

SANBORN REGIONAL SCHOOL DISTRICT

SRSD FILE: JRA

STUDENT RECORDS AND ACCESS

Statement of Purpose

The Sanborn Regional School District shall comply with the Family Educational Rights and Privacy Act ("FERPA") and all other federal and state laws and regulations concerning confidentiality and maintenance of student records and information.

Statement of Policy

The Superintendent is responsible for developing and implementing any administrative procedures and parent notices necessary to comply with the applicable laws and regulations concerning student education records and information. Notices shall be distributed annually to parents and eligible students concerning their rights under these laws and regulations.

Definitions

The following definitions apply to terms used in this procedure. "Act" means the federal Family Educational Rights and Privacy Act (20 U.S.C.§1232g).

1. "Directory information" means the following information contained in an education record of a student: name, participation and grade level of students in officially recognized activities and sports, height and weight of student athletes, dates of attendance in the school district, honors and awards received, and photographs and videos relating to student participation in school activities open to the public.
2. "Eligible student" means a student who has attained 18 years of age or who is attending an institution of postsecondary education. Generally, once a student becomes an eligible student, all rights accorded to parents concerning education records transfer to the eligible student, except that the School District may continue to disclose education records to a parent without prior written consent if the student qualifies as a dependent under the Internal Revenue Code.
3. "Parent" means parent, regardless of divorce or separation, a legal guardian. Or individual acting as a parent or guardian. There shall be a presumption that a parent has the authority to exercise the rights inherent in the Act, unless the School District has been provided with evidence that there is a court order, statute, or legally binding document relating to such matters as divorce, separation or custody that specifically revokes such rights.
4. "Record" means information recorded in any way, including but not limited to and writing, print, e-mail or other computer media, video or audio tape, or microfilm and microfiche.
5. "Education record" means records, files, documents and other materials that contain information or data that directly relates to a student and is maintained by the school district. Records of instructional, supervisory and administrative personnel and personnel who support these individuals, which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a temporary substitute for the person who made the record are

excluded from this definition, as are grades on peer-graded papers before they are collected and recorded by a teacher.

6. "Student" includes any individual who has been in attendance at the School District and regarding whom the School District maintains education records.

Education Record

For the purposes of this policy and in accordance with FERPA, the term “educational record” is defined as all records, files, documents and other material containing information directly related to a student; and maintained by the school district; or by such other agents as may be acting for the school district. Such records include, but are not limited to, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and/or microfiche.

Directory Information

For the purposes of this policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term “directory information” means:

- Students' name, address, telephone number, date and place of birth, dates of enrollment
- Parents'/guardians' name and address
- Students' grade level, enrollment status and dates of attendance
- Students' photograph
- Students' participation in recognized school activities and sports
- Weight and height of members of athletic teams
- Students' diplomas, certificates, awards and honors received

The School District may make directory information public at its discretion unless a parent/eligible student has notified the Superintendent in writing by September 15th of the school year or within thirty (30) days of enrollment, whichever is later, that the parent/eligible student refuses to let the School District designate as directory information any or all of those types of information. This opt-out shall remain in effect until the following school year, unless the parent or eligible student rescinds it earlier, or unless the student no longer attends the School District, in which case the opt-out will remain in effect unless it is rescinded.

Absent an opt-out, the School District may disclose directory information about former students without the consent of the parent/eligible student.

Personally Identifiable Information

“Personally identifiable information” is defined as data or information which makes the subject of a record known, including a student’s name the student’s or student’s family’s address; the name of the student’s parent or other family members; a personal identifier such as a student’s Social Security number; the student’s date of birth, place of birth, or mother’s maiden name; or other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with a reasonable certainty or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

Annual Notification/Rights of Parents and Eligible Students

Parents and eligible students shall be provided with notice of their rights under FERPA and other applicable federal and state laws and regulations concerning education records at the beginning of each school year or upon enrollment if a student enrolls after the start of the school year. The School District may provide notice through any of the following means:

1. Mailing to students' homes;
2. Distribution to students to take home;
3. District web page;
4. Provided to students and eligible students; or
5. Publication in newsletters or other materials distributed to each parent/eligible student.

Access to Policy and Administrative Procedure

The School District's policy on Student Education Records and Information shall be posted in each school. In addition, school administrators shall provide copies of this administrative procedure to parents/eligible students upon request or when a request to inspect or amend records is made.

Inspection and Review of Education Records

Parents/eligible students may review and inspect their education records by the following procedure:

1. The parent/eligible student must make a written request to the Superintendent or building administrator to review the records.
2. The Superintendent or building administrator will comply with the request without unnecessary delay and in a reasonable period of time, but in no case more than 14 days after it received the request. However, for records pertaining to a student who is the subject of any IEP team meeting, due process hearing, or resolution session under special education laws, such records will be made available prior to such meeting, hearing or session to the extent required under applicable law, irrespective of whether fourteen days has passed after a request for such records.
3. The Superintendent or building administrator may deny a request for access to or copies of the student's education records if there is reasonable doubt as to the legality of the parent-child relationship. Access will be withheld until a determination of legal right to access can be established.
4. All records shall be reviewed in the presence of a school official.

Parents of special education students may also review upon request the following:

1. The School District's list of types and locations of education records and titles of officials responsible for the records.
2. The School District's record of disclosures of personally identifiable information (see Disclosure of Education Records).

If for any valid reason such as working hours, distance between record location sites or health, a parent or eligible student cannot personally inspect and review a student's education records, the principal may arrange for the parent or eligible student to obtain copies of the records.

When records contain information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students. If such records do

contain the names of other students, the principal will seek consultation with the Superintendent and/or the District's attorney to determine how best to proceed.

Procedures to Seek Correction of or Insert Explanation to Education Records

Parents of students or eligible students have the right to insert an explanation respecting the content of the educational record, and a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights. Addition of a written explanation by the parent or eligible student will be made upon receipt of the written explanation. To establish an orderly process to review and correct the education records for a requester, following processes are established.

1. **First-level decision.** When a parent or eligible student finds an item in the student's education records that he/she believes is inaccurate, misleading or in violation of student rights, he/she should submit a written request asking the building principal to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the principal should make the correction. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

If the principal believes that the record should not be changed, he/she shall:

- a. Provide the requester a copy of the questioned records at no cost;
 - b. Ask the parent/eligible student to initiate a written request for the change, which will be forwarded to the Superintendent;
 - c. Forward the written request to the Superintendent; and
 - d. Inform the parents/eligible student that the matter has been forwarded to the Superintendent for subsequent processing.
2. **Second-level decision.** If the parent/eligible student wishes to challenge the principal's decision to not change the student record, he/she may appeal the matter to the Superintendent. The parent/eligible student shall submit a written request to the principal asking that the matter be appealed to the Superintendent. The principal will forward to the Superintendent the request.

The Superintendent shall, within ten business days after receiving notification of the request:

- a. Review the request;
- b. Discuss the request with other school officials;
- c. Make a decision to comply or decline to comply with the request;
- d. Schedule a meeting with the parents/eligible student if the Superintendent believes
- e. such a meeting would be necessary; and
- f. Contact the parents/eligible student of his/her decision concern the request for amendment.

If the Superintendent determines the records should be amended, he/she will make the change and notify the parents/eligible student in writing that the change has been made. The letter stating the change has been made will include an invitation for the parent/eligible student to inspect and review the records to verify that the records have been amended and the correction is satisfactory. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible

student is satisfied with the correction.

If the Superintendent determines the records are will not be amended, he/she will notify the parents/eligible student in writing of his/her decision. Such letter will also notify the parents/eligible student of their right to an appeal hearing before the school board.

3. Third-level decision. If the parents or eligible student are not satisfied with the Superintendent's decision, they may submit a written request for a hearing before the School Board. The parents/eligible student shall submit the request for a hearing with the Superintendent within ten (10) business days of the Superintendent's written decision in level-two. The Superintendent will inform the school board of the request for a hearing and will work with the school board to schedule a hearing within 45 days of receipt of the request. Once the meeting is scheduled, the Superintendent will inform the parents in writing of the date, time and place of the hearing.

The hearing will be held in non-public session consistent with the provisions of RSA 91-A:3, unless the parent/eligible student requests that the hearing be held in public session, The school board will give the parent/eligible student a full and fair opportunity to present evidence relevant to the issues raised under their request/complaint. Parents/eligible students may be assisted or represented by one or more individuals of their own choice, including an attorney.

The school board will issue its final decision in writing within 30 days of the hearing, and will notify the parents/eligible student thereof via certified mail, return receipt requested. The school board will base its decision solely on the evidence presented at the hearing. The school board's written decision will include a summary of the evidence and the reasons for its decision.

If the school board determines that the student record should be changed or amended, it will direct the Superintendent to do so as soon as possible. The Superintendent will then contact the parents/eligible student for a meeting so they can review and inspect the records to verify that they have been changed or amended. At this meeting, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction. The school board's decision will be final.

Disclosure of Student Records and Student Information

In addition to directory information, the District may disclose student records and student information without consent to the following parties or under the following conditions.

1. School Officials with a Legitimate Educational Interest. School officials with a legitimate educational interest may access student records. "Legitimate education interest" refers to school officials or employees who need to know information in a student's education record in order to perform the employee's employment responsibilities and duties.
2. Other schools into which a student is transferring or enrolling.
3. Officials for audit or evaluation purposes.
4. Appropriate parties in connection with financial aid.
3. Organizations conducting certain studies for, or on behalf of the school district. Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose

of: developing, validating or administering predictive tests; administering student aid programs; or improving instruction.

5. Accrediting organizations.
6. Judicial orders or lawfully issued subpoenas.
7. Health and safety emergencies.

Maintenance of Student Records and Data

The School District shall maintain education records as required by federal and state statutes and regulations.

1. Records shall be maintained in paper and/or electronic form by personnel who are knowledgeable about the applicable confidentiality and record retention requirements. All records shall be safeguarded from unauthorized access. Student records must be kept in fireproof storage at the school or a duplicate set must be kept off-site.
2. The School District shall not destroy any education record if there is any outstanding
3. request to inspect or review such records.
4. Records of access to education records shall be retained as long as the records themselves.
5. The School District shall inform parents of students who have received special education services when education records are no longer needed to provide educational services to the student or to demonstrate that the school has provided the student with a free appropriate public education as required by law. At that point, the records may be turned over to parents/eligible student upon their request, or destroyed in accordance with the parent's request or School District procedures.

Disclosures Made From Education Records

The District will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses and access it permits, with some exceptions listed below. This record is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parent(s) of the student or to federal, state or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record includes:

1. The name of the person who or agency which made the request;
2. The interest which the person or agency has in the information;
3. The date on which the person or agency made the request;
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made and
5. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and the parties to whom the agency or institution disclosed the information.

The District will maintain this record as long as it maintains the student's education record. The records do not include requests for access or information relative to access which has been granted to parent(s) of the student or to an eligible student, requests for access or access granted to officials of the District who have a

legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent(s) or eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

Waiver of Confidentiality Rights

A parent/eligible student may waive any of his/her rights regarding confidentiality of education records, but any such a waiver must be in writing and signed by the parent/eligible student. The school may not require that a parent/eligible student waive his or her rights. Any waiver may be revoked, but such revocation shall not apply to any actions taken by the School District prior to the revocation being received. If a parent executes a waiver, that waiver may be revoked by the student any time after he/she becomes an eligible student.

Fees for Copying Records

There shall be no charge to search for or retrieve education records of a student. The School District shall provide copies of education records to parents/eligible students upon request, subject to reasonable limitations. The cost of producing copies of the record to parents/eligible student will be ten cents (\$.10) per page copied, plus postage. Parents/eligible students who are unable to pay such fees will not be denied access to education records.

Complaints

The United States Department of Education maintains an office that handles complaints about alleged violations of FERPA by local school districts. Complaints regarding violations of rights accorded parents/eligible students may be submitted in writing to:

Family Policy Compliance Office
Department of Education
400 Maryland Avenue, S.W
Washington, D.C. 20202-5901

Related:

See also: Policy JRA-E – FERPA-Annual Notice of Student Records and Access
Policy ILD – Educational Questionnaires, Surveys and Research
Policy ILD-E – PPRA Annual Notice of Pupil Rights
Policy EHB - Records Retention Policy

Legal References:

RSA 91-A:5,III, Exemptions, Pupil Records
RSA 189:1-e, Directory Information
20 U.S.C. §1232g, Family Educational Rights and Privacy Act
34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations

History:

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