

POLICY—500.8—STUDENT RECORDS, PRIVACY RIGHTS, AND RELEASE OF INFORMATION

	DISTRICT CODE: 500.8	ADOPTED: 12.5.17
	RESCINDS:	ADOPTED:

BOARD POLICY

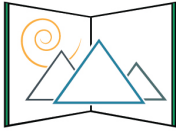
1. The Board of Education is committed to compliance with all state and federal laws pertaining to protecting the privacy of student records, students, and parents and their families. In general, District employees are not to disclose personal information about students or their school performance unless the individual or agency requesting such information has both a legal right and a legitimate education need to obtain the information.
2. The purpose of this policy is to assure students and their parents/guardians are notified and afforded their rights under the law, including:
 - 2.1. the right to examine and request the amendment of education records;
 - 2.2. the right to limit access to student records and/or personal information;
 - 2.3. the right to be notified of, examine, and either consent to or opt out of, participating in surveys or education activities that relate to specific protected areas; and
 - 2.4. the right to deny the release of names, addresses, and telephone numbers of high school students to military or college recruiters.
3. The Board of Education authorizes the Superintendent and District Administration to establish administrative regulations consistent with this policy, subject to review and approval by the Board.

	ADMIN REG: 500.8-1	APPROVED: 12.5.17
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ADMINISTRATIVE REGULATION—500.8-1: (Definition of an education record)

For purposes of this policy, the following definitions apply:

1. “education records”: means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution. (20 U.S.C. §1232g; 34 CFR §99.3; §53E-9-202). The term “education records” does not include:
 - 1.1. records that contain only information about a student after he/she is no longer a student in the District;
 - 1.2. records made by District staff that are kept solely in possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record;
 - 1.3. records maintained by the law enforcement unit of the educational agency or



institution that were created by that law enforcement unit for purposes of law enforcement;

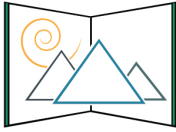
- 1.4. records relating to an individual who is employed by an education agency or institution, that are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee; and
 - 1.5. records on a student who is eighteen (18) years of age or older, that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or used only in connection with treatment of the student; and disclosed only to individuals providing the treatment.
2. "eligible student": means a student who is eighteen (18) years of age or older.
 3. "military student": means a child enrolled in kindergarten through grade 12 who is legally residing in the household of an active duty service member or whose parent or legal guardian is an active duty service member in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders.

ADMIN REG:
500.8-2

APPROVED:
12.5.17

ADMINISTRATIVE REGULATION—500.8-2: (District Student Records Officer; School Student Records Officer)

1. The Director of Planning and Enrollment shall serve as the District Student Records Officer and shall be responsible to see that student records are classified and maintained according to the Canyons District Student Record Classification and Retention schedule.
2. The principal shall serve as the Student Records Officer for the school.
 - 2.1. The principal shall be responsible to see that teachers, secretaries, and aides are appropriately trained in record keeping and follow the Canyons District Student Record Classification and Retention schedule.
 - 2.2. The principal shall receive requests to access student records and determine whether access is to be granted or denied.
 - 2.3. The principal shall be responsible to see that records are appropriately maintained in safe, secure files which will protect the documents and assure privacy.
 - 2.4. The principal shall be responsible to see that records are retained, transferred, archived, and destroyed in a timely, efficient, appropriate manner.
3. Teachers and other school personnel as designated by the principal shall be responsible to see that attendance rolls, student progress reports, grades, health cards, and other necessary student records are prepared and maintained.



ADMIN REG:
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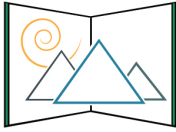
ADMINISTRATIVE REGULATION—500.8-3: (Access to Education Records; Request to review Education Records; Denial of Release of Student Information)

Access to Education Records:

1. All documents in the student cumulative/permanent record file, which include directory information, ethnic origin, schools and years attended, subjects completed, grades and credits earned, competency evaluations, certain health records, and other documents related to the education program, are private records with the exception of certain directory information.
2. Student records shall be accessible to:
 - 2.1. Authorized school personnel having responsibility for the student's educational program, and to individuals conducting federal, state, or district audits of educational programs.
 - 2.2. Parents.
 - 2.2.1. In the event that parents are divorced or separated, both parents shall be entitled to access their child's student records unless prohibited by court order.
 - 2.3. Eligible students.
 - 2.3.1. An eligible student is a student who is 18 years or older.
 - 2.4. Except in accordance with state and federal law, access to student records shall not be given to individuals other than those listed is above.
3. Certain student information designated as "directory information" may be made public without prior written consent. However, there is no legal requirement that a school or the district release directory information about a student. Canyons School District has designated "directory information" in its FERPA Annual Notification (Exhibit 1).
 - 3.1. Parents or students who do not want this information to be made public will be given an opportunity each year to notify the school that such information is not to be made public through the FERPA Annual Notification.
 - 3.2. A copy of the Annual Notice, which includes information on access rights, must be included in student registration packets and all student handbooks, posted on the district's website, and otherwise widely distributed and made available to parents.
4. The District's Student Information Military and College Recruiting Opt-Out Forms (Exhibit 2) must also be included in registration materials, posted on the district's policy website, and otherwise widely distributed and made available to parents.

Requests to Review Student Records:

1. Parents of students currently enrolled or eligible students may submit a written request

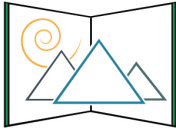


to the school principal or designee to review or obtain copies of their student's record.

- 1.1. Before allowing a person access to student records, school personnel must verify the identity of the person making the request.
- 1.2. Directory information should not routinely be released to the public or media. School employees should contact Planning and Enrollment if they have questions about requests they may receive.
2. Access to school records under the Family Educational Rights and Privacy Act (FERPA) pertains only to official educational records, such as grades, attendance, and other information found in the cumulative file. It does not extend to classroom notes held by an individual teacher, principal, counselor, or other staff.
 - 2.1. Schools are not required to prepare special reports or to recreate lost or destroyed records to satisfy a request for student records.
3. Copies of records must be provided to parents and eligible students at a reasonable cost. The inability to pay reproduction costs may not prohibit access to the record itself.
4. Requests for access to records should be granted in a timely manner; however, schools have up to 45 days to reply to a request.
5. Except for those individuals listed in 6.1, 6.2, and 6.3 schools must maintain a record of each request for access to, and each disclosure they make from, an education record.
 - 5.1. The record of access must include the names of parties who have requested or received information from the records, and the stated reason for the request.
 - 5.2. A copy of the signed parent consent to release a record must be kept in the student's cumulative file.
6. Schools are not required to keep a log or other record of access if the request is from, or the disclosure made to any of the following:
 - 6.1. the parent or eligible student;
 - 6.2. a properly designated school official for a legitimate educational purpose; or
 - 6.3. a party seeking directory information.

Denial of Release of Student Information

1. If a school receives either a parent's or eligible student's written authorization to deny the release of their student's directory information, or a signed Media Release Form or Military and College Recruiting Opt-Out Form, the school will document that Denial or Release authorization in the student information system.
 - 1.1. If a parent or eligible student chooses the option of denying the release of their student's directory information, they are opting out of the release of all directory information. Parents may not select items or circumstances under which some information may or may not be released.
2. Schools must monitor each request to deny the release of a student's information to ensure that the request is honored.
3. Before releasing any student information to or on any media, the District's



Communication Department will verify, to the best of its ability, whether any documentation restricting the release of such information exists.

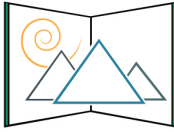
ADMIN REG:
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ADMINISTRATIVE REGULATION—500.8-4: (Request to Amend Records; Transfer of Records; Military Child’s Records)

Request to Amend or Correct a Record:

1. If a parent or eligible student believes their student’s record contains information that is inaccurate, misleading, or in violation of the student’s right of privacy, he or she may request that the record be amended or corrected.
2. Parents should submit a written request to the principal seeking a review of their student’s record. Parents should cite information they believe to be inaccurate, misleading, or a violation of their child’s privacy rights and provide any documentation that supports their belief.
 - 2.1. The principal will review the record, gather more information, and may conference with the parents to clarify their concerns.
 - 2.2. The principal will render a decision within 20 school days of the receipt of the request.
3. Appeal: If a parent wishes to appeal the principal’s decision, he or she may send a written request for a hearing to the Director of Planning and Enrollment within ten school days of the principal’s decision.
4. The Director of Planning and Enrollment will conduct a hearing within 20 school days.
 - 4.1. Parents will have the opportunity to present evidence supporting their request that the record be changed.
 - 4.2. Parents may be assisted or represented by one or more individuals, including their attorney; however, parents must give advanced notice if they intend to bring legal counsel, so that the district also has the opportunity to have legal representation present at the hearing.
5. The Director of Planning and Enrollment will render a written decision within 20 school days. The decision will include a summary of the evidence and the basis for the decision.
6. If the decision is made to amend or correct the student’s record, the amendment will be made and the parent will be informed of the amendment in writing.
7. If the Director of Planning and Enrollment determines that the record will not be changed, the parent may place a statement in the student’s record commenting on the contested information and/or an explanation of why he or she disagrees with the hearing officer’s decision.



Transfer of Records:

1. A school shall request a certified copy of a transfer student’s record, directly from the transfer student’s pervious school, with fourteen (14) days after enrolling the student unless the student is a military child (See, below).
2. The District shall promptly forward education records upon request to official of other schools or school systems in which the student intends to enroll within thirty (30) school days of the request, unless the student is military child (See, below).

Military Child’s Records:

1. If the parent/legal guardian of a military child requests an official education record and the school is unable to release the official education record, the school shall provide the parent or guardian of the military child with an unofficial education record. If a school requires an official education record in order to enroll a student, the school shall enroll and appropriately place a military child based on information in an unofficial record pending validation by an official record.
2. A school that enrolls a military child shall request a certified copy of a military child's official education record, directly from the military child's previous school, simultaneously with enrolling the military child.
3. If a school receives a request to forward a certified copy of a military child's official education record, the school shall comply within ten (10) days of the request.

ADMIN REG:
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ADMINISTRATIVE REGULATION—500.8-5: (Request for Information pursuant to Subpoena)

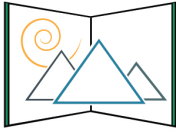
1. Before releasing student information pursuant to a subpoena, the school should notify the parent that their child’s records have been subpoenaed so that the parent has the opportunity to seek legal counsel, and seek to quash the subpoena.
2. School officials may disclose student information to appropriate parties in an emergency situation if the sharing of the information is necessary to protect the health or safety of an individual.

ADMIN REG:
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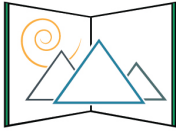
ADMINISTRATIVE REGULATION—500.8-6: (Prior Written Notification and Consent Required for Student Participation in Certain Activities)

1. Prior written consent from parents or guardians must be obtained before students are asked to complete written assignments, answer questions, complete questionnaires, or



take psychological or psychiatric examinations, tests, or treatments which reveal any of the following information about the student or the student's family, whether such information is personally identifiable or not:

- 1.1. political affiliations or, except as provided for in state law, political philosophies;
- 1.2. mental or psychological problems;
- 1.3. sexual behavior, orientation, or attitudes;
- 1.4. illegal, anti-social, self-incriminating, or demeaning behavior;
- 1.5. critical appraisal of individuals with whom the student or family member has close family relationships;
- 1.6. religious affiliations or beliefs;
- 1.7. legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; or
- 1.8. income, except as required by law.
2. Prior written consent under Section (1) above is required in all grades, kindergarten through grade twelve. The prohibitions included in Section (1) also apply within the curriculum and other school activities unless appropriate prior written consent has been obtained.
3. In order for the prior written consent to be valid, parents or guardians must be given notification at least two weeks before any information outlined in Section (1) is solicited.
4. This notice must include information that a copy of the educational or student survey questions to be asked is available at the school for the parents to review.
 - 4.1. This notice must provide parents a reasonable opportunity to obtain written information concerning:
 - 4.2. records or information, including information about relationships, that may be examined or requested;
 - 4.3. the means by which the records or information shall be examined or reviewed;
 - 4.4. the means by which the information is to be obtained;
 - 4.5. the purposes for which the records or information are needed;
 - 4.6. the entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and
 - 4.7. a method by which a parent can grant permission to access or examine the personally identifiable information.
5. School staff will provide appropriate consent forms to parents and will monitor student participation as per written parental consent.
6. Unless otherwise agreed to by the parent and the person requesting written consent, the authorization is valid only for the activity for which it was granted.
7. Following disclosure, parents may waive the two-week minimum notification period.
8. The two-week prior written notification requirement is not applicable in a situation which a school employee reasonably believes to be an emergency, in relation to child abuse or neglect reports, or by order of the court.
9. This policy does not limit the ability of a student to spontaneously express sentiments



or opinions otherwise protected from disclosure.

10. If a school employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent without delay. If, however, the matter has been reported to the Division of Child and Family Services (DCFS), it is the responsibility of DCFS to notify the student's parent.
11. These procedures outlining the need for prior written notification and consent in certain circumstances, are necessary in order for the district to comply with the Utah Family Educational Rights and Privacy Act (UFERPA) and the Protection of Pupil Rights Amendment (PPRA). (See, UFERPA at Utah Code Ann. §53E-9-202, and PPRA at 20 U.S.C. §1232(h); 34 C.F.R. Part 98.)
12. District employees violating these procedures may be subject to discipline, up to and including termination.

ADMIN REG:
500.8-7

ADOPTED:
12.5.17

ADMINISTRATIVE REGULATION—500.8-7: (Notification of Data Breach)

1. The District shall notify the parent/legal guardian of a student (or the student if the student is an adult) if there is a release of the student's personally identifiable student data due to a security breach.

ADMIN REG:
500.8-8

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ADMINISTRATIVE REGULATION—500.8-8: (Retention of Student Records)

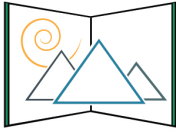
1. The District and schools shall adhere to the District Records Retention Schedule as approved by the Department of Planning and Enrollment (See, Exhibit—3).

EXHIBITS

1. FERPA Annual Notification
2. Military/College Recruiting Opt-Out Form
3. Retention Schedule School Records

REFERENCES

FORMS



CANYONS
School District

**CANYONS SCHOOL DISTRICT
POLICY MANUAL**

None

CANYONS BOARD OF EDUCATION

This online presentation is an electronic representation of the Canyons School District's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent located at 9361 South 300 East Sandy, UT 84070.