

## **STUDENT RECORDS REGULATION**

It is recognized that the confidentiality of student records must be maintained. The following necessary procedures have been adopted to guarantee the protection of student records.

Section 1. Pursuant to the "Family Educational Rights and Privacy Act of 1974" it shall be the policy of this school district with respect to parents or guardians of a student under 18 years of age and with respect to students 18 years of age or older (an "eligible student") to permit such persons to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, 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 verified reports of serious or recurrent behavior patterns.

Section 2. Parents or guardians of a student under 18 years of age or an eligible student shall have an opportunity for a hearing to challenge the content of that student's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Section 3. In order to implement the rights provided for in Sections 1 and 2 hereof, the following procedures are adopted:

1. A parent or guardian of a student under 18 years of age or an eligible student shall make a request for access to that student's school records, in writing, to the Principal. Upon receipt of such request, arrangements shall be made to provide access to such records within 30 days after the request has been received.
2. A parent or guardian of a student under 18 years of age or an eligible student, who wishes to challenge the contents of that student's school records, shall submit a request, in writing, identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement with the reasons for their challenge to the record to the Principal.
3. Upon receipt of a written challenge, the Principal shall provide a written response indicating either that he/she finds the challenged record inaccurate, misleading or otherwise in violation and it will be corrected or deleted, or that he/she finds no basis for correcting or deleting the record in question, but that the parent or guardian or

eligible student will be given an opportunity for a hearing. Such written response by the Principal shall be provided the parent/guardian or eligible student within 14 days after receipt of the written challenge. Said response shall also outline the procedures to be followed with respect to a hearing, if desired by the parent/guardian or eligible student.

4. Within 14 days of receipt of the response from the Principal a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Principal.

Section 4. Student records, and any material contained herein which is personally identifiable, are confidential and may not be released or made available to persons other than parents/guardians or students without the written consent of parents/guardians of students 18 years of age or younger. Such records and material may be made available without the written consent of parents/guardian or eligible students in the following cases:

1. to other school officials, including teachers within the District who have legitimate educational interests;
2. to officials of another school in which the student intends to enroll, if the parents/guardians or student are notified of the transfer of records, are given a copy if they desire one, and have an opportunity for a hearing to challenge the content of the records;
3. to authorized representatives of certain designated federal and state agencies, including state educational authorities, for the purpose of the audit and in connection with the enforcement of federal legal requirements;
4. in connection with a student's application for or receipt of financial aid; and
5. pursuant to court order or subpoena, after notification to the parent/guardian or eligible student.

Section 5. Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions indicated in Section 4 hereof, the parent or guardian of a student under 18 years of age or an eligible student must file a written consent to such action and any third party to whom such records have been made available must sign a written statement that he will not further release such records without the consent of the parent/guardian or eligible student.

Section 6. All persons requesting access to such records except for those persons provided for in subdivision 4 hereof, state agencies provided for in subdivision 3 of Section 4 hereof and those persons provided for in subdivision 5 of Section 4 hereof shall be required to sign a written form which indicates a legitimate educational or other interest that such person has in inspecting the records. Such form shall be kept with the student's file. See Exhibit 5500-E4.

Section 7. Whenever the District is requested to forward a student's school records, including health records, to a neighboring public school district within this BOCES, the following procedures shall be followed:

1. A student's school records, including health records, shall be forwarded to the neighboring public school district from which such a request is made upon the receipt of a request by the appropriate administrator of the requesting district.
2. The prior written consent of the student's parents/guardian or eligible student shall not be necessary. However, upon the forwarding of the student's records, the parent(s) or guardian(s) of the student or eligible student shall be notified in writing that the records have been transferred. Such notice shall be by certified letter, return receipt requested and such letter shall be forwarded to the parents/guardians or eligible student not later than the close of business of the day upon which the student's records are forwarded to the neighboring district.

Section 8. All instructional material, including teachers' manuals, which are used in connection with a research or experimental program must be available for inspection by the parents or guardians of the children engaged in such program. "Research or experimentation program or project" is defined as a program or project "designed to explore or develop new or unproven teaching methods or techniques."

Section 9. A letter shall be sent to parents or guardians of students under 18 years of age and to eligible students informing them of their rights pursuant to the "Family Educational Rights and Privacy Act of 1974." See Exhibit 5500 E1.

#### **Retention and Disposition of Student Records**

The Board adheres to state and federal law and regulations governing the retention and disposition of student records, including the Records Retention and Disposition Schedule ED-1 setting forth the minimum length of time school district records must be retained. Student records that have been kept in excess of the minimum retention periods outlined in the schedule will be disposed of, except in the following cases:

1. Records being used in legal actions must be kept for one year after the legal action ends, or until the scheduled retention period has passed, whichever is longer.
2. The school district will not destroy any education records while there is an outstanding request to inspect and review them.
3. Records being kept beyond the established retention period at the request of state or federal agencies will be kept until the district/BOCES receives the audit report, or the need is satisfied.

4. Personally-identifiable special education records which may be useful to a child when applying for social security or other benefits and which have been requested by a parent/guardian or eligible child may be kept beyond the minimum period of time.

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5. Any school records predating 1910 require express written permission from the State Archives and Records Administration.
6. No record may be disposed of unless it is listed on this schedule or its disposition is covered by other laws. In cases where the school district is uncertain as to the length of time a record must be kept, the district will contact the State Education Department.

For purposes of this regulation, the disposition of student records means the physical destruction, removal of personal identifiers from information so that it is no longer personally-identifiable, sale, gift, or other authorized means of disposal.

Some of the student records and their minimum retention dates are as follows:

**General Student Records**

A student's cumulative achievement record including information on school entry, withdrawal and graduation, subjects taken and grades received from examinations will be kept permanently. Other records will be kept for the minimum period of time listed in the schedule (see ED-1).

**Health Records**

A student's cumulative health records shall be kept until the student attains age 27. A student's psychological or social assessment record file including a report regarding student's ability, personality, family, and environmental influences will be kept 6 years after the report has been written. Other health records will be kept for the minimum period of time listed in the schedule (see ED-1).

**Special Education Records**

The basic records in a student's special education file including a student's most recent Individual Education Program (IEP), student information sheet and summary record will be kept 6 years after the student receives diploma or 6 years after student attains age 21, whichever is shorter. Other special education records in that file will be kept for the minimum period of time outlined in the schedule (see ED-1).

In accordance with federal regulations, the school shall inform parents/guardians when personally-identifiable information that has been collected **is no longer needed to provide educational services to the student**. In informing parents/guardians about their rights, the school will remind them that these records may be needed by the child in connection with applications for social security or other benefits. If the parents/guardians then request that the information be destroyed and the school determines that the

information is no longer needed to provide educational services to the student, the personally-identifiable information must be destroyed. However, a permanent record of a student's name, address, phone number, his/her grades, attendance record, classes attended, grade level completed and year completed will be kept without time limitation.

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Personally-identifiable information on a child with a disability may be retained permanently unless the parents/guardians or eligible child request that it be destroyed.

Pursuant to the Family Educational Rights and Privacy Act and taking into consideration the age of the student and the type or severity of disability, the District may transfer the rights of parents/guardians regarding Special Education records to the student when the student became 18 years of age.

Adopted: December 19, 2000