

Dell Rapids School District #49-3



Policies and Regulations Code: JO-R – Students

JO-R STUDENT RECORDS

In accordance with the Board's policy pertaining to student records, the following regulations have been established.

Collection and Maintenance of Student Cumulative Record

Information about students collected and maintained is classified into two areas: Category A designated as Permanent Records and Category B designated as Supplementary Records.

Category A – Permanent Records

1. Official permanent records constitute only part of the cumulative record. The minimum personal data necessary for operation of the school system includes factual information such as vital statistics, school attendance and academic achievement.
 - a. Identification data (names, addresses of parents, guardians, siblings), excluding educational level or occupation.
 - b. Birthplace and birth date.
 - c. Race or ethnicity as required by federal agencies.
 - d. Academic work completed and related reports of student progress.
 - e. Gender.
 - f. Attendance data.
 - g. Honors and activities.
 - h. Telephone number
 - i. Level of achievement.
 - marks earned in courses of study
 - standardized test results
 - rank in class
 - grade point average
 - j. Date of graduation
 - k. Photo (when available)

2. Maintenance of Active Permanent Records.

Category A – Updating on the permanent record will be done as changes occur. All data entered into the permanent record should be dated and signed when appropriate.

 - a. The superintendent or his/her designee shall be the custodian of all transfer and drop permanent records at the district level.
 - b. The principal or his/her designee shall:
 - (1) be the custodian of all active and graduate permanent records at the attendance center.
 - (2) make maximum provision for protection of records from review by unauthorized personnel and for maximum physical security of such records.
 - (3) have the overall responsibility for maintaining and preserving the confidentiality of student records.
 - (4) be responsible for classifying, reviewing, deleting whenever necessary in maintaining records.

- (5) ensure that the school staff under his/her jurisdiction receives periodic instructions and training regarding the privacy rights of students and parents. The procedures for collection, maintenance, accessibility, dissemination, retention and confidentiality of student information shall be reviewed periodically for the staff by the principal.
- c. Copies of the District's policy regarding the collection, maintenance, accessibility, dissemination, retention, and confidentiality of student records are available upon request from the superintendent's office.

Category B – Supplementary Records

1. This classification includes verified information of importance but which is not absolutely necessary to the operation of the school system but is a more sensitive nature and of less historical importance. These supplementary records include two types of data, i.e. general and observational.

General Data

- a. Health information not contained on health card
- b. Relevant family data
- c. Other standardized test scores
- d. Duplicate report card
- e. Educational and vocational plans

Observational Data

- a. Observational teacher comments
- b. Student services staff reports
- c. Parent/teacher conference reports
- d. Behavior and/or discipline reports

2. Maintenance or Supplementary Records

Category B – Supplemental records shall be kept objective, factual and devoid of value judgments. Care shall be exercised to insure the accuracy of data. Reported behavior patterns and specific incidents should be unambiguously described and clearly verified prior to becoming a part of any record. School personnel should be aware that what is written for the record about a student, in any and all contexts, cannot be considered confidential and is accessible to the student or parents.

- a. The data classified as Category B – supplementary records – shall be reviewed at least annually and the records should be carefully reviewed when a student moves from elementary school to middle school and again from middle school to high school.
- b. When a student graduates or is permanently dropped from school, those portions of the Category B, supplementary records, deemed to have a permanent usefulness shall be transferred to the permanent record. Records and reports in this category shall be maintained for a period of five years after the student graduates or until graduate age when a student drops or transfers and shall then be destroyed by shredding or burning.

Accessibility of Information from Student Record

1. Maintaining Log or Record of Requests for Information

A record shall be maintained describing each request for information from the record. The name of the person making the request, his or her legitimate interest in requesting the information and date of the request are to be noted as well as whether or not the request is granted. This record may be inspected by the parents of the student or the eligible student, the school official and his or her assistants who are responsible for the custody of the records and the parties authorized for the purpose of auditing the record keeping procedures.

2. Types of Requests for Student Information

- a. Telephone Requests

Requests for information via the telephone shall not be honored except to other educational systems where the student plans to enroll or in the event of reasonable and legitimate requests in which the caller is known to the school official.

b. Written Requests

Requests for information by letter may be honored under the following conditions:

- (1) the request is made under an official letterhead
- (2) the inquirer is properly identified in the correspondence
- (3) the purpose of the request is clearly stated
- (4) the type of information required is exactly stated
- (5) the request must qualify under the Dissemination of Permanent Records section.

c. In-Person Requests for Information at the Building Level

Upon presentation of proper identification, a request for information via personal visit shall be honored under the following conditions:

- (1) the purpose of the request and the exact nature of the information requested must be stated and found satisfactory by the building principal or his or her designee.
- (2) the material shall be interpreted to the visitor by a qualified staff member
- (3) the staff member shall be present during the entire in-person visit
- (4) a record of the visit shall be made.

3. Sources of Requests for Information

a. Parents or Guardians of Students under 18 Years of Age

- (1) a student's parents or guardians shall have access to the permanent and supplementary records at all reasonable times.
- (2) in the event that the school has been notified in writing or is aware of a legal separation or divorce, contents of the record, except for address, phone number or transfer destination, may be released to the parent who does not have legal custody.
- (3) a counselor or other school official competent in interpreting students records shall be present to explain the records that are examined.
- (4) written parental objection to the accuracy, authenticity or inclusion of data recorded in the cumulative record shall become part of the record upon request of the parents.
- (5) parents shall have an opportunity to amend, correct or delete any inaccurate, misleading or otherwise inappropriate data contained in the student's record. Upon failure of the school to amend, correct or delete this information, the parent shall have an opportunity for a hearing to challenge the content of the record to insure that the record is not inaccurate, misleading or in violation of the privacy of rights of the student.
- (6) the following exception shall be made to the principle of parental consent with respect to a student's age and his/her legal rights:

Whenever a student has attained eighteen (18) years of age the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

b. Students

A student or former student may have access to the permanent and supplementary records at all reasonable times. A counselor or other school official competent in interpreting student records shall be present to explain records that are examined. The student shall have the right to make written objections to any information contained in the records. Any written objection shall be signed by the student and dated and shall become part of the supplementary record.

c. Family Members Other than Parents

Requests for information contained in the student's record shall not be honored when made by a student's relative or immediate family members other than parents whether the request is made by letter or in person. The release of information to those persons can be made only with the written consent of the parents or guardian or by the student who is eighteen (18) years of age or older.

d. Certified School Personnel and Non-Certified School Staff

Certified school personnel who have a legitimate educational interest shall have access to student records. Legitimate educational interests include: assessing individual student or class needs, assessing program effectiveness, entering student information into the student record, and obtaining information to complete student recommendations. Staff members shall respect and observe the importance of the student record. The utmost personal and professional responsibility is required in the uses to which they put their special knowledge about a student.

Non-certified school staff will have access to student records only in the routine performance of duty, with the permission of and under the direction of the building principal.

e. Peers

Requests for information contained in the student's record from a student's peers shall not be honored.

f. Agency or Institution

All information released to an agency or institution should be directed to a specifically named representative of such agency or institution. Requests for information originating from any federal, state, county or local agency having any legitimate interest in the student's record and having the power of judicial order or subpoena may be processed according to these regulations so long as the use is consistent with their statutory powers or responsibilities. The parents and students shall be notified of all such orders or subpoenas in advance of the compliance therewith by the agency or institution through a reasonable effort of the school.

g. No other person may have access to any other data in a student's records except under one of the following circumstances:

(1) when proper written consent to the release of such records has been obtained.

(a) the consent must be given by the student's parent or guardian. However, when a student reaches the age of eighteen (18) years or is married, his or her consent and not that of the parents must be obtained to release the information.

(b) the written consent must specify the records to be released, to whom they are to be released, the reasons for such release and be signed and dated by the parent of the student or the eligible student giving the request. Each request for consent must be handled separately; blanket permission of the release of information shall not be accepted. A copy of the records to be released shall be given to the student's parents and the student upon request of the parents or student.

(2) in an emergency situation when the student or parents cannot be reached, the principal, superintendent or designee may at their discretion release information as needed for the health and/or safety of the student or other persons.

(3) when data for outside research purposes is released in such a form that no individual student is identifiable.

(4) requests for information from sources not specifically identified in these regulations may be processed in accordance with safeguards established by the school administrator after consultation with appropriate District personnel.

h. The right of inspection may be exercised only during customary office hours of the School District.

i. The school will disclose personally identifiable information from a student's records only on the condition that the person to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent or eligible student. Personally identifiable information disclosed to any institution, agency or organization may be used by its officers, employees and agents only for the purposes for which the disclosure is made. The school will inform the persons to whom the information is disclosed of these conditions. These conditions do not apply to the disclosure of directory information.

4. The Right to Withhold Information

In the course of processing a request for information, a reasonable doubt on any aspect of the request or concern about the authorization to process the request shall be deemed sufficient reason for the staff member to act in a prudent manner and to withhold all or part of the information until such time as the question is resolved.

5. Records Containing Information for More than One Student

If the records of a student contain information for more than one student, the parents of a student or the eligible student may inspect and review, or be informed of, only the specific information which pertains to that student.

6. Release of Official Transcripts

Upon receipt of a signed, written request from the parent or eligible student, the school will forward official transcripts (bearing the school seal) to accredited schools, colleges, agencies and in which the student seeks or intends to enroll.

Dissemination of Permanent Records

1. The permanent record may be released without the consent of parents or students to certified school staff within the District and identified representatives of the offices of the Division of Elementary and Secondary Education, secretary of HEW and the United States Commissioner of Education.
 - a. Parents and eligible students may have interpretation of this data and may receive a copy by request. A reasonable fee may be charged for the copy.
 - b. Statistics regarding groups of students, required by governmental agencies, may be shared without parental or student consent. Individual student identification would not be possible in such a report.
2. Dissemination of Supplementary Records
 - a. Pertinent information included in supplementary records may be released without consent of parents to appropriate certified school staff.
 - b. A general report combining all these comments and observations may be sent to other institution, such as colleges or employers, only with permission of the parent or the eligible high school student.

Retention of Student Record

1. Maintenance of Records for Graduates

When a student graduates from the School District, the permanent record is stored and housed in the high school building. This permanent record is stored in the high school building for five years for immediate reference.
2. Maintenance of Records for Drop or Transfer
 - a. Permanent records for drop or transfer students at the elementary and middle school level are stored and housed at the appropriate building. If the student does not re-enter, the school district or does not graduate, the permanent record remains inactive until the student reaches graduation age and the permanent record is destroyed by shredding or burning.
 - b. Permanent records for drop or transfer students at the high school level are stored in the high school building until the student reaches graduation age at which time records are destroyed.
 - c. The education records shall not be destroyed if there are outstanding requests to inspect and review them, and the record of requests shall be maintained for as long as the education record to which it pertains is maintained by the school. Any explanation or rebuttal placed in the records of the student shall become a part of that record and be maintained by the school as long as the record or the contested portion of the record is maintained by the school.

Confidentiality Relating to Student Records

1. Confidentiality Privilege of Counselors

The confidentiality law states that school guidance counselors who obtain information by reason of their employment as a qualified school counselor shall not be allowed to disclose any confidential communications properly entrusted to them by a student or his/her parent or guardian without written permission of the individual involved.

SDCL 19-2-5.1 School counselor and student – Exceptions – No counselor, certificated in accordance with the certification regulations of the state board of education and regularly employed as counselor for a private or public elementary or secondary school or school system in the state of South Dakota, may divulge to any other person, or be examined concerning any information or communication given to him/her in his/her official capacity by a student unless:

- (a) this privilege is waived in writing by the student; or
- (b) the information or communication was made to the counselor for the express purpose of being communicated or of being made public; or
- (c) if the counselor has reason to suspect, as a result of that information or communication, that the student has been subjected to child abuse or that the student's physical or mental health may be in jeopardy.

2. External Agency Reports

These reports include confidential reports received from cooperating agencies such as child welfare, juvenile courts and hospitals, as well as those from private practitioners who are working or have worked with the student. Agency reports do not belong to the school. They are loaned to the school to be used under conditions which are specified by the lending agency.

These reports are not part of the student's record. They are to be kept in a secure file by the person for whom they are prepared for only such a period of time as they are relevant to the work with a particular student. They may be shared on a need-to-know basis with other certified school personnel at the discretion of the person in charge. They are not to be released by the school. Any decision to release information from an agency report is the responsibility and prerogative of the agency and not of the school.

LEGAL REF.: Public Law 93-380
August 21, 1974; "Family Educational Rights and Privacy Act of 1974"
Regulations: Federal Register June 17, 1976

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