

## **JRA – STUDENT RECORDS AND ACCESS**

Category R

See Also GBJ & EHB

The Superintendent shall develop such procedures as are necessary to comply with the Federal Family Educational and Privacy Act( FERBA), the Health Insurance Portability and Accountability Act (HIPAA), and other applicable statutes governing student records.

The Principal of each school will be the custodian of all student records for that school. Students and parents will have access to their school records. The school will notify parents and adult students annually of the following:

1. The right to inspect and review the student's education records within 45 days after the day the school receives a request for access;
2. The procedure for inspecting and copying educational records;
3. The right to request the amendment of the student's education records that the parent or adult student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Parents or adult students who wish to ask the school to amend a record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing;
4. The right to provide written consent before the school discloses personally identifiable information from the student's education records, except to the extent FERPA authorizes the disclosure without consent;
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW Washington DC, 20202

Additionally, the district will notify parents annually of the district's policy on the collection or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure or use.

The terms "education records" or "school records" include all materials directly related to a student that are maintained by the school or a person acting on behalf of the school district. Records and notes maintained by a teacher, administrator, school physician, or school psychologist for his/her own use, which remain in his/her sole possession, and which are not available to others are exempt from this definition.

Except as otherwise authorized by FERPA, the school will require a prior written consent before information other than directory information may be divulged to third parties. An exception to this rule exists for school district employees who have legitimate educational interests in viewing the records, as well as officials in other schools, which the student seeks to enroll.

A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel), or a person serving on the school board. A school official may also include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without parental consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled, if the disclosure is for purposes of the student's enrollment or transfer. The records, including the student's disciplinary records, will be forwarded to the requesting district within three (3) business days. Disciplinary records shall include but not be limited to all information that relates to a student assaulting another individual, carrying weapons, possessing illegal drugs, including alcohol, and any incident that poses a potential dangerous threat to students or school personnel.

When the schools transfer records to new educational institutions, the school will notify parents of the request for records and of their right to review and contest the material being transferred.

When educational records are requested pursuant to a subpoena or court order, the district will notify the parent of the request prior to responding to the subpoena or court order, unless the district is prohibited from providing such notification.

Under FERBA, the district may disclose, without the consent or knowledge of the eligible student or parent, personally identifiable information in the educational records of a student to the Attorney General of the United States or his/her designee in response to an ex parte order in the connection with the investigation or prosecution of terrorism crimes. Further, the district is not required to record such disclosure of information and is protected from liability for disclosing such information in good faith.

### **Requests for Student Records From the School Board**

Requests for access to student records must come from the Board Chair and must have been voted upon by the entire Board. Requests from individual board members to view student records will be denied. Such requests should be in writing. Any request from the Board to view or access student records must state and include a legitimate educational interest. "Legitimate educational interest" means that the Board has determined that its members need to review an education record in order to fulfill their professional responsibility. Board access to student records must be necessary or appropriate to the operation of the school district or to the proper performance of the educational mission of the Board.

### **Military Recruiters**

Two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide military recruiters, upon request, with the following information: students' names, addresses, and telephone listings, unless the student's parents or the adult student request that

such information not be released without prior written consent. The district shall notify parents of the option to make such a request and shall comply with any requests received.

The school administrator may make the determination of when the recruitment meetings are to take place and reserves the right to deny such meeting where the holding of such meeting will materially and substantially interfere with the proper and orderly operation of the school.

**Legal References:**

- ⌆ *RSA 91-A:5, Access to Public Records*
- ⌆ *Public Law 90-247, Family Educational Right to Privacy Act of 1974*
- ⌆ *Public Health Law 104-191 Health Insurance Portability and Accountability Act of 1996*
- ⌆ *No Child Left Behind Act §9528 (20 USC 7908)*

**Appendices: [JRA-R](#), [JLCD-R](#), [EHB-R](#)**

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