

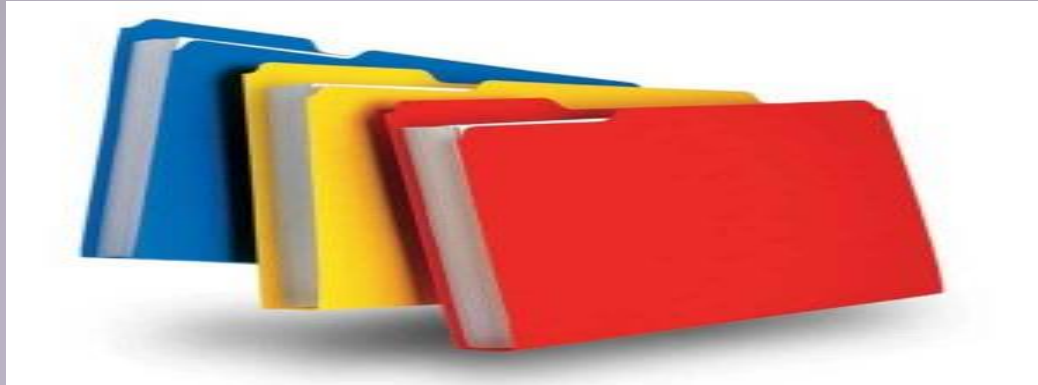
Policy 4350

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

Policy 4350

There are specific legal and ethical requirements that school personnel must know and follow concerning the records and information regarding students.

Purpose of Policy 4350



- **Privacy of education records**
- **Students and parents access**
- **Destruction of records**

Directory Information

Includes name, address, phone, date and place of birth, major field of study, participation in activities/sports, weight/height of members of athletic teams, dates of attendance, diplomas/awards, most recent school attended, enrollment status, grade level, photograph.

(Parents may opt out.)

Education Records or Not?

- Records kept in the sole possession of the maker, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker
- Surveillance videos
- Cell phone videos sent to you
- Law enforcement records
- Harassment complaints
- Employment records

FERPA and HIPAA

- Health records created by or obtained by a school nurse and maintained by a school or LEA are education records covered by FERPA
- School health clinics not engaged in HIPAA transactions and covered by FERPA are ruled by FERPA, not HIPAA
- Records of mental health providers who are located in schools become education records if placed in school's student files

(use caution)

Parent Rights

In GENERAL, either parent has rights to the education records of their children.



Student Rights

- Rights transfer at 18 years of age
OR
- Enrollment in a post-secondary institution



Annual Notification of Rights

Must include procedural explanations for:

- Inspecting and reviewing education records
- Requesting amendment of records
- Consent to disclosures
- Determining who constitutes a school official
- Determining what constitutes a legitimate educational interest

Annual Notification of Rights

- Designating directory information
- Disclosing education records to another school district
- Requesting a hearing
- Filing a complaint with the US Dept. of Ed

Right to Inspect and Review Education Records

- Access to education records within 30 days
- Limitations on right to inspect and review education records



FERPA Enforcement

- Family Compliance Office of the US Dept. of Ed.
- Complaints must be filed within 180 days of the alleged incident
- Examples of complaint issues:
 - Violation of parents' rights to access records
 - Failure to provide an opportunity to amend records
 - Improper disclosure of records
 - A VERBAL disclosure of confidential information

Maintenance of Records

- Maintain in a secure location
- Computer, WVEIS records are protected by passwords
- Passwords and USER IDs are to be used only by the individual to whom they are designated
- The same rules for paper records apply to electronic records

Destruction of Education Records

Length of time and special considerations:

- Directory information – perpetuity
- Grades and attendance records – perpetuity
- Federally funded program records – five years after the activity is completed
- Other personally identifiable data which is no longer needed to provide education services may be destroyed
- Must notify parents directly of destruction of Sp. Ed. records
- Public notice of any timelines for maintenance and destruction of student records

Parent/Adult Student Rights

- Right to request amendment of education records
- Right to a hearing
- Right to file a complaint



Consent for Disclosure Not Required

- To officials of another school or school system
- To institutions of post-secondary education in which the student seeks or intends to enroll
- In connection with financial aid for which a student has applied or receives
- To comply with a judicial order or lawfully issued subpoena
- Transfer of disciplinary information (18A-5-1A)
- Health and safety issues
- To Attorney General related to Terrorism

Record of Disclosure Required to be Maintained

An educational agency shall maintain a record kept with the education records of the student that indicates:

- The parties who have requested information from the records
- The date access was given
- The legitimate interest these parties had in requesting or obtaining the information

Legitimate Educational Interest

- Defined by LEA
- School official has need to know:
 - To perform education or discipline-related tasks for the student
 - To provide services to student or family
 - To perform administrative or other educational responsibilities prescribed by school or LEA

Other Requirements

- Collection and use of social security numbers
- Release of list of high school students to military recruiters



Safeguards under Individuals with Disabilities Education Act (IDEA)

- One official assumes responsibility for ensuring confidentiality
- All persons collecting or using personally identifiable information are trained
- Current listing of names and positions of those who have access
- Option to file a state complaint in addition to Family Policy Compliance Office complaint with the US Department of Ed

Questions?



For More Information Contact:

- Your school principal
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