

Student Records Access

The Dubuque Community School District recognizes the importance of maintaining education records and preserving their confidentiality as provided by law. Education records are kept confidential at collection, storage, disclosure and destruction stages. The board secretary is the custodian of education records. Education records may be maintained in the central administration office or administrative office of the student's attendance center.

Definitions

For the purposes of this policy, the defined words have the following meaning:

- “Education Record” means those records that contain information directly related to a student and which are maintained by an education agency or institution or by a party acting for the agency or institution.
- “Eligible Student” means a student who has reached eighteen (18) years or attends a postsecondary institution. Parents/guardians of an eligible student are provided access to education records only with the written permission of the eligible student unless the eligible student is defined as a dependent by the Internal Revenue Code. In that case, the parents/guardians may be provided access without the written permission of the student.

An education record may contain information on more than one student. Parents/guardians will have the right to access the information relating to their student or to be informed of the information. Eligible students will also have the right to access the information relating to themselves, or be informed of the information.

Parents/guardians, eligible students, and other individuals authorized in accordance with law will have a right to access the student's education records upon request without unnecessary delay and in no instance more than forty-five (45) calendar days after the request is made. Parents/guardians, other than parents/guardians of an eligible student, may be denied access to a student's records if the school district has a court order stating such or when the district has been advised under the appropriate laws that the parents/guardians may not access the student records. Parents/guardians, an eligible student or an authorized representative of the parents/guardians will have the right to access the student's education records prior to an Individualized Education Program (IEP) meeting or hearing. The principal or the principal's designee shall be present at all times during the inspection and review of the records.

Copies of education records will be provided if failure to do so would effectively prevent the parents/guardians or student from exercising the right to access the education records. The charge to copy such records shall be at the rate of \$.20 cents per page. Fees for copies of the records are waived if it would prevent the parents/guardians or student from accessing the records. A fee may not be charged to search or retrieve information from education records.

Upon the request of parents/guardians or an eligible student, the school district will provide an explanation and interpretation of the education records.

If the parents/guardians or an eligible student believes the information in the education records is inaccurate, misleading or violates the privacy of the student, the parents/guardians or an eligible student may request that the school district amend the education records.

The School District shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time. A good faith effort will be made to resolve a request to amend the record but if the request is denied the parent/guardians or eligible student shall be informed in writing of the right to a hearing in connection with the request and denial.

The hearing shall be conducted before a hearing panel within thirty (30) days after the request. The hearing panel shall consist of the superintendent or his/her designee and the principal of the school of student attendance designated by the superintendent. The parent/guardian or eligible student shall be given written notice of the date, place and time at least seven (7) calendar days in advance of the hearing. The parent/guardian or eligible student shall be afforded a full and fair opportunity to present evidence relevant to content of the student record which the parent/guardian or eligible student believes is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. The parent/guardian or eligible student may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney. The School District through the hearing panel, shall make its decision in writing within a reasonable period of time after the conclusion of the hearing and the decision of the hearing panel shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision. If as a result of the hearing, the School District decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the students, it shall amend the education records of the student accordingly and so inform the parent/guardian or eligible student. If, as a result of the hearing, the School District decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the parent/guardian or eligible student shall be informed of the right to place in the education records of the student a statement commenting upon the information in the education record and/or setting forth any reasons for disagreeing with the decision of the School District. Additions to the student's records will become a part of the student record and be maintained like other student records. If the school district discloses the student records, the explanation by the parents/guardians or eligible student will also be disclosed.

Education records may be disclosed in limited circumstances without parent/guardian's or eligible student's written permission. This disclosure is made on the condition that the education record will not be disclosed to a third party without the written permission of the parents/guardians or the eligible student. This disclosure may be:

- To school officials employed within or contracted by the school district and/or AEA whom the superintendent has determined to have a legitimate educational interest, including, but not limited to, board members, employees, school attorney, auditor, health professionals, and individuals serving on official school committees;
- To officials of another school district in which the student wishes to enroll;
- To the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education or state and local educational authorities;
- In connection with a student's application for, or receipt of, financial aid;
- To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents/guardians by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it was conducted;
- To accrediting organizations;
- To parents/guardians of a dependent student as defined in the Internal Revenue Code;
- To comply with a court order or judicially issued subpoena;
- Consistent with an interagency agreement between the school district and juvenile justice agencies
- In connection with a health or safety emergency;
- As directory information; or
- In additional instances as provided by law.

The superintendent or designee will keep a list of the individuals and their positions who are authorized to view a special education student's education records without the permission of the parents/guardians or the eligible student. Individuals not listed are not allowed access without parent/guardian's or an eligible student's written permission. This list must be current and available for public inspection and updated as changes occur.

Schools will also keep a list of individuals, agencies and organizations which have requested or obtained access to a student's education records, the date access was given and their legitimate educational interest or purpose for which they were authorized to view the records. Schools, however, do not need to keep a list of the parents/guardians, authorized educational employees, officers and agencies of the school district who have accessed the student's education records. This list for an education record may be accessed by the parents/guardians, the eligible student and the custodian of education records.

Permanent education records, including a student's name, address, phone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation. Permanent education records will be kept in a fire-safe vault or they may be maintained electronically with a secure backup file.

Directory Information

The law authorizes release of certain information called "directory information," unless release thereof is specifically prohibited by the parent/guardian. Directory information includes the student's name, address, telephone listing, photograph, image or likeness, videotapes and images produced in any other media, 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 school or institution attended by the student. Ordinarily such information will be released by the Dubuque Community School District unless the principal of the school of student attendance receives specific written directions prohibiting the release of such information from the parent/guardian or the eligible student; the organization is requesting the information for commercial or potential commercial purposes; or the release of the information would be detrimental to the safety of the student(s) and/or parents/guardians.

When personally identifiable information, other than permanent education records, is no longer needed to provide educational services to a special education student, the parents/guardians or eligible student are notified. This notice is normally given after a student graduates or otherwise leaves the school district. If the parents/guardians or eligible student request that the personally identifiable information be destroyed, the school district will destroy the records, except for permanent records. Prior to the destruction of the records, the school district must inform the parents/guardians or eligible student the records may be needed by the parents/guardians or eligible student for social security benefits or other purposes. For purposes of policy, "no longer needed to provide educational services" means that a record is no longer relevant to the provision of instruction, support, or related services and it is no longer needed for accountability and audit purposes. At a minimum, a record needed for accountability and audit purposes must be retained for five years after completion of the activity for which funds were used.

The school district will cooperate with the juvenile justice system in sharing information contained in permanent student records regarding students who have become involved with the juvenile justice system. The school district will enter into an interagency agreement with the juvenile justice agencies (agencies) involved.

The purpose of the agreement is to allow for the sharing of information prior to a student's adjudication in order to promote and collaborate between the school district and the agencies to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

The school district may share any information with the agencies contained in a student's permanent record, which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication information contained in the permanent record may be disclosed by the school district to the parties without parental/guardian consent or court order. Information contained in a student's permanent record may be disclosed by the school district to the agencies after adjudication only with parental/guardian consent or a court order. Information shared pursuant to the agreement is used solely for determining the

programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family.

Information shared under the agreement is not admissible in any court proceedings, which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.

Confidential information shared between the school district and the agencies will remain confidential and will not be shared with any other person, unless otherwise provided by law. The school district may discontinue information sharing with an agency if the school district determines that the agency has violated the intent or letter of the agreement.

Agencies will contact the principal of the attendance center where the student is currently or was enrolled. The principal will then forward copies of the records within a reasonable time following receipt of the request.

The school district will provide training or instruction to employees about parents/guardian's and eligible students' rights under this policy. Employees will also be informed about the procedures for carrying out this policy. It is the responsibility of the superintendent or designee to annually notify parents/guardian's and eligible students that they have the right to:

- (1) Inspect and review the student's education records;
- (2) Seek amendment of the student's education records that the parent/guardian or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- (3) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the law authorizes disclosure without consent; and
- (4) File a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the law.

Should the school district collect personal information from students for the purposes of marketing or selling that information, the school district will annually notify parents/guardians of such activity.

The notice will include a statement that the parents/guardians have a right to file a complaint alleging the school district failed to comply with this policy. Complaints are forwarded to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Washington, DC. 20202-8520.

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