

## EDUCATION RECORDS ACCESS

The Board recognizes the importance of maintaining **education student** records and preserving their confidentiality **as provided by law**. **Education Student** records ~~are containing personally identifiable information shall be~~ kept confidential at collection, storage, disclosure, and destruction stages. The board secretary is the custodian of **education student** records. **Education Student** records may be maintained in the central administration office or administrative office of the student's attendance center. **Student is defined as an enrolled individual, PK-12, including children in school district sponsored child-care programs.**

### Definitions

For the purposes of this policy, the defined words have the following meaning:

- "Education Record" means those records that contain information directly related to a student and which are maintained by an education agency or institution or by a party acting for the agency or institution.
- "Eligible Student" means a student who has reached eighteen years or attends a postsecondary institution. Parents of an eligible student are provided access to education records only with the written permission of the eligible student unless the eligible student is defined as a dependent by the Internal Revenue Code. In that case, the parents may be provided access without the written permission of the student.

~~Parents and eligible students will have access to the student's records during the regular business hours of the school district. An eligible student is a student who has reached eighteen years of age or is attending an institution of post-secondary education at the post-high school level. Parents of an eligible student are provided access to the student records only with the written permission of the eligible student unless the eligible student is defined as a dependent by the Internal Revenue Code. In that case, the parents may be provided access without the written permission of the student. A representative of the parents or eligible student, who has received written permission from the parents or eligible student, may inspect and review a special education student's student record. Parents, other than parents of an eligible student, may be denied access to a student's records if the school district has a court order stating such or when the district has been advised under the appropriate laws that the parents may not access the student records. Parents may inspect an instrument used for the purpose of collection of student personal information prior to the instrument's use.~~

An **education student** record may contain information on more than one student. Parents will have the right to access the information relating to their student or to be informed of the information. Eligible students will also have the right to access the information relating to themselves or be informed of the information.

Parents, **and** eligible students, **and other individuals authorized in accordance with the law** will have a right to access the student's **education** records upon request without unnecessary delay and in no instance more than forty-five calendar days after the request is made. **Parents, other than parents of an eligible student, may be denied access to a student's records if the school district has a court order stating such or when the district has been advised under the appropriate laws that the parents may not access the student records.** Parents, an eligible student, or an



authorized representative of the parents will have the right to access the student's **education records** prior to an Individualized Education Program (IEP) meeting or hearing.

Copies of **education student** records will **only** be provided if failure to do so would effectively prevent the parents or student from exercising the right to access the **education student** records. Fees for copies of the records are waived if it would prevent the parents or student from accessing the records. A fee may not be charged to search or retrieve information from student records.

Upon the request of parents or an eligible student, the school district will provide an explanation and interpretation of the **education student** records and a list of the types and locations of education records collected, maintained or used by the school district.

If the parents or an eligible student believes ~~that~~ the information in the **education student** record is inaccurate, misleading or violates the privacy ~~or other rights~~ of the student, the parents or an eligible student may request that the school district amend the **education student** records. ~~The school district will decide whether to amend the student records within a reasonable time after receipt of the request. If the school district determines an amendment is made to the student records, the school district will make the amendment and inform the parents or the eligible student of the decision in writing.~~

~~If the school district determines the amendment of the student's record is not appropriate, it will inform the parents or the eligible student of their right to a hearing before the hearing office provided by the school district.~~

~~If the parents' and the eligible student's request to amend the student record is further denied following the hearing, the parents or the eligible student are informed that they have a right to place an explanatory letter in the student record commenting on the school district's decision or setting forth the reasoning for disagreeing with the school district. Additions to the student's records will become a part of the student record and be maintained like other student records. If the school district discloses the student records, the explanation by the parents shall also be disclosed.~~

**Education Student** records may be disclosed in limited circumstances without parental or eligible student's written permission. This disclosure is made on the condition that the **education student** record will not be disclosed to a third party without the written permission of the parents or the eligible student. This disclosure may be: ~~made to the following individuals or under the following circumstances:~~

- to school officials within the school district and AEA personnel whom the superintendent has determined **to** have a legitimate educational interest, including, but not limited to, board members, employees, school attorney, auditor, health professionals, and individuals serving on official school committees;
- to officials of another school district in which the student wishes to enroll, provided the other school district notifies the parents the student records are being sent and the parents have an opportunity to receive a copy of the records and challenge the contents of the records unless the annual notification includes a provision that records will automatically be transferred to new school districts;
- to the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education or state and local educational authorities;



- in connection with a student's application for, or receipt of, financial aid ~~or which the student has applied or which the student has received if the information is necessary to receive the financial aid;~~
- to organizations conducting educational studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it was conducted ~~and the study does not release personally identifiable information;~~
- to accrediting organizations;
- to parents of a dependent student as defined in the Internal Revenue Code;
- to comply with a court order or judicially issued subpoena;
- consistent with an interagency agreement between the school district and juvenile justice agencies
- in connection with a health or safety emergency; ~~or~~
- as directory information; ~~;~~ or
- In additional instances as provided by law.

The superintendent will keep a list of the individuals and their positions who are authorized to view a special education student's education records without the permission of the parents or the eligible student. Individuals not listed are not allowed access without parental or an eligible student's written permission. This list must be current and available for public inspection and updated as changes occur.

The superintendent will also keep a list of individuals, agencies, and organizations which have requested or obtained access to a student's education records, the date access was given and their legitimate educational interest or purpose for which they were authorized to view the records. The superintendent, however, does not need to keep a list of the parents, authorized educational employees, officers and agencies of the school district who have accessed the student's education records. This list for an education student record may be accessed by the parents, the eligible student and the custodian of education student records.

Permanent education student records, including a student's name, address, phone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation. Permanent education student records will be kept in a fire-safe vault or they may be maintained electronically with a secure backup file.

When personally identifiable information, other than permanent education student records, is no longer needed to be maintained by the school district to provide educational services to a special education student, the parents or eligible student are notified. This notice is normally given after a student graduates or otherwise leaves the school district. If the parents or eligible student request that the personally identifiable information be destroyed, the school district will destroy the records, except for permanent records. Prior to the destruction of the records, the school district must inform the parents or eligible student the records may be needed by the parents or eligible student for social security benefits or other purposes. For purposes of policy, "no longer needed to provide educational services" means that a record is no longer relevant to the provision of instruction, support, or related services and it is no longer needed for accountability and audit purposes. At a minimum, a record needed for accountability and audit purposes must be retained for five years after completion of the activity for which funds were used. ~~In the absence of parents or an eligible student's request to destroy the records, the school district must maintain the records~~



~~for at least three years after an individual is determined to be no longer eligible for special education.~~

The school district will cooperate with the juvenile justice system in sharing information contained in permanent student records regarding students who have become involved with the juvenile justice system. The school district will enter into an interagency agreement with the juvenile justice agencies involved.

The purpose of the agreement is to allow for the sharing of information prior to a student's adjudication in order to promote and collaborate between the school district and the agencies to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

The school district may share any information with the agencies contained in a student's permanent record, which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication information contained in the permanent record may be disclosed by the school district to the parties without parental consent or court order. Information contained in a student's permanent record may be disclosed by the school district to the agencies after adjudication only with parental consent or a court order. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family.

Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.

Confidential information shared between the school district and the agencies will remain confidential and will not be shared with any other person, unless otherwise provided by law. **The school district may discontinue information sharing with an agency if the school district determines that the agency has violated the intent or letter of the agreement.**

~~Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian. The school district may discontinue information sharing with an agency if the school district determines that the agency has violated the intent or letter of the agreement.~~

Agencies will contact the principal of the attendance center where the student is currently or was enrolled. The principal will then forward copies of the records within **a reasonable time following receipt 10 business days** of the request.

The school district will provide training or instruction to employees about parents' and eligible students' rights under this policy. Employees will also be informed about the procedures for carrying out this policy.

It is the responsibility of the superintendent to annually notify parents and eligible students **that they have the right to: of their right to inspect and review the student's records.**



- (1) Inspect and review the student's education records;
- (2) Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- (3) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the law authorizes disclosure without consent; and
- (4) File a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the law.

The notice is given in a parents' or eligible student's native language. Should the school district collect personal information from students for the purposes of marketing or selling that information, the school district will annually notify parents of such activity.

The notice will include a statement that the parents have a right to file a complaint alleging the school district failed to comply with this policy. Complaints are forwarded to [Family Policy Compliance Office](#), U.S. Department of Education, ~~400 Maryland Avenue~~ ~~600 Independence Avenue~~, Washington, D. C. 20202-8520 4605

***NOTE: This is a mandatory policy.***

***NOTE: For districts that include the option language regarding the interagency agreement, please ensure that the policy is included in the student handbook in accordance with law.***

Legal Reference:

20 U.S.C. § 1232g, 1415.  
34 C.F.R. Pt. 99, 300, .610 *et seq.*  
Iowa Code §§ 22; 279.9B, 280.24, .25, 622.10.  
281 I.A.C. 12.3(4); 41

Cross Reference:

501 Student Attendance  
505 Student Scholastic Achievement  
506 Student Records  
507 Student Health and Well-Being  
603.3 Special Education  
708 Care, Maintenance and Disposal of School District Records  
901 Public Examination of School District Records



**REQUEST OF NONPARENT FOR EXAMINATION OR COPIES OF EDUCATION RECORDS**

The undersigned hereby requests permission to examine the **Harlan** Community School District's official education records of:

Legal Name of Student: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

The undersigned requests copies of the following official education records of the above student  
\_\_\_\_\_

The undersigned certifies that they are (check one):

- a) An official of another school system in which the student intends to enroll
- b) An authorized representative of the Comptroller General of the United States
- c) An authorized representative of the Secretary of the U.S. Department of Education or U.S. Attorney General
- d) A state or local official to whom such is specifically allowed to be reported or disclosed.
- **e) A person connected with the student's application for, or receipt of, financial aid (SPECIFY DETAILS ABOVE.)**
- **f) Otherwise authorized by law (SPECIFY DETAILS)**
- g) A representative of a juvenile justice agency with which the school district has an interagency agreement.

The undersigned agrees that the information obtained will only be redisclosed consistent with state or federal law without the written permission of the parents of the student, or the student if the student is of majority age.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

APPROVED:

Signature: \_\_\_\_\_



Title: \_\_\_\_\_

Dated: \_\_\_\_\_



**AUTHORIZATION FOR RELEASE OF EDUCATION RECORDS**

The undersigned hereby authorizes **Harlan Community** School District to release copies of the following official education records concerning:

Full Legal Name of Student: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Name of Last School Attended: \_\_\_\_\_ from  
20\_\_ to 20\_\_

The reason for this request is:  
\_\_\_\_\_

My relationship to the child is:  
\_\_\_\_\_

Copies of the records to be released are to be furnished to

- The undersigned
- The student
- Other (please specify)

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Address:  
\_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**REQUEST FOR HEARING ON CORRECTION OF EDUCATION RECORDS**

To: \_\_\_\_\_, Board Secretary (Custodian) for Harlan Community Schools

Address: **2102 Durant Street, Harlan, IA 51537**

I believe certain official education records of my child, \_\_\_\_\_ (full legal name of student, school name), are inaccurate, misleading or in violation of privacy rights of my child.

The official education records which I believe are inaccurate, misleading or in violation of the privacy or other rights of my child are:

\_\_\_\_\_.

The reason I believe such records are inaccurate, misleading or in violation of the privacy or other rights of my child is:

\_\_\_\_\_.

My relationship to the child is:

\_\_\_\_\_.

I understand that I will be notified in writing of the time and place of the hearing; that I will be notified in writing of the decision; and I have the right to appeal the decision by so notifying the hearing officer in writing within ten days after my receipt of the decision or a right to place a statement in my child's record stating I disagree with the decision and why.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_



**REQUEST FOR EXAMINATION OF EDUCATION RECORDS**

To: \_\_\_\_\_, Board Secretary (Custodian) of Harlan Community Schools

Address: **2102 Durant Street, Harlan, IA 51537**

The undersigned desires to examine the following official education records:  
\_\_\_\_\_ of \_\_\_\_\_ (Full Legal Name of Student), \_\_\_\_\_ (Date of birth) \_\_\_\_\_ (Grade) \_\_\_\_\_ (Name of School).

My relationship to the student is: \_\_\_\_\_

(Check one)  I do/  I do not desire a copy of such records. I understand that a reasonable charge may be made for the copies.

Parent's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

APPROVED:

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

**NOTIFICATION OF TRANSFER OF EDUCATION RECORDS**

To: \_\_\_\_\_ (Parent/or Guardian)

Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Please be notified that copies of the **Harlan** Community School District's official education records concerning \_\_\_\_\_ (full legal name of student), have been transferred to:

\_\_\_\_\_ (School District Name),  
\_\_\_\_\_ (Address) upon the written statement that the student intends to enroll in said school system.

If you desire a copy of such records furnished, please check here \_\_\_\_\_ and return this form to the undersigned. A reasonable charge will be made for the copies.

If you believe such records transferred are inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, you have the right to a hearing to challenge the contents of such records.

Name: \_\_\_\_\_

Title: \_\_\_\_\_



**LETTER TO PARENT REGARDING RECEIPT OF A SUBPOENA**

Date: \_\_\_\_\_

Dear     (Parent)    :

This letter is to notify you that the **Harlan** Community School District has received a     (subpoena or court order)     requesting copies of your child's education records. The specific records requested are \_\_\_\_\_.

The school district has until     (date on subpoena or court order)     to deliver the documents to     (requesting party on subpoena or court order)    . If you have any questions, please do not hesitate to contact me at     (phone #)    .

Sincerely,

(Principal or Superintendent)

## JUVENILE JUSTICE AGENCY INFORMATION SHARING AGREEMENT

**Statement of Purpose:** The purpose of this Agreement is to allow for the sharing of information among the School District and the Agencies prior to a student's adjudication in order to promote and collaborate to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

**Identification of Agencies:** This agreement is between the Harlan Community School District (hereinafter "School District") and **those agencies that the School District deems necessary to enhance the students future plans** (hereinafter "Agencies") .

**Statutory Authority:** This agreement implements Iowa Code § 280.25 and is consistent with 34 C.F.R. 99.38 (2012).

**Parameters of Information Exchange:**

1. The School District may share any information with the Agencies contained in a student's permanent record which is directly related to the juvenile justice system's ability to effectively serve the student.
2. Prior to adjudication information contained in the permanent record may be disclosed by the school district to the Agencies without parental consent or court order.
3. Information contained in a student's permanent record may be disclosed by the School District to the Agencies after adjudication only with parental consent or a court order.
4. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family.
5. Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.
6. Information obtained by the school from other juvenile justice agencies may not be used as the basis for disciplinary action of the student.
7. This agreement only governs a school district's ability to share information and the purposes for which that information can be used. Other agencies are bound by their own respective confidentiality policies.

**Records' Transmission:** The individual requesting the information should contact the principal of the building in which the student is currently enrolled or was enrolled. The principal will forward the records within a reasonable time following receipt of the request.

**Confidentiality:** Confidential information shared between the Agencies and the school district will remain confidential and will not be shared with any other person, unless otherwise provided by law. Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent. Agencies or individuals violating the terms of this agreement subject their entity represented and themselves personally to legal action pursuant to federal and state law.



Amendments: This agreement constitutes the entire agreement among the agencies with respect to information sharing. Agencies may be added to this agreement at the discretion of the school district.

Term: This agreement is effective from February 24, 2014.

Termination: The School District may discontinue information sharing with an Agency if the School District determines that the Agency has violated the intent or letter of this Agreement.

APPROVED:

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

***Note: This agreement is optional and can only be used if the board has adopted a policy approving of its use.***



## ANNUAL NOTICE

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day the district receives a request for access.

Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal **(or appropriate school official)** 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 student's education records that the parent or eligible student believes are inaccurate or misleading or in violation of the student's privacy rights **under FERPA.**

Parents or eligible students **who wish to may** ask the school district to amend a record **that they believe is inaccurate or misleading.** They should write the school principal, clearly identify the part of the record they want changed, and specify why it **should be changed is inaccurate or misleading.**

If the district decides not to amend the record as requested by the parent or eligible student, the district 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 disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; **A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist, a or a parent or student serving on an official committee, such as a disciplinary or grievance committee or student assistance team, or assisting another school official in performing his or her tasks. a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, AEA employees, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee or student assistance team, or assisting another school official in performing his or her tasks.**



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.

*[Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. (Note: FERPA requires a school district to make a reasonable attempt to notify the parent or eligible student of the records request unless it states in its annual notification that it intends to forward records on request.)]*

~~4. The right to inform the school district that the parent does not want directory information, as defined below, to be released. Directory information can be released without prior parental consent. The school district will not market or sell directory information without prior consent of the parent.~~

~~Any student over the age of eighteen or parent not wanting this information released to the public must make objection in writing by the last day of the first week of the school year to the principal. The objection needs to be renewed annually.~~

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~~NAME, ADDRESS, TELEPHONE LISTING, DATE AND PLACE OF BIRTH, E-MAIL ADDRESS, GRADE LEVEL, ENROLLMENT STATUS, MAJOR FIELD OF STUDY, PARTICIPATION IN OFFICIALLY RECOGNIZED ACTIVITIES AND SPORTS, WEIGHT AND HEIGHT OF MEMBERS OF ATHLETIC TEAMS, DATES OF ATTENDANCE, DEGREES AND AWARDS RECEIVED, THE MOST RECENT PREVIOUS SCHOOL OR INSTITUTION ATTENDED BY THE STUDENT, STUDENT ID NUMBER, USER ID OR OTHER UNIQUE PERSONAL IDENTIFIER, PHOTOGRAPH AND LIKENESS AND OTHER SIMILAR INFORMATION.~~

~~Parents not wanting military recruiters or postsecondary institutions to access the information must ask the school district to withhold the information. Also, school districts that provide postsecondary institutions and potential employers access to students must provide the same right of access to military recruiters. Parents not wanting military recruiters to contact their children, have the right to deny permission for this activity.~~

5. 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 Ave., SW, Washington, DC, 20202-4605.

~~The School District may share any information with the Parties contained in a student's permanent record, which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication information contained in the permanent record may be disclosed by the School District to the Parties without parental consent or court order. Information contained in a student's permanent record may be disclosed by the School District to the Parties after adjudication only with parental consent or a court order. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of~~



~~programs and services to the student or student's family. Information shared under the agreement is not admissible in any court proceedings, which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.~~

~~Information obtained from others shall not be used for the basis of disciplinary action of the student. This agreement only governs a school district's ability to share information and the purposes for which that information can be used.~~

***NOTE: If the board decides to eliminate name, address or telephone listing from their directory information, military recruiters and postsecondary institutions still have the right, under federal law, to access the three items. If the board eliminates name, address or telephone listing, the district needs to give parents a second notice allowing them to withhold this information from military recruiters or postsecondary institutions.***

## USE OF **EDUCATION STUDENT** RECORDS REGULATION

Parents and eligible students will have a right to access a student's education records upon request without unnecessary delay and in no instance more than forty-five calendar days after the request is made. The intent of this regulation is to establish procedures for granting requests from eligible students and parents to access a student's education records.

Education records mean those records that contain information directly related to a student and which are maintained by an education agency or institution or by a party acting for the agency or institution. These may include, but are not necessarily limited to: dates of attendance; academic work completed; level of achievement (grades, standardized test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns.

~~Student records are all official records, files, and data directly related to students, including all material incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or school system specifically including, but not necessarily limited to: dates of attendance; academic work completed; level of achievement (grades, standardized test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns.~~

~~The intent of this regulation is to establish procedures for granting requests from parents for access to their child's records, use of the data, and procedures for its transmittal within forty five calendar days.~~

### Access to Records

1. ~~Parents, eligible students, and other individuals authorized in accordance with law will have access to the student's education records during the regular business hours of the school district. Parents and eligible students will have a right to access the student's education records upon request without unnecessary delay and in no instance more than forty-five calendar days after the request is made. The parent or legal guardian of a student will have access to these records upon written request to the board secretary. An eligible student or parent The parent or legal guardian will, upon written request to the board secretary, shall receive an explanation and have the opportunity to receive an interpretation of the education records, have the right to question the data, and, if a difference of opinion is noted, is permitted to file a letter in the cumulative folder stating the dissenting person's position. If further challenge is made to the record, the normal appeal procedures established by school policy will be followed.~~ A student, eighteen years or older, has the right to determine who, outside the school system, has access to the records. Parents of students who are 18 years or older but still dependents for income tax purposes may access the student's records without prior permission of the student.
2. School officials having access to student records are defined as having a legitimate educational interest. A school official is a person employed by the school district as an administrator, supervisor, instructor or support staff member (including health or medical



staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school district has contracted to perform a special task (such as an attorney, auditor, AEA employee, medical consultant, or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee or student assistance team, or assisting another school official in performing his or her tasks.

**B. Release of Information Outside the School - Information from education records may be disclosed to outside parties as outlined in board policy and otherwise provided by law.**

- ~~1. To release student records to other school(s) in which the student intends to enroll, the parents, legal guardian, or eligible student must be notified of the transfer and the kinds of information being released unless the school district annually notifies parents that the records will be sent automatically.~~  
-
- ~~2. Student records may be released to official education and other government agencies only if allowed by state or federal law.~~  
-
- ~~3. To release student records to other persons or agencies, written consent is given by the parent, legal guardian, or a student of majority age. This consent form will state which records are released, to whom they are released, and the reason for the release. A copy of the specific records being released will be made available to the person signing the release form if requested.~~  
-
- ~~4. Before furnishing student records in compliance with judicial orders or pursuant to any lawfully issued subpoena, the school district will make a reasonable attempt to notify the parents, legal guardian, or eligible student in advance.~~  
-
- ~~5. Student records may be shared with juvenile justice agencies with which the school district has an interagency agreement. This information is shared without prior parental consent. The agreement is a public document available for inspection.~~

**Hearing Procedures**

- ~~1. Upon parental request, the school district will hold a hearing regarding the content of a student's records which the parent believes to be inaccurate, misleading, or in violation of the privacy rights of students.~~  
-
- ~~2. The hearing will be held within a reasonable time after receipt of the parent or eligible student's request. The parent or eligible student will receive reasonable advance notice of date, time and place of the hearing.~~  
-
- ~~3. The hearing officer may be an employee of the school district so long as the employee does not have a direct interest in the outcome of the hearing.~~  
-
- ~~4. The parents or eligible student will be given a full and fair opportunity to present evidence relevant to the issues. The parent or eligible student may be represented by an individual at their choice at their own expense.~~  
-



- ~~5. The hearing officer will render a written decision within a reasonable period after the hearing. The decision will be based upon evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.~~
- ~~6. The parents may appeal the hearing officer's decision to the superintendent within 10 days if the superintendent does not have a direct interest in the outcome of the hearing.~~
- ~~7. The parents may appeal the superintendent's decision, or the hearing officer's decision if the superintendent was unable to hear the appeal, to the board within 10 days. It is within the discretion of the board to hear the appeal.~~

### C. Procedures for Requesting a Record Amendment

1. If the eligible student, parent, or legal guardian believe the information in the education records is inaccurate, misleading, or violates the privacy of the student, the parents or an eligible student may request that the school district amend the education student records.
2. The school district will decide whether to amend the education student records within a reasonable time after receipt of the request.
3. If the school district determines an amendment is made to the education student record, the school district will make the amendment and inform the parents or the eligible student of the decision in writing.
4. If the school district determines that amendment of the student's education record is not appropriate, it will inform the parents or the eligible student of their right to a hearing before the hearing officer provided by the school district. The hearing officer may be an employee of the school district, so long as the employee does not have a direct interest in the outcome of the hearing.
5. Upon parental request, the school district will hold a hearing regarding the content of a student's education records which the parent believes to be inaccurate, misleading, or in violation of the privacy rights of students.
6. The hearing will be held within a reasonable time after receipt of the parent or eligible student's request. The parent or eligible student will receive reasonable advance notice of date, time and place of the hearing.
7. The parents or eligible student will be given a full and fair opportunity to present evidence relevant to the issues. The parent or eligible student may be represented by an individual at their choice at their own expense.
8. The hearing officer will render a written decision within a reasonable period after the hearing. The decision will be based upon evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.
9. The parents may appeal the hearing officer's decision to the superintendent within five days if the superintendent does not have a direct interest in the outcome of the hearing.

10. The parents may appeal the superintendent's decision or the hearing officer's decision if the superintendent was unable to hear the appeal, to the board within five days. It is within the discretion of the board to hear the appeal.

11. If the parents' and the eligible student's request to amend the education student record is further denied following the hearing, the parents or the eligible student are informed that they have a right to place an explanatory letter in the education student record commenting on the school district's decision or setting forth the reasoning for disagreeing with the school district. Additions to the student's education records will become a part of the education student record and be maintained like other education student records. If the school district discloses the education student records, the explanation by the parents will also be disclosed or the eligible student of the decision in writing.



## STUDENT DIRECTORY INFORMATION

~~Student directory information is designed to be used internally within the school district. Directory information is defined in the annual notice. It may include the student's name, address, telephone number, date and place of birth, e-mail address, grade level, enrollment status, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, student ID number or other unique personal identifier, photograph and other likeness, and other similar information. Student is defined as an enrolled individual, PK-12 including children in school district sponsored child care programs.~~

~~Prior to developing a student directory or to giving general information to the public, parents (including parents of students open enrolled out of the school district and parents of children home schooled in the school district), will be given notice annually of the intent to develop a directory or to give out general information and have the opportunity to deny the inclusion of their child's information in the directory or in the general information about the students.~~

~~It will be the responsibility of the superintendent to provide notice and to determine the method of notice that will inform parents.~~

Directory information is information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The district may disclose "directory information" to third parties without consent if it has given public notice of the types of information which it has designated as "directory information," the parent's or eligible student's right to restrict the disclosure of such information, and the period of time within which a parent or eligible student has to notify the school in writing that he or she does not want any or all of those types of information designated as "directory information." The district has designated the following as "directory information": ***[Note: a district may, but does not have to, include all the information listed below, which is included in the United States Department of Education's sample policy. This information should match the information contained in 506.1E8, 506.2R1, and 506.2E1].***

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records



without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)

Student is defined as an enrolled individual, PK-12 including children in school district sponsored child-care programs.

Prior to developing a student directory or to giving general information to the public, parents (including parents of students open enrolled out of the school district and parents of children home schooled in the school district) will be given notice annually of the intent to develop a directory or to give out general information and have the opportunity to deny the inclusion of their child's information in the directory or in the general information about the students.

It is the responsibility of the superintendent to provide notice and to determine the method of notice that will inform parents.

***NOTE: This is a mandatory policy. A school district may limit what it considers to be directory information. If the school district limits the information, it must also make those changes in the school district's annual notice.***

Legal reference:

20 U.S.C. § 1232g ~~(2010)~~.

34 C.F.R. Pt. 99 ~~(2010)~~.

Iowa Code § 22; 622.10 ~~(2011)~~.

281 I.A.C. 12.3(4); 41.423.

~~1980 Op. Att'y Gen. 720.~~

Cross Reference:

504 Student Activities

506 Student Records

901 Public Examination of School District Records

902.4 Live Broadcast or videotaping

### **AUTHORIZATION FOR RELEASING STUDENT DIRECTORY INFORMATION**

The Harlan Community School District has adopted a policy designed to assure parents and students the full implementation, protection and enjoyment of their rights under the Family Educational Rights and Privacy Act of 1974 (FERPA). A copy of the school district's policy is available for review [in the office of the principal of all of our schools](#).

This law requires the school district to designate as "directory information" any personally identifiable information taken from a student's educational records prior to making such information available to the public.

~~Even though student addresses and telephone numbers are not considered directory information, military recruiters and post-secondary educational institutions may legally access this information without prior parental consent. Parents not wanting military recruiters and post-secondary institutions to access the information must ask the school district to withhold the information.~~

The school district has designated the following information as directory information: student's name; date and place of birth; email address, grade level, enrollment status, major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; and the most recent previous educational institution attended by the student; student ID, user ID, or other unique personal identifier; photograph and other likeness and other similar information.

***[Note: a district may, but does not have to, include all the information listed below, which is included in the United States Department of Education's sample policy. This information should match the information contained in 506.1E8, 506.2R1, and 506.2E1].***

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)

You have the right to refuse the designation of any or all of the categories of personally identifiable information as directory information with respect to your student provided that you notify the school district in writing not later than the last day of the first week of the school year. If you desire to make such a refusal, please complete and return the slip attached to this notice.

If you have no objection to the use of student information, you do not need to take any action.

**NOTE: If the board decides to eliminate name, address or telephone listing from their directory information, military recruiters and postsecondary institutions still have the right, under federal law, to access the three items. If the board eliminates name, address or telephone listing, the district needs to give parents a second notice allowing them to withhold this information from military recruiters or postsecondary institutions.**

*RETURN THIS FORM*

Harlan Community School District

Parental Directions to Withhold Student/Directory Information for Education Purposes, for 20\_\_ -  
20\_\_ School Year

Student Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

Signature of Parent/Legal Guardian/Custodian of Child:  
\_\_\_\_\_

Date: \_\_\_\_\_

This form must be returned to your child's school no later than the last day of the first week of the school year.

Additional forms are available at your child's school.

Parental Directions to Withhold Student Names, Addresses and Phone Numbers from Military Recruiters and Post-Secondary Educational Institutions, for 20\_\_ - 20\_\_ school year.

Student Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

Signature of Parent/Legal Guardian/Custodian of Child:  
\_\_\_\_\_

Date: \_\_\_\_\_

This form must be returned to your child's school no later than the last day of the first week of the school year.

Additional forms are available at your child's school.



## USE OF DIRECTORY INFORMATION

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that *Harlan Community Schools* with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, *Harlan Community Schools* may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the *Harlan Community Schools* to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and,
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.  
[1]

If you do not want the *Harlan Community Schools* to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by *no later than the end of the first week of school*. . *Harlan Community Schools* has designated the following information as directory information: ***[Note: a district may, but does not have to, include all the information listed below, which is included in the United States Department of Education's sample policy. This information should match the information contained in 506.1E8, 506.2, and 506.2E1].***

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended

- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)