

# Board Policy

Code No. 506.1

## STUDENT RECORDS ACCESS

The board recognizes the importance of maintaining student records and preserving their confidentiality. Student records containing personally identifiable information shall be kept confidential at collection, storage, disclosure and destruction stages. Designated school officials at each attendance center are the custodians of student records. Student records may be maintained in the central administration office or administrative office of the student's attendance center.

Parents and eligible students shall have access to the student's records during the regular business hours of the school district. An eligible student is a student who has reached eighteen years of age or is attending an institution of post-secondary education at the post high school level. Parents of an eligible student shall be 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 may be provided access without the written permission of the student. A representative of the parents or eligible student, who has received written permission from the parents or eligible student, may inspect and review a special education student's records. Parents, other than parents of an eligible student, may be denied access to a student's records if the school district has a court order stating such or when the district has been advised under the appropriate laws that the parents may not access the student records. Parents 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 shall have the right to access the information relating to their student and to know if there is information about their student in another student's record. Eligible students have the right to access the information in their record and to know if there is information about them in another student's record.

### **Parent Access To Student Records:**

Parents and eligible students shall 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, an eligible student or an authorized representative of the parents shall 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 or student from exercising the right to access the student records. Fees for copies of the records shall be waived if it would prevent the parents 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 or an eligible student, the school district shall 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 school district.

**Parental Rights:**

If the parents 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 or an eligible student may request that the school district amend the student records. The school district will decide whether to amend the student records within a reasonable time after receipt of the request. If the school district determines an amendment shall be made to the student record, the school district shall make the amendment and inform the parents or the eligible student of the decision in writing.

If the school district determines that amendment of the student's record is not appropriate, it shall inform the parents or the eligible student of their right to a hearing before the hearing officer provided by the school district. If the parents' and the eligible student's request to amend the student record is further denied following the hearing, the parents or the eligible student shall be informed that they have a right to place an explanatory letter in the student record commenting on the school district's decision or setting forth the reasoning for disagreeing with the school district. Additions to the student's records shall become a part of the student record and be maintained like other student records. If the school district discloses the student records, the explanation by the parents shall also be disclosed.

**Types, Locations, And Custodian Of Education Records:**

The following is a list of the types of records that the BCSD maintains, their locations, and their custodians. Any requests for these records should be initiated through the building principal.

| <u>Types</u>   | <u>Locations</u>            | <u>Custodian</u>       |
|--|-----------------------------|------------------------|
| <u>Cumulative Folders<br/>(Elementary)</u>                       | Principal's Office          | Principal              |
| <u>Cumulative Folders<br/>(Secondary)</u>                        | Guidance Office             | Assoc. Principal       |
| <u>Cumulative Folders<br/>(Former Students/Graduates)</u>        | Guidance Office             | Principal              |
| <u>Permanent Record Cards</u>                                    | Principal's Office          | Principal              |
| <u>Health Records - Active<br/>Former Students and Graduates</u> | Nurse/Principal's Office    | Nurse/<br>Principal    |
| <u>Academic History</u>  | Principal's Office          | Principal              |
| <u>Individual Education Plan<br/>(IEP) Folder-Secondary</u>      | Principal's Office/Guidance | Principal              |
| <u>Psychological Records</u>                                     | Principal's Office/Guidance | Principal              |
| <u>Social Worker Records</u>                                     | Principal's Office/Guidance | Principal              |
| <u>Special Test Records</u>                                      | Principal's Office/Guidance | Principal              |
| <u>Transportation Center</u>                                     | Maint/Trans Center          | Director of Operations |

Free/Reduced Price Lunch Records District Admin Center

Director of  
Food Service

Occasional Records

(Education records not identified above; such as those in the office of the superintendent or school attorney, or in the personal possession of a teacher.)

Superintendent

**Student Records Disclosure:**

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 or the eligible student. This disclosure may be made to the following individuals or under the following circumstances:

- To school officials within the school district and AEA special education personnel whom the superintendent 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 school district in which the student wishes to enroll, provided the other school district notifies the parents the student records are being sent and the parents 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 school 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;
- To parents 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 school district and juvenile justice agencies;
- In connection with a health or safety emergency; or,
- as directory information.

**Access To Student Records:**

The superintendent shall keep a list of the individuals and their positions who are authorized to view a special education student's records without the permission of the parents or the eligible student. Individuals not listed are not allowed access without parental or an eligible student's written permission. This list must be current and available for public inspection and updated as changes occur.

The superintendent shall 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, however, does not need to keep a list of the parents, authorized educational employees, officers and agencies of the school district who have accessed the student's record. This list for a student record may be accessed by the parents, the eligible student and the custodian of student records.

**Permanent 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.

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

The school district will provide training or instruction to employees about parents' and eligible students' rights under this policy. Employees shall also be informed about the procedures for carrying out this policy.

**Annual Notification:**

It shall be the responsibility of the superintendent to annually notify parents and eligible students of their right to inspect and review the student's records. The notice shall be given in a parents' or eligible student's native language.

The notice shall include a statement that the parents have a right to file a complaint alleging the school district failed to comply with this policy. Complaints shall be forwarded to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Washington, DC. 20202-4605.

**Interagency Student Records Agreements:**

The school district will cooperate with the juvenile justice system in sharing information contained in permanent student records regarding students who have become involved with the juvenile justice system. The school district will enter into an interagency agreement with the juvenile justice agencies (agencies) involved.

The purpose of the agreement shall be to allow for the sharing of information prior to a student's adjudication in order to promote and collaborate between the school 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 school 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 school district to the parties without parental consent or court order. Information contained in a student's permanent record may be disclosed by the school district to the agencies after adjudication only with parental consent or a court order. Information shared pursuant to the agreement shall be 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 school district and the agencies shall remain confidential and shall 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 school district may discontinue information sharing with an agency if the school 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 ten (10) business days of the request.

The school district will provide training or instruction to employees about parents' and eligible students' rights under this policy. Employees will also be informed about the procedure for carrying out this policy.

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

The notice will include a statement that parents have a right to file a complaint alleging the school 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 20202-4605.

*Legal Reference: No Child Left Behind, Title IX, Sec. 9528, P.L. 107-110 (2002).  
USA Patriot Act, Sec. 507, P.L. 107-56. (2001).  
20 U.S.C. § 1232g, 1415 (2010).  
34 C.F.R. Pt. 99, 300, .610 et seq. (2010).  
Iowa Code §§ 22; 279.9B, 280.24, .25, 622.10 (2011).  
281 I.A.C. 12.3(4); 41; .610 et seq.  
1980 Op. Att'y Gen. 720, 825.*

Bettendorf Community School District  
BOARD POLICY - 506.1 ● STUDENT RECORDS ACCESS

*Cross Reference:*

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|-------|--|
| 501   | <i>Student Attendance</i>  |
| 505   | <i>Student Scholastic Achievement</i>                            |
| 506   | <i>Student Records</i>   |
| 507   | <i>Student Health and Well-Being</i>                             |
| 603.3 | <i>Special Education</i>   |
| 708   | <i>Care, Maintenance and Disposal of School District Records</i> |
| 901   | <i>Public Examination of School District Public Records</i>      |

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