

Student Records/Release of Information on Students

(Notification to Parents and Students of Rights Concerning Student School Records)

The Family Educational Rights and Privacy Act (FERPA) and Colorado law afford parents/guardians (parents) and students over 18 years of age (eligible students) certain rights with respect to the students education records, as follows:

1. The right to inspect and review the students education records within 3 days of the district receiving a request for access.

A parent or eligible student making such a request must submit to the school principal [or appropriate school official] a written request that identifies the records(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 students education records that the parent or eligible student believes are inaccurate, misleading or otherwise violates the privacy rights of the student.

A parent or eligible student may ask the district to amend a record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student by writing to the school principal [or appropriate school official] clearly identifying the part of the record they want changed and specifying why it is inaccurate, misleading or otherwise violates the privacy rights of the student.

If the principal decides not to amend the record as requested, the principal 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 disclosure of personally identifiable information contained in the students education records, except to the extent that FERPA and state law authorize disclosure without consent.

Whenever the district is required by law or policy to seek written consent prior to disclosing personally identifiable information regarding a student, the notice provided to the parent or eligible student shall contain the following:

- The specific records to be released;
- The specific reasons for such release;
- The specific identity of any person, agency or organization requesting such information and the intended uses of the information;
- The method or manner by which the records will be released; and
- The right to review or receive a copy of the records to be released.

Parent or eligible student consent shall only be valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity, special education program or in any other school program shall not constitute the specific written consent required.

All signed consent forms shall be retained by the school district.

Disclosure of personally identifiable information can be made without consent to the following:

a. A school official within the district, who has a legitimate educational interest in the education record or the personally identifiable information contained therein. A school official is a person employed by the district as an administrator, supervisor, teacher, or support staff member; a person serving on the Board of Education; a person or company with whom the district has contracted to perform specialized tasks (such as an attorney, auditor, consultant or health care provider); or a parent or student serving on an official committee, or assisting another school official in performing his or her tasks.

A school official has legitimate educational interest if disclosure to the official is:

(1) Necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement;

(2) Used within the context of official district business and not for purposes extraneous to the officials areas of responsibility;

(3) Relevant to the accomplishment of some task or to a determination about the student; and

(4) Consistent with the purposes for which the data are maintained.

b. Officials of another school, school system or postsecondary institution that has requested the records and in which the student seeks or intends to enroll. In this case, disciplinary information may be included. The district will provide a copy of the record to the eligible student or students parents if so requested.

c. In connection with a students application for or receipt of financial aid.

d. A criminal justice agency investigating a criminal matter concerning a student enrolled or who will enroll in the school district when necessary to effectively serve the student prior to trial. Such information shall only include disciplinary and attendance information and shall only be shared upon certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the student's parent.

e. Educational testing and research organizations for the purpose of administering student aid programs or improving instruction or predictive tests as long as confidentiality is maintained and such organizations are required to destroy records after they no longer are needed.

f. Accrediting institutions to carry out their accrediting functions.

g. Parents of students over 18 years of age that are dependent for federal income tax purposes.

h. In emergency situations to appropriate persons if the information is necessary to protect the health or safety of the student or others.

i. Anyone if required by a court order or subpoena. The district will make reasonable efforts to notify the parent or eligible student prior to complying with the subpoena or court order. The district will not provide such notice if the subpoena is issued by a federal grand jury or any other law enforcement purpose where the court has ordered non-disclosure of the existence or contents of the subpoena or information furnished.

j. A court presiding over a legal action initiated by the school district where the education records are relevant, or initiated by a parent or eligible student where the records are relevant for the school districts defense.

The school district may disclose group scholastic achievement data from which the individual cannot be identified without written consent of the parent or eligible student.

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 is:

Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

5. The right to refuse to permit the designation of any or all of the categories of directory information.

The district is permitted by law to disclose directory information without written consent of the parent or eligible student. Directory information means information contained in a students education record that would not generally be considered harmful or an invasion of privacy if disclosed. The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 7 or the following Monday if September 7 is a Saturday or Sunday.

Directory information which may be released includes but is not limited to the student's name, e-mail address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors and awards received, the most recent and previous education agency or institution attended by the student, and other similar information. Student telephone numbers and addresses shall not be disclosed pursuant to this section.

6. The right to request that information not be provided to military recruiting officers. Names, addresses and home telephone numbers of secondary school students will be released to military recruiting officers within 90 days of the request unless a parent or student submits a written request that such information not be released.

(Adopted: Aguilar RE-6: July 21, 2009)