parent having legal custody of the student may challenge the content of a record, offer a written response to a record or consent to release records to others, provided, however, that either parent may grant consent if both parents have notified the district, in writing, that such an agreement has been made. Whenever a student has attained the age of eighteen (18) years or is attending an institution of post-secondary education, the permission or consent required of, and the right accorded to, the parents or guardian of the student will thereafter only be required of an accorded to, the student.
5. “Access” means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record.
6. “Student” means a person who is or was enrolled in a school.
7. “Adult student” means a person who is or was enrolled in school and who is at least eighteen (18) years of age.
8. “Eligible student” means a person sixteen (16) years or older who has completed Grade 10.

Regulations

The superintendent will develop regulations providing for the following:

1. Annually informing parents of their rights.
2. Permitting parents to inspect and review educational records, including at least a statement of the procedure to be followed by a parent or an eligible student who requests to inspect and review educational records, with an understanding that it may not deny access to education records; a description of the circumstances in which the district feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and location of education records maintained by the school and the titles and addresses of school officials responsible for those records.
3. Not disclosing personally identifiable information from a student’s education records without the prior written consent of the student’s parent, except as otherwise permitted by administrative regulations; including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within the school who have been determined by the school to have legitimate educational interests, and, if so, a specification of the criteria for determining which parties are “school” officials and what the school considers to be a legitimate educational interest; and a specification of the personally identifiable information to be designed as directory information.

4. Maintaining the record of disclosures of personally identifiable information from a student's education records and permitting a parent to inspect that record.
5. Providing a parent with an opportunity to seek the correction of the student's education record through a request to amend the records or a hearing, and permitting the parent or an eligible student to place a statement in the education records of the student.
6. Guaranteeing access to student records to authorized persons within ten (10) days following the date of request.
7. Assuring safety of student records.
8. Enumerating and describing the student records maintained by the district.

Legal References: Federal Family Education Rights and Privacy Act of 1974 (Section 483 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g); Regulations of the U.S. Department of Education, published in 45 C.F.R. 99 (June 17, 1976); State Education Laws 305, 905, 1007, 3211, 3214, 4005

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STUDENT RECORDS-ADMINISTRATIVE REGULATIONS

Records shall be maintained, expunged and destroyed in accordance with the rules of the Commissioner of Education.

A. Custodian of Records

The Custodian of Records is the principal of the school in which the student is currently or was last enrolled. S/he has:

1. the duty of maintaining and preserving the confidentiality and security of student records;
2. the duty to review all records and delete the information that is no longer valid and useful;
3. the authority to deny or grant access to records in accordance with procedures and state and federal law;
4. the responsibility for maintaining for public inspection, a current list of names of those employees having access to personally identifiable data.

Accessibility of Student Records**A. Parental Access:**

1. In accordance with state and federal law, parents have the right to inspect and review the educational records of any local or regional school district in which their child is or has been in attendance. Furthermore, the Federal Education Amendments of 1974 give parents the right to inspect and review the educational records of a child being served by any educational agencies or institutions to which funds are made available under any federal program.
2. Parents' rights of inspection and review are restricted to information dealing with their own child. The school district will presume that even when parents are separated or divorced and one parent has been granted custody, that both natural parents have access to their child's records. This access will be extended to both natural parents unless the school district receives a court order to the contrary.
3. Compliance with requests for inspection and review by parent(s) or guardian will be within forty five (45) days. Exceptions to the above time limit may be made through application, in writing, to the Superintendent of Schools, but in no case will exceed forty five (45) days. All requests for inspection of records must be in writing.
4. An official of the school district must be present at all such inspections and reviews. The primary responsibility of this official will be to provide parents with interpretations of the records.

5. The school district will also maintain a record of those individuals who have sought or obtained access to the records. This form indicates the name of any individual who has access, date, disposition of the request, name of the official meeting with the person, specific data disclosed, and the legitimate educational interests the party(ies) had in requesting or obtaining the information. This record need not include parents and school district employees with a legitimate educational interest.

B. Access to Records:

1. Professional staff members will have access to student information in the records when access is directly related to their responsibility to promote the educational growth of the students.
2. Parents of a minor student will have access to the student's record within a maximum of forty five (45) days upon submission of a written request to the Custodian of Records. A parent or guardian may delegate or deny the right of access to other persons or agencies as permitted by statutes and regulations.
3. A student over the age of majority will have access to his/her records upon the submission of a written request to the Custodian of Records within forty five (45) days of receipt of such request. A parent or guardian may delegate or deny the right of access to other persons or agencies as permitted by statutes and regulations.
4. Courts and administrative agencies can obtain records upon issuance of a court order or subpoena when a student is or legally should be in school.

Release of Records or Personal Data

- A. The school district or its designated agents may not permit access to or the release of personally identifiable records or files of any student to any outside individual, agency, or organization without written consent of the parent or of a majority student, except for the following:
 1. Other school officials, including teachers with the educational agency who have been determined by such agency or institution to have legitimate educational interests.
 2. Officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity to challenge the content of the record.

3. In connection with a student's application for financial aid, to determine the eligibility for financial aid, or to enforce the terms of the financial aid award.
4. Authorized representatives of the Comptroller General of the United States; the Secretary of Education; the United States Commissioner of Education; the Director of the National Institute of Education; or the Assistant Secretaries of the Department of Education; or state educational authorities, under the following conditions: the school will provide such authorized representatives access to student or other records which may be necessary in connection with the audit, evaluation, or enforcement of state and federally supported education programs, but will not permit such representatives to collect and remove personally identifiable data unless specifically authorized to do so by state or federal law.
5. In accordance with a judicial order or subpoena upon condition that the parent or the majority student is notified in advance of the compliance or that reasonable efforts were made to notify the parties, particularly in the case of former students.
6. Accrediting organizations in order to carry out their accrediting function.
7. In case of health or safety emergency when such information is necessary to protect the student or other individuals. Factors that need to be taken into account in determining whether personal information may be disclosed without consent in this category include:
 - a. the seriousness of the threat to health and safety;
 - b. the immediate need for the information;
 - c. the degree to which the party requesting the information can deal with the emergency; and
 - d. the extent to which time is of the essence in dealing with the emergency.
8. State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statutes.
9. Parents of a minor student or such parents as defined in Section 152 of the Internal Revenue Service Code of 1954.
10. Requests from police, family court, probation officers and the like, can be provided only after receiving parental consent, or a legal subpoena which requires such disclosure.

11. Personally identifiable information contained in the student record must not be furnished in any form (written, taped, person-to-person) to any persons other than those listed above, unless there is written consent from the parent(s) indicating the records to be released, the reason for such a request, and to whom the records will be released. The student's parent(s), if they desire, may receive a copy of the released records.
12. Listed with respect to the preceding individuals, agencies or organizations entitled to access to records without parental consent, said parties are required to complete and sign a form specifying the legitimate educational or other interest that such person, agency or organization has in seeking access to student records. This form will be available to parent(s) and school officials and will be kept with the student's educational records.
13. Personal information will be transferred to a third party only on the condition that this party will not permit any other person or agency to have access to the information without the written consent of the parent(s).
14. To comply with the district obligation under the *No Child Left Behind Act of 2001, SEC. 9528 a(2) Armed Forces Recruiter Access to Students and Student Recruiting Information*, parents of Hicksville 11th and 12th grade students will be mailed a letter each year from the High School Principal, prior to the release of student information, providing them with an opportunity to object to the release of requested information.
15. "Directory Information" unless the parents have advised the district that they wish to opt out of such disclosure within 14 days of receiving the annual notice.

Amendment of Student Records

- A. Parent(s) will have the right to add information, comments, data or other relevant materials to a student's record, if they believe that information in the record is inaccurate or misleading or violates privacy or other rights of the student.
- B. Parent(s) will be informed in writing if the school district amends a student's record.
- C. Parent(s) will have the right to request deletions or amendments of any information contained in the student's record. Such amendments will be made according to the following procedure:
 1. Parents request a conference with the Custodian of Records to make their objections known and state in writing what should be amended.
 2. The Custodian of Records will, within a week after this conference, render to the parent(s) a written decision, stating the reason or reasons for the

decision. If the decision is to amend the record as the parent(s) request, the custodian will then immediately make the amendments.

3. If the Custodian of Records decides that the amendment of data is not warranted, the custodian will inform the parent(s) of this and inform them of their right to a hearing. The parent has the right to place in the record a statement of position regarding the decision of the Custodian of Records.
4. N.B. – Actual grades cannot be challenged, only whether the grades are properly placed on the student’s record.

Hearing Rights and Procedures

A. Rights

1. Upon written request of a parent or an eligible student, the school district will provide an opportunity for a hearing if the parent or majority student wants to challenge data. The purpose of this hearing is to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.
2. If, as a result of this hearing, the school district decides that data are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it will amend the data accordingly and so inform the parent or majority student in writing.
3. If, as a result of the hearing, the school district decides that the data should remain unamended, it will inform the parent or majority student of the right to place in the records a statement setting forth the reasons for disagreement with the district’s decision.
 - a. Any explanation placed in a student’s records will be maintained by the school district as part of the records of the student as long as the contested portion of the records is maintained by the district.
 - b. If the consented portions of the records are released by the school district to any eligible party, the statement of parental or majority student disagreement will also be disclosed as part of the record.

B. Procedures:

The hearing required to be held under this section will be conducted according to procedures which include at least the following:

1. The hearing will be held within thirty (30) school days after the school district has received the request, unless the parents require a delay. The parent(s) will be given notice of the date, place and time no less than one (1) school week before the hearing.

2. The hearing parties will:
 - a. be knowledgeable of the policies relating to confidentiality;
 - b. not be employed by the school district;
 - c. be appointed by the superintendent, subject to consent by the parent(s).
3. It will be the responsibility of the school district to prove the accuracy and/or appropriateness of the questioned data.
4. The parent(s) and the school district have the right to be represented by a person of their choosing, to cross-examine witnesses, to present evidence, to receive a tape or the minutes of the proceedings, and to receive a written decision within ten (10) day of the decision.
5. The decision reached through the hearing will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision.
6. In the event that a parent is aggrieved by a decision of the hearing board, the parent has the right to appeal to the courts under state and federal statutes.

Waiver of Rights

- A. A parent or a majority student may waive right of access to confidential records subject to the following limitations:
 1. that the waiver be signed by the parent or majority student.
 2. that the school district may not require such a waiver but may request one.
- B. A student may waive right of access to confidential information only with the following limitations:
 1. that the waiver apply to confidential letters and statements only.
 2. that the student be informed, if requested, of the names of all individuals providing letters or statements.
 3. that the letters or statements are used only for the purpose of which they were originally intended.
 4. that this waiver is not required by the school district.
- C. A parent or majority student may revoke such a waiver at any time by giving a written request to the Custodian of Records.

Fees

- A. The school district will charge a reasonable fee for copies of educational records which are made for the parents or majority student provided that the fee may not exceed the cost to reproduce these records.
- B. A fee will not be charged by the school district to search for, or to retrieve the records of a student, or to inspect and review the student's records.
- C. The school district will charge \$0.25/page for copies of records.

Annual Notification of Rights

- A. The school district will give parents and majority students of the school district annual notice of:
 - 1. their rights and locations where copies of the board policy on student records may be obtained; and
 - 2. the right to file complaints under law concerning alleged failures of the school district to comply with statues and regulations concerning recordkeeping and confidentiality.
 - 3. the right to opt out of disclosure of "Directory Information".
- B. The school district will notify parents of students identified as having a primary language other than English in the dominant language of the parent(s).
- C. Copies of these regulations will be available in the Board of Education Policy Manual and are also available in separate format. These regulations are available in each school and at the Central Office during normal working hours.

Reference: *Commissioner's Regulations Schedule ED-1*

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