

CURRICULUM AND INSTRUCTION**STUDENT RECORDS: CONFIDENTIALITY****NOTICE TO PARENTS AND ELIGIBLE STUDENTS
OF THEIR RIGHTS CONCERNING EDUCATIONAL RECORDS**

As provided by Procedures for the Collection, Maintenance, and Disclosure of Student Data adopted by the WV Board of Education Policy 4350 and by policy of the Ohio County Board of Education, parents and eligible students* have specific rights with regard to the collection, maintenance, and disclosure of educational records. These important rights help assure each parent that accurate and continuous record maintenance on students and their school performance are kept. The following is an explanation of these rights.

I. Release of Records

- A. The school may release information from a student's educational record file without consent to the following persons:
 - 1. School officials within the county who have legitimate educational interests;
 - 2. The State Superintendent of Schools;
 - 3. To officials of other school systems in which the student intends to enroll;
 - 4. To appropriate persons in connection with an emergency.

- B. The school shall not release any information contained in a pupil's record except:
 - 1. With written consent from the pupil's parent/eligible student specifying the records to be released, to whom, for what purpose, and with a copy of the records to be released to the pupil's parents or eligible pupil, for a fee, if desired by the parent/eligible student.
 - 2. In compliance with judicial order or lawfully issued subpoena.

- C. The school will cooperate with parental/eligible student requests for the release of information to other person or agencies.
 - 1. The request will be completed within a reasonable period of time, but not more than 45 days after receipt of written request.

2. Schools shall respond to reasonable request for explanations and interpretations of the records.
- D. When a request is being made regarding records of an exceptional student the records will be made available before any meeting regarding an IEP or any hearing relating to the identification, evaluation, or educational placement of the student, or the provision of free appropriate public education to the student.
1. The right to inspect and review education records of an exceptional student includes the right to have a representative of the parent inspect and review the records; and
 2. The school shall provide parents, upon request, a list of the types and locations of education records collected, maintained, or used by the agency.
 3. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the school, shall:
 - a. Provide the parent or eligible student with a copy of the records requested; or
 - b. Make other arrangements for the parent or eligible student to inspect and review the requested records.
- E. The school may provide anonymous data from its records for outside research purposes.
- F. All persons desiring access to the records of a student shall be required to sign a written form which shall be kept permanently with the file of the student.
- G. Parental consent is necessary to transfer personal information to a third party, employer, or college.
- H. Ohio County Schools has not designated any student information as directory information. If a school established directory information, they must notify parents/eligible students of their right to refuse to permit the designation of information with respect to that student. The parent/eligible student will inform the school in writing of their refusal to permit that student's information from being part of the directory information.

II. Availability of List of Graduating Seniors to Armed Forces

- A. Notice will be given to parents/eligible students that the names and addresses of graduating seniors will be made

available to armed services recruiters.

- B. High school principals may release the names and addresses of graduating students** to armed services recruiters unless a written request that information not be given to the armed services has been received.

III. **Maintenance, Security, and Destruction of Pupil Records**

- A. The principal and/or assistant principal of each school is responsible for pupil records. All records will be kept under secure conditions in each building. Electronic files will be protected by user identification or password.
- B. Provisions for annual review of all data retained in official records of current pupils will be made.
- C. Student cumulative files will be secured for 5 years after the student leaves the school system. Information other than that on the permanent record/transcript which includes attendance and grades will then be destroyed. Schools will not destroy education records when there is an outstanding request to inspect them.
- D. For records collected for exceptional student under WV Board of Education Policy 2419: *Regulations for the Education of Exceptional Students*,
 - 1. The school shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child.
 - 2. The information must be destroyed at the request of the parent.
 - 3. The permanent record/transcript will be maintained.

IV. **Parental/Eligible Pupil Rights of Inspection and Challenge**

- A. Official student records may be inspected and reviewed by parent/eligible student by making request in writing.
- B. The parent/eligible student has the right to challenge the content or request amendment of the educational record.
 - 1. If the records are found to be inaccurate, all school records are to be amended.
 - 2. If the school refuses to amend the records, a hearing may be requested by parent or eligible student.
 - 3. If, as a result of the hearing, the school refuses to

amend the records, the parent or eligible student has the right to place a written statement commenting upon the information and providing reasons for disagreement of decision. Attachment shall be placed in the records maintained by the school.

- C. The parent/eligible student has the right to file with the United States Department of Education a complaint as described in WV Board of Education Policy 4350: Procedures for the Collection, Maintenance and Disclosure of Student Data Section 126-94-27 concerning alleged failures by educational agencies or institutions to comply with confidentiality requirements.

V. **Protocol for Sending School Records Via Fax**

When sending student/school records via fax, the fax notice sheet will contain a statement of confidentiality. The following state is recommended:

"This telecopy is confidential and is intended for the recipient only. Use of this telecopy or its contents by another person, including dissemination or copying, is strictly prohibited by state and federal law. If you have received this telecopy in error, please notify Ohio County Schools immediately by telephone at (304)243-0300 so that we may arrange to retrieve this transmission."

A copy of the Confidentiality of Student Records Regulation is available at each school and the county office. Parents/eligible students will be notified annually of their rights under this policy.

- * Students who have attained eighteen (18) years of age or who are attending institutions of post-secondary education.

- ** For the purpose of this policy, a graduating student shall be defined as a junior or senior who is expected by the school to be eligible for graduation with his/her class.

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