



JRA/JRC - STUDENT RECORDS / RELEASE OF INFORMATION ON STUDENTS

1. GENERAL PROVISIONS

Student education records 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; and reports of serious or recurrent behavior patterns.

Education records do not include records maintained by a law enforcement unit of the school or District (should one exist) that are created by that unit for the purpose of law enforcement.

Nothing in this policy shall prevent administrators, teachers or other staff from disclosing information derived from personal knowledge or observation.

A record of requests to inspect, review and/or copy a student's education records or personally identifiable information, and a record of the disclosure of such records and information including the legitimate interests permitting such disclosure, shall be maintained as a part of each student's record. Notwithstanding the foregoing, request/disclosure records are not required with respect to requests from or disclosures to: (a) the parent or eligible student; (b) District officials in accordance with this policy; (c) a party with written consent from the parent or eligible student; (d) a party seeking directory information; or (e) a party seeking or receiving education records or personally identifiable information pursuant to a judicial order or lawfully issued subpoena legally mandated to be kept confidential.

2. ACCESS TO RECORDS

A parent or guardian has the right to inspect and review the student's education records. If a student is 18 years of age or older the student may inspect his/her own records, and the student's written permission shall be required in order for the parent or guardian to inspect the records. (Such student 18 years of age or older shall be known as an "eligible student.") However, if an eligible student is a dependent for federal income tax purposes, parents/guardians are entitled, along with the student, to have access to student education records.

The building principal shall provide such personnel as necessary to give explanations and interpretations of the education records when requested by parents/guardians or eligible students.

The parent/guardian or eligible student shall examine the education records in the presence of the principal and/or other person(s) designated by the principal.

Original education records shall not be taken from District or school buildings. Unless otherwise provided by law or District policy, one (1) copy of a student's education record(s) shall upon request be provided within a reasonable time to the parent/guardian or eligible student at a cost not to exceed 25 cents per page. In order to preserve the integrity of test materials and to comply with copyright law, however, copies of test protocols and/or completed test instruments or question booklets shall not be provided.

3. REQUESTING RECORDS FROM OTHER DISTRICTS/SCHOOLS

When a student transfers to the Poudre School District from another district, the principal or designee of the receiving school shall request the student's education records from the transferring district if the records have not already been forwarded to the receiving school.

4. TRANSFERRING RECORDS TO OTHER SCHOOLS/DISTRICTS

Student education records, including disciplinary records, may be transferred without parent/guardian or eligible student consent to officials of another school, school district, or postsecondary institution in which the student seeks or intends to enroll, or has enrolled. The District shall, upon request of the parent/guardian or eligible student, provide them with a copy of the records transferred.

5. REQUESTING AND RECEIVING INFORMATION AND RECORDS FROM STATE AGENCIES

Within the bounds of state law, District personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including protecting public safety and the safety of students and staff. Such information may be obtained from any state or local agency that performs duties and functions under the Colorado Children's Code.

District personnel receiving such information shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of all information obtained.

If such information is shared with another school or school district to which a student may be transferring, it shall only be shared in compliance with the requirements of federal and state law, including the Federal Education Rights and Privacy Act of 1974 ("FERPA"), Colorado Open Records Act, and Colorado Children's Code.

6. REQUESTS TO AMEND EDUCATION RECORDS

A parent/guardian or eligible student who believes that information contained in the student's education records is inaccurate, misleading or violates the student's privacy or other rights may request that the District amend the records. Such requests shall initially be submitted in writing to the building principal. The amendment request must be received by the building principal within 10 school days of the date that the student records were first examined, unless additional time is granted by the District for good cause shown.

If the principal denies the request to amend, the principal shall notify in writing the parent/guardian or eligible student of the decision and advise them of their right to appeal such decision. Such request for an appeal must be received by an assistant superintendent of school services within 10 school days after the date of the principal's notification of denial unless additional time is granted by the District for good cause shown. This appeal must be answered in writing and sent to the parent/guardian or eligible student within 10 school days.

If the assistant superintendent denies the appeal, the parent/guardian or eligible student shall be notified of the decision and advised of their right to request a formal hearing.

If the first two steps have not resulted in the requested amendment, the parent/guardian or eligible student may request a formal hearing. A request for a formal hearing must be made in writing and received by the Superintendent of Schools within 10 days after the date of the assistant superintendent's denial of the appeal. The response to the request must be mailed within 10 school days. The hearing will be held in accordance with the following:

- a. The hearing will be held within 15 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent/guardian or eligible student by certified mail.
- b. The hearing will be conducted by a principal or administrative official designated in writing by the superintendent. The official conducting the hearing shall not have a direct interest in the outcome of the hearing.
- c. A parent/guardian or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by an individual of their choice at their own expense, including an attorney.
- d. The designated hearing official shall issue a decision in writing within 10 school days following the conclusion of the hearing, and shall notify the parent/guardian or eligible student of that decision by certified mail.

- e. The decision of the hearing official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
- f. The decision shall include a statement informing the parent/guardian or eligible student of their right to place in the student's challenged education records a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained by the District. If the education record is disclosed by school officials to any other party, the explanation also shall be disclosed to that party.

7. DISCLOSURE WITH WRITTEN CONSENT

Except as specified in Section 8 of this policy or as otherwise provided by law, written consent shall be required before student education records and/or personally identifiable information contained therein is disclosed to parties other than the parent/guardian or eligible student. Such written consent shall be given by the parent/guardian or eligible student and shall contain the following:

- a. the date of the consent;
- b. specification of the records or information to be disclosed;
- c. the purpose of the disclosure; and
- d. the identity of the party or class of parties to whom the disclosure may be made.

If the parent/guardian or eligible student so requests, the District shall provide them with a copy of the records disclosed. Parent/guardian or eligible student consent shall only be valid for the specific disclosure for which the written consent was given. Consent for a student to participate in any course, school activity, special education program, or in any other school program shall not constitute written consent for disclosure of education records or personally identifiable information contained therein.

All signed consent forms shall be retained by the District.

8. DISCLOSURE WITHOUT WRITTEN CONSENT

The District may disclose student education records or personally identifiable information contained therein without written consent of the parent/guardian or eligible student under any of the following circumstances:

- a. The disclosure is to a District official having a legitimate educational interest in the education record or the personally identifiable information

contained therein. A "District official" for purposes of this policy is a person employed by the District as an administrator, supervisor, instructor or support staff member; 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, school resource officers, consultants and health care providers); or a parent/guardian, student or volunteer serving on an official committee or assisting another District official in performing his or her tasks.

- (1) For purposes of this policy, a District official is determined to have a "legitimate educational interest" if disclosure to the official is: (a) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (b) used within the context of official District business and not for purposes extraneous to the official's areas of responsibility; (c) relevant to the accomplishment of some task or to a determination about the student; and (d) consistent with the purposes for which the data are maintained.
- b. The disclosure is to officials of another school, school system, or institution of postsecondary education in which the student seeks or intends to enroll, or has enrolled.
 - c. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state educational authorities.
 - d. The disclosure is in connection with a student's application for, or receipt of, financial aid.
 - e. The disclosure is to state or 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.
 - f. 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.
 - g. The disclosure is to accrediting organizations to carry out their accrediting functions.

- h. The disclosure is to comply with a judicial order or lawfully issued subpoena. Unless otherwise specified in the order or subpoena, the District shall inform the parent/guardian or eligible student prior to complying with the subpoena or court order.
- i. 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.
- j. The disclosure is of "directory information" under the conditions specified in this policy.

9. DIRECTORY INFORMATION

For purposes of this policy, "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, photograph, audio and/or video recordings, major field of study, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, honors and awards received, and the most recent educational agency or institution attended. The District may disclose directory information without written consent of the parent/guardian or eligible student; however, student telephone numbers and addresses will not be disclosed without the express written permission of the parent/guardian. The parent or eligible student has the right to refuse to permit the disclosure of any or all of the categories of directory information specified above, provided such refusal is in writing and received in the office of the principal of the school where the student is in attendance no later than September 1 (or the next school day thereafter if September 1 is a Saturday, Sunday or legal holiday).

10. DISCLOSURE TO MILITARY RECRUITING OFFICERS

Names, addresses, and home telephone numbers of secondary students will be released to military recruiting officers within ninety (90) days of the request, unless a student submits a written request that such information not be released. Reasonable and customary actual expenses directly incurred by the District in furnishing this information will be paid by the requesting service.

11. 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 Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The District shall obtain written consent annually from a parent/guardian or eligible student before the release of any non-directory information required for billing.

12. ALUMNI DIRECTORIES

Directory information for alumni directories may include the student's name, major activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent and previous education agency or institution attended by the student. Directory information for alumni directories may also include the addresses of former students. Telephone numbers and addresses of current students will not be disclosed pursuant to Colorado law.

The District shall continue to honor requests to opt out of the disclosure of directory information made by or on behalf of a former student while the student was in attendance at a District school, unless the former student rescinds the opt-out request. When a former student is contacted to update and verify data to be contained in an alumni directory, the former student may request that no information be published, and such request shall be honored.

13. ANNUAL NOTIFICATION OF RIGHTS

At the beginning of each academic year the District will notify all parents/guardians and eligible students of their rights pursuant to this policy. Copies of this policy and relevant forms may be obtained from the School Services office any time during normal business hours. Complaints regarding violations of rights accorded parents/guardians and eligible students pursuant to the Family Rights and Privacy Act may be submitted to the U.S. Department of Education. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U. S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

Adopted by Board: April 1972

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Revised by Board: September 28, 1998

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Revised by Board: April 23, 2007, effective July 1, 2007

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Revised by Board: June 21, 2011, effective July 1, 2011
Revised by Board: June 12, 2012, effective July 1, 2012
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LEGAL REFS:

20 U.S.C. 1232g

34 C.F.R. 99.1, et seq.

20 U.S.C. 7908

C.R.S. 19-1-303 and 304

C.R.S. 22-32-109.1(6)

C.R.S. 22-32-109.3

C.R.S. 24-72-204(3)(d) & (e)

CROSS REFS:

CL, Research Involving District Students, Employees or Resources

KDB, Public Inspection and Copying of District Records

JLDAC, Screening/Testing of Students