

STUDENT EDUCATION RECORDS

The District shall comply with all required components of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA) when maintaining, retaining, granting access to, disseminating, and disposing of student educational records. In addition, the District shall comply with all notification requirements required by these laws.

Definitions

For the purpose of this policy:

- *Legitimate educational interest* is defined as access that is needed in order for a school official to fulfill his/her professional responsibility.
- *School official* is defined as:
 - a. An individual employed by the District in an administrative, instructional, or support staff position;
 - b. School board members;
 - c. A person or company contracted by the District to perform institutional services and/or functions, including, but not limited to, attorneys hired by the District and data storage and protection agencies;
 - d. A consultant hired to perform institutional services and/or functions for the District
- *Permanent record* is defined as a record containing a student's name, address, phone number, record of grades, years enrolled, courses attended, and grades completed.

Access

The District shall grant access to student educational records to individuals as authorized by law. When applicable, appropriate consent will be obtained and/or agreements established to release records and the District will honor opt-out requests. The District shall comply with all recordkeeping requirements related to record access and disclosure as delineated in law.

School officials with a legitimate educational interest in a student's educational record shall be granted access to the portions of the record that they have a need to know.

This list of school officials shall be included in the district's annual FERPA notification.

School officials will receive appropriate training and information on privacy to ensure records are not misused. The District shall put reasonable methods in place to ensure that school officials only obtain access to educational records or portions of educational records of which they have a legitimate educational interest.

Review and Amendments

The Board shall develop procedures for a parent/guardian/student to review and amend educational records. These procedures shall be delineated in board-approved regulations and shall be disseminated annually in accordance with law.

Record Dissemination

1. Other schools: When a student enrolls, intends to enroll, or has enrolled in another school, the District shall forward a copy of the student's educational record, including disciplinary records involving suspension and/or expulsion to the new school district without prior consent so long as disclosure is for enrollment or transfer purposes. The District shall retain the original student record.
2. Directory information: The Board defines directory information as:
 - a. Address
 - b. Date and place of birth;
 - c. Dates of attendance;
 - d. Degrees, honors, and awards received;
 - e. Electronic personal identifier]
 - f. Grade level;
 - g. Institutional electronic mail address;
 - h. Major field of study;
 - i. Most recent educational agency or institution attended;
 - j. Participation in officially recognized activities and sports;
 - k. Photograph;
 - l. Student's name;
 - m. Telephone listing;
 - n. Weight and height of members of athletic teams.

The District may release this information without a parent/guardian/ authorized student's consent unless the parent/guardian/authorized student has requested to opt-out. Opt-out notices will be disseminated in accordance with law. The Board shall approve a list of entities to which and/or specific purposes for which directory information may be disseminated, which shall be included in the annual FERPA notice.¹ The District shall provide applicable directory information to entities authorized to access to directory information under FERPA and North Dakota law unless a parent/authorized student has opted out.

3. The District may release the contents of a student's educational record for reasons permitted by law, such as, but not limited to, health and safety reasons after taking into account the totality of circumstances and determining an articulable and significant threat to the health and safety of the student or others exists.
4. The District may or, when required by law, shall release students' personally identifiable information from student educational records to authorized representatives, as defined by FERPA, in accordance with PII disclosure agreement requirements and other safeguard procedures mandated by FERPA regulations.
5. De-identified information may be released upon request if the request meets conditions permitting release of such information under law.

Record Retention & Destruction

¹ This language is optional and has not been tested under North Dakota's open record law.

All components of a student's educational record shall be retained for at least the duration required by state law after which the permanent record will at least be retained. No record will be destroyed for which there is an outstanding request from a parent/student to review.

Special education records may be retained for a duration longer than required by law at the discretion of the Superintendent except that, in accordance with law, personally identifiable information in a special education record must be destroyed at the request of the parent(s). Parents of special education students shall be notified and their consent shall be obtained before the non-permanent components of a special education student's educational record are destroyed.

Complimenting NDSBA Templates (may contain items not adopted by the Board)

- ACE, Violent & Threatening Behavior
- FACB, Transfer & Withdrawal Records
- FGA-BR, Student Education Records Access & Amendment Procedure
- FGA-E, Notice for Directory Information
- FGA-E2, Notification of Rights Under FERPA for Elementary and Secondary Schools

End of Velva Public School District Policy FG.....Adopted: 05.12.2015