

STUDENT RECORDS PROCEDURES

Classification of Records

For the purpose of security and access, the differing kinds of student data have been classified. Information about students that is collected and maintained by school personnel shall be separated into one of the following classifications:

Category A - Material directly related to a student as defined by JO (Official Records)

Category B - Directory Information

Category A - Official Records

Official permanent records constitute the minimum personal data necessary for operation of the school system, including factual information such as vital statistics, school attendance, and academic achievement:

1. Identification data (names, addresses of parents, guardians, siblings; not education level or occupation)
2. Birthplace and birth date
3. Race or ethnic group as required by federal agencies
4. Academic work completed and related reports of pupil progress
5. Attendance Data
6. Enrollment Data
7. Honors and Activities
8. Telephone number
9. Identity number
10. Level of achievement
 - a. Marks earned in courses of study (transcript, report card).
 - b. Standardized test results.
 - c. Test scores.
 - d. Rank in class.
 - e. Grade point average.
11. Date of graduation

Confidentiality Privilege of Counselors

The confidentiality law states that school guidance counselors who obtain information by reason of their employment as a qualified school counselor shall not be allowed to disclose any confidential communications properly entrusted to them by a student or parent or guardian without written permission of the individual involved.

External Agency Reports

These reports include confidential reports received from cooperating agencies such as child welfare, juvenile courts and hospitals, as well as those from private practitioners who are working or have worked with the student. Agency reports do not belong to the school. They are loaned to the school to be used under conditions, which are specified by the lending agency.

These reports are not part of the student's record. They are to be kept for only such a period of time, as they are relevant to the work with a particular student. They may be shared on a need-to-know basis with other certified school personnel. They are not to be released by the school. Any decision to release information from an agency report is the responsibility and prerogative of the agency and not of the school.

Administrative Responsibility for Student Records

1. The superintendent or designee shall be the custodian of all permanent records.
2. The principal or designee shall do the following:
 - a. Be the custodian of all permanent records at the building level and shall inform the parent community of all policies pertaining to such records
 - b. Make maximum provision for protection of records from review by unauthorized personnel
 - c. Have the overall responsibility for maintaining and preserving the confidentiality of student records.
 - d. Be responsible for classifying, reviewing, deleting and maintaining records.
 - e. Ensure that the school staff under the principal's jurisdiction receives periodic instructions and training regarding the privacy rights of students and parents and procedures governing student records.

General Regulations

1. Record of Request for Information

A record is to be maintained describing each request for information from the record, with the exception of certified District staff. The name of the person making the request and the purpose and date of the request are to be noted as well as whether or not the request was granted.

2. Types of Requests for Student Information
 - a. Telephone Requests

Requests for information via the telephone shall not be honored except to other educational systems where student plans to enroll or in the event of reasonable and legitimate requests in which the caller is known to the school official.

b. Written Requests

Requests for information by letter may be honored under the following conditions:

- 1) The request is made under an official letterhead.
- 2) The inquirer is properly identified in the correspondence.
- 3) The purpose of the request is clearly stated.
- 4) The written consent must specify the type of records to be released and to whom they are to be released. Each request for consent must be handled separately; blanket permission for the release of information shall not be accepted.
- 5) In an emergency situation when the student or parents cannot be reached, the principal or superintendent may at their discretion release information as needed for the health and/or safety of individuals or other persons.
- 6) Data for outside research purposes may be released in such a form that no individual student is identifiable.
- 7) Requests for information from sources not specifically identified in these regulations may be processed in accordance with safeguards established by the school administrator after consultation with appropriate District personnel.

c. In-Person Requests for Information

Upon presentation of proper identification, a person may make a request for information via personal visit. The request shall be honored under the following conditions:

- 1) The purpose of the request and the exact nature of the information requested must be stated and found satisfactory by the building principal.
- 2) The material shall be interpreted to the visitor by a qualified staff member.
- 3) The staff member shall be present during the entire in-person visit.
- 4) A record of the visit shall be made.

d. Electronic Requests

Electronic requests will be accepted only after receipt of proper identification and authentication and approval for electronic consent.

3. Sources of Requests for Information without Prior Written Consent

a. Parents or Guardians of students under 18 years of age and Parents or Guardians of students over the age of 18 who are listed as a dependent on the parents' Federal Income Tax return, and students eligible to view their own records. An Eligible Student is a student who is at least eighteen years of age or who is an emancipated minor or is married.

- 1) Authorized parents or guardians or an eligible student shall have access to the official records at all reasonable times.
- 2) Either parent or guardian has full access rights to the student's record unless the District has been provided with evidence that there is a court order, State law, or legally binding document relating to separation or custody that specifically revokes these rights and a separation or custody that specifically revokes these rights and a copy of such evidence shall be maintained in the file.
- 3) A counselor or other school official competent in interpreting student records shall be present to explain the records that are examined.
- 4) Written parental objection to the accuracy, authenticity or inclusion of data recorded in the cumulative record shall become part of the record upon request of the parents.
- 5) Parents shall have an opportunity for a hearing to challenge the content of their child's school records to insure that the records are accurate, not misleading or otherwise in violation of the privacy or other rights of students and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein.

b. Family Members Other Than Parents

The release of information to family members other than parents/guardians can be made only with the written consent of the parents or guardian or by the student if he/she is of legal age.

c. Certified and Non-certified School and District Staff

Only school personnel, in the routine performance of their duty, shall have access to student records. School personnel shall respect and observe the importance and confidentiality of student records.

d. Agency or Institution

All information released to an agency or institution should be directed to a specifically named representative. Requests for information originating from any federal, state, county or local agency having any legitimate interest in the student's record and having the power of judicial order or subpoena may be processed according to these regulations so long as the use is consistent with their statutory powers or responsibilities.

4. The Right to Withhold Information

In the course of processing a request for information, a reasonable doubt on any aspect of the request or concern about the authorization to process the request shall be deemed sufficient reason for the staff member to act in a prudent manner and to withhold all or part of the information until such time as the question is resolved.

5. Records Containing Information for More than One Student

If the records of a student contain personally identifiable information or could lead to the identification of more than one student, the parents/guardian of a student or the eligible student may inspect and review, or be informed of, only the specific information which pertains to that student.

6. Release of Official Transcripts

Transcripts of a student's academic record bearing the school seal (official transcript) will be released only to accredited schools, colleges, agencies and institutions to protect the integrity of the document. After three official transcripts per student are sent, or five years have elapsed since the last date attended, the sending school will charge the student for each additional transcript.

7. Requests for Change in Surname

A request to change a child's surname on student records is to be granted only under the following circumstance:

A legal document must be presented which directs the surname change.

Adopted	03/09/82
Reviewed	05/24/88
Revised	04/12/94
Revised	06/13/00
Revised	07/29/14
Reviewed	05/23/16

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)

SDCL 19-13-21.1 (Elementary or Secondary School Counselor and Student

SDCL 13-32-4.3 (Effect of student's suspension or expulsion on enrollment

SDCL 13-3-56 (Test scores part of permanent record – Release of scores)

Cross Reference: KBA, Public Rights to Know