

Adoption: 1/27/83, Rev. 1/24/85, 12/10/87, 3/15/01, 07/26/06, 09/22/10

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Reference: WV Constitution, Article XII, Section 2, WV Code 18-2-5, Public Law 103-382, the Family Educational Rights and Privacy Act (as amended) and Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997 (IDEA), and their respective regulations, WV State Board Policy 4350.

### Procedures for the Collection, Maintenance and Disclosure of Student Data

**General. 1.1. Scope.** – These procedures are applicable to all schools that are under the general supervision of the Summers County Board of Education.

**126-94.2. Purpose.** 2.1 The purpose of these procedures is to set forth the conditions governing the protection of privacy and access of parents and students as it relates to the collection, maintenance, disclosure and destruction of education records by schools under the general supervision of the Summers County Board of Education.

**126-94-3. Definitions.** 3.1. As used in these procedures:

- 3.1.1. “Attendance” includes, but is not limited to: (a) attendance in person and having homebound instruction, and (b) the period during which a person is working under a work-study program.
- 3.1.2. “Consent” means that (a) the parent has been fully informed of the information set out in this document in his or her native language or other mode of communication, unless it clearly is not feasible to do so; (b) the parent understands and agrees in writing to the carrying out of the activities for which consent is sought, and the consent sets forth that activity and lists the records (if any) which will be released and to whom; and (c) the parent understands that the granting of consent is voluntary on the part of the parent.
- 3.1.3. “Destruction” means physical destruction or removal of personal identifiers so that the information is no longer personally identifiable.
- 3.1.4. “Directory information” includes a student’s name, address, telephone listing, date and place of birth, 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 agency or institution attended by the student.
- 3.1.5. “Disciplinary action or proceeding” means the investigation, adjudication, or imposition of sanctions by the school with respect to an infraction or violation of the internal rules of conduct applicable to students of the school.
- 3.1.6. “Disclosure” means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.
- 3.1.8. “Education records” means those records that are directly related to a student and are collected, maintained or disclosed by the school or by a party acting for the school. The term does not include:
  - a. Records of instructional, supervisory, and administrative personnel and education personnel ancillary to those persons that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other individual except a temporary substitute.
  - b. Records of the law enforcement unit of an educational agency or institutional subject the provisions of Section 126-94-7 of WV State Board Policy 4350.
  - c. Records relating to an individual who is employed by an educational agency or institution that are made and maintained in the normal course of business; relate exclusively to the individual in that individual’s capacity as an employee, and are not available for use for any other purpose. However, records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and are not excepted.

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- d. Records relating to an eligible student that are:
    - A. Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or assisting in a paraprofessional capacity;
    - B. Created, maintained, or used only in connection with the provision of treatment to the student; and
    - C. Disclosed only to individuals providing the treatment (provided the records can be personally reviewed by a physician or other appropriate professional of the student's choice). For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the educational agency or institution.
  - e. Records of the school that contain only information related to a person after that person is no longer a student at the school. (An example would be information collected by the school pertaining to the accomplishments of its alumni).
- 3.1.9 "Eligible student" means a student who has attained eighteen years of age or is attending an institution of post-secondary education.
- 3.1.10. "Exceptional student" means a student having been determined to have an exceptionality in accordance with eligibility criteria under Policy 2419: *Regulations for the Education of Exceptional Students* who receives services under an Individualized Education Program (IEP).
- 3.1.11. "Financial Aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.
- 3.1.12. "Institution of post-secondary education" means an institution that provides education to students beyond the secondary level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided, as determined under state law.
- 3.1.13. "Parent" includes a parent, guardian, or an individual acting as a parent of a student in the absence of a parent or guardian.
- 3.1.14. "Party" means an individual, agency, institution or organization.
- 3.1.15. "Personally identifiable" means that the data or information includes, but is not limited to, (a) the name of a student, the student's parent, or other family member, (b) the address of the student or student's family, (c) a personal identifier such as the student's family, (c) a personal identifier such as the student's social security number, or student number, (d) a list of personal characteristics that would make the student's identity easily traceable, or (e) other information that would make the student's identity easily traceable.
- 3.1.16. "Record" means any information or data recorded in any medium including, but not limited to: handwriting, print, video or audio tape, film, microfilm, microfiche, and computer media.
- 3.1.17. "Secretary" means the Secretary of the U.S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.
- 3.1.18. "Student" includes any individual who is or has been in attendance at a school and regarding whom the school collects, maintains, or discloses educational records.

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#### **126-94-4. Parent Rights.**

- 4.1. Summers County Schools shall give full rights to either parent unless the agency or institution has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody, that specifically revokes those rights.
- 4.2. Your child's school directory information will be shared with AmberVision, a secure database which assists in locating missing children. AmberVision can only be accessed by you or by law enforcement if your child is reported missing. Ambervision does not share student information with any other parties. To learn more about AmberVision please visit [wvde.state.wv.us/ambervision](http://wvde.state.wv.us/ambervision).

#### **126-94-5. Student Rights.**

- 5.1. For the purpose of this part, whenever a student has attained eighteen years of age, or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parents transfer to the student.
- 5.2. This policy does not prevent Summers County Schools from giving students rights in addition to those given to parents.

#### **126-94-6. Annual Notification of Rights.**

- 6.1. Summers County Schools shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under this policy.
- 6.4. Summers County Schools will provide this notice annually to parents and to eligible students.
- 6.4.2. Summers County Schools shall effectively notify parents who have a primary or home language other than English.
- 6.5. Parents of exceptional students, and eligible students who are exceptional, shall receive notice of rights under IDEA, included in the procedural safeguards notice.

#### **126-94-8. Right to Inspect and Review Education Records.**

- 8.1. Summers County Schools shall permit the parent or an eligible student to inspect and review the education records of the student.
- 8.2. Summers County Schools shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.
- 8.3. Summers County Schools shall respond to reasonable requests for explanations and interpretations of the records.
- 8.4. When a request is being made regarding records of an exceptional student:
  - 8.4.1. Summers County Schools shall comply with Section 8.2. and 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;
  - 8.4.2. 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

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- 8.4.3.** Summers County Schools shall provide parents, upon request, a list of the types and locations of education records collected, maintained, or used by the schools.
- 8.5.** If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, Summers County Schools shall:
- 8.5.1.** Provide the parent or eligible student with a copy of the records requested; or
- 8.5.2.** Make other arrangements for the parent or eligible student to inspect and review the requested records.
- 8.6.** Summers County Schools shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.
- 8.7.** While Summers County Schools is not required to give an eligible student access to treatment records as defined in Section 3.1.8.d., the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

**126-94-9.. Fees.**

- 9.1.** Summers County Schools may charge a fee of .25 per page for copies of educational records, which are made for the parent or eligible student, provided that the fee does not effectively prevent the parent and/or eligible student from exercising the right to inspect and review those records.

**126-94-10. Limitations on Right to Inspect and Review Education Records.**

- 10.1.** If the education records of a student contain information on more than one student, the parent of the student or the eligible student may inspect and review or be informed of only the specific information about that student.
- 10.2.2.** Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and
- 10.2.3.** Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if the student has waived his or her right to inspect and review these letters and statements and the letters and statements are related to the student's admission to an educational institution, application for employment or receipt of an honor or honorary recognition. Provided that a waiver is valid only if:
- a. Summers County Schools does not require the waiver as a condition for admission to or receipt of a service or benefit from the school system and
- b. The waiver is made in writing and signed by the student, regardless of age.
- 10.2.4.** If a student has waived his or her rights under this section, the school shall:
- a. Give the student, or request, the names of the individuals who provided the letters and statements of recommendation; and
- b. Use the letters and statements of recommendation only for the purpose for which they were intended.
- 10.2.5.** A waiver under this section may be revoked in writing with respect to any actions occurring after the revocation.

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**126-94-11. Maintenance and Destruction of Education Records.**

- 11.1. Summers County Schools is not precluded from destroying education records, subject to the following exceptions:
- 11.1.1. Summers County Schools may not destroy any education records if there is an outstanding request to inspect and review them under Section 126-94-8;
- 11.1.2. Explanations placed in the education record under Section 126-94-13, shall be maintained as long as the record or the contested portion is maintained;
- 11.1.3. The record of access required under Section 126-94-18 shall be maintained for as long as the education record to which it pertains is maintained; and
- 11.1.4. For records collected for exceptional students under Policy 2419; *Regulations for the Education of Exceptional Students*, a. Summers County Schools shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child; b. the information must be destroyed at the request of the parents; c. however, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
- 11.2. The following shall apply to the length of time and special consideration for maintaining student records:
- 11.2.1. Directory information may be maintained in perpetuity;
- 11.2.2. Academic grades and attendance records may be maintained in perpetuity;
- 11.2.3. Records to verify implementation of federally funded programs and services and to demonstrate compliance with program requirements must be maintained for five years after the activity is completed;
- 11.2.4. Other personally identifiable data which is no longer needed to provide education services may be destroyed;
- 11.2.5. Parents and eligible students will be informed through public notice that all special education records will be destroyed five years after the student no longer receives special education services.
- 11.2.6. Files will be maintained in a secured location. Electronic files will be protected through the use of individual user identification and/or passwords. When user identification and/or passwords have been established, an individual is permitted to use only his or her designated identification and password to gain access to education records.

**126-94-12. Request to Amend Education Records.**

- 12.1. The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate, misleading or violates the privacy rights of the student may request the educational agency or institution to amend the records.
- 12.2. Summers County Schools shall decide whether to amend the educational records of the student in accordance with the request within a reasonable period of time after it receives the request.
- 12.3. If Summers County Schools decides not to amend the record as requested, it shall inform the parent of the student or the eligible student of the refusal and of the right to a hearing under Section 126-94-13. The hearing will be conducted as outlined in Section 126-94-14 of West Virginia State Board Policy 4350.

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#### **126-94-15. Prior Consent for Disclosure Required.**

- 15.1 Summers County Schools shall obtain written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student, other than directory information, except as provided in Section 126-94-16.
- 15.2 Whenever written consent is required, Summers County Schools will presume that the parent of the student or the eligible student giving consent has the authority to do so unless the agency or institution has been provided with evidence that there is a legally binding instrument or a court order governing such matters as divorce, separation or custody, which provides to the contrary.
- 15.3 The written consent required by Section 15.1 must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
  - 15.3.1. A specification of the records to be disclosed;
  - 15.3.2. The purpose of the disclosure; and
  - 15.3.3. The party or class of parties to whom the disclosure may be made.
- 15.4. If a parent or eligible student so requests, Summers County Schools shall provide a copy of the records disclosed.
- 15.5. If the parent of a student who is not an eligible student so requests, Summers County Schools shall provide the student with a copy of the records disclosed.

#### **126-94-16. Prior Consent for Disclosure Not Required.**

- 16.1. Summers County Schools may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student if the disclosure is:
  - 16.1.1. To other school officials, including teachers, within the school system who have been determined by Summers County Schools to have a legitimate educational interest; and
  - 16.1.2. To officials of another school or school system, or institution of post-secondary education, in which the student seeks or intends to enroll, subject to the requirements of Section 126-94-20.
  - 16.1.3. Subject to the conditions set forth in Section 126-94-21, to authorized representatives of:
    - a. The Comptroller General of the United States;
    - b. The Secretary; or
    - c. State and local educational authorities.
  - 16.1.4. In connection with financial aid for which a student has applied or which a student has received; provided, that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:

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- a. to determine the eligibility of the student for financial aid;
  - b. to determine the amount of the financial aid;
  - c. to determine the conditions which will be imposed regarding the financial aid; and
  - d. to enforce the terms or conditions of the financial aid.
- 16.1.5. To state and local officials or authorities to whom this information is specifically:
- a. Allowed to be reported or disclosed pursuant to state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or
  - b. Allowed to be reported or disclosed pursuant to state statute adopted after November 19, 1974, subject to the requirements of Section 126-94-24.
- 16.1.6. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of (a) developing, validating, or administering predictive tests; (b) administering student aid programs, or improving instruction; provided, that the studies are conducted in a manner that will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purpose for which the study was conducted; the term "organization" includes, but is not limited to federal, state, and local agencies, and independent organizations.
- 16.1.7. To accrediting organizations in order to carry out their accrediting functions.
- 16.1.8. To parents of a dependent student.
- 16.1.9. To comply with a judicial order or lawfully issued subpoena; provided, Summers County Schools makes a reasonable effort to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action; unless the disclosure is in compliance with:
- a. A Federal Grand Jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
  - b. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
  - c. If Summers County Schools initiates legal action against a parent or student and has complied with Section 16.1.9., it may disclose education records that are relevant to the action to the court order or subpoena.
- 16.1.10. To appropriate parties in health or safety emergency subject to the conditions set forth in Section 126-94-22.
- 16.1.11. The disclosure is information the Summers County Schools has designated as "directory information".
- 16.1.12. The disclosure is to the parent of a student who is not an eligible student or to the student.

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- 16.2 This section does not forbid Summers County Schools to disclose, nor does it require Summers County Schools to disclose, personally identifiable information from the education records of a student to any parties under this section, with the exception that parents of a student who is not an eligible student and the student must have access.
- 16.3 For records of special education students, Summers County Schools shall maintain, for public inspection, a current listing of the names and positions of those employees within the system who may access personally identifiable information.

#### **126-94-17. Disciplinary Information.**

- 17.1. If a student transfers to another school in the state, the principal of the school from which the student transfers shall provide a written record of any disciplinary action taken against the student to the principal of the school to which the student transfers, (WV Code 18A-5-1a) subject to requirements of Section 126-94-20.
- 17.2. Summers County Schools includes in the records of a student with a disability under Policy 2419 a statement of any current or previous disciplinary action that has been taken against the student and transmits the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of non-disabled students.
- 17.2.1. The statement may include a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information related to the safety of the student and other individuals involved with the student.
- 17.2.2. If the student transfers from one school to another, the transmission of any of the student's records must include both the student's current Individualized Education Program (IEP) and any statement of current or previous disciplinary action that has been taken against the student.
- 17.3. Summers County Schools reporting a crime committed by a student with a disability under Policy 2419 shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime, but only to the extent permitted by this policy's provisions regarding disclosure of education records.

#### **126-94-18. Record of Disclosure required to be maintained.**

- 18.1. Summers County Schools shall for each request for access to and each disclosure of personally identifiable information from the education records of a student maintain a record kept with the education records of the student that indicates:
- 18.1.1. The parties who have requested or obtained personally identifiable information from the education records of the student;
- 18.1.2. The date access was given; and
- 18.1.3. The legitimate interest these parties had in requesting or obtaining the information.
- 18.2. If Summers County Schools discloses information with the understanding that the party receiving the information may make further disclosures, the record of disclosure must include the names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution and the legitimate educational interests each of the additional parties has in requesting the information.
- 18.3. Section 18.1. does not apply to disclosures to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student when the consent is specific with respect



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to the party or parties to whom the disclosure is to be made, disclosures to school officials, or to disclosures of directory information, or to a party seeking or receiving the records a directed by a Federal Grand Jury or other law enforcement subpoena or the information furnished in response to the subpoena not be disclosed.

18.4. The record of disclosures may be inspected:

18.4.1. By the parent of the student or the eligible student;

18.4.2. By the school official and his or her assistants who are responsible for the custody of the records; and

18.4.3. For the purpose of auditing the record keeping procedures of Summers County Schools by the parties authorized in and under the conditions set forth in Section 16.1.1. and 16.1.3.

#### **126-94-19. Limitation on Redisclosure.**

19.1. Summers County Schools will disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that:

19.1.1. The personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made.

19.1.2. Summers County Schools will disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if the parties meet the requirements of Section 124-94-16 and required records of disclosure under Section 126-94-18.

19.2. Section 19.1. does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas, to disclosures of directory information or to disclosures to a parent or student. Except for these disclosures, and educational agency or institution shall inform a party to whom disclosure is made of the requirements of this section.

#### **126-94-22. Conditions for Disclosure in Health and Safety Emergencies.**

22.1. Summers County Schools may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

22.2. The factors to be taken into account in determining whether personally identifiable information from the education records of a student may be disclosed under this section shall include the following:

22.2.1. The seriousness of the threat to the health or safety of the student or other individuals;

22.2.2. The need for the information to meet the emergency;

22.2.3. Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and

22.2.4. The extent to which time is of the essence in dealing with the emergency.

22.3. Nothing in this policy or this part shall prevent Summers County Schools from:

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- 22.3.1. Including in the educational records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;
  - 22.3.2. Disclosing appropriate information maintained under Section 22.3.1. to teachers and school officials within the system who have been determined to have legitimate educational interests in the behavior of the student; or
  - 22.3.3. Disclosing appropriate information maintained under Section 22.3.1. to teachers and school officials in other schools who have been determined to have legitimate educational interests in behavior of the student.
- 22.4. Sections 22.1. and 22.3. shall be strictly construed.

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**PERSONNEL HAVING ACCESS TO RECORDS\***

According to state guidelines the following personnel have access to the student's records without parental consent:

- I. Student records may be accessed by:
  - A. The parent of the student (under 18 years of age or dependent)
  - B. The eligible student (18 years of age or post-secondary)
  - C. Those board of education personnel/representatives with legitimate educational interest defined as those who have direct contact with the student or with his/her educational program:
    1. Current teacher(s)
    2. Trained support personnel, i.e., secretaries, aides with direct professional supervision
    3. Counselors
    4. School administrative staff
    5. School special-interest advisors, athletic advisors
    6. Psychologists/evaluators
    7. Central office administrative and supervisory staff
    8. Attendance officer
    9. Legal counsel
  - D. Other officials which are included in the confidentiality document
- II. Attached are the names and positions of county personnel who may have access to the records of handicapped students providing they have met criteria specified in this document.
- III. All other access must be accompanied by a signed permission of the parent or the eligible student.

All disclosures (i.e. release, transfer, transcripts, etc.) oral, written, or by any other means to any party must be recorded on Disclosure Record (C-4).

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Summers County Schools

Summers County personnel having authorized access to confidential records:

Superintendent of Schools \_\_\_\_\_

Director of Student Services \_\_\_\_\_

Director of Curriculum and Instruction \_\_\_\_\_

Director of Federal Programs \_\_\_\_\_

Adoption: 1/27/83, Rev. 1/24/85, 12/10/87, 3/15/01, 07/26/06, 09/22/10

Code: VII-D-I

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Reference: WV Constitution, Article XII, Section 2, WV Code 18-2-5, Public Law 103-382, the Family Educational Rights and Privacy Act (as amended) and Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997 (IDEA), and their respective regulations, WV State Board Policy 4350.

C-3 (DP-14)

**AUTHORIZED CONSENT FOR DISCLOSURE\*\***

All records received by the Summers County Board of Education are accessible to parents.

I hereby give \_\_\_\_\_  
(Agency)

permission for the \_\_\_\_\_  
(Specify type of record)

records of \_\_\_\_\_ date of birth \_\_\_\_\_  
(Student's name)

School \_\_\_\_\_ to be released to:

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

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

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

For the purpose of: \_\_\_\_\_

\_\_\_\_\_  
(Specify purpose)

Signature of parent/eligible student \_\_\_\_\_

Date \_\_\_\_\_

\*\*The party this information is released to **MAY NOT** disclose the information to any other party without prior written consent of the parent or eligible student. WV Confidentiality Regulations.

Adoption: 1/27/83, Rev. 1/24/85, 12/10/87, 3/15/01, 07/26/06, 09/22/10

Code: VII-D-I

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Summers County Schools

C-4 Disclosure List

This log must be maintained with the education records of the student.

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

Name & Position	Date	Request/ Disclosure	NRN** RA**	Reason/Comment	Action By

NRN\*\* - No parental release needed      RA\*\* - Release Available  
 Attach any release to this form.  
 This form is to be used for recording any disclosures of information to persons other than those having legal access.

Adoption: 1/27/83, Rev. 1/24/85, 12/10/87, 3/15/01, 07/26/06, 09/22/10

Code: VII-D-I

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C-6

**DIRECTORY INFORMATION REFUSAL FORM**

Directory Information, as defined by the Summers County Schools, includes the following categories:

1. Student's name
2. Address
3. Telephone listing
4. Date and place of birth
5. Major field of study
6. Participation in officially recognized activities and sports
7. Weight and height of members of athletic teams
8. Dates of attendance
9. Degrees and awards received
10. The most recent previous educational agency or institution attended by the student
11. List of drop outs to agencies serving their needs
12. Electronic mail address
13. Photograph
14. Grade level
15. Register child/children with AmberVision

Once such information is published as Directory Information, it may be disclosed at the discretion of the school system without written parental or student permission.

You have the right to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to your child. If you so refuse, you must inform the school system with thirty (30) calendar days of this announcement.

-----  
C-7

The Directory Information Refusal Form should be returned to the local school where the student attends.

I refuse to permit the designation of these categories of information as Directory Information for

\_\_\_\_\_ of \_\_\_\_\_ School in  
(Student's Name) (School's Name)  
Summers County.

Specify category:

- |          |           |           |
|----------|-----------|-----------|
| _____ 1. | _____ 6.  | _____ 11. |
| _____ 2. | _____ 7.  | _____ 12. |
| _____ 3. | _____ 8.  | _____ 13. |
| _____ 4. | _____ 9.  | _____ 14. |
| _____ 5. | _____ 10. | _____ 15. |

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Adoption: 1/27/83, Rev. 1/24/85, 12/10/87, 3/15/01, 07/26/06, 09/22/10

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C-8

**REQUEST FOR AMENDMENT OF RECORDS**

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

I, \_\_\_\_\_, request that the education records of  
(Parent or eligible student)

\_\_\_\_\_ be amended/removed.  
(Student's name)

The request for amendment/removal is made for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

	Date	DISPOSITON Official	Signature
_____	Granted _____	_____	_____
_____	Not Granted* _____	_____	Date _____
_____	Hearing _____	_____	
_____	Other _____	_____	

**Section B**

**STUDENT'S NAME** \_\_\_\_\_ **SCHOOL** \_\_\_\_\_

Specific amendments/removal requested are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If amendments/removal is granted - - detach Section B and destroy.  
If amendments/removal is not granted - - file entire form in the education record.



Adoption: 1/27/83, Rev. 1/24/85, 12/10/87, 3/15/01, 07/26/06, 09/22/10

Code: VII-D-I

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C-9

**WAIVER FORM**

Summers County Schools

I do here by give permission for \_\_\_\_\_  
(specify type of record)

records of: \_\_\_\_\_  
(student's name)

to be released to: \_\_\_\_\_  
(specify)

\_\_\_\_\_ without my inspection or review.  
(classes of persons or institutions)

\_\_\_\_\_  
(signature of parent)

\_\_\_\_\_  
(date)

This waiver may be revoked at any time. Such revocation must be in writing. For full description of waivers and their limitations see Procedures for Collection, Maintenance, and Disclosure of Student Data.

Adoption: 1/27/83, Rev. 1/24/85, 12/10/87, 3/15/01, 07/26/06, 09/22/10

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Reference: WV Constitution, Article XII, Section 2, WV Code 18-2-5, Public Law 103-382, the Family Educational Rights and Privacy Act (as amended) and Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997 (IDEA), and their respective regulations, WV State Board Policy 4350.

### ANNUAL NOTICE TO PARENTS AND ELIGIBLE STUDENTS OF THEIR RIGHTS CONCERNING EDUCATION RECORDS

The Family Educational Rights and Privacy Act (FERPA) and West Virginia Board of Education Policy 4350, Procedures for the Collection Maintenance and Disclosure of Student Data affords parents, and students age 18 and older ("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 Summers County Schools receives a request for access to records.

Parents or eligible students should submit to the school principal, or other appropriate school administrator, a written request that identifies the record(s) they wish to inspect. The administrator 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 is inaccurate or misleading.

Parents or eligible students may ask Summers County Schools 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 is inaccurate or misleading. A form for this purpose is available at the schools and at the Board of Education office. If the school 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 of 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 disclosures 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 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, medical consultant, or therapist). 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, Summers County Schools discloses educational records without consent, to officials of another school district in which a student seeks or intends to enroll.

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- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school 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, 600 Independence Avenue SW, Washington, DC 20202-4605.
- (5) To know that Summers County Schools may disclose, without written parental consent, certain categories of personally identifiable information designated as “directory information” which shall consist of the following:
  1. Student’s name
  2. Address
  3. Telephone listing
  4. Date and place of birth
  5. Major field of study
  6. Participation in officially recognized activities and sports
  7. Weight and height of members of athletic teams
  8. Dates of attendance
  9. Degrees and awards received
  10. The most recent previous educational agency or institution attended by the student
  11. List of dropouts to agencies serving their needs
  12. Electronic mail address
  13. Photograph
  14. Grade Level
  15. Register my child/children with AmberVision
- (6) The primary purpose of directory information is to allow the Summers County School District to include this type of information from your child’s education record in certain school publications. Examples include but are not limited to: A play bill, showing your child’s roll in a drama production; the annual yearbook; honor roll or other recognition list; graduation programs; and sports activity sheets, such as basketball or football, showing weight and height of team members.
- (7) Two federal laws require local education agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories – names – addresses and telephone listings – unless parents have advised the local educational agencies that they do not want their child’s information disclosed without their prior written consent.
- (8) To refuse to permit the disclosure of any or all categories of personally identifiable information with respect to a student’s directory information, you must inform the school district, in writing, within ten (10) calendar days of this notification, that such information is not to be released as directory information with respect to the student. The directory

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information refusal form (C-6) is available from each school principal and from the Director of Student Services at the Board of Education Office.

- (9) To know that education records may not be destroyed if there is an outstanding request to inspect and review the records. Education records shall not be destroyed without parental/eligible student consent or documentation of attempts to notify parent/eligible student of the intent to destroy those records. Public notification, such as a notice of intent to destroy records, published in a newspaper prior to destroying any records, will be considered as an attempt to notify parent/eligible student that records will be destroyed. Exceptional student records shall be destroyed five years after the student is no longer receiving education services or upon parental/eligible student request.
- (10) To know Summers County Schools shall give either parent or a student full rights regarding access to education records unless the district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody, that specifically revokes those rights.
- (11) To know that a record is maintained of requests for and disclosures of personally identifiable information from the educational records of a student and you as a parent or eligible student may inspect the record.
- (12) To a translation or interpretation of the records, or policies, if the primary language of your home is other than English.
- (13) To review the complete school system policy regarding the Collection, Maintenance and Disclosure of Student Data. To review, contact the Director of Student Services at the Board of Education Office (466-6006).
- (14) To know that if your child receives special transportation services, the bus operator and/or bus monitor will be given: student name and address; parent name and address; home and work telephone numbers; emergency health care information and other provisions for the safety of the student.
- (15) Your second grader will be eligible to participate in the CARDIAC Project. This is a statewide cardiovascular screening program that takes place at your child's school. Prior to the screening, the school will provide the CARDIAC Project your child's age, gender, birthday and WVEIS number. This information will be used to interpret your child's screening results. All information will be kept confidential. Screening results will be provided to the school nurse and an individual report will be sent to you once screenings are completed.

Revised 09/22/10