

DESCRIPTOR TERM: Students	Millard District Policy File Code: 6170 Approved: 02-08-18
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STUDENT RECORDS POLICY

A. District Responsibility

It shall be the responsibility of Millard School District to maintain accurate, pertinent records on all students enrolled in the district, and to assure their privacy and confidentiality.

B. Definition

For purposes of this policy, the term “educational records” include the following:

1. All materials in a child’s cumulative folder.
2. Special records or materials accumulated for special programs, such as Special Education, Title I, Alternative Language Services, or any other school sponsored program.
3. Medical or health records.
4. Anecdotal or daily observations.
5. Testing materials, individual or group.
6. Grades.

C. Confidentiality

1. To assure confidentiality and security of educational records, all records will be housed in a locked file or room. A records manager will be appointed by the school principal. The records manager will be responsible for the security and confidentiality of the records.
2. A list of any person authorized to access records will be posted in a conspicuous place in the room where the records are kept. (See Section G of this policy)
3. A person authorized to review records, but not identified on the posted list under Section C2 above, must sign a Records Request and Review Log (form attached to this policy) each time a child’s records are reviewed.

4. Any person under eighteen (18) years of age must have written permission from a parent/legal guardian to review his/her own records.
5. Any student eighteen (18) years of age or older may be accorded the right to review his/her own records.

D. Transfer of Records

1. If a student enrolls or seeks to enroll in another school, copies of the student's education records will be transferred without delay to the new school upon the request of the new school or the student's parent/legal guardian.
2. Transcripts of credits will not be released unless authorized by a parent or legal guardian of a student who is under eighteen (18) years of age. A student eighteen (18) years of age or older may request his/her transcript of credit.
3. Other than for the provision mentioned above, records or information will not be released to any individual or agency without proper authorization by a parent or guardian, or by students eighteen (18) years of age or older unless otherwise requested by the courts.

E. Millard School District Data Ownership and Access Policy

1. Millard School District will require a signed and dated written request, which must include the person's name, address, phone number, student's name, student identification number (SID), school name in which their student is enrolled, relationship to the student, items requested for review, and reason for making the request.
2. Millard School District will require proof of identity and relationship to the student before access to records is granted.
3. Requests for access to any Millard School District secure materials will require a signed security/confidentiality agreement prior to inspection.
4. Any proper request for access to inspect and review any personally identifiable data by the eligible student or the student's parents will be granted without unnecessary delay and no more than 45 days after the request is made and the right to access is established by proof of identity and a signed security/confidentiality agreement, if requesting secure materials.
5. If any record includes data on more than one child, the parents shall be allowed to inspect and review only those records relevant to their child.

6. Parents shall be provided a response to reasonable requests for explanation or interpretation of the data.
7. Parents and students, when applicable, have the right to a due process hearing to challenge the content of their child's record or to ensure that the records are accurate and in no way, violate the student's right to privacy.
8. Each school is required to keep a log of individuals who request and receive permission to review school records. The log shall consist of the reviewer's name, the date of the review, and the reason for the review. School employees, as outlined in Section G2 below, are not required to sign the log when accessing student record information. A copy of the Records Request and Review Log is attached to this policy.
9. The Records Request and Review Log will be kept in the CUM folder of the student whose records are reviewed.

F. Right to Amend Records

1. Any parent, guardian, or student eighteen (18) years of age or older may make a formal petition to amend a student's record they believe to be inaccurate or misleading. They should write the school principal (or appropriate school official), clearly identifying the part of the student record they want changed, specifying why it is inaccurate or misleading.
2. Approval or disapproval for the amendment will be granted by building or district level administration.
3. In the case where a parent/guardian or student eighteen (18) years of age or older is denied the right to amend a record, an appeal may be made in writing to the superintendent or his designee within ten (10) calendar days of the denial. The superintendent or his/her designee will schedule a hearing with the parent/guardian or student eighteen (18) years of age or older. The superintendent will inform the appellant of his/her decision within five (5) days after the hearing. An appellant may appeal the determination of the superintendent to the Board of Education by filing a written notice of appeal with the superintendent within ten (10) days of the date the decision of the superintendent was mailed to the appellant. The Board's written decision will be issued within five (5) days of their review. The Board's decision is final.

G. Right to Disclosure Without Consent

1. Disclosure without consent is permitted to school officials with legitimate educational interests.

2. A school official is a person employed by the Millard School District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement personnel); a person serving on the Millard School Board of Education; 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 or her tasks. A listing of these individuals that may be posted in the school is included as an attachment to this policy.
3. 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.
4. Upon request, the district may also disclose student records without consent to officials of another school district in which a student seeks or intends to enroll.

H. Directory Information

1. The Family Rights and Privacy Act (FERPA), a federal law, requires that Millard School District, with certain exceptions, obtain written consent prior to the disclosure of personally identifiable information from a student's education records.
2. Millard School District may disclose appropriately designated "directory information" without written consent, unless parents/guardians or students over eighteen (18) years of age have expressly advised the district to the contrary in accordance with district procedures.
3. The primary purpose of directory information is to allow Millard School District to include information from the student's education record in certain school publications. Examples include:
 - a. a playbill, showing the student's role in a dramatic production;
 - b. the annual yearbook;
 - c. honor roll or other recognition lists;
 - d. graduation programs; and
 - e. sports activity sheets, such as for wrestling, showing the weight and height of team members.
4. Directory information which is generally not considered harmful, or an invasion of privacy if released, can be disclosed to outside organizations

- without the prior written consent of a parent/guardian or student eighteen (18) years of age or older. Outside organizations include, but are not limited to companies that manufacture class rings, publish yearbooks, etc.
5. If a parent/guardian or student eighteen (18) years of age or older does not wish Millard School District to disclose directory information from the student's education records without prior written consent, they must notify the district prior to September 1st of each school year.
 6. Millard School District has designated the following information as directory information:
 - a. student's name;
 - b. participation in officially recognized activities and sports;
 - c. address;
 - d. telephone listing;
 - e. weight and height of members of athletic teams;
 - f. photograph;
 - h. degrees, honors, and awards received; and
 - i. grade level

I. Purging or Disposing of Records

1. Millard School District shall retain and dispose of student records in accordance with Section 63G-2-604, 53A-1-1407, and comply with active retention schedules for student records per Utah Division of Archive and Record Services.
2. In accordance with 53A-1-1407, Millard School District shall expunge student data that is stored by the education entity upon request of the student if the student is at least 23 years old. The LEAs may expunge medical records and behavioral test assessments. An education entity shall not expunge student records of grades, transcripts, and a record of the student's enrollment or assessment information.
3. Millard School District or its schools may create and maintain a cumulative disciplinary record for a student.

J. To File a Complaint

1. Parents/guardians and students eighteen (18) years of age and older have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the Millard School District to comply with the requirements set forth in this policy.
2. Complaints must be in writing and should be sent to the office that administers FERPA (Family Educational Rights and Privacy Act):

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, D.C. 20202-4605

Attached:

Authorized School Officials Who May Review Records without Consent
Records Request and Review Log

Authorized School Officials Who May Review Records without Consent

- Administrator
- Supervisor
- Instructor
- Support Staff Member
- Health/Medical Staff
- Law Enforcement Personnel
- Millard School District Board of Education Member
- Person or Company contracted to perform a special task
 - Attorney
 - Auditor
 - Medical Consultant
 - Therapist
- Parent or student serving on an official committee
 - Disciplinary or grievance committee
 - Assisting another school official in performing his or her tasks

Records Request and Review Log

Reviewer's Name	Date of Review	Reason for Review	Student's Name