



Regulation 0518-10

Education Records

- ⁸ Education Records include a range of student information maintained in multiple formats, including handwritten or printed documents, computer media, video or audio recordings, film, microfilm and microfiche.
- ¹⁰ Student Education Records are confidential, subject to statutory and court authorized disclosures.
- ¹² Educational Records may include:
- ¹⁴ • Date of birth (Birth Certificate)
 - ¹⁵ • Proof of Residency
 - ¹⁶ • Transcripts, course schedules, attendance records, schools attended, and special education/special program records
 - ¹⁷ • Disciplinary records (severe disruptive behavior)
 - ¹⁸ • Applicable medical and health records
 - ¹⁹ • Personal information such as a student's state and district identification number
- ²¹ Records falling within the definition of "Education Record" pursuant to the Family Educational Rights and Privacy Act (FERPA) do not fall within the purview of HIPAA requirements. Reports, evaluations, summaries received by a school, including health records may be shared with individuals with legitimate educational interest and will move with a student if he/she transfers.
- ²³ Personal notes made by teachers and other school officials that are not shared with others (except substitutes) are not considered Education Records and are not maintained by the District.

25 Student's Legal Name

- ²⁷ The use of the student's legal name is required in the permanent file and can only be changed by court order or the production of a new or amended Birth Certificate.

29 Disclosure of Education Records

- 31 The District will disclose information from a student's Education Records only with the written consent of the parent/guardian or eligible student, with the exception that the District may disclose without consent when the disclosure is:
- 33 • To school officials who have a legitimate educational interest in the education records. A school official is:
 - 35 ◦ A person employed as an administrator, supervisor, instructor, or support staff member, including health services staff.
 - 36 ◦ A person elected or appointed to the Board of Trustees.
 - 37 ◦ A person employed by or under contract to the District to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
 - 38 ◦ A person who is employed as a school resource officer.
 - 40 • A school official has a legitimate educational interest if the official is:
 - 42 ◦ Performing a task that is specified in his or her position description or by a contract/ agreement with the District.
 - 43 ◦ Performing a task related to a student's education.
 - 44 ◦ Performing a task related to the discipline of a student.
 - 45 ◦ Providing a service or benefit relating to the student or student's family/guardian, such as health care, counseling, job placement, or financial aid.
 - 46 ◦ Maintaining the safety and security of the campus.
 - 48 • To officials of another school, upon request, in which a student seeks to enroll.
 - 50 • To officials of the U.S. Department of Education, the Comptroller General, the state and local educational authorities, in connection with audit or evaluations of state or federally supported education programs.
 - 52 • In connection with a student's request for financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
 - 54 • To state and local officials or authorities if specifically required by a state law.
 - 56 • To organizations conducting studies for or on behalf of the District.
 - 58 • To accrediting organizations to carry out their functions.
 - 60 • To parents/guardians of an eligible student if the student is proven to be a dependent for income tax purposes.
 - 62 • To comply with a judicial order or a lawfully issued subpoena.
 - 64 • To appropriate parties in a health or safety emergency.
 - 66 • To individuals requesting Directory Information so designated by the District.
 - 68 • Upon the request or approval of a parent/guardian/eligible student.

70 Family Educational Rights and Privacy Act Requirements (FERPA):

- ⁷² Students and parents/guardians will be given notification of their rights as defined by FERPA once every year. The annual notice will contain information regarding the right to inspect their student's education records, the right to seek an amendment to the record, and the right to consent to the disclosure of personally identifiable information. The notice will also inform the students and parents/guardians of their right to file a complaint with the U.S. Department of Education.

74 Inspection of Records

- ⁷⁶ Student Education Records will be available for inspection by parents/guardians and eligible students upon written request. The request will be granted within a reasonable time (not to exceed forty-five (45) calendar days). When an Education Record contains information about students other than a parent's student or the eligible student, the parent or eligible student may not inspect and review the portion of the Education Record that pertains to other students.

78 Record of Requests

- ⁸⁰ The District will maintain a record of all requests for information from a student's Education Records. The record will indicate the name of the party making the request, any additional party to whom the information may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parent/guardian or eligible students.

82 Non-custodial Parent

- ⁸⁴ Access to Education Records and information pertaining to a minor student including, but not limited to, medical, dental, health, and school or educational records, shall not be denied to a parent because the parent is not the student's custodial parent. See Idaho Code 32-717A, 33-133, Idaho Code and the Family Education Rights and Privacy Act and its corresponding regulations 20 U.S.C. 1232g and 34 CFR Part 99.
- ⁸⁶ The District will remove information regarding the address of the minor student prior to providing the information to the non-custodial parent when this action is compliant with the provisions of Idaho Code. See 32-717A, Idaho Code.

88 Record Amendment

- ⁹⁰ Parents/guardians or eligible students have the right to ask to have Education Records corrected they believe are inaccurate, misleading, or in violation of their privacy rights. A request for an amendment of an Educational Record is not a guarantee that such amendment will occur. The District will decide if a request is approved. The following procedures are applicable when there is a request for correction of Education Records:
- ⁹² • Parents/guardians or the eligible student must make a written request to the District to amend an Education Record. In so doing, they should identify the part of the Education Record they want amended and specify why they believe the Educational Record is inaccurate, misleading or in violation of the student's privacy rights.
 - ⁹³ • The District may agree with the request and amend the Educational Record or the District may decide the Educational Record is correct and not a violation of the student's privacy right and decide not to amend the Educational Record. If the District decides not to amend the Educational Record, the District will notify the parents/guardians or eligible student of the decision and advise them of their right to a hearing to challenge the District's determination regarding the information the requesting party believes to be inaccurate, misleading, or in violation of the student's privacy rights.
 - ⁹⁴ • Upon request, the District will arrange for a hearing, and notify the parents/guardians or eligible student, reasonably in advance, of the date, place, and time of the hearing. Such shall be completed no later than 45 calendar days from the District's receipt of the request.
 - ⁹⁵ • The hearing will be conducted by a District official. The parents/guardians or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's Education Records. The parents/guardians or student and/or the District official may be assisted by an attorney.
 - ⁹⁶ • The District will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the basis for the District's decision.
 - ⁹⁷ • If the District decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, the District will amend the Education Record and notify the parents/guardians or eligible student, in writing, that the Education Record has been amended.
 - ⁹⁸ • If the District decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents/guardians or eligible student that they have a right to place in the student's Education Record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's Education Records as long as the contested portion is maintained. If the District discloses the contested portion of the record, it must also disclose the statement of disagreement.

100 Time Requirements for Maintaining Educational Records

- ¹⁰² The General Education Provisions Act and the related federal regulations for State-Administered Programs both require that delineated Educational Records relating to federal funds be retained for at least three (3) years after the completion of the activity.
- ¹⁰⁴ With regard to Medicaid-related records, the District will retain such for a period of five (5) years.
- ¹⁰⁶ Retention of special education records will be done by the Special Services Department and shall remain consistent with the provisions of the Individuals with Disabilities in Education Act.
- ¹⁰⁸ With the exception of Permanent Educational Records, education records will only be kept for a period of five (5) years after the student graduates from high school from the District.

110 Permanent Education Record

- ¹¹² The following information will be maintained by the District as a high school student's Permanent Education Record:
- ¹¹⁴ • Student's legal name
 - ¹¹⁵ • Date of birth
 - ¹¹⁶ • Entrance and withdrawal record - non-high school graduates
 - ¹¹⁷ • Student state and District identification number
 - ¹¹⁸ • Transcripts
 - ¹¹⁹ • Date of graduation, if applicable
- ¹²¹ The Permanent Education Record of each graduated student is maintained by the District. The principal, individual teachers and special education personnel may also have files containing specific educational records. However, such files are not maintained by the District as part of the student's Permanent Education Record.
- ¹²³ Graduated students and non-graduated high school students may also have educational records contained in the District's electronic records programs.

125 Directory Information

- ¹²⁷ Directory Information is the information that can be disclosed by the District, without additional action or individualized parental consent. The District is required to provide parents/guardians and adult students with written notice as to the matters considered by the District to be Directory Information. This notice will be given annually at the time of the student's enrollment. The notice includes:
- ¹²⁹ • The information designated as Directory Information.

130 • The right of the parent/guardian or eligible student to refuse to allow the District to disclose Directory Information regarding their student, in whole or in part. This request must be received by the District in writing within 30 calendar days of receipt of the notice.

132 ◦ For the purposes of opting-out of Directory Information, the parent/guardian or adult student's annual designation in the District's electronic student information system shall be deemed by the District as a written opt-out notification.

134 Directory Information includes:

136 • Student's legal name

137 • Enrollment status, awards earned, honor roll data, and diploma earned

138 • Participation in officially recognized activities and athletics

139 • Weight and height only with regard to members of athletic teams and only to the extent that such is publicly disclosed for the subject athletic event

140 • Information found in school yearbooks or activities and athletic programs

141 • Photographs or videotapes of the student used by the District for recognition of student achievement, awards, and for community relations, including but not limited to inclusion in District publications, video presentations, social media and on the District's web site

143 In accordance with the Every Student Succeeds Act and the National Defense Authorization Act, as the District receives federal funds, Directory Information as well as student names, addresses and phone numbers will be made available to the military or institutions of higher education upon request. Parents/legal guardians or students over the age of 18 may opt-out, requesting in writing that their information not be released.

145 Transfer of Records

147 Whenever a student transfers from one school to another, within the District, the sending school will transfer all education records to the appropriate school.

149 Whenever a student transfers from one school to another, within the state, or elsewhere, and the sending school is requested to forward student Education Records, the sending school shall respond by forwarding a certified copy **and/or a secure electronic link** of the transferred student's education record within ten days (exception according to Idaho Code 18-4511).

151 The District will not transfer a student's birth certificate or immunization records to any other public school district, private k-12 school, or charter school associated with a student transfer.

153 Disciplinary Records

155 When an Education Record contains information of violent or disruptive behavior or disciplinary action of a student, the information shall be included in the transfer of student education records. ***The disciplinary information is to be transferred by placing such in sealed envelopes, marked confidential, and addressed to the principal or assistant principal and/or through a secure electronic link.* **

157 Students with Disabilities

- 159 The parents/guardians of students/eligible student with disabilities have the right to inspect and review the Educational Records of their student upon written request. The request will be granted within a reasonable time (not to exceed forty-five (45) calendar days). Typical situations for request include:
- 161 • Before any meeting regarding an Individualized Education Program (IEP).
 - 162 • Before any hearing relating to the identification, evaluation, or educational placement of a student.
 - 163 • Before any hearing relating to the provision of a Free Appropriate Public Education (FAPE) to a student.
- 165 Parents/guardians of students/eligible student with disabilities shall be notified when personally identifiable information that has been collected (more than five (5) years old) is no longer needed to provide services to the student. The information must be destroyed at the request of the parent/guardian. Permanent Educational Records maintained by the District, as are maintained for every student, will not be destroyed and records in addition to traditional Permanent Educational Records may be maintained with regard to students receiving services under IDEA.

167 Inactive Student Cumulative Education Record Destruction

- 169 Records of inactive/former students of the District are handled in a manner different than currently enrolled students and students who graduate from the District.
- 171 The secure identification and destruction of inactive student physical cumulative Education Records that are no longer required to be maintained shall be addressed in accordance with this Administrative Regulation.

173 Definition of Inactive Student Cumulative Education Record

- 175 An Inactive Student Cumulative Education Record is defined as:
- 177 • The paper and/or electronic cumulative education record of a student who withdrew or otherwise stopped attending a District school. This should include any preschool or kindergarten records.
 - 178 • A paper and/or electronic cumulative education record created in an elementary school but not transferred to a middle school or created in middle school but not transferred to a high school or created in high school and the student withdrew.
 - 179 • A paper and/or electronic cumulative education record of a student who passed away during elementary, middle or high school.

181 Criteria and Process for Record Destruction

183 The District may destroy elementary, middle, and high school Inactive Cumulative Education Records for all former students through the following process:

185 Identification of Records

- 187 1. Designated school personnel (e.g., District designee, building registrar and administrator) shall identify paper cumulative files at each Elementary, Middle, and High School that meet the definition of Inactive Student Cumulative Education Record.

189 Organization of Records

- 191 1. Inactive Student Cumulative Education Record shall be sorted and stored by student date of birth (DOB) to align with the established “**Age of Destruction Table**” for consistency and efficiency.

193 Retention of Key Student Information

195 The following information (if available) shall be recorded prior to destruction of the paper Cumulative Education Record:

- 197 • Student's legal name
- 198 • Student identification number (EDUID and/or PS)
- 199 • Date of birth
- 200 • Date of destruction
- 201 • Name of the authorized individual who performed the destruction.

203 Transfer of Retained Destruction Information

- 205 1. The electronic Student Records Destruction Form from each individual school shall be transferred to the District Service Center and stored by the Student Integration and Information System Department.
- 206 2. Beginning with the 2006-2007 school year was the first year of an electronic student information system, PowerSchool (PS) which manages student educational records. This pertains to students who enrolled in school with a DOB on or the day of September 1, 2001.

208 Secure Destruction of Records

- 210 1. All paper Inactive Cumulative Education Records identified for destruction shall be shredded to ensure the safety and confidentiality of student information. This process shall align with industry best practices for handling personally identifiable information (PII).

212 Compliance with Legal and District Policies

- 214 1. This process shall be conducted in compliance with the Family Education Rights and Privacy Act (FERPA), state records retention laws, and any applicable District Policies.
- 215 2. The District's Registrars are responsible for oversight of Inactive Student Cumulative Education Record Destruction and compliance with this Administrative Regulation and all possible federal and state laws.
- 216 3. The electronic Inactive Student Cumulative Education Record Destruction log will be maintained by the Student Integration and Information System Department.