

1 **Charlo School District**

2  
3 **STUDENTS**

3600

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5 Student Records

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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.

10  
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.

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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.

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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.

26  
27 Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99  
28 § 20-1-212, MCA Destruction of records by school officer.  
29 § 20-5-201, MCA Duties and sanctions  
30 § 40-4-225, MCA Access to records by parent  
31 10.55.909, ARM Student Records  
32 No Child Left Behind Act of 2001, P.L. 107-334  
33

34 Policy History:

35 Adopted on:

36 Reviewed on:

37 Revised on: 11/19/13  
38

1 **Charlo School District**

2  
3 **STUDENTS**

3600P  
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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 § 20-5-406, MCA)  
18 Attendance record  
19 Statewide student identifier assigned by the Office of Public Instruction  
20 Record of any disciplinary action taken against the student, which is educationally related  
21

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

24  
25 The cumulative record may include:

- 26  
27 Intelligence and aptitude scores  
28 Psychological reports  
29 Participation in extracurricular activities  
30 Honors and awards  
31 Teacher anecdotal records  
32 Verified reports or information from non-educational persons  
33 Verified information of clear relevance to the student's education  
34 Information pertaining to release of this record  
35 Disciplinary information  
36 Camera footage only for those students directly involved in the incident  
37

38 Information in the permanent record will indicate authorship and date and will be maintained in  
39 perpetuity for every student who has been enrolled in the District. Cumulative records will be  
40 maintained for eight (8) years after the student graduates or permanently leaves the District.  
41 Cumulative records which may be of continued assistance to a student with disabilities, who  
42 graduates or permanently withdraws from the District, may, after five (5) years, be transferred to  
43 the parents or to the student if the student has succeeded to the rights of the parents.  
44

45 The building principal will be responsible for maintenance, retention, or destruction of a  
46 student's permanent or cumulative records, in accordance with District procedure established by

the Superintendent.

Access to Student Records

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. Access to the records will be granted within fifteen (15) days of the District's receipt of such request. Parents are not entitled to records of other students. If a record contains information about two students, information related to the student of the non-requesting parent will be redacted from the record.

In situations involving a record containing video footage, a parent of a student whose record contains the footage is allowed to view the footage contained in the record but is not permitted to receive a copy unless the parents of the other involved students provide consent. The footage is not a record of students in the background of the image or not otherwise involved in the underlying matter.

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.

A student that attains the age of legal majority is an "eligible student" under FERPA. An eligible student has the right to access and inspect their student records. An eligible student may not prevent their parents from accessing and inspecting their student records if they are a dependent of their parents in accordance with Internal Revenue Service regulations.

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, 8, and 9, 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. The School District will specifically include information about the missing children electronic directory photograph repository permitting parents or guardians to choose to have the student's photograph included in the repository for that school year; information about the use of the directory photographs if a student is identified as a missing child; and information about how to request the student's directory photograph be removed from the repository.

#### Military Recruiters/Institutions of Higher Education/Government Agencies

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 Montana Superintendent of Public Instruction may release student information to the Montana Commissioner of Higher Education and Montana Department of Labor and Industry for research purposes after entering into agreement with Commissioner and Department. If the

Superintendent of Public Instruction offers a statewide assessment that serves as a college entrance exam, the student's personally identifiable information may be released to colleges, state-contracted testing agencies, and scholarship organizations with student consent.

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), 34 C.F.R. 99.20-22  
                                 § 20-5-201, MCA      Duties and sanctions  
                                 § 40-4-225, MCA      Access to records by parent

§ 41-3-201, MCA	Reports
§ 41-5-215, MCA	Youth court and department records – notification of school
§ 20-7-104	Transparency and public availability of public school performance data -- reporting-- availability for timely use to improve instruction.
10.55.909, ARM	Student records
10.55.910, ARM	Student Discipline Records
Chapter 250 (2019)	Electronic Director Photograph Repository

Procedure History:

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