

Board File: JRA/JRC

STUDENT EDUCATION RECORDS

In recognition of the confidential nature of student education records, no person or agency may access student education records without prior written consent from the student's parent or guardian or eligible student (a student eighteen years of age or older) except as set forth in state or federal law and this policy.

The Superintendent or designee shall provide for the proper administration of student records in accordance with law, develop appropriate procedures for maintaining student records and standardize procedures for the collection and transmittal of necessary information about individual students throughout the District. Building principals shall assist the superintendent in developing the student records system, maintaining and protecting the records in his or her building and developing protocols for release of student education records.

Content and Custody of Records

The building principal is the official custodian of student education records in his or her building.

Student education records in all formats and media, including photographic and electronic, are those records that directly relate to a student and may contain, but will not necessarily be limited to, the following information: 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 and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns; and any individual education program (IEP).

All requests for inspection and review of education records, and requests for copies of such records, as well as disclosure of personally identifiable information, shall be maintained as a part of each student's record, except as provided by law. (Such request/disclosure of records shall be made available to the parent/guardian or eligible student upon request, in accordance with the following requirements.)

School personnel shall use reasonable methods to authenticate the identity of parents, students, school official and any other party to whom they disclose student education records. Authentication of identity prior to disclosure of student electronic records through passwords or other security measures is required.

Access to Records

A parent or guardian shall be able to inspect and review the student's education records if the student is under 18 years old or if the disclosure is in connection with a health or safety emergency. However, if a student is 18 years old or older, the student may inspect

his/her own records and, unless the student is claimed by a parent/guardian as a dependent for federal income tax purposes, his/her written permission shall be necessary in order for his/her parents or guardian to inspect them. Such student 18 years old or older shall be known as an “eligible student.”

In case of doubt as to whether the records are open to inspection, the custodian shall confer with the School District attorney.

The building principal shall provide such personnel as are necessary to give explanations and interpretations of the education records when requested by parents/guardians or the eligible student. (Only licensed personnel such as the assistant principal or counselor shall be so designated.)

In all cases where access to education records is requested, except as provided in this policy, a written request to see the records must be made by the parent/guardian or eligible student. The principal, upon receipt of the written request, shall provide access to inspect and review the records and set a date and time for such inspection and review. In the absence of extenuating circumstances, the date set will be within three working days after the request has been made. The person examining the records shall do so in the presence of the principal and/or other person(s) designated by him or her.

The record itself shall not be taken from the school building. However, upon request, one copy of the record shall be provided within a reasonable time to the parent/guardian, eligible student, or properly designated third person at a cost not to exceed \$.25 cents per page to be determined by the superintendent or designee.

Requests to Amend Education Records

Parents/guardians or eligible students who believe that information contained in the education records of a student is inaccurate or misleading, or violates the privacy or other rights of the student, may request that the District amend the records, but grades cannot be challenged pursuant to this policy. Parents/guardians or eligible students shall make such requests in writing to the building principal or, in the case of evaluation data resulting from assessment related to identification of a disability, to the director of Special Education. The request to amend a student’s education records must clearly identify the part of the record they want changed and specify why it is inaccurate, misleading or otherwise violates the privacy rights of the student and must be made in writing within ten school days of the date the records were first examined unless additional time is granted by the District for good cause shown. If the principal or director of Special Education denies the request to amend the records, the parent/guardian or eligible student may request a formal hearing. A request for a formal hearing must be made in writing within ten school days of the denial and be addressed to the superintendent or designee. The hearing will be held in accordance with the procedures set forth in the regulation accompanying this policy.

Disclosure without Written Consent

The District may disclose student education records, security video, and/or personally identifiable information contained therein without written consent of the parent/guardian or eligible student only if the disclosure meets one of the following conditions:

1. The disclosure is to a school official within the District having a legitimate educational interest in the education record or the personally identifiable information contained therein. A “school official” for purposes of this policy is a person employed by the District as an administrator, supervisor, instructor, or support staff member, including health or medical staff; a person serving on the Board of Education; a person or company with whom the District has contracted to perform specialized tasks (such as attorneys, auditors, consultants, and health care providers); or a parent/guardian or student serving on an official committee or assisting another school official in performing his or her tasks.
 - a. For purposes of this policy, a school official is determined to have a “legitimate educational interest” if disclosure to the official is: (1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (2) used within the context of official School District business and not for purposes extraneous to the official’s areas of responsibility; (3) relevant to the accomplishment of some task or to a determination about the student; and (4) consistent with the purposes for which the data are maintained.
2. The disclosure is to officials of another school or school system or institution of postsecondary education, to which the student moves, transfers, makes application to transfer, or otherwise seeks to enroll. Copies of such records shall be provided to the parent/guardian or eligible student upon their request. The records may include data concerning standardized tests; scholastic achievement; disciplinary information; or medical, psychological, or sociological information. Any records sent during the student’s application or transfer period may be supplemented, updated or corrected as necessary.
3. The disclosure is to authorize representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, and state educational authorities.
4. The disclosure is to state and local officials and concerns the juvenile justice system’s ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children’s Code. Such records and personally identifiable information shall only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent/guardian or eligible student.
5. The disclosure is to representatives of entities to which a student has applied for or has received financial aid when the disclosure is for the purpose of determining the amount, conditions, eligibility, or enforcement of the terms of the aid.

6. The disclosure is to accrediting organizations for accrediting functions.
7. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction.
8. The disclosure is to comply with a judicial order or lawfully issued subpoena. Unless otherwise specified in the order or subpoena, the District shall make a reasonable effort to notify the parent/guardian or eligible student prior to complying with the subpoena or order.
9. The disclosure is in connection with an emergency, if knowledge of the information disclosed is necessary to protect the health or safety of the student or other persons.
10. The disclosure is of information designated by this policy to be directory information.

Nothing in this policy shall prevent school officials from disclosing information derived from personal knowledge or observation.

Disclosure of Directory Information

The District may disclose directory information from a student's education record without written consent of the parent/guardian or eligible student in accordance with the following provisions:

1. "Directory information" is information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. "Directory information" includes, but is not limited to, the student's name, e-mail address, gender, date and place of birth, grade level, participation in officially recognized sports and activities, height and weight of athletic team members, school years attended and degrees, awards, honors, and other distinctions received. Directory information also includes a Student ID number or other unique personal identifier used by the student to access or communicate in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a password. The addresses, telephone numbers, and photograph of students in elementary or secondary schools shall not be disclosed without the express written permission, utilizing the appropriate form, of the parent/guardian, except to law enforcement agents conducting an investigation of a student if the agents show that it is necessary for the investigation to have access to that information.
2. The parent of a student or an eligible student, while the student is in attendance in the Douglas County School District, has the option of denying the publication of a student's directory information, including publishing directory information on the school website, by submitting a request, in writing, to the building principal or District registrar, utilizing the appropriate form, at least 20 days in advance of disclosure.

Limitation of Disclosure

Personally identifiable information from a student's education records shall be disclosed only on the condition that the party to whom disclosure is made will not disclose the information to any other party without the prior written consent of the parent/guardian or the eligible student.

Disclosure of Disciplinary Information to School Personnel

In accordance with state law, the principal or designee is required to communicate disciplinary information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. The purpose of this requirement is to keep school personnel apprised of situations that could pose a risk to the safety and welfare of others.

Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person. The principal or designee is required to inform the student and the student's parent when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student's parent may challenge the accuracy of such disciplinary information through the process outlined in the notice to parents and students of rights concerning student school records (JRA/JRC-R).

Disclosure to Medicaid

In all cases in which a student is enrolled in the Colorado Medicaid program, the District shall release directory information consisting of the student's name, date of birth and gender to the Colorado Department of Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The District shall obtain one-time written consent from a parent before the release of any non-directory information required for submitting claims for the School Medicaid Reimbursement Program. After obtaining the one-time written consent from the parent, the District shall provide annual notification to parents advising them of their rights with respect to the District's ability to access public benefits.

Disclosure to Criminal Justice Agencies

The superintendent or designee is authorized by law to share disciplinary and attendance information with a criminal justice agency investigating a criminal matter concerning a student enrolled or who will enroll in the School District when necessary to effectively serve the student prior to trial. Such information shall only be shared upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the student's parent/guardian.

School Security as Law Enforcement Units

Douglas County School District's School Safety and Security Office employs security staff to monitor safety and security in and around schools and is the designated "law enforcement unit."

All investigative reports and other records created and maintained by security are not considered education records under Family Educational Rights to Privacy Act (FERPA). Accordingly, schools may disclose information from law enforcement unit records to others, including outside law enforcement authorities, without parental permission and in accordance with law. Law enforcement unit officials who are employed by the school are designated as “school officials” with “legitimate educational interest.” As such, they may be given access to personally identifiable information from students’ education records.

Security Videos

DCSD’s School Safety and Security Office may use security cameras as a tool to monitor and improve safety. Images of students captured on security videotapes that are maintained by the school’s law enforcement unit are not considered education records under FERPA. Accordingly, these videotapes may be shared with parents of students whose images are on the video and with outside law enforcement authorities as the school law enforcement unit deems appropriate.

Disclosure to the Colorado Commission on Higher Education (CCHE)

On or before December 31 of each school year, the School District shall disclose to the CCHE the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

Disclosure to Military Recruiting Officers

Names, addresses, and home telephone numbers of secondary school students shall be released to military recruiting officers for any branch of the United States Armed Forces within 90 days of the request unless the student submits a request, in writing, that such information not be released. Reasonable and customary actual expenses directly incurred by the District in furnishing this information shall be paid by the requesting service.

Disclosure to Other Parties

The District shall not disclose student education records to individuals or parties other than those listed above and in accordance with federal and state law without prior written consent of the parent/guardian or eligible student. Such written consent shall be signed and dated and shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.

Annual Notification of Rights

The District, at the beginning of each academic year, will notify all parents/guardians and eligible students of their rights under this policy. Copies of this policy, and related forms, may be obtained from the office of the superintendent at any time during normal business hours. Complaints regarding violations of rights accorded parents/guardians and eligible students

pursuant to the Family Educational Rights and Privacy Act may be submitted to the Family Policy Compliance Office, United States Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202-5901.

Special Education Records

The parents of a student with disabilities must be informed when student records related to special education assessments and services are no longer needed to provide educational services to the student and are scheduled for destruction consistent with the DCSD records destruction policies and procedures. Nevertheless, the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be retained even when all other personal identifiers have been removed from a student's records. No record will be destroyed by the removal of personal identifiers while still needed to provide educational services to a student.

Governing Law

The District shall fully comply with FERPA and its regulations and shall be entitled to take all actions and exercise all options authorized under the law. In the event this policy does not address a provision in FERPA, or is inconsistent with or in conflict with federal or state law or regulation, the provision of state and federal law shall control.

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Revised: August 16, 2016, to conform to current law

LEGAL REFS.:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g and Regulations

34 C.F.R. 99.1 et seq.

34 C.F.R. Regs. 76.734, (FERPA Regulations) §330-610-627

Colorado Public Records Act, C.R.S. 24-72-201 et seq.

20 U.S.C. 7908 (*military recruiter information contained in No Child Left Behind Act of 2001*)

C.R.S. 19-1-303 and 304 (*records and information sharing under Colorado Children's Code*)

C.R.S. 22-1-123 (*district shall comply with FERPA*)

C.R.S. 22-32-109 (1)(ff) (*duty to establish policy on disclosing eighth grade students names and mailing addresses to the Colorado Commission on Higher Education*)

C.R.S. 22-32-109.1(6) (*duty to establish policy on sharing information consistent with state and federal law in the interest of making schools safe*)

C.R.S. 22-32-109.3 (2) (*duty to share disciplinary and attendance information with criminal justice agencies*)

C.R.S. 22-33-106.5 (*court to notify of conviction of crime of violence and unlawful sexual behavior*)

C.R.S. 22-33-107.5 (school district to notify of failure to attend school)

C.R.S. 25.5-1-116 (confidentiality of H.C.P.F. records)

1 C.C.R. 301-8, rule 2220-R-6.01 (Confidentiality of Information)