

Student Records/Release of Information on Students

1. Content and custody of records/information

Student education records in all formats and media, including photographic and electronic, may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any individual education program (IEP).

Education records do not include records maintained by a law enforcement unit of the school or school district that are created by that unit for the purpose of law enforcement.

Nothing in this policy shall prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from a student's education records.

All requests for inspection and review of student education records and requests for copies of such records, as well as disclosure of personally identifiable information except as provided by law, shall be maintained as a part of each student's record.

The principal is the official custodian of student records in his or her building.

2. Access to records by parents and eligible students

A parent/guardian ("parent") has the right to inspect and review their child's education files. However, if a student is 18 years old or older ("eligible student"), the student may inspect or review his or her own records and provide written consent for disclosure of such records and personally identifiable information therein. If an eligible student is a dependent for federal income tax purposes, the parent also is entitled to access his/her child's educational records despite the lack of written consent from the eligible student.

During inspection and review of student records by a parent or eligible student and when requested by them, the principal will provide personnel necessary to give explanations and interpretations of the student records.

In all cases where access to student records is requested, except as provided in this policy, a written request to see the files must be made by the parent or eligible student. The principal, upon receipt of the written request, shall provide access to inspect and review the records and set a date and time for such inspection and review. In no case will the date set be more than three working days after the request has been made.

The parent or eligible student shall examine the student's records in the presence of the principal and/or other person(s) designated by the principal.

Only licensed personnel such as the assistant principal or counselor may be so designated.

The record itself shall not be taken from the school building. However, upon request, one copy of the record shall be provided within a reasonable time to the parent or eligible student at a cost of \$.25 per page.

3. Requesting records from other school districts

When a student transfers to this school district from another district, the receiving school shall request the student's records from the transferring district if the records have not already been forwarded to the receiving school.

4. Transferring records to other school districts/post secondary institutions

Student records, including disciplinary records, may be transferred without consent to officials of another school, school system, or post secondary institution that has requested the records and in which the student seeks or intends to enroll. The district will provide a copy of the record to the eligible student or student's parents if so requested.

5. Requesting and receiving information and records from state agencies

Within the bounds of state law, school district personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including protecting public safety and the safety of the student. Such information may be obtained from the judicial department or any state agency that performs duties and functions under the Colorado Children's Code.

School district personnel receiving such information shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of all information obtained.

If such information is shared with another school or school district to which a student may be transferring, it shall only be shared in compliance with the requirements of federal law, including the Family Education Rights and Privacy Act of 1974 ("FERPA").

6. Request to amend education records

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. The request to the principal to amend a student's records must be made in writing within 10 school days of the date the records were first examined.

If the principal, after consulting with any other person having relevant information, decides not to amend the record as requested by the parent or eligible student, the principal shall 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 shall be provided to the parent or eligible student when notified of the right to a hearing.

A request for a formal hearing must be made in writing and addressed to the superintendent of schools. The response to the request shall be mailed within 10 school days. The hearing shall be held in accordance with the following:

- a. The hearing will be held within 15 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent or eligible student by certified mail.
- b. The hearing will be conducted by a principal or higher administrative official as designated in writing by the superintendent. The official conducting the hearing shall not be the principal who made the initial decision nor shall it be anyone with a direct interest in the outcome of the hearing.
- c. Parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
- d. The official designated above shall make a decision in writing within 10 school days following the conclusion of the hearing and shall notify the parent or eligible student of that decision by certified mail.
- e. The decision of the official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
- f. The decision shall include a statement informing the parents or eligible student of their right to place in the student records a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained by the school district. If the student record is disclosed by the school to any other party, the explanation shall also be disclosed to that party.

7. Disclosure with written 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:

- a. The specific records to be released
- b. The specific reasons for such release

- c. The specific identity of any person, agency or organization requesting such information and the intended uses of the information
- d. The method or manner by which the records will be released
- e. 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.

8. Disclosure without written consent

The district will disclose personally identifiable information from student records without written consent of the parent or eligible student only to those persons or entities allowed under federal or state law to receive such information.

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. Another circumstance that permits disclosure without written consent is disclosure to a school official within the district having a legitimate educational interest in the education record or the personally identifiable information contained therein.

For purposes of this policy, 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 attorneys, auditors, consultants and health care providers); or a parent/guardian or student serving on an official committee or assisting another school official in performing his or her tasks.

A school official has a "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 official's 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.

Other circumstances that permit disclosure without written consent are listed in the notice to parents and students of rights concerning student records ([JRA/JRC-E-1](#)).

9. Disclosure of disciplinary information to school personnel

In accordance with state law, the principal or designee is required to communicate disciplinary information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. The purpose of this requirement is to keep school personnel apprised of situations that could pose a risk to the safety and welfare of others.

Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person. The principal or designee is required to inform the student and the student's parent when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student's parent may challenge the accuracy of such disciplinary information through the process outlined in the notice to parents and students of rights concerning student school records ([JRA/JRC-E-1](#)).

10. Disclosure to military recruiting officers

Names, addresses and home telephone numbers, as well as directory information, 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. Reasonable and customary actual expenses directly incurred by the district in furnishing this information will be paid by the requesting service.

11. Disclosure to Medicaid

In all cases in which a student is enrolled in the Colorado Medicaid program, the district shall release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The district shall obtain written consent annually from a parent before the release of any non-directory information required for billing. To accomplish this, the district shall:

- include a consent form with the "start of school" information each fall.
- include a consent form with IEP packet materials.
- include a consent provision on the Medical Emergency form.

12. Disclosure to criminal justice agencies

The superintendent or designee is authorized by law to share disciplinary and attendance information with 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 be shared upon written 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.

13. Disclosure to the Colorado Commission on Higher Education (CCHE)

On or before December 31 of each school year, the school district shall disclose to the CCHE the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

14. Disclosure to other parties

Except as noted in this policy, student records will not be released to other individuals and parties without a written request and authorization of the parent or eligible student.

15. Disclosure of directory information

The school district may disclose directory information without written consent of the parent or eligible student. 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" means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. 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 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.

16. Annual notification of rights

The district will notify parents and eligible students of their rights pursuant to this policy at the beginning of each academic year. The notice will be in the form provided on exhibit **JRA**/JRC-E-1. For notice to parents or eligible students who are disabled or whose primary or home language is other than English, the format or method of notice will be modified so it is reasonably likely to inform them of their rights.

A copy of the Family Educational Rights and Privacy Act and this policy may be obtained from the office of the superintendent during normal business hours.

17. Waivers

A parent or eligible student may waive any or all rights protected by this policy. The waiver shall not be valid unless in writing and signed by the parent or eligible student. The district does not require a waiver but may request a waiver. Any waiver under this provision may be revoked at any time in writing.

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

LEGAL REFS.: 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act*)

20 U.S.C. 7908 (*military recruiter information contained in No Child Left Behind Act of 2001*)

34 C.F.R. 99.1 *et seq.* (*FERPA regulations*)

C.R.S. [19-1-303](#) and [304](#) (*records and information sharing under Colorado Children's Code*)

C.R.S. [22-1-123](#) (*district shall comply with FERPA*)

C.R.S. [22-32-109](#)(1)(ff) (*duty to establish policy on disclosing eighth grade students names and mailing addresses to the Colorado Commission on Higher Education*)

C.R.S. [22-32-109.1](#)(6) (*duty to establish policy on sharing information consistent with state and federal law in the interest of making schools safe*)

C.R.S. [22-32-109.3](#)(2) (*duty to share disciplinary and attendance information with criminal justice agencies*)

C.R.S. [22-33-106.5](#) (*court to notify of conviction of crime of violence and unlawful sexual behavior*)

C.R.S. [22-33-107.5](#) (*school district to notify of failure to attend school*)

C.R.S. [24-72-204](#)(3)(a)(VI) (*schools cannot disclose address and phone number without consent*)

C.R.S. [24-72-204](#)(3)(d) (*information to military recruiters*)

C.R.S. [24-72-204](#)(3)(e)(I) (*certain FERPA provisions enacted into Colorado Law*)

C.R.S. [24-72-204](#)(3)(e)(II) (*disclosure by staff of information gained through personal knowledge or observation*)

C.R.S. [24-72-205](#)(5) (*fee for copying public record*)

C.R.S. [25.5-1-116](#) (confidentiality of HCPF records)

CROSS REFS.: [GBG](#), Liability of School Personnel/Staff Protection

[JK](#), Student Discipline

[JLC](#), Student Health Services and Records

[JRCA*](#), Sharing of Student Records/Information between School District and State Agencies

[KLMA](#), Relations with Military Recruiters, Postsecondary Institutions and Prospective Employers

[Revised January 2008] COLORADO SAMPLE POLICY 1993 ©