

Student Records

1. Content and Custody of Records

Student education records may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations, and reports of serious or recurrent behavior patterns.

All requests for inspection and review of education records and requests for copies of such records, as well as disclosure of personally identifiable information except as provided by law, shall be maintained as a part of each individual's record. (Such request/information record shall be made available to the parent or eligible student upon request in accordance with the following requirements.)

The building principal shall be the official custodian of the records of students in his/her building. Records of any student who has either graduated or withdrawn from the district will be sent to the district administration building two years after the year of graduation or withdrawal. (See district guidelines on current records maintenance and preparation of inactive records for shipping to the administration building.)

2. Access to Records

A parent or guardian shall be able to inspect and review the student's education records. If a student is 18 years of age or older, the student may inspect his or her own records. Such student 18 years old or older shall be known as an "eligible student."

The building principal shall provide such personnel as are necessary to give explanations and interpretations of the student records when requested by parents or the eligible student.

- a. A request to see the file must be submitted on an official district form by the parent, guardian or student to the principal of the school attended by the student, or in some instances, to the supervisor of student records.
- b. The principal, upon receiving the request, will set a date and time for inspection and review of the records. In no case will the date set be more than three working days after the request has been made.
- c. The parent/student shall examine the file in the presence of the principal or another person permitted by policy and designated by the superintendent. Only the following certificated personnel are designated by the superintendent: Assistant Superintendent, Director of Instruction, Director of Student Services,

the principal, assistant principal, counselor, or in case of inactive records, the supervisor of student records.

The record itself shall not be taken from the school building. However, upon request, one copy of the records shall be provided within a reasonable time to the parent or eligible student at a cost of \$1.25 per page.

A record of access and of requests shall be maintained by the District.

- a. All completed requests, authorization and permission forms to view and receive records will be maintained.
- b. The principal (or in the case of inactive files, the student records supervisor) shall keep a composite of all requests for information.
- c. Written authorization is to be included in or cross-referenced to each student's educational records when records are:
 - (1) Inspected and reviewed by the parent/student
 - (2) Requested by an outside agency or individuals

3. Requests to Amend Education Records

Parents or eligible students who believe that information contained in the education records of a student is inaccurate or misleading or violates the privacy or other rights of the student may request that the district amend the records. The request of the building principal to amend a student's records must be made in writing within 10 school days of the date the records were first examined.

If the parent/student challenges any part of the record, the principal (or in the case of psychological test data, the director of student services) should review the part of the record being challenged and may by mutual agreement with the person making the challenge destroy, delete or add the information in question.

If the principal denies the request to amend, the parent may make a written appeal to the superintendent. This appeal must be answered within 10 school days by the superintendent in writing.

If the first two steps have not resulted in a formal change, then the parent or eligible student may request a formal hearing. A request for a formal hearing must be made in writing and addressed to the superintendent of schools. The response to the request must be mailed within 10 school days. The hearing will be held in accordance with the following:

- a. The hearing shall be held within 15 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent or eligible student by certificated mail.

- b. The hearing will be conducted by a building principal or higher administrative official as designated in writing by the superintendent. The official conducting the hearing shall not have a direct interest in the outcome of the hearing.
- c. Parents of eligible students shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
- d. The official designated above shall make his decision in writing within 10 school days following the conclusion of the hearing and shall notify the parent or eligible student of that decision by certified mail.
- e. The decision of the official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
- f. The decision shall include a statement informing the parents or eligible student of their right to place in the student records a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained as a part of the records as long as the record itself is maintained by the school district. If the student record is disclosed by the school to any other party, the explanation shall also be disclosed to that party.

4. Disclosure Without Written Consent

The school district will disclose personally identifiable information from the student records without written consent of the parent or eligible student only to:

- a. Other school officials within the school system who have legitimate educational interest in it. For the purposes of this policy, “legitimate educational interest” is interpreted as meaning the interest of any certificated or classified employee charged with the responsibility for providing education programs and/or services to the individual student.
- b. Officials of another school or school system in which the student seeks or intends to enroll.
- c. Authorities named in the Family Educational Rights and Privacy Act and accompany federal regulations. These include: comptroller general of the United States, Secretary of Education, Director of the National Institute of Education, Assistant Secretary of Education, State Educational authorities, and authorities investigating or providing emergency service involving the health and safety of students.

- d. State and local officials who are required to get specific information pursuant to state law as provided under the Family Educational Rights and Privacy Act.
- e. Anyone offering financial aid to students.
- f. Accrediting institutions.
- g. Testing and research organizations as long as confidentiality is maintained and such organizations are required to destroy records after they no longer are needed.
- h. Anyone if required by a court order or subpoena. The school shall make a reasonable effort to inform the parent or eligible student prior to complying with the subpoena or court order.

The school district may disclose group scholastic achievement data from which the individual cannot be identified without written consent of the parent or eligible student.

5. Disclosure to Other Parties

The school shall not disclose student records to other individuals or parties without prior written consent of the parent or eligible student. Such prior written consent must be signed and dated by the parent or eligible student and must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom disclosure may be made.

6. Disclosure of Directory Information

The school district may disclose directory information without written consent of the parent or eligible student. The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of information provided such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 7 or the following Monday if September 7 is a Saturday or Sunday.

Directory information which may be released includes the student's name; e-mail address; photograph; date and place of birth; major fields of study; grade level; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees, honors and awards received; the most recent previous educational agency or institution attended by the student; and other similar information. Unless otherwise stated, student telephone numbers and addresses will not be disclosed pursuant to this section.

In all cases in which a student is enrolled in the Colorado Medicaid program, the district shall release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid Agency) to verify Medicaid eligibility of students. Once eligibility is verified, the district shall submit information necessary to complete Medicaid reimbursement claims to HCPF. If a parent or eligible student does not want directory information released, or does not want the

district to bill Medicaid for school health services, a refusal form must be signed no later than September 7 or the following Monday if September 7 is a Saturday or Sunday.

Names, addresses and home telephone numbers of secondary school students will be released to military recruiting officers within 90 days of the request unless the student submits a written request that such information not be released. Reasonable and customary actual expenses directly incurred by the district in furnishing this information will be paid by the requesting service.

7. Release of Information to Other Schools/Agencies

- a. Information from records may be released to officials of other school systems in which the student intends to enroll on the condition that parents/student are notified, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record as previously described.
- b. In cases where a student has applied for financial aid, records may be made available to an educational institution or a governmental agency or organization offering such aid in accordance with the procedure above.
- c. Except at the written request and authorization of the parent/student, records will not be released to prospective employers, F.B.I. or any person or agency not specifically named in the "Family Educational Rights and Privacy Act" and the accompanying federal regulations.
- d. Requests for the release of information from educational institutions and other agencies ordinarily are accompanied by the required parent/student authorization for release of information. These requests should also include a description of the records desired, the reason for the request and assurance of confidentiality of the information to be released. In the absence of parent/student authorization for release of information, the school principal will place the request in the student's permanent file, forward an authorization form to the requesting agency and record the request.

8. Requesting Records from Other Districts/Schools

When a student transfers to this school district from another district, the principal of the receiving school will ask the parent (or student if the student is of age) to sign the authorization form. This form will be completed by the principal and forwarded to the school of previous attendance.

9. Annual Notification of Rights

The school district at the beginning of each academic year will notify the parents or eligible students of their rights pursuant to this policy. This notification will be sent out in the annual district student handbook. Copies of this policy or forms may be obtained

from the Central Administration Office at any time during normal business hours. A copy of the Family Educational Rights and Privacy Act and the Board policy on student records shall be on file in the office of each building principal and of each individual who carries out procedures relative to the Act or policy. Complaints regarding violations of rights accorded parents and eligible students pursuant to the Family Educational Rights and Privacy Act may be submitted to the local Office of Civil Rights of the Department of Education.

10. Waivers

A parent or eligible student may waive any or all of his rights protected by this policy. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The district does not require a waiver but may request a waiver. Any waiver under this provision may be revoked at any time in writing.

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LEGAL REFS.: 20 U.S.C. 1232g (Family Educational Rights and Privacy Act of 1974)
 34 C.F.R. 99.1 *et seq.* (regulations)
 C.R.S. 24-72-204
 C.R.S. 19-1-303, -304
 C.R.S. 22-1-123
 C.R.S. 22-32-109.1(6)
 C.R.S. 22-32-109.3(2)
 C.R.S. 22-33-107.5
 C.R.S. 26-4-531