

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Student Records

Series: J27

Reference: Family Educational Rights and Privacy Act of 1974; CFR Part 99; 126 CSR 94; 126 CSR 95;

Issued: 09.21.1989

Revised: 02.18.1999; 06.21.2007

Revision Number: 2

27.01 Definitions.

- (a) Student – Any person who attends or has attended a school in the Kanawha County School District.
- (b) Eligible student – A student or former student who has reached age 18 or is attending a postsecondary school.
- (c) Dependent eligible student – An eligible student who is a dependent as defined by the Internal Revenue Code.
- (d) Parent – Either natural custodial parent of a student, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.
- (e) Education records – Any record (in handwriting print, tapes, film, microfilm, microfiche, or other medium) maintained by the Kanawha County School District, or an agent of the District, which is directly related to a student, except:
 - (1) A personal record maintained by a teacher, supervisor or administrator which is in the sole possession of the maker and is not revealed to anyone except the maker's temporary substitute.
 - (2) An employment record which is used only in relation to a student's employment by the District.
 - (3) Alumni records which contain information about a student after such student is no longer in attendance at the District and the records do not relate to the person as a student.
- (f) School official – A person employed by Kanawha County Schools as an administrator, supervisor, teacher, or support staff member; a person elected to the Kanawha County Board of Education; or, a person employed by or under contract to perform a special task, such as an attorney, auditor, medical consultant or therapist.

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(g) Legitimate educational interest – An interest related to a student's education, related service or discipline.

(h) District – The Kanawha County School District.

27.02Annual Notification. Each school shall annually notify parents of students currently in attendance, and eligible students currently in attendance of their rights under the Family Educational Rights and Privacy Act of 1974 (FERPA). In addition to the foregoing, parents shall be notified that the names, addresses, and telephone listing of juniors and seniors will be made available to armed services recruiters, unless the parents or eligible student notifies the principal not to include the student's name, address and telephone listing in the information supplied to the armed services recruiters. Such notification shall occur as soon after the commencement of each school year as is practicable, and no later than September 30 of each school year, and shall be provided by one or more of the following alternatives: publication in student/ parent handbook; publication in newsletter directed to students/parents; or direct mailing to parents and eligible students.

27.03Procedure to Inspect Education Records. Parents of students, eligible students or parents of dependent eligible students may inspect and review the student's education records upon request, except that a request from a parent will not be honored if the District has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes parental rights. Written requests shall be directed to the student's school principal and shall, as precisely as possible, identify the record(s) sought. The principal (or other appropriate school official) shall facilitate access to the education records as promptly as possible, but no later than 45 calendar days from the date of the receipt of the request.

27.04Refusal to Provide Copies of Education Records. The District will not provide copies of records which reveal standardized test questions.

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27.05 Fees for Copies of Records. The fee for copies will be \$.10 per page plus any postage. Parents of students eligible for free or reduced lunch shall not be required to pay fees for copies of records.

27.06 Types, Locations, and Custodians of Educational Records. The following list indicates the types of records that the District maintains, their locations, and their custodians:

Type of Record

Permanent Record Card: 200 Elizabeth Street, Administrative Assistant of Personnel; School building, Principal

Test Record Card: School building, Principal

Psychological Records: 200 Elizabeth Street, Lead Psychologist

Health Records: 200 Elizabeth Street, Lead School Nurse

Exceptional Students Records: 200 Elizabeth Street, Director of Exceptional Students

Chapter I Records: 200 Elizabeth Street, Director of Chapter I

27.07 Disclosure of Information on Educational Records. The District shall not disclose personally identifiable information from a student's education records, absent written consent of the parents or eligible student, except:

- (a) To school officials who have a legitimate educational interest in the records.
- (b) To officials of another school in which the student seeks or intends to enroll upon the request of such official.
- (c) To certain officials of the United States Department of Education, the Comptroller General, and state and local educational authorities (including the Division of Rehabilitation Services), in

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connection with certain state or federally supported education programs.

- (d) In connection with a student's request for a receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
- (e) To organizations conducting certain studies for or on behalf of the District.
- (f) To accrediting organizations to carry out their functions.
- (g) To parents of an eligible student who claims the student as a dependent for income tax purposes.
- (h) To comply with a judicial order or lawfully issued subpoena. Notice of such compliance will be given in advance to parents or eligible student.
- (i) To appropriate parties in a health or safety emergency.

27.08 Record of Requests For Disclosure. The District will maintain a record of all requests for and/or disclosure of information from a student's education records, excluding requests of school officials and requests for directory information. The record will indicate the name of the party making the request, any additional parties to whom it may be disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parents, eligible student or parents of a dependent eligible student.

27.09 Directory Information. The District designates the following items as Directory Information: student name, address, telephone number, 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, indication of "graduate" or "nongraduate," degrees and awards received, most recent previous school attended, and photograph. The District may

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disclose any of the aforementioned items without prior written consent, unless notified in writing to the contrary by September 30 of each school year.

27.10 Correction of Education Records. Parents or eligible students have the right to seek the correction of records they believe to be inaccurate, misleading, or in violation of their privacy rights. The procedure for the correction of records is set forth as follows:

- (a) Parents or eligible student must submit a written request to the District to amend the record which specifies the part of the record they want changed and the reason they believe it is inaccurate, misleading or in violation of the student's privacy rights.
- (b) The District may comply with the request and provide written notification to the parents or eligible student of its decision to amend the student's record. If the District elects not to comply with the request, notice of the decision and information concerning the right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights shall be provided to the parents or eligible student.
- (c) Upon request, the District will arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place and time of the hearing.
- (d) The hearing will be conducted by a school official who has no direct interest in the outcome of the hearing. The parents or eligible student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the initial request to amend the student's education records. The parents or eligible student may, at their own expense, be assisted or represented by one or more individuals, including an attorney.
- (e) Within a reasonable period after the hearing the District will prepare a written decision based solely on the evidence presented

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at the hearing. The decision will include a summary of the evidence and the reasons for the decision.

- (f) If the District determines that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will provide notice to the parents or eligible student of the right to place in the record a statement commenting on the challenged information and/or a statement which sets forth the reason for disagreement with the decision.
- (g) Any statement submitted by a parent or eligible student shall be maintained so long as the contested information is maintained. If the District disclosed the contested information, it will also disclose the statement.
- (h) If the District determines the information is inaccurate, misleading or in violation of the student's right of privacy, it will amend the record and provide written notification to the parents or eligible student that the record has been amended.

27.11 Disclosure of List of Juniors and Seniors to Armed Forces

Recruiters. Subject to the requirements of this policy, including the requirement that directory information be withheld upon the written request of parents or eligible students, each high school principal shall, upon request, release the names, addresses and telephone listings of juniors and seniors to armed forces recruiters.