

## **DEFINITIONS**

For the purposes of this policy the following definitions apply:

“Parent” is defined as a natural parent, guardian, or individual acting in the absence of a parent or guardian, who is providing the student with food, clothing, discipline, and guidance on a day-to-day basis in the home environment.

“Eligible student” is defined as a student over the age of eighteen (18), or a student attending a post-secondary institution, including those who are dually enrolled.

“Educational record” is defined as those records directly related to a student and maintained by this district or by a party acting on behalf of this district.

“School official” is defined as any person employed by the district in administrative, counseling, supervisory, academic, student support services, or research positions, any support person to those positions, and any person employed by or under contract with the district to perform a special task.

## **ANNUAL NOTIFICATION REQUIREMENTS**

The Family Educational Rights and Privacy Act (FERPA) has specified that student records are confidential, with some exceptions. The district will provide parents and eligible students annual notification of their rights under FERPA. The annual notice will contain information regarding the right to inspect their children’s records, the right to seek an amendment of a record, the right to consent to disclosures of personally identifiable information, with certain exceptions, and the right to file a complaint with the U.S. Department of Education.

## **RIGHT TO INSPECT EDUCATIONAL RECORDS**

Parents or eligible students may inspect and review educational records. This district will comply with a request for access to records within a reasonable period of time, but in no case more than forty-five calendar (45) days after it has received the request. This district will respond to reasonable requests for explanations and interpretations of the records. A copy of the records will be given to the parent or eligible student upon request if failure to do so would prevent the parent or eligible student from exercising the right to inspect and review the records. The district may charge the parent or eligible student the actual costs for copying the records unless payment of such cost is determined to effectively preclude the parent or eligible student from having access to the educational records.

The district will not destroy requested educational records if there is an outstanding request to inspect and review those records.

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**DISCLOSURE OF STUDENT RECORDS TO NONCUSTODIAL PARENT**

A noncustodial parent’s access to records and information pertaining to his or her minor child will not be denied solely because the parent is not the child’s custodial parent. However, information concerning a minor child’s home address will be deleted from all records supplied to a noncustodial parent if the custodial parent has advised the district in writing to do so.

**DEFINITION OF EDUCATIONAL RECORDS**

Educational records are defined as those records directly related to a student and maintained by this district or by a party acting on behalf of this district. Educational records include, but are not limited to, the cumulative file, special education records, and disciplinary records.

Educational records do not include records that are kept in the sole possession of the maker of the record, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

The cumulative file of each student is maintained at the last school attended. The building principal, individual teachers, and special education personnel may also have files containing particular educational records.

**PERSONALLY IDENTIFIABLE INFORMATION**

Personally identifiable information will not be released from an educational record without the prior written consent of the parent or eligible student, except under specific circumstances. “Personally identifiable information” includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family member;
3. The address of the student or student’s family;
4. A personal identifier such as the student’s social security number or student number;
5. A list of personal characteristics that would make the student’s identification easily traceable; or
6. Other information that would make the student’s identity easily traceable.

**RELEASE OF INFORMATION WITHOUT PRIOR CONSENT**

Personally identifiable information may be released without prior written consent of the parent or eligible student under the following conditions:

1. The disclosure is to school officials who have a legitimate educational interest. School officials are instructional, supervisory, administrative, and ancillary personnel acting on behalf of the school district in any official capacity, temporarily or permanently, whether

- with or without compensation, or under contract with the school district, including a person employed by or under contract to the district to perform a special task, such as an attorney, auditor, medical consultant, or therapist. A legitimate educational interest includes performing education- or discipline-related tasks in connection with a student, providing educational services to a student or a student's family, or performing administrative or other educational responsibilities prescribed by the school or the district;
2. The disclosure is to officials of another school, school system, or institution of post-secondary education where the student seeks or intends to enroll;
  3. The disclosure is to federal, state, and local educational authorities;
  4. The disclosure is in connection with financial aid for which the student has applied or which the student has received;
  5. The disclosure is to organizations conducting studies for, or on behalf of, this district to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction;
    - a. When information is disclosed to such organizations, the study must be conducted in such a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization;
    - b. The information must be destroyed when no longer needed for the purposes for which the study was conducted;
    - c. If it is determined by the U.S. Department of Education that an organization has violated the requirement to destroy the information when it is no longer needed, this district will not allow that third party access to personally identifiable information from educational records for at least five (5) years;
  6. The disclosure is to an accrediting organization to carry out its accrediting function;
  7. The disclosure is to parents of a dependent eligible student as defined by the Internal Revenue Code;
  8. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that this district makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance;
    - a. The prior notification requirement does not apply where the subpoena is issued by a federal grand jury or for any law enforcement purpose and the issuing court or agency has ordered that the existence and contents of the subpoena not be disclosed;
    - b. A student's relevant education records can be disclosed without a subpoena if this

district initiates legal action against a parent or student, or if a parent or student initiates legal action against the district;

9. The disclosure is in connection with a health or safety emergency;
10. The disclosure is information that this district has designated as “directory information”;
11. The disclosure is to the parent or eligible student.

### **ACCESS LOG**

This district will maintain a record of each request for access to and each disclosure of personally identifiable information from the educational record of each student. This access log will be maintained with the student’s educational records as long as the records are maintained. The access log will specify the individuals who have requested or received personally identifiable information from the educational records and the legitimate educational interest the parties had in requesting or obtaining the information. If the information was released without prior parental consent, the specific exception for such consent will also be set forth. A record will not be kept of access to a student’s record by the parent or eligible student, a school official with legitimate educational interest, when written consent has been received from the parent or eligible student, a request is received for directory information only, or the district is ordered to not disclose the request for records.

### **DIRECTORY INFORMATION**

Directory information is defined as information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to:

1. Student name;
2. Address;
3. Telephone listing;

### **DISCLOSURE OF DIRECTORY INFORMATION**

This district may disclose directory information after giving written, public notice annually to parents of students in attendance and eligible students in attendance that:

1. All information in the definition of directory information as set forth in this policy has been designated as directory information by this district;
2. A parent or eligible student has the right to refuse to allow this district to designate any or all of the types of information about the student as directory information;
3. A parent or eligible student must notify this district in writing within thirty (30) calendar days after receiving notice that directory information may be disclosed that the parent or

eligible student does not want any or all of the types of directory information about the student released.

4. This district will provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings unless a parent or secondary school student requests, in writing, that the student's name, address, and telephone listing not be released without prior written parental consent.

This district may disclose directory information about former students without notice.

### **PROCEDURE TO AMEND RECORDS**

If a parent or eligible student believes that the educational records relating to the student contain information that is inaccurate, misleading, or in violation of the student's right of privacy, they may seek to amend the record. The right to seek amendment cannot be used to challenge a grade or an individual's opinion (unless the grade or the opinion has been inaccurately recorded) or a district's decision to create or maintain particular education records. When a request to amend educational records is received, it shall be reduced to writing and the following procedure will be followed:

### **REVIEW PROCESS**

1. Within thirty calendar (30) days of receiving a request to amend the record, this district, through its designee, will determine whether the information contained in a record is inaccurate, misleading, or in violation of the student's right of privacy. If the district determines that the requested amendment is appropriate, it will correct the record and provide written notice of the changes to the parent or eligible student.
2. If this district determines that the information is not inaccurate, misleading, or in violation of the student's right of privacy, it will inform the parent or eligible student, in writing, of its decision, reasons why it denied the request to amend the record, and the right to a hearing.

### **HEARING PROCESS**

1. The parent or eligible student, on request, has an opportunity for a hearing to challenge the contents of the student's educational records on the grounds that the information contained in the educational records is inaccurate, misleading, or in violation of the privacy rights of the student.
2. This district will hold the requested hearing within thirty (30) days after it receives a request for the hearing. Notice of the date, time, and place will be given to the parent or eligible student within a reasonable amount of time prior to the hearing.
3. Any individual, including a district employee, who does not have a direct interest in its outcome, may conduct the hearing. The parent or eligible student will be given a full and

- fair opportunity to present evidence relevant to the issues raised at the hearing. The parent or eligible student may, at their own expense, be assisted or represented by an individual of his or her own choice, including an attorney.
4. The individual conducting the hearing is not bound by common law or by the rules of evidence. Evidence will be admitted and given weight only if it is the kind of evidence which reasonable persons are accustomed to rely on in the conduct of serious affairs.
  5. The hearing officer will make his/her decision in writing within fourteen (14) days after the close of the hearing. The decision 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. The hearing officer's decision will be the final decision of this district.
  6. If the hearing officer concludes that the information being contested is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the district will amend the records at issue and inform the parent or eligible student of the amendment in writing.
  7. If the hearing officer concludes that the information in the educational record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the district will inform the parent or the eligible student of the right to place a statement in the record commenting on the contested information or stating why he or she disagrees with the district's decision, or both. If such a statement is received by this district, it will remain as part of the record for as long as the student's record is maintained and the statement will be disclosed whenever this district discloses the portion of the record to which the statement relates.

### **EDUCATIONAL RECORDS OF STUDENTS WITH DISABILITIES**

This district will allow parents of students with disabilities and eligible students with disabilities the right to inspect and review any educational records relating to the student that are collected, maintained, or used by this district.

The district will also comply with a request to inspect and review such records without unnecessary delay, and in no event more than forty-five (45) calendar days after the request has been made, in these situations:

1. Before any meeting regarding the student's Individualized Education Program (IEP);
2. Before any hearing relating to the identification, evaluation, or educational placement of the student; or
3. Before any hearing relating to the provision of a Free Appropriate Public Education (FAPE) to the student.

This district will inform the parent or eligible student when personally identifiable information collected, maintained, or used by the district is no longer needed to provide educational services

to the student. The information must be destroyed at the request of the parent or eligible student. However, this district may maintain a permanent record of the student's name, address, and phone number, his or her grades, attendance records, classes attended, grade level completed, and year completed without time limitation.



**ATTACHMENTS:**

- Exhibit 681a Authorization for Release of School Records
- Exhibit 681b File Access Record

**LEGAL REFERENCE:**

- Idaho Code Section 32-717A
- The Family Educational Rights and Privacy Act of 1974
  - 20 USC 1232g
  - 34 CFR Part 99
- Individuals with Disabilities Education Act
  - 20 USC 1412(2)(D) and USC 1417
  - 34 CFR Section 300.560 through Section 300.576
- Elementary and Secondary Education Act, Section 9528 (2001)
- Protection of Pupil Rights Amendment, 20 USC 1232h, 34 CFR Part 98, as amended by the No Child Left Behind Act of 2001 (2002)

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