

## **Student Records Access**

### General Information

This policy is adopted in order to comply with the requirements of the Family Educational Rights & Privacy Act, 20 U.S.C. 1232g.

This law has three primary purposes:

- a. Permitting parents of students or eligible students to inspect and review education records of the student,
- b. Prohibiting disclosure of personally identifiable information from the education records of a student without the prior written consent of the parents of the student or the eligible student (unless specifically authorized by law) and
- c. Providing the parent of the student or an eligible student with the opportunity to seek the correction of education records of the student.

The records which are maintained on the students in the Dubuque Community School District consist primarily of testing records, psychological reports, grade records, health records, attendance records, records relating to extra-curricular activities, age records and records of former disciplinary actions. The records are kept at the school of attendance. The person in charge of the records is the principal of each school.

The parent(s) or legal guardian of a student under age 18 may have access to the records and may authorize release of the records. Parents of a student 18 or older are provided access to the student records only with the written permission of the student unless the student is defined as a dependent by the Internal Revenue Code. If a student is over age 18, the student may also have access to the records or authorize release of the records. Throughout this policy reference is made to the rights of the "parent of a student," however, this will be interpreted to mean the "parent or parents" with whom the student resides; the legal guardian of a student or the student if over age 18. Inspection of Records

A parent may inspect the educational records of his or her child, except as limited by law. Ordinarily, all of the records of a student attending school in the Dubuque Community School District will be available for inspection by a parent of the student. Records of instructional, supervisory, administrative personnel and educational personnel ancillary to them are not subject to inspection when such records are in the sole possession of the maker of the record or of a temporary substitute. Records created or maintained by a physician, psychiatrist, or other recognized professional or paraprofessional, which are created, maintained or used only in connection with the treatment of the student, other than

the school's regular instructional programs, and which are not disclosed to anyone other than individuals providing such treatment to the student, are not subject to inspection, except by an appropriate professional of the parent's or eligible student's choice.

Parents may inspect an instrument used for the purpose of collection of student personal information prior to the instrument's use.

#### Directory Information

The law authorizes release of certain information called "directory information," unless release thereof is specifically prohibited by the parent. 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 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.

#### Procedure for Inspection of Records

It is the policy of the Dubuque Community School District to promptly honor either oral or written requests for inspection of student records. However, in order to avoid any question concerning the date of such request it is the policy of the Dubuque Community School District that all requests to inspect student records be submitted in writing to the principal of the school attended by the student. The principal shall comply with such a request within a reasonable period of time, but in no case more than 45 calendar days after the request has been made. The right to inspect and review the record includes the right to a response from the school to a reasonable request for explanations and interpretations of the records and a right to obtain copies of the records.

The principal or the principal's designee shall be present at all times during the inspection and review of the records.

Copies of the records may be provided within a reasonable time after request therefore and the charge for 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 or student from accessing the records.

#### Amendment of Records

The parent of a student who believes that information contained in the education record is inaccurate or misleading or violates the privacy or other rights of the student may request that the

Dubuque Community School District amend such 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 of receipt of the request. A good faith effort will be made to resolve a request to amend the record but if the request is denied the parent of a 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 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 of the student shall be given written notice of the date, place and time at least 7 calendar days in advance of the hearing. The parent of the student shall be afforded a full and fair opportunity to present evidence relevant to content of the student record which the parent believes is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. The parent 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 of the 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 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 will also be disclosed.

#### Disclosure of Information from Education Records

The Dubuque Community School District will not disclose personally identifiable information from the education records of the student without prior written consent of the parent of a student except for directory information as specified above in those instances specifically authorized by law. The law authorizes disclosure of such information, without prior consent, to other school officials or local education agencies who have legitimate educational interest in the records, officials of other schools in which the student seeks or intends to enroll, state and federal educational authorities, accrediting organizations, in response to the legal summons such as a subpoena or to appropriate parties in a health or safety emergency. Information may also be released to organizations conducting educational studies in which the study does not release personally identifiable information. The Dubuque Community

School District will provide personally identifiable information from the education records of a student without prior consent to officials of another school or school system in which the student seeks or intends to enroll.

In the event the School District is required to produce records in response to a legal order it shall make a reasonable effort to notify the parent of the student in advance of compliance there with.

Annual Notification of Rights

The superintendent shall give annual notice to the parents of the student of their rights under law. The superintendent shall select the means of giving such notice which are reasonably likely to inform the parent of such rights. The notice provided by the superintendent shall contain the information required by law.

Adopted: June 13, 1977  
Revised: April 13, 2009  
Reviewed: June 3, 2014

**Legal Reference:**

No Child Left Behind, Title LX, Sec. 9528, P.L. 107-110 (2002).  
USA Patriot Act, Sec. 507, P.L. 107-56. (2001).  
20 U.S.C. 1232g, 1415 (1994).  
34 C.F.R. Pt. 99, 300.560 - .574 (1996).  
Iowa Code 22; 279.9B, 280.24, .25, 622.10 (2001).  
281 I.A.C. 12.3(6); 41.20  
1980 Op. Att'y Gen. 720, 825.