

## **STUDENT RECORDS**

In order to provide students with appropriate instruction and educational services, it is necessary for the District to maintain extensive educational and personal information. This information will be maintained electronically in two secure geographically disparate locations in perpetuity. It is essential that these records be available to appropriate school personnel, accessible to the student's parent(s) or the student, and yet be guarded as confidential information. All special education records for inactive students are available through the District Office of Special Services. If available, historical records (microfilm and digitized elementary records) can be accessed through the office of Elementary and Secondary Education.

It is the policy of the school board that the Principal of each school will be the legal custodian of all student records for that school. Upon request, eligible students (18 years of age or attending post secondary education) and parent(s) will have access to their school records.

The school will notify parents and adult students annually of the following:

1. The type of records kept;
2. The procedure for inspecting and copying these records;
3. The right for interpretation;
4. The right to challenge data thought to be erroneous, the procedures for correcting or expunging erroneous data or inserting a rebuttal statement;
5. The right to lodge a complaint with the U.S. Department of Education if FERPA mandates are not adequately implemented.

Additionally, the District will notify parents or eligible students annually of the District's policy disclosure of personal information 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 educational records include all materials directly related to a student that a school maintains. Records and notes maintained by a teacher, administrator, school physician, or school psychologist for his or her own use, and which are not available to others are exempted from this definition as are records maintained by a law enforcement officer assigned to the school and maintained by the officer solely for law enforcement purposes. Unrecorded student peer grading or evaluation does not constitute educational records.

The school will require a prior written consent before information other than directory information may be divulged to third parties. Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's or eligible student's prior written consent. The Superintendent will provide a list of directory information according to U.S. Department of Education regulations.

An exception to this rule exists for school district employees who have legitimate interests in viewing the records, as well as officials in other schools in which the student seeks to enroll. Schools to which the student is transferring are entitled to see the records.

In order to ascertain safety issues with incoming students and ensure full disclosure, a school district in which a student is enrolled or is in the process of enrolling in may request the student's disciplinary records. If requested by the receiving district, the student's disciplinary records will be forwarded within three (3) business days.

The district may disclose, without the consent of an eligible student or parent, personally identifiable information in the educational records of a student to the U.S. Attorney General or designee in response to an investigation under the U.S. Patriot Act.

The Superintendent is directed to establish procedures to ensure compliance with the Family Educational and Privacy Act and other applicable acts and regulations.

Adopted 03/09/82  
Reviewed 05/24/88  
Revised 04/12/94  
Reviewed 06/13/00  
Revised 07/29/14

Legal Reference: Family Education Rights and Privacy Act (FERPA) of  
1974, P. L. 93-380  
ARSD 24:03:04:10  
ARSD 24:43:09:02 (Student records)  
20 USC §1232 (Family educational and privacy rights)  
34 CFR §99.31 (Conditions prior consent not required)  
Public Law 107-110 (No Child Left Behind Act of 2001)

Cross Reference: KBA, Public Rights to Know