

# BOARD POLICY

## Wyandotte Board of Education

Subject: Student Records (FERPA)

Page 1 of 4

### Student Records

The educational interests of students require the collection, retention, and use of data about individuals and groups of students while ensuring individual rights of privacy. The School District will maintain educational records of students for legitimate educational purposes.

School student records are confidential and information from them shall not be released except as provided by law. The information contained in school student records shall be kept current, accurate, clear, and relevant. All student records, including those maintained in District electronic database(s), shall be safeguarded during collection, maintenance, and dissemination to protect against unauthorized access or accidental release. The District may release directory information in accord with law, provided parent(s) or guardian(s) are given the opportunity to object to the release of this information.

Students who reach the age of majority (age 18) are legally able to make their own educational decisions. However, as long as the child is a legal dependent of his/her parent/guardian and has not graduated from Roosevelt High School, the parent/guardian still maintains full right of access to all educational information.

#### Custodians

Each Building Principal shall designate one or more staff members as student records custodian(s) for the school. The Superintendent shall designate one or more staff members as custodians for any student record information maintained at the District Central Office.

Each custodian shall be trained in their duties by their immediate supervisor, and shall become familiar with law, Board policy, and these rules with respect to student records. The custodian(s) should work closely with other staff members to ensure that all data maintained in student records is current, accurate, clear, and relevant.

#### Record Types

Student record files shall include, but shall not be limited to, the following: permanent, supplemental and tentative record files.

**Permanent Records:** This classification includes official administrative records that constitute data necessary for operating the educational system, which is of long-term value or importance. It includes basic identifying information, academic transcripts, attendance records,

accident and health reports, withdrawal and re-entry records, honors and activities, date of graduation, follow-up records, information pertaining to release of records, and other information deemed to be of permanent value by the District.

**Supplementary Records:** This classification includes verified information that is important in operating the educational system but is of a more sensitive nature and of less historical importance. It includes: test scores on standardized achievement, aptitude and intelligence tests; observational data gathered from teachers; counselor evaluation and observations of social and personal assets; psychological reports; disciplinary information; special education files; health data; family background information; educational and vocational plans; and other information determined by the administration to be appropriate for this category.

**Tentative Records:** This classification includes useful information that has not been verified or is not clearly needed beyond the immediate present. It includes unevaluated reports of teachers or counselors that may be needed in ongoing counseling or disciplinary actions and student electronic mail.

#### Storage

The custodian is responsible for ensuring that the records under his/her care are stored in such a fashion as to protect them from harm and unauthorized alteration or access. Physical records should generally be kept in a storage area, which is well supervised and lockable; electronic records should be protected by regular back up and password or encryption security of good integrity.

#### Data Gathering

Only the Superintendent with respect to an individual school, and the Superintendent or Board with respect to the District, may authorize the collection of survey or other data pertaining to students or their families. The administrator shall confirm that the data collection will be in accord with law and Board policy prior to authorizing it. At the time of authorization, the administrator is to see to it that safeguards are in place to ensure the confidentiality and security of the information gathered, including appropriate training of the persons who will be collecting or handling the data. Survey instruments and procedures shall be made available for inspections prior to use, and notice of the planned activity and an opportunity to opt out shall be granted to parent(s) or guardian(s).

Revised Adoption: October 7, 2003 (Original Adoption: March 4, 2003)

	Yes	No		Yes	No
1. Michael A. Peters	[x ]	[ ]	5. Robert E. Kirby	[x ]	[ ]
2. Michael Swiecki	[x ]	[ ]	6. Jerry Kupser	[x ]	[ ]
3. John Engfehr	[x ]	[ ]	7. Kevin Van Boxell	[x ]	[ ]
4. Alfred J. Sliwinski	[x ]	[ ]			

# BOARD POLICY

## Wyandotte Board of Education

Subject: Student Records (FERPA)

Page 2 of 4

### Missing Student

When law enforcement officials have notified the District that a student has been reported missing, the Building Principal shall tag this in an obvious way on that student's record. The tag shall remain until notified by law enforcement that the tag should be canceled, or until the student's 18<sup>th</sup> birthday. If a request is received for a tagged student's records, the Principal shall not comply with the request but shall immediately notify the law enforcement agency.

### Inspection and Copying of Records

The District shall establish appropriate procedures for the granting of a request by a parent/guardian for access to their child's records within a reasonable period of time, but in no case more than 45 school days after the request has been made. Where such records or data include information on more than one student, the parent/guardian of any student shall be entitled to receive, or to be informed of, that part of such record as pertains to their child.

A school official competent in interpreting student records shall be present to explain the meaning and implications of the records that are examined.

In situations where the parents/guardians of a student are divorced or separated, each parent/guardian, custodial and/or non-custodial, has equal rights to their student's records unless a court order specifies otherwise. The District shall not recognize private agreements between the student's parents/guardians.

Copies of student record(s) will be made for a parent/guardian upon request. Copying fees shall be charged only when multiple copies are requested in a limited time period, and shall be assessed according to the procedures established for FOIA requests.

### Requesting Amendments

Parents/guardians may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of a student's right to privacy by writing the School Principal or records custodian, identifying the part of the record they want changed, and specifying the reason(s) for the request. The District Administrator shall make a determination on the request in a timely fashion and shall reply in writing to the parents/guardians detailing the actions taken. If the decision is to deny the request, the parents/guardians shall be provided with the information and procedures to request a hearing regarding their request for amendment.

When a hearing has been requested by parent/guardians for the purpose of challenging the content of the student's education record, the procedure to be followed in the hearing shall include the following:

- The hearing shall be conducted and the decision rendered by a person who does not have a direct interest in the hearing outcome;

- The parent/guardian of the student shall be given notice of the date, place and time of the hearing within a reasonable time in advance of the hearing;
- The parent/guardian may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney;
- The parent/guardian shall be afforded a full and fair opportunity to present relevant evidence;
- The decision shall be rendered in writing within a reasonable time after the hearing concludes; and
- The decision of the school shall be based solely upon the evidence presented at the hearing and include a summary of the evidence and the reasons for the decision.

If the decision of the school following the hearing is to deny the request, the parent/guardian shall be afforded an opportunity to place a statement in the record commenting on the contested information or disagreement with the school. This statement shall be attached to the record in question and copied or disclosed along with the record for as long as the record is maintained.

### Disclosure without Consent

The District may disclose information contained in student records without the consent of the student's parent/guardian to the following persons or entities, on the condition that they agree not to disclose the information to any other party without the written consent of the parent/guardian:

- Other school officials, including teachers within the District who have legitimate educational interests;
- Officials of other schools or school systems in which the student has enrolled; [Note: Special Education records require parental/guardian permission prior to disclosure.]
- The Comptroller General of the United States, the Secretary of Education, or State and local educational authorities;
- Organizations conducting studies for or on behalf of education agencies or institutions;
- Accrediting organizations;
- In compliance with MCL 600.2165: *Disclosure of Students' records or communications by schoolteacher or employee.* Or with a lawful judicial court order as provided for in FERPA regulations.
- In the absence of a court order, to a court if the District initiates legal action against a parent/guardian or student and the records of the student are relevant for the District to proceed with legal action, or if a parent/guardian or student initiates legal action against the District and the student's records are relevant for the District to defend itself; and
- Appropriate persons if knowledge of the information is necessary to protect the health or safety of the student or other persons in an emergency. The District shall take the following factors into consideration in deciding whether the information should be released: the seriousness of the emergency; whether the information

# BOARD POLICY

## Wyandotte Board of Education

Subject: Student Records (FERPA)

Page 3 of 4

is needed to meet the emergency; whether the persons to whom the information will be released are in a position to deal with the emergency; and whether time is of the essence in dealing with the emergency.

Except for local school officials, all persons, agencies, or organizations requesting or accessing the records of a student shall be recorded on a form (including electronic forms) kept permanently along with the student's records if the request or access involved any information, which personally identified the student, except for court orders, which prohibit disclosure. The form must identify the requesting party, the legitimate interest the party had in making the request, the information released or made accessible, the date the request and/or release was made, and the name of the custodian who handled the request.

Statistical data from student records may be disclosed without consent of the parents(s)/guardians(s) for research, statistical summary, or planning purposes provided that the information released cannot be used to identify an individual student. The District shall exercise care in this regard, as statistically small populations within the District may be identifiable through seemingly innocuous data (ex. race and gender of a student may be sufficient to identify an individual in a District with low minority population).

### **Disclosure with Written Consent**

The District may disclose information in a student's records or provide access to the records following written instructions signed and dated by the parent/guardian of the student specifying the records, the reasons, and the person(s) to whom the release is to be made. A copy of the parent/guardian's instructions shall be kept along with the record.

Whenever the District requests the consent to release certain records, the District shall inform the parent(s)/guardians(s) of the right to limit such consent to specific portions of information in the records.

### **Disposition of Records**

The school shall maintain permanent records for an indefinite period of time. When the student graduates, supplementary records shall be destroyed or shall be transferred to the permanent record if they have permanent usefulness. Tentative records shall be destroyed when the use for which they were collected is ended.

However, tentative records may be placed in the supplementary classification if the continuing usefulness of the information is demonstrated and its validity verified.

To eliminate unnecessary or outdated information, the custodian shall review a student's records when the student moves from elementary to middle school or junior high, from middle school or junior high to high school and upon high school graduation.

### **District Discretion in Exceptional Circumstances**

If the District has special information that would indicate granting or denying access to student records in accordance with these rules would be harmful to the student, it may exercise discretion in granting or denying access in a manner other than provided herein.

### **Notification**

The District shall disseminate to each student and family, at least annually, a statement of rights. Parents/guardians who are non-native speakers of English shall be provided a translation or otherwise contacted to inform them of these rights.

### **Disposition**

Annual notice shall be given to parents/guardians and eligible student concerning the student's records. In addition, the District shall give annual public notice of the class of records the institution has designated as directory information. The appropriate forms for said notices are on file in the Principal's Office.

# **BOARD POLICY**

## **Wyandotte Board of Education**

Subject: Student Records (FERPA)

Page 4 of 4

---

### **Parental/Guardian Notice Notification of Rights for Elementary and Secondary Schools**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

1. The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the Principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask the School to amend a record that they believe is inaccurate or misleading. They should write the Principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. 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 advise them 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.
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. Upon request, the District discloses education records without consent to officials of another school district in which a student has enrolled.
4. 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 20202-4605