

## STUDENT RECORDS

School student records in the Bonneville Joint School District No. 93 are confidential, and information from them shall not be released other than as provided by law. The information contained in school student records shall be kept current, accurate, clear and relevant.

Since accurate enrollment and attendance records are essential both to obtain state financial reimbursement and to fulfill the Bonneville Joint School District No. 93's responsibilities under attendance and enrollment statutes, staff shall be diligent in maintaining the accuracy of such records.

### Guidelines

1. State and federal law grant students and parents/guardians certain rights, including the right to inspect, copy, and challenge school records.
2. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child.
3. The District may release directory information as permitted by law, but parents/guardians shall have the right to object to the release of information regarding their child. See Student Directory Information Opt Out Form #3600F.
4. Military recruiters and institutions of higher education may request and receive the names, addresses, and telephone numbers of all high school juniors and seniors (i.e., 17 years and older), unless the parent/guardian notifies the school not to release this information. See Student Directory Information Opt Out Form #3600F.
5. The Superintendent/designee shall implement this policy consistent with state and federal law and may develop administrative procedures to assure compliance with such law.
6. Annual notification of District policies for staff and parents/guardians will be made available on the District's webpage. It is the responsibility of staff and parents/guardians to read and become informed of the contents, requirements, and expectations of these policies. Hard copies will be made available upon request.

### Maintenance of School Student Records

1. The District shall maintain a record for each student that shall contain information, including but not limited to the following:
  - a. Birth certificate
  - b. Proof of residency
  - c. Unique student identifier

- d. Basic identifying information
  - e. Academic transcripts
  - f. Immunization records
  - g. Attendance records
  - h. Intelligence and aptitude scores
  - i. Psychological reports
  - j. Achievement test results
  - k. Participation in extracurricular activities
  - l. Honors and awards
  - m. Special Education data
  - n. Verified reports or information from non-educational persons
  - o. Verified information of clear relevance to the student's education
  - p. Log pertaining to release of student's record
  - q. Disciplinary information
2. Information in student files shall be maintained permanently after a student graduates or leaves the District.
3. Records for a special education student with disabilities who graduates or permanently withdraws from the District, including eligibility documentation, IEPs, consents, and written notices shall, for at least six (6) years, be maintained until such time the District has been given written consent from the parent(s)/guardian(s) and/or adult former student to destroy the records or transfer the records to the parent(s)/ guardian(s) or to the student if the student has succeeded to the rights of the parents/guardians.
- a. Such written records of individual students are confidential and shall be shredded under supervision of the staff member responsible for the records if not released to the parent(s)/guardian(s) and/or adult former student.
  - b. The records manager should maintain a log that documents the date of destruction or release of records.
4. The Superintendent/designee shall be responsible for the maintenance, retention, or destruction of a student's records, in accordance with the District's established procedure.

**Access to or Release of Student Records**

The District or any District employee shall not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document and consistent with the provisions of state and federal law.

1. The District charges a nominal fee for copying information in the student's records.
2. No parent/guardian or student shall be precluded from copying information because of financial hardship.
3. A log of all releases of information from student records (including all instances of access granted, whether or not records were copied) shall be kept and maintained as part of such records. This log shall be maintained for the life of the student record and shall be accessible only to the parent/guardian or eligible student, records custodian, or other person. The log of release shall include:
  - a. Information released or made accessible;
  - b. The name and signature of the records custodian;
  - c. The name and position of the person requesting the release or access;
  - d. The legitimate interests the parties had in requesting or obtaining the information;
  - e. The date of the release or grant of access;
  - f. A copy of any consent to such release; and
  - g. Any additional information required by state or federal law.

**Parental Access**

1. The parents/guardians of a student under eighteen (18) years of age shall be entitled to inspect and copy information in the child's school records.
  - a. Such requests shall be made in writing and directed to the records custodian.
  - b. Access to the records shall be granted within ten (10) days of the District's receipt of such a request.
2. Where the parents are divorced or separated, both shall be permitted to inspect and copy the student's school records unless a court order indicates otherwise.
3. The District shall send copies of the following to both parents at either one's request if they are divorced or separated, unless a court order indicates otherwise or parental rights have been terminated by court order or parental agreement:
  - a. Academic progress reports or records;

- b. Health reports;
  - c. Notices of parent-teacher conferences;
  - d. School calendars distributed to parents/guardians; and
  - e. Notices about open houses and other major school events, including pupil-parent/guardian interaction.
4. When the student reaches eighteen (18) years of age, graduates from high school, marries, or enters military service, all rights and privileges accorded the parent/guardian become exclusively those of the student.
  5. Parents/guardians of dependent students, as defined by the Internal Revenue Service (i.e. student termed dependent for income tax purposes) may have access to student educational records if the parents/guardians establish, via either a copy of the applicable tax forms and/or a parental affidavit for educational records attesting to the student's dependent status.
  6. Access **shall not** be granted to the parent or the student:
    - a. To confidential letters and recommendations concerning the admission to a post-secondary educational institution;
    - b. To applications for employment;
    - c. To the receipt of an honor or award; or
    - d. If the student has waived his/her right of access, after being advised of his/her right to obtain the names of all persons making confidential letters or statements.

#### **Educational or Administrative Access or Release**

1. Provided that a current, demonstrable, educational or administrative need is shown and access is limited to satisfaction of that need, the District may grant access to, or release information from, student records without parental consent or notification, to:
  - a. Employees or officials of the District acting in their official capacity, or
  - b. Employees or officials of the Idaho State Board of Education acting in their official capacity.
2. Provided that no student or parent cannot be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records, the District may grant access to, or release information from student records without parental consent or notification to any person for the purpose of research, statistical reporting, or planning.

3. The District may also release student records to the Superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official.

### **Legal Access or Release**

1. The District shall grant access to or release information from a student's records pursuant to a court order, upon receipt of such order, provided that the parent or qualified student shall be given prompt written notice of:
  - a. Such order/subpoena;
  - b. A general statement concerning the nature and substance of records that will be released;
  - c. The right to inspect such records;
  - d. The right to copy such records;
  - e. The right to challenge the contents; and
  - f. The proposed date of release of the documentation requested.
2. However, there are very limited circumstances under the USA Patriot Act where schools are required to disclose student information to the Attorney General of the United States without notice to the parent and upon an *ex parte* order in connection with the investigation or prosecution of terrorism crimes or other such specified situations when the court order prohibits disclosure (i.e. Federal Grand Jury Subpoena or Law Enforcement Subpoena wherein such order indicates disclosure is not permitted).
3. The District shall grant access to or release information from any student record as specifically required by federal or state statute.
4. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s).

### **Access or Release for Purposes of an Audit**

1. For purposes of an audit or evaluation by a federal or state-supported education program, and to comply with federal requirements related to such a program, the receiving entity must be a state or educational authority or another entity allowed by the Family Educational Rights and Privacy Act (FERPA), or must be an authorized representative of such an entity.
2. For each new audit, evaluation, or enforcement effort, the District shall enter into a written agreement when designating anyone other than its employee as its authorized representative. The District shall be responsible for using reasonable

methods to ensure, to the greatest extent practicable, that the authorized representative:

- a. Uses the personal information only for the authorized purpose;
- b. Protects the personal information from further unauthorized disclosures or other uses; and
- c. Destroys the personal information when it is no longer needed for the authorized purpose. Such destruction shall be effected by any specified time period set forth in the written agreement.

### **Access or Release upon Written Consent of Parent or Eligible Student**

The District shall grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student with particularity as to whom the records may be released, the information or record to be released, and the reason for the release.

1. One (1) copy of the consent form will be kept in the records; and
2. One (1) copy of the consent form shall be mailed to the parent or eligible student by the Superintendent/designee.
3. Whenever the District requests the consent to release certain records, the records custodian shall inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.

### **Release in the Case of an Emergency**

1. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons.
2. The records custodian shall make this decision taking into consideration:
  - a. The nature of the emergency;
  - b. The seriousness of the threat to the health and safety of the student or other persons;
  - c. The need for such records to meet the emergency; and
  - d. Whether the persons to whom such records are released are in a position to deal with the emergency.
3. Any release that is made must be narrowly tailored considering the immediacy, magnitude, and specificity of the information concerning the emergency.
4. The information should only be released to those persons whose knowledge of the information is necessary to provide immediate protection of the health and safety of

the student or other individuals (i.e. law enforcement, public health officials, trained medical personnel).

5. The exception is temporarily limited to the period of the emergency and does not allow for a blanket release of personally identifiable information from a student's records.
6. The District shall notify the parents/guardians or eligible student as soon as possible of:
  - a. The information released,
  - b. The date of the release,
  - c. The person, agency or organization to whom the release was made, and
  - d. The purpose of the release.
7. The same information shall be recorded in the student's record log.

### **Directory Information Release**

1. The District may release certain directory information regarding students, except that parents/guardians may prohibit such a release (see *Student Directory Information Opt Out Form* #3600F2). Directory information shall be limited to:
  - a. Name
  - b. Address
  - c. Gender
  - d. Grade level
  - e. Birth date and place
  - f. Parents'/guardians' names and addresses
  - g. Academic awards, degrees, and honors
  - h. Information in relation to school-sponsored activities, organizations, and athletics
  - i. Major field of study
  - j. Period of attendance in school
  - k. Student photographs
2. The notification to parents/guardians and students concerning school records will inform them of their right to object to the release of directory information.

### **Military Recruiters/Institutions of Higher Education**

1. Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.
2. The notification to parents/guardians and students concerning school records will inform them of their right to object to the release of this information.

### **Student Record Challenges**

1. If the challenge is made when the student's school records are being forwarded to another school, the parents/guardians may challenge the accuracy, relevancy or propriety of the records, except:
  - a. Grades, and
  - b. Records of expulsions or out-of-school suspensions
2. Parents/guardians have the right to request a hearing at which each party has the right to the following:
  - a. Present evidence and to call witnesses;
  - b. Cross-examine witnesses;
  - c. Counsel;
  - d. A written statement of any decision and the reasons therefore; and
  - e. Appeal an adverse decision to an administrative tribunal or official, to be established or designated by the State Board.
3. The parents/guardians may insert a written statement of reasonable length describing their position on disputed information. The school will include a statement in any release of the information in dispute.

### **DEFINITIONS**

**Directory Information:** is information that is generally not considered harmful or an invasion of privacy if released, and can be disclosed to outside organizations without a parent(s)/guardian(s) written consent. Outside organizations include, but not limited to, companies that manufacture class rings or publish yearbooks, etc.

**Unique Student Identifier:** is a number issued and assigned by the State Department of Education to each student currently enrolled or who will be enrolled. The unique student identifier shall follow the student from each school district or local educational agency (LEA) or upon return to a school district or LEA after an absence no matter the length of absence.



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Adopted 07-13-2005 Reviewed 02-12-2020 Revised 09-13-2017  
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Cross Reference: Transfer of Student Records #3660  
Student Records – Notification of Parents and Student Rights #3600E  
Student Directory Information Opt Out Form #3600F  
Retention of District Records #8605

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. 99 Family Education Rights and Privacy Act  
20 U.S.C. § 7908 Armed Forces recruiter access to students and student recruiting information  
10 U.S.C. § 503(c) Enlistments: recruiting campaigns; compilation of directory information – Access to Secondary Schools  
Every Student Succeeds Act (ESSA) 2015  
Idaho Code § 32-717A Parents' Access to Records and Information  
Idaho Code § 33-133 Definitions - Student Data - Use and Limitations - Penalties  
Idaho Code § 33-209 Transfer of Student Records -- Duties