

RECORDS, STUDENT

A. Introduction

This regulation and the procedures included with it are designed to meet the provisions of the Family Educational Rights and Privacy Act (FERPA), and the Edmond School District Policy #4700.

B. Definitions

For the purpose of this regulation and Policy #4700, the Edmond School District has used the following definitions of terms:

1. Student - Any person who attends or has attended a program of instruction sponsored by the Board of Education of the Edmond School District and for whom it maintains education records.
2. Eligible student - A student or former student who has reached age 18 or is attending a postsecondary school.
3. Parent - Either natural parent of a student, unless his or her rights under the FERPA have been removed by a court order, a guardian or an individual acting as a parent or guardian in the absence of the student's parent or guardian.
4. Education records - Any record (in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or other medium) maintained by the Edmond School District, an employee of the District or an agent of the District, which is directly related to a student and maintained by the Edmond School District or by a party acting for the Edmond School District, except:
 - a. A personal record kept by a school staff member that meets the following tests:
 - (1) It was made as a personal memory aid;
 - (2) It is in the personal possession of the individual who made it; and
 - (3) Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute.
 - b. Records of a law enforcement unit of the Edmond School District, but only if education records maintained by the Edmond School District are not disclosed to the unit, and the law enforcement records are:
 - (1) Maintained separately from education records;
 - (2) Maintained solely for law enforcement purposes; and
 - (3) Disclosed only to law enforcement officials of the same jurisdiction.

- c. An employment record that is used only in relation to a student's employment by the Edmond School District. (Employment for this purpose does not include activities for which a student receives a grade or credit in a course.)
 - d. Records on an eligible student, that are:
 - (1) Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - (2) Made, maintained or used only in connection with treatment of the student (treatment does not include remedial educational activities or activities that are part of the program of school instruction); and
 - (3) Disclosed only to individuals providing the treatment.
 - e. Alumni records that relate to the student after he or she no longer attends classes provided by the Edmond School District, and the records do not relate to the person as a student.
5. Personally identifiable information - Any data or information that make the subject of a record known. This includes the student's name, the student's parents' or other family member's name, the student's or family's address, the student's social security number, a student number, a list of personal characteristics or any other information that would make the student's identity easily traceable.

C. Annual Notification

- 1. Within the first three weeks of each school year, the Edmond School District will publish in the local newspaper of general circulation in the area, a notice to parents and eligible students of their rights under the FERPA and this policy. The Edmond School District will send also home with each student a notice to parents and eligible students of their rights under the FERPA and this Policy #4700 and the notice will be included with a packet of material provided parents or an eligible student when the student enrolls during the school year.
- 2. The notice will include the following:
 - a. The right of a student's parents and eligible students to inspect and review the student's education records.
 - b. The intent of the Edmond School District to limit the disclosure of information contained in a student's education records except: (1) by the prior written consent of the student's parent or the eligible student, (2) as directory information, or (3) under certain limited circumstances, as permitted by the FERPA and the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest, for purposes of disclosure.

- c. The right of a student's parent or an eligible student to seek to correct parts of the student's education record that he or she believes to be inaccurate, misleading or in violation of student privacy rights and the procedure for requesting amendment of records.
 - d. The right of any person to file a complaint with the U.S. Department of Education, if the Edmond School District violated the FERPA.
3. The District will arrange to provide translations of this notice to non-English speaking parents in their native language and to effectively notify parents or eligible students who are disabled.
 4. All rights and protections given parents under the FERPA and this policy transfer to the student when he or she reaches age 18 or enrolls in a postsecondary school. The student then becomes an "eligible student."

D. Locations of Education Records

TYPES	LOCATION	CUSTODIAN
Cumulative School Records	School Sites	Principal
Cumulative School Records (Former Students)	Administrative Center	Director of Information Systems
Health Records	Special Services Center	Health Services Supervisor
Speech Therapy Records	Special Services Center	Director of Special Education
Psychological Records		
Special Test Records		
Occasional Records (Student Education Records not identified above, such as those in Superintendent's office, in the school attorney's office or in the personal possession of teachers.)	Administrative Center	Superintendent or Designee

E. Procedure to Inspect Education Records

1. Parents of students and eligible students may inspect and review the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. See the schedule of fees for copies below.
2. Since a student's records may be maintained in several locations, the school principals will offer to collect copies of records or the records themselves from locations other than a student's school, so they may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, school principals will make every effort to accommodate their wishes.
3. Parents or eligible students should submit to the student's school principal a written request that identifies as precisely as possible the record or records he or she wishes to inspect.
4. The principal (or other custodian) will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location, or records brought to a single site).
5. The principal (or other custodian) will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.
6. If for any valid reason, such as working hours, distance between record location sites, or health, a parent or eligible student cannot personally inspect and review a student's education record, the Edmond School District will arrange for the parent or eligible student to obtain copies of the record. See below for information regarding fees for copies of records.
7. When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students.
8. The Edmond School District is not required to give an eligible student access to treatment records (as defined by the term "education records" in the Definitions section of this regulation), but the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

F. Fees for Copies of Records

1. The Edmond School District will not deny parents or eligible students any rights to copies of records because of the following published fees. The fee for copies provided under the FERPA may not include the costs for search and retrieval. This fee will be from no cost to twenty-five cents per page. (Actual copying cost less hardship factor.) The fee for all other copies, such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience will be from ten cents to thirty-five cents per page (actual search, retrieval and copying cost,) plus postage, if that is involved.
2. When the fee represents an unusual hardship, it may be waived in part or entirely by the record custodian. However, the District reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes. The School District may deny copies of records (except for those required by the FERPA) in the following situations:
 - a. The student has an unpaid financial obligation to the school.
 - b. There is an unresolved disciplinary action against the student that warrants the denial of copies.

G. Directory Information

1. The Edmond School District designates the following personally identifiable information contained in a student's record as "directory information," and it will disclose that information without prior written consent:
 - a. The student's name;
 - b. The names of the student's parents;
 - c. The student's address;
 - d. The student's telephone listing;
 - e. The student's class designation (i.e., first grade, tenth grade, etc.);
 - f. The student's extracurricular participation;
 - g. The student's achievement awards or honors;
 - h. The student's weight and height, if a member of an athletic team;
 - i. The student's photograph; and

- j. The school or school district the student attended before he or she enrolled in the Edmond School District.
2. Within the first three weeks of each school year, the Edmond School District will send home with each student the above list or a revised list of the items of directory information it designates as directory information. For students enrolling after the notice is published, the list will be given to the student's parent or the eligible student at the time and place of enrollment.
3. The Edmond School District will provide military recruiters, upon request, with names, addresses and telephone listings of secondary students unless parents have advised the Edmond Public Schools that they do not want their student's information disclosed to military recruiters without their prior written consent.
4. After the parents of eligible students have been notified, they will have two weeks to advise the School District in writing (a letter to the Superintendent of Schools' office) of any or all of the items they refuse to permit the District to designate as directory information about that student.
5. At the end of the two-week period, each student's records will be appropriately marked by the records custodian to indicate the items the District will designate as directory information about that student. This designation will remain in effect until it is modified by the written direction of the student's parent or the eligible student.

H. Use and Disclosure of Student Education Records

1. To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The Edmond School District will use the following criteria to determine who are school officials. An official is:
 - a. a person duly elected to the School Board;
 - b. a person certified by the state and appointed by the School Board to an administrative or supervisory position;
 - c. a person certified by the state and under contract to the School Board as an instructor;
 - d. a person employed by the School Board as a temporary substitute for administrative, supervisory or instructional personnel for the period of his or her performance as a substitute;

- e. a person employed by or under contract to the School Board to perform a special task such as secretary, a clerk, the School Board attorney or auditor for the period of his or her performance as an employee or contractor; or
 - f. a person participating in a school service program or an official school committee.
2. School officials who meet the criteria listed above will have access to a student's records if they have a legitimate educational interest in doing so. A "legitimate educational interest" is the person's need to know in order to:
- a. Perform an administrative task required (a) in the school employee's position description approved by the School Board, or (b) by participation in the school service program.
 - b. Perform a supervisory or instructional task directly related to the student's education; or
 - c. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement or student financial aid.
3. The Edmond School District will only release information from or permit access to a student's education record with a parent or eligible student's prior written consent, except that the Superintendent of Schools or a person designated in writing by the Superintendent may permit disclosure:
- a. When a student seeks or intends to enroll in another school district or a postsecondary school. Parents and students have a right to obtain copies of records transferred under this provision;
 - b. When certain federal and state officials need information in order to audit or enforce legal conditions related to federally supported education programs in the District;
 - c. The parties who provide or may provide financial aid to a student to:
 - (1) Establish the student's eligibility for the aid;
 - (2) Determine the amount of financial aid;
 - (3) Establish the conditions for the receipt of the financial aid; or
 - (4) Enforce the agreement between the provider and the receiver of financial aid;

- d. If a state law adopted before November 19, 1974, allowed certain specific items of information to be disclosed in personally identifiable form from student records to state and local officials or authorities concerning the juvenile justice system and the system's ability to effectively serve the student whose records are released or if a state law adopted after November 19, 1974, allowed such information to be disclosed to state or local officials concerning the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released;
 - e. When the Edmond School District has entered into a written agreement or contract for an organization to conduct studies on the School District's behalf to develop tests, administer student aid or improve instruction;
 - f. To accrediting organizations to carry out their accrediting functions;
 - g. To parents of eligible students if the parents claim the student as a dependent as defined by the Internal Revenue Code of 1954;
 - h. To comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with a Federal grand jury subpoena or other subpoena issued for a law enforcement purpose, and the court or issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; and
 - i. If the disclosure is an item of directory information and the student's parent has not refused to allow the District to designate that item as directory information for that student.
4. The Edmond School District will permit any of its officials to make the needed disclosure from student education records in a health or safety emergency if:
 - a. He or she deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons;
 - b. The information is necessary and needed to meet the emergency;
 - c. The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency; and

- d. Time is an important and limiting factor in dealing with the emergency.
5. Edmond School District officials may release information from a student's education record if the student's parent or the eligible student gives his or her prior written consent for the disclosure. The written consent must include at least:
 - a. A specification of the records to be released;
 - b. The reasons for the disclosure;
 - c. The person or the organization or the class of persons or organizations to whom the disclosure is to be made;
 - d. The parent or student's signature; and
 - e. The date of the consent and, if appropriate, a date when the consent is to be terminated.
6. The student's parent or the student may obtain a copy of any records disclosed under this provision.
7. The Edmond School District will not release information contained in a student's education records, except directory information, pursuant to court orders or lawfully issued subpoenas and as otherwise provided by state law concerning releases of information to state and local officials and authorities regarding the juvenile justice system, to any third parties, except its own officials, unless those parties agree that the information will not be redisclosed without the parent or eligible student's prior written consent.

I. Records or Requests for Access and Disclosures Made From Education Records

1. The Edmond School District will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records and of information it discloses and access it permits with some exceptions listed below. This record will be kept with, but will not be a part of, each student's cumulative school records. It will be available only to the record custodian, the eligible student, the parent of the student or to federal, state or local officials for the purpose of auditing or enforcing federally supported educational programs.
2. The record will include at least:
 - a. The name of the person or agency that made the request;

- b. The legitimate interest the person or agency had in the information;
 - c. The date the person or agency made the request; and
 - d. Whether the request was granted, and if it was, the date access was permitted or the disclosure was made.
3. The District will maintain this record as long as it maintains the student's education record.
 4. The record will not include requests for access or access granted to parents of the student or to an eligible student, requests for access or access granted to officials of the Edmond School District who have a legitimate educational interest in the student, requests for or disclosures of information contained in the student's education record if the request is accompanied by the prior written consent of a parent of the student or the eligible student or the disclosure is authorized by such prior consent, for requests for or disclosure of directory information designated for that student, or for access by a party seeking or receiving the records by a Federal grand jury or other law enforcement subpoena, when the issuing court or agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

J. Procedures to Seek to Correct Education Records

1. Parents of students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading or in violation of student rights. These procedures for correction of education records shall be used only to address mistakes or violations of privacy and are not available to challenge grades or other academic determinations.
2. For the purpose of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is inaccurate, misleading or in violation of student rights. The term "correct" will be used to describe a record that is accurate, not misleading and not in violation of student rights. Also, in this section, the term "requester" will be used to describe the parent of a student or the eligible student who is asking the School District to correct a record.
3. To establish an orderly process to review and correct an education record for a requester, the District may make a decision to comply with the request for a change at several levels in the procedure.

4. *First level decision* – The requester shall present a written request to correct a student’s education record to the school principal. The request should specify the correction the requester wishes the District to make. It should at least identify the item the requester believes is incorrect and state whether he or she believes the item:
 - a. is inaccurate and why;
 - b. is misleading and why; or
 - c. violates student privacy rights and why.
5. The request will be dated and signed by the requester.
6. Within two weeks after the Principal receives a written request, he or she will: study the request, discuss it with other school officials (the person who made the record or those who may have a professional concern about District’s response to the request), make a decision to comply or decline to comply with the request and complete the appropriate steps to notify the requester or move the request to the next level for a decision.
7. If, as a result of this review and discussion, the Principal decides the record should be corrected, he or she will effect the change and notify the requester in writing that he or she has made the change. Each notice will include an invitation for the requester to inspect and review the student’s education record to make certain the record is in order and the correction is satisfactory.
8. If the Principal decides the record is correct, he or she will prepare a letter to the requester which will include:
 - a. The Principal’s decision that the record is correct and the basis for the decision;
 - b. A notice to the requester that he or she has a right to ask for a hearing to present evidence that the record is incorrect and that the District will grant such a hearing.
 - c. Instructions for the requester to contact the Superintendent or an officer the Superintendent designates, to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The District will not be bound by the requester’s positions on these items, but will, so far as possible, arrange the hearing as the requester wishes; and
 - d. Advise that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester’s expense.

9. *Second level decision* – After the requester has submitted (orally or in writing) his or her wishes concerning the hearing officer and the time and place for the hearing, the Superintendent will, within a week, notify the requester when and where the District will hold the hearing and who it has designated as the hearing officer.
10. At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect, as shown in the requester's written request for a change in the record (first level.) Likewise, the Principal (or the principals' designee) will be provided a full opportunity to present material evidence and testimony to demonstrate that the record is correct.
11. Within one week after the hearing, the hearing officer will submit to the Superintendent of Schools a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit his or her recommendation, based solely on the evidence presented at the hearing, that the record should be changed or remain unchanged.
12. The Superintendent of Schools will prepare the District's decision within two weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. However, the District's decision will be based solely on the evidence presented at the hearing. Therefore, the Superintendent may overrule the hearing officer if he or she believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the District's decision, the Superintendent will take one of the following actions:
 - a. If the decision is that the District will change the record, the Superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester.
 - b. If the decision is that the District will not change the record, the Superintendent will prepare a written notice to the requester, which will include:
 1. The School District's decision that the record is correct and will not be changed;
 2. A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the District's decision; and

3. Advise the requester that he or she may place in the student's education record an explanatory statement that states the reasons he or she disagrees with the School District's decision and/or the reasons he or she believes the record is incorrect.
13. Final administrative step in the procedure – When the Edmond School District receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education record as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record, and whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.

K. Procedures to Seek to Correct Education Records

Copies of Policy #4700 and this regulation will be available for parent and eligible student review in the principal's office of each school building and at the Superintendent's office and on the District's website.