

## STUDENT RECORDS

~~It is the policy of the Garretson School Board that the principal of each school will be the legal custodian of all student records for that school.~~

~~Eligible students and parents/guardians will have access to their school records.~~

~~Additionally, the district will notify parents/guardians annually of the district's policy on the collection or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure, or use.~~

~~The educational records or school records include all materials directly related to a student that a school maintains. Records and notes maintained by a teacher, administrator, school physician, or school psychologist for his or her own use, and which are not available to others, are exempted from this definition as are records maintained by a law enforcement officer assigned to the school and maintained by the officer solely for law enforcement purposes.~~

~~The school will require a prior written consent before information other than directory information may be divulged to third parties. (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/guardian's prior written consent. See Policy JO-N for a list of directory information). An exception to this rule exists for school district employees who have legitimate interests in viewing the records, as well as officials in other schools in which the student seeks to enroll. A school district in which a student is enrolled or is in the process of enrolling in, may request the student's education records from any districts in which the student was formerly enrolled to ascertain safety issues with incoming students and ensure full disclosure. The records, including the student's disciplinary records, will be forwarded to the requesting district within three (3) business days. Disciplinary records shall include, but not be limited to, all information that relates to a student assaulting, carrying weapons, possessing illegal drugs, including alcohol, and any incident that poses a potential dangerous threat to students or school personnel.~~

~~When schools transfer records to new educational institutions, the schools must notify parents/guardians of the transfer, and of their right to review and contest the material. An exemption exists for material under court order. Parents/guardians must be notified of such an order prior to release.~~

~~The district may disclose, without the consent or knowledge of the eligible student or parents/guardians, personally identifiable information in the educational records of a student to the Attorney General of the United States or his or her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes. The district is not required to record such disclosure of information and is protected from liability for disclosing such information in good faith.~~

~~The superintendent is directed to establish procedures to ensure compliance with the Family Educational and Privacy Act and other applicable acts and regulations.~~

~~LEGAL REFS.: Family Educational Rights and Privacy Act  
18 USC 2331 and 2332(g)(5)(B)  
20 USC 1232  
P.O. 107-110, No Child Left Behind Act of 2001  
ARSD 24:03:04:10~~

A Federal law, the Family Educational Rights and Privacy Act, commonly called FERPA, requires prior written consent from a student's parent or guardian (or student age 18 or older) prior to any disclosure of a student's educational records unless a specific exception is applicable such that prior written consent is not required.

A student's educational records are those records that are:

- (1) directly related to a student; and
- (2) maintained by the District or by a party acting for the District.

Student educational records do not include:

- (1) records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record,
- (2) records of the law enforcement unit of the District, subject to certain limitations,
- (3) records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
  - (i) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity,
  - (ii) made, maintained, or used only in connection with treatment of the student, and
  - (iii) disclosed only to individuals providing the treatment. (For the purpose of this provision, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution,
- (4) records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student and
- (5) grades on peer-graded papers before they are collected and recorded by a teacher.

FERPA permits the disclosure of Personally Identifiable Information (PII) from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that certain conditions are met.
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to certain requirements.
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to certain limitations.

- To organizations conducting studies for, or on behalf of, the school, in order to:
  - (a) develop, validate, or administer predictive tests;
  - (b) administer student aid programs; or
  - (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To parents of a student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency, subject to certain limitations.
- Information the school has designated as “directory information.”

The District shall not collect information which is not necessary for the determination of student academic progress, state and federal reporting requirements, or other duties prescribed to a school district, or for the calculation of funding for public education.

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