

## **Student Records**

The Board recognizes the importance of maintaining student records and preserving their confidentiality. Student records containing personally identifiable information are kept confidential at collection, storage, disclosure and destruction stages. The Board Secretary is the custodian of student records. Student records may be maintained in the central administration office or administrative office of the student's attendance center. "Student" is defined as an enrolled individual, PK-12 including children in District-sponsored child-care programs.

Parents/guardians and eligible students will have access to the student's records during the regular business hours of the District. An eligible student is a student who has reached eighteen years of age or is attending an institution of postsecondary education at the post high school level. Parents/guardians of an eligible student are provided access to the student records only with the written permission of the eligible student unless the eligible student is defined as a dependent by the Internal Revenue Code. In that case, the parents/guardians may be provided access without the written permission of the student. A representative of the parents/guardians or eligible student, who has received written permission from the parents/guardians or eligible student, may inspect and review a special education student's records. Parents/guardians, other than parents/guardians of an eligible student, may be denied access to a student's records if the District has a court order stating such or when the District has been advised under the appropriate laws that the parents/guardians may not access the student records. Parents/guardians may inspect an instrument used for the purpose of collection of student personal information prior to the instrument's use.

A student record may contain information on more than one student. Parents/guardians will have the right to access the information relating to their student or to be informed of the information. Eligible students will also have the right to access the information relating to them, or be informed of the information.

Parents/guardians and eligible students will have a right to access the student's records upon request without unnecessary delay and in no instance more than forty-five calendar days after the request is made. Parents/guardians, an eligible student or an authorized representative of the parents/guardians will have the right to access the student's records prior to an Individualized Education Program (IEP) meeting or hearing.

Copies of student records will be provided if failure to do so would effectively prevent the parents/guardians or student from exercising the right to access the student records. Fees for copies of the records are waived if it would prevent the parents/guardians or student from accessing the records. A fee may not be charged to search or retrieve information from student records.

Upon the request of parents/guardians or an eligible student, the District will provide an explanation and interpretation of the student records and a list of the types and locations of education records collected, maintained or used by the District.

If the parents/guardians or an eligible student believes the information in the student records is inaccurate, misleading or violates the privacy or other rights of the student, the parents/guardians or an eligible student may request that the District amend the student records. The District will decide whether to amend the student records within a reasonable time after receipt of the request. If the District determines an amendment is made to the student record, the District will make the amendment and inform the parents/guardians or the eligible student of the decision in writing.

If the District determines that amendment of the student's record is not appropriate, it will inform the parents/guardians or the eligible student of their right to a hearing before a hearing officer provided by the District.

If the parents/guardians' and the eligible student's request to amend the student record is further denied following the hearing, the parents/guardians or the eligible student are informed that they have a right to place an explanatory letter in the student record commenting on the District's decision or setting forth the reasoning for disagreeing with the District. Additions to the student's records will become a part of the student record and be maintained like other student records. If the District discloses the student records, the explanation by the parents/guardians will also be disclosed.

Student records may be disclosed in limited circumstances without parental or eligible student's written permission. This disclosure is made on the condition that the student record will not be disclosed to a third party without the written permission of the parents/guardians or the eligible student. This disclosure may be made to the following individuals or under the following circumstances:

- to school officials within the District and AEA personnel whom the Superintendent/designee has determined to have a legitimate educational interest, including, but not limited to, Board members, employees, school attorney, auditor, health professionals, and individuals serving on official school committees;
- to officials of another district in which the student wishes to enroll, provided the other district notifies the parents/guardians the student records are being sent and the parents/guardians have an opportunity to receive a copy of the records and challenge the contents of the records unless the annual notification includes a provision that records will automatically be transferred to new Districts;
- to the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education or state and local educational authorities;
- in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to receive the financial aid;
- to organizations conducting educational studies and the study does not release personally identifiable information;
- to accrediting organizations in order to carry out their accrediting functions;
- to parents/guardians of a dependent student as defined in the Internal Revenue Code;
- to comply with a court order or judicially issued subpoena;
- consistent with an interagency agreement between the District and juvenile justice agencies;
- in connection with a health or safety emergency; or,
- to authorized representatives of the Secretary of Agriculture or authorized representative from the Food and Nutrition Service for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding for or providing a school lunch program for which the results will be reported in an aggregate form that does not identify any individual, provided that the data collected shall be protected in a manner that will not permit the personal identification of students and their parents/guardians to anyone other than those authorized under this paragraph and any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements;
- to an agency caseworker or other representative of a state or local child welfare agency or tribal organization authorized to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student, provided that the education records or the personally identifiable information contained in such records of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the state or tribal laws applicable to protecting the confidentiality of a student's education records; or
- as directory information.

The Superintendent/designee will keep a list of the individuals and their positions that are authorized to view a special education student's records without the permission of the parents/guardians or the eligible student. Individuals not listed are not allowed access without parental or an eligible student's written permission. The Superintendent/designee will also keep a list of individuals, agencies and organizations which have requested or obtained access to a student's records, the date access was given and their legitimate educational interest or purpose for which they were authorized to view the records. The Superintendent/designee, however, does not need to keep a list of the parents/guardians, authorized educational employees, officers and agencies of the District who have accessed the student's records. This list for a student record may be accessed by the parents/guardians, the eligible student and the custodian of student records.

Permanent student records, including a student's name, address, phone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation. Permanent student records will be kept in a fire-safe vault, or in a secured electronic format.

When personally identifiable information, other than permanent student records, no longer needs to be maintained by the District to provide educational services to a special education student, the parents/guardians or eligible student are notified. This notice is normally given after a student graduates or otherwise leaves the District. If the parents/guardians or eligible student request that the personally identifiable information be destroyed, the District will destroy the records. Prior to the destruction of the records, the District must inform the parents/guardians or eligible student the records may be needed by the parents/guardians or eligible student for social security benefits or other purposes. In the absence of parents/guardians or an eligible student's request to destroy the records, the District must maintain the records for at least three years after an individual is determined to be no longer eligible for special education.

The purpose of the agreement is to allow for the sharing of information prior to a student's adjudication in order to promote and collaborate between the District and the agencies to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

The District may share any information with the agencies contained in a student's permanent record which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication, information contained in the permanent record may be disclosed by the District to the parties without parental consent or court order. Information contained in a student's permanent record may be disclosed by the District to the agencies after adjudication only with parental consent or a court order. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family. Information shared under the agreement is not admissible in any court proceedings, which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian or legal or actual custodian.

Confidential information shared between the District and the agencies will remain confidential and will not be shared with any other person, unless otherwise provided by law. Information shared under the agreement is not admissible in any court proceedings, which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian or legal or actual custodian. The District may discontinue information sharing with an agency if the District determines that the agency has violated the intent or letter of the agreement.

Agencies will contact the principal of the attendance center where the student is currently or was enrolled. The principal will then forward copies of the records within 10 business days of the request.

The District will provide information to employees about parents/guardians' and eligible students' rights under this regulation. Employees will also be informed about the procedures for carrying out this regulation.

It is the responsibility of the Superintendent/designee to annually notify parents/guardians and eligible students of their right to inspect and review the student's records. The notice is given in a parents/guardians' or eligible student's native language. Should the District collect personal information from students for the purposes of marketing or selling that information, the District will annually notify parents/guardians of such activity.

The notice will include a statement that the parents/guardians have a right to file a complaint alleging the District failed to comply with this policy. Complaints are forwarded to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Washington, DC. 20202-5920.

Legal Reference: No Child Left Behind, Title IX, Sec. 9528, P.L.107-110  
USA Patriot Act, Sec. 507, P.L. 107-56  
20 U.S.C. § 1232g, 1415  
34 C.F.R. Pt. 99, 300, .610 et seq.  
Code of Iowa §§ 22; 279.9B, 280.24, .25, 622.10  
281 I.A.C. 12.3(4); 41; .610 et seq.  
1980 Op. Att'y Gen. 720, 825.  
Interrupted Scholar Act – S-3472

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