

## STUDENT RECORDS

### Definitions

For the purposes of this procedure, the following terms are defined:

*Student* -- Any person who attends or has attended a school in the school district and for whom the district maintains education records.

*Eligible Student* -- A student or former student who has reached age 18 or is attending a post-secondary school.

*Parent* -- A biological or adoptive parent of a student, a guardian or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

*Education Records* -- Any record (in handwriting, print, tapes, film, computer or other medium) maintained by the school district or an agent of the district that contains information directly related to a student, including student health records, *except*:

1. Records kept in the sole possession of the maker of the record, used only as a personal memory aid and not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records created and maintained by the school district law enforcement unit for law enforcement purposes.
3. An employment record that relates exclusively to an individual in his or her capacity as an employee of the school district and that is not available for use for any other purpose.
4. Alumni records that contain information about a student after he or she is no longer in attendance at the district and that do not relate to the person as a student.

*Directory Information* -- Information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed. The school district details directory information in policy JO.

*Health Records* -- Any record relating to a student's health or disability including, but not limited to, doctor's orders, doctor's notes, medical evaluations, medical diagnoses, information regarding medications, 504 plans, Individualized Education Programs (IEP) and Individualized Health Plans (IHP). A health record is a type of education record.

*School Official* -- A person who has a legitimate educational interest and who meets one (1) of the following criteria:

1. A person employed by the district as an administrator, supervisor, instructor or support staff member, including health or medical staff.

2. A person elected to the School Board.
3. A person paid by the district to perform a special task, such as an attorney, auditor, medical consultant or therapist.
4. A person who is employed by the school district's law enforcement unit.
5. A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.
6. A screened volunteer, as defined in administrative procedures, who has authorization from the district and is working under the direct supervision of a staff member.

*Legitimate Educational Interest* -- A school official has a legitimate educational interest if the official is:

1. Performing a task that is specified in his or her position description or by a contract agreement.
2. Performing a task related to a student's education in accordance with the school official's position.
3. Performing a task related to the discipline of a student in accordance with the school official's position.
4. Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.
5. Maintaining the safety and security of the campus.
6. Under the direct supervision of a staff member and, with authorization from the district, assisting a staff member in performing his or her job.

## **Education Records**

### **A. General**

1. Education records shall be retained according to the guidelines set forth in the retention schedules developed by the Office of the Missouri Secretary of State.
2. Teacher and staff comments on education records will be professional and for the limited purpose of serving the student.
3. Parents and/or students may refuse to disclose a student's social security number to the district unless required by law.

4. Pursuant to state law, the permanent record of a student reading below the fifth-grade reading level at the end of his or her sixth-grade year shall carry a notation advising that such student has not met minimal reading standards. The notation shall stay on the student's record until such time as the district determines that the student has met minimal reading standards.
5. It is the responsibility of the principal and the professional staff of the school to see that such records are kept secure, confidential and are utilized in accordance with the law.

**B. Review of Education Records by Parents or Eligible Students**

1. Education records shall be open for inspection by parents of a student or an eligible student. Both parents have access to their child's school records until and unless a court orders otherwise. Therefore, a copy of any applicable court order that restricts any parent's access to the student's education records must be filed with the school principal in order to certify to the district that a parent's access rights are limited or denied pursuant to the court's directions.
2. The parents or the eligible student should submit to the school principal a written request that identifies as precisely as possible the record or records they wish to inspect. The principal (or appropriate school official) will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. Access must be given as soon as possible, but within three (3) business days. However, the period for document production may exceed three (3) days for reasonable cause. When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record that pertains to other students.
3. If a parent or eligible student believes the education records related to the student contain information that is inaccurate, misleading or in violation of the student's privacy, he or she may ask the district to amend the record by following the appeals procedures outlined in this procedure.

**C. Transfer of Education Records**

1. When a student enrolls in the Boonville School System from a non-accredited school (i.e., homeschool), the Boonville School District will request the following documents: attendance records (hours and dates of instruction); assessment information; grades (if grades are not available, work samples from each subject the student participated).
2. The district will respond to a request for records from another school district enrolling a student within five (5) business days of receiving the request. However, if the student's record has been marked pursuant to notification by the

highway patrol that the student has been classified as a missing child, the record shall not be forwarded to the requesting district and the district will notify the missing persons unit of the highway patrol of the record request.

3. Upon notification that a student has transferred to any other school district, the district will forward any written notification the district has received from a juvenile officer, sheriff, chief of police or other appropriate law enforcement authority that a petition has been filed in juvenile court alleging that the student has committed an offense listed in § 167.115.1, RSMo., and the notification of disposition of such case, to the superintendent of the new school district in which the student has enrolled.

**D. Annual Notification of Rights to Parents and Students**

1. The district shall annually notify parents of students currently in attendance or eligible students in attendance of their rights under the Family Educational Rights and Privacy Act (FERPA) and FERPA regulation by publication in the student handbook(s) or by distributing notification to the parents or eligible students at the beginning of the school year.
2. The district shall annually notify parents of students currently in attendance and eligible students currently in attendance of the directory information the district will release without written permission.
3. The district may notify parents of secondary school students that it is required to release the student's name, address and telephone listing to military recruiters and institutions of higher education upon request. Parents or eligible students may request that the district not release this information, and the district will comply with the request.
4. The district will notify parents at least annually of its policy on the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the district in the event of such collection, disclosure or use (see policies JHDA and KI). Parents will be directly notified annually at the beginning of the school year of the specific or approximate dates during the school year when such collection, disclosure or use of personal information is scheduled or expected to be scheduled. The district will also offer an opportunity for the parent or eligible student to opt the student out of participation in any such activity.

**E. Annual Notification of Directory Information**

1. The district shall annually notify parents and eligible students of the directory information the district will release without written consent. Parents or eligible students will have ten (10) school days after the annual public notice

to provide notice in writing to the school district that they choose to not have this information released. Unless notified to the contrary in writing within the ten (10) school-day period, the school district may disclose any of those items designated as directory information without the parent or eligible student's prior written consent including in print and electronic publications of the school district.

2. Directory information is considered a "public record" that must be released by the district to any person who requests it under the Missouri Sunshine Law.

**F. Release of Education Records**

Disclosure of information from a student's education records will be made only with the written consent of the parent or eligible student, subject to the following exceptions. The district may disclose education record information without consent when the disclosure is:

1. To school officials who have a legitimate educational interest in the records.
2. To officials of another school, upon request, in which a student seeks or intends to enroll.
3. Directory information. If the district annually notifies parents and eligible students that directory information may be released without prior written consent and gives parents and eligible students the opportunity to notify the district in writing that they do not want the information released, the district may release directory information without prior consent.
4. To military recruiters or institutions of higher education that have requested the names, addresses and telephone listings of secondary school students. However, the district will honor a request from a secondary school student or his or her parent not to release the information.
5. To authorized representatives of state and local educational authorities.
6. To law enforcement and juvenile justice authorities if the disclosure concerns law enforcement or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. § 1232g (b)(1)(E).
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
9. To parents of a student who is not an eligible student or to the student.

10. To comply with a judicial order or a lawfully issued subpoena. Unless otherwise ordered, the district will make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or student may seek protective action.
11. In connection with a student's request for or receipt of financial aid to determine the eligibility amount or conditions of the financial aid or to enforce the terms and conditions of the aid.
12. To the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the United States Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority, or state and local education authorities in connection with an audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with federal legal requirements relating to these programs.
13. To appropriate parties in a health or safety emergency.
14. To other persons authorized to receive education records pursuant to FERPA and 34 C.F.R., Part 99 or other applicable laws.

The school district will maintain a record of all requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom the information may be re-disclosed and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parents or the eligible student. This paragraph does not apply if the request was from or the disclosure was to:

1. The parent or eligible student.
2. School officials within the district who have a legitimate educational interest in the student's educational records.
3. A party with written consent from the parent or eligible student.
4. A party seeking directory information.
5. A party seeking or receiving the records as directed by a law enforcement subpoena if the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

The district may charge a fee for copies of student education records, unless the charge effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records. The fee will not exceed the amount authorized under the Missouri Sunshine Law.

**G. Appeals Procedures**

Parents or eligible students have the right to ask to have education records corrected that they believe are inaccurate, misleading or in violation of their privacy rights. Following are the procedures for the correction of education records:

1. Parents or the eligible student must ask the school district to amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy rights. The request should be made to the building principal.
2. The school district will decide whether it will amend the record as requested within a reasonable time after receiving the request. If it decides not to amend the record as requested, the district will notify the parents or eligible student of the decision and inform them of their right to a hearing to challenge the content of the student's education records on the grounds that the information included is inaccurate, misleading or in violation of the student's privacy rights.
3. Upon request, the school district will hold a hearing within a reasonable time after the request is received. The district will notify the parents or eligible student, reasonably in advance, of the date, place and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the district. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The parents or eligible student may be assisted by one (1) or more individuals of their choice, including an attorney.
5. The school district will prepare a written decision based solely on the evidence presented at the hearing within a reasonable period of time after the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the school district decides that the information is inaccurate, misleading or in violation of the student's right of privacy, it will amend the record and notify the parents or eligible student of the amendment in writing.
7. If the school district decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

8. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the school district discloses the contested portion of the record, it must also disclose the statement.

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***Note: The reader is encouraged to review policies and/or forms for related information in this administrative area.***

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Boonville R-I School District, Boonville, Missouri

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