

1 **Plevna K-12 Schools**

3 **STUDENTS**

3600

5 Student Records

7 School student records are confidential, and information from them will not be released other  
8 than as provided by law. State and federal laws grant students and parents certain rights,  
9 including the right to inspect, copy, and challenge school records.

11 The District will ensure information contained in student records is current, accurate, clear, and  
12 relevant. All information maintained concerning a student receiving special education services  
13 will be directly related to the provision of services to that child. The District may release  
14 directory information as permitted by law, but parents will have the right to object to release of  
15 information regarding their child. Military recruiters and institutions of higher education may  
16 request and receive the names, addresses, and telephone numbers of all high school students,  
17 unless the parent(s) notifies the school not to release this information.

19 The Superintendent will implement this policy and state and federal law with administrative  
20 procedures. The Superintendent or designee will inform staff members of this policy and inform  
21 students and their parents of it, as well as of their rights regarding student school records.

23 Each student's permanent file, as defined by the board of public education, must be permanently  
24 kept in a secure location. Other student records must be maintained and destroyed as provided in  
25 20-1-212, MCA.

27 Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R.  
28 99  
29 § 20-1-212, MCA Destruction of records by school officer.  
30 § 20-5-201, MCA Duties and sanctions  
31 § 40-4-225, MCA Access to records by parent  
32 10.55.909, ARM Student Records  
33 No Child Left Behind Act of 2001, P.L. 107-334

35 Policy History:

36 Adopted on:

37 Reviewed on: July 1, 2008

38 Revised on: June 25, 2013

1 **Plevna K-12 Schools**

2  
3 **STUDENTS**

3600F1  
page 1 of 4

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5 Student Records

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7 Notification to Parents and Students of Rights Concerning a Student's School Records

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9 *This notification may be distributed by any means likely to reach the parent(s)/guardian(s).*

10  
11 The District will maintain two (2) sets of school records for each student: a permanent record  
12 and a cumulative record. The permanent record will include:

- 13  
14 Basic identifying information  
15 Academic work completed (transcripts)  
16 Level of achievement (grades, standardized achievement tests)  
17 Immunization records (per § 20-5-506, MCA)  
18 Attendance record  
19 Record of any disciplinary action taken against the student, which is educationally related  
20

21 The cumulative record may include:

- 22  
23 Intelligence and aptitude scores  
24 Psychological reports  
25 Participation in extracurricular activities  
26 Honors and awards  
27 Teacher anecdotal records  
28 Verified reports or information from non-educational persons  
29 Verified information of clear relevance to the student's education  
30 Information pertaining to release of this record  
31 Disciplinary information  
32

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

36  
37 **1. The right to inspect and copy the student's education records, within a reasonable**  
38 **time from the day the District receives a request for access.**

39  
40 Students less than eighteen (18) years of age have the right to inspect and copy their  
41 permanent record. Parents/guardians or students should submit to the Superintendent a  
42 written request identifying the record(s) they wish to inspect. The Superintendent will  
43 make, within forty-five (45) days, arrangements for access and notify the parent(s)/  
44 guardian(s) or eligible student of the time and place the records may be inspected. The  
45 District charges a nominal fee for copying, but no one will be denied their right to copies  
46 of their records for inability to pay this cost.

The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student.

2. **The right to request amendment of the student's education records which the parent(s)/guardian(s) or eligible student believes are inaccurate, misleading, irrelevant, or improper.**

Parents/guardians or eligible students may ask the District to amend a record they believe is inaccurate, misleading, irrelevant, or improper. They should write the Superintendent or records custodian, clearly identifying the part of the record they want changed, and specify the reason.

If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

3. **The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA or state law authorizes disclosure without consent.**

Disclosure is permitted without consent to school officials with legitimate educational or administrative 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 Board; a person or company with whom the District has contracted to perform a special task (such as contractors, attorneys, auditors, consultants, or therapists); volunteers; other outside parties to whom an educational agency or institution has outsourced institutional services or functions that it would otherwise use employees to perform; or a parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, 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 has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or

out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring.

Disclosure is also permitted without consent to: any person for research, statistical reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

**4. The right to a copy of any school student record proposed to be destroyed or deleted.**

**5. The right to prohibit the release of directory information concerning the parent's/ guardian's child.**

Throughout the school year, the District may release directory information regarding students, limited to:

Student's name  
Address  
Telephone listing  
Electronic mail address  
Photograph (including electronic version)  
Date and place of birth  
Major field of study  
Dates of attendance  
Grade level  
Enrollment status (e.g., undergraduate or graduate; full-time or part-time)  
Participation in officially recognized activities and sports  
Weight and height of members of athletic teams  
Degrees  
Honors and awards received  
Most recent educational agency or institution attended

*Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering written objection to the Superintendent within ten (10) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise. When a student transfers, leaves the District, or graduates, the school must continue to honor a decision to opt-out, unless the parent or student recinds the decision.*

A parent or student 18 years of age or an emancipated student, may not opt out of directory information to prevent the district from disclosing or requiring a student to disclose their name [identifier, institutional email address in a class in which the student

is enrolled] or from requiring a student to disclose a student ID card or badge that exhibits information that has been properly designated directory information by the district in this policy.

**6. The right to request that information not be released to military recruiters and/or institutions of higher education.**

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

Parent(s)/guardian(s) or eligible students may request that the District not release this information, and the District will comply with the request.

**7. 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 Avenue, SW  
Washington, DC 20202-4605

1 **Plevna K-12 Schools**

2  
3 **STUDENTS**

3600P  
page 1 of 5

4  
5 Student Records

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7 Maintenance of School Student Records

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9 The District maintains two (2) sets of school records for each student – a permanent record and a  
10 cumulative record.

11  
12 The permanent record will include:

- 13  
14 Basic identifying information  
15 Academic work completed (transcripts)  
16 Level of achievement (grades, standardized achievement tests)  
17 Immunization records (per § 20-5-506, MCA)  
18 Attendance record  
19 Statewide student identifier assigned by the Office of Public Instruction  
20

21 Each student's permanent file, as defined by the board of public education, must be permanently kept in a  
22 secure location.

23  
24 The cumulative record may include:

- 25  
26 Intelligence and aptitude scores  
27 Psychological reports  
28 Participation in extracurricular activities  
29 Honors and awards  
30 Teacher anecdotal records  
31 Verified reports or information from non-educational persons  
32 Verified information of clear relevance to the student's education  
33 Information pertaining to release of this record  
34 Disciplinary information  
35 Camera footage only for those students directly involved in the incident  
36

37 Information in the permanent record will indicate authorship and date and will be maintained in  
38 perpetuity for every student who has been enrolled in the District. Cumulative records will be maintained  
39 for eight (8) years after the student graduates or permanently leaves the District. Cumulative records  
40 which may be of continued assistance to a student with disabilities, who graduates or permanently  
41 withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the  
42 student has succeeded to the rights of the parents.  
43

44 The Superintendent will be responsible for maintenance, retention, or destruction of a student's  
45 permanent or cumulative records, in accordance with District procedure established by the  
46 Superintendent.  
47

48 Access to Student Records

49  
50 The District will grant access to student records as follows:

1. The District or any District employee will not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document.
2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy information in the child's school records. Such requests will be made in writing and directed to the records custodian. A parent of any student is allowed to view the footage but is not permitted to receive a copy unless the parents of the other involved students provide consent. Consent from parents of students in the background is not required. Access to the records will be granted within fifteen (15) days of the District's receipt of such request.

Where the parents are divorced or separated, both will be permitted to inspect and copy the student's school records, unless a court order indicates otherwise. The District will send copies of the following to both parents at either one's request, unless a court order indicates otherwise:

- a. Academic progress reports or records;
- b. Health reports;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses and other major school events, including student-parent interaction.

Once a student reaches 18 years of age or attends a postsecondary institution, all rights formerly given to parents under FERPA transfer to the student.

Access will not be granted to the parent or the student to confidential letters and recommendations concerning admission to a post-secondary educational institution, applications for employment, or receipt of an honor or award, if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

3. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information. A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifying information from education records, or such other third parties under contract with the District to provide professional services related to the District's educational mission, including, but not limited to, attorneys and auditors. A school official has a legitimate educational interest in student education information when the official needs the information in order to fulfill his or her professional responsibilities for the District. Access by school officials to student education information will be restricted to that portion of a student's records necessary for the school official to perform or accomplish their official or professional duties.

4. The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
5. The District may grant release of a child's education records to child welfare agencies without the prior written consent of the parents.
6. The District will grant access to or release information from a student's records pursuant to a court order.
7. The District will grant access to or release information from any student record, as specifically required by federal or state statute.
8. The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student, with particularity as to whom the records may be released, the information or record to be released, and reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy will be mailed to the parent or eligible student by the Superintendent. Whenever the District requests consent to release certain records, the records custodian will inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.
9. The District may release student records to the superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official. School officials may also include those listed in #3 above.
10. Prior to release of any records or information under items 5, 6, 7, and 8, above, the District will provide prompt written notice to the parents or eligible student of this intended action. This notification will include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.
11. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian will make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.
12. The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act or criminal laws by the student.



13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s).
14. The District charges a nominal fee for copying information in the student's records. No parent or student will be precluded from copying information because of financial hardship.
15. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) will be kept and maintained as part of such records. This record will be maintained for the life of the student record and will be accessible only to the parent or eligible student, records custodian, or other person. The record of release will include:
  - a. Information released or made accessible.
  - b. Name and signature of the records custodian.
  - c. Name and position of the person obtaining the release or access.
  - d. Date of release or grant of access.
  - e. Copy of any consent to such release.

#### Directory Information

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information will be limited to:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information.

#### Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning school records will inform them of their right to object to the release of this information.

Student Record Challenges

The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.

The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:

- The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- The hearing may be conducted by any individual including an official of the District who does not have direct interest in the outcome of the hearing.
- The District shall make its decision in writing within a reasonable amount of time after the hearing.
- The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

Legal Reference:	Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2011); 34 C.F.R. 99 (2011)
	§ 20-5-201, MCA      Duties and sanctions
	§ 40-4-225, MCA      Access to records by parent
	§ 41-5-215, MCA      Youth court and department records – notification of school
	10.55.909, ARM      Student records

Procedure History:

Promulgated on:

Reviewed on:

Revised on: July 1, 2008, 11/13/2012, June 25, 2013, 4/8/14, 01/13/2015