

STUDENT SCHOOL RECORDS

- 1.0 **General.** Student records shall be maintained in accordance with the federal Family Educational Rights and Privacy Act of 1974, The Colorado Open Records Act, the Colorado Children’s Code Records and Information Act and the Student Data Transparency and Security Act (Data Act). Parents and students, if they are eighteen years of age or older, may have access to the education records. Each individual’s right to privacy shall be protected by limiting the transferability of education records without consent of the parent or eligible student except as otherwise provided by law.
- 2.0 **Education Records.** Generally, student school records, or “education records”, are paper and/or electronic documents, files, records, and other materials maintained by a school which contain information which personally identifies a student, including special education records. Records which “personally identify” a student are those which include the name of a student, the student’s parent, or other family member; the student’s address; a personal identifier, such as a student number; or a list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.
 - 2.1 **Exceptions.** Education records do not include the personal notes or records of District personnel that are in the sole possession of the author and are not revealed to anyone other than a substitute; employment records about a student who is employed by the District; or information obtained about a student after he/she is no longer a student.
 - 2.2 **Personal Knowledge or Information.** State or federal law does not prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from a student’s education records.
- 3.0 **Definitions.**
 - 3.1 "Student personally identifiable information" or "student PII" means information that, alone or in combination, personally identifies an individual student or the student's parent or family, and that is collected, maintained, generated, or inferred by the district, either directly or through a school service, or by a school service contract provider or school service on-demand provider.
 - 3.2 "Security breach" means the unauthorized disclosure of student education records or student PII by a third party or to a third party.
 - 3.3 The following terms used in this policy shall be as defined by the Data Act: "school service," "school service contract provider" and "school service on-demand provider."
- 4.0 **Custodian of Records.** The principal, or his/her designee, shall be the custodian of records for the school. The custodian of records shall be responsible for classifying and maintaining records, deleting or transferring records when necessary, and granting or denying access to records. This custodian will follow the student records standard operating procedures (“SOP”) as prescribed by the district records manager.
- 5.0 **Retention of Records.**
 - 5.1 **Cumulative Records.** This classification includes but is not limited to: birth date, sex, race, names and addresses of parents, academic work completed, grades, CSAP scores, immunization record enrollment history, and attendance records. Cumulative records

shall be permanent and maintained by the District for an indefinite period. Graduated student records will be sent to the district record center not more than six months upon graduation. Withdrawn student records will remain at the school site not longer than one year after the student's date of withdrawal from the District. The records shall thereafter be sent to the District Record Center to be electronically scanned for archival retention.

- 5.2 **Supplementary Records.** This classification includes but is not limited to important but non-essential information such as: scores on standardized intelligence and aptitude tests, health data (other than immunization record), family background, clinical findings, teacher or counselor ratings and observations.

5.2.1 Supplementary information will be purged as outlined in the student records SOP.

- 5.3 **Discipline Records.** Paper records of school disciplinary proceedings should be kept for the duration of a student's continuous enrollment in that school. Thereafter, when the student moves to the next school level (elementary to middle, middle to high), graduates or withdraws from the school or the district, records will be securely destroyed. The District's Intervention Services department will maintain paper records of student expulsion, alternative to expulsion and/or denial of admission cases until the student reaches the age of 21. All electronic discipline records will be maintained in Infinite Campus until the student reaches the age of 23, at which time the records will be destroyed.

- 5.4 **Special Education Records.**

5.4.1 The Executive Director of Student Support Services is the records custodian for all District special education records, regardless of the school which a student attends.

5.4.2 School-based special education records shall be kept separately from the cumulative file. Original special education records for all students will be sent to Student Support Services within ten (10) days of their creation. Copies may be kept at the school no longer than two (2) years after student graduates or withdraws: thereafter, the record copies will be properly destroyed. Special education records for students transferring in-district will be sent along with the cumulative records to the new school. For out of district school transfers only copies of requested documents are sent. The original special education file will be sent to student support services.

5.4.3 Notice will be printed in Metro North newspapers, posted on the Adams 12 Five Star Schools website and also verbalized at Annual Individualized Education Program (IEP) meetings to student and parents, that their child's special education records will be destroyed under the following conditions: when the student has graduated or withdrawn from the district and reached the age of 23. Parents and children are encouraged to request copies of these records prior to the time of destruction.

- 6.0 **Student/Parent Access to Education Records at the Schools.** A parent, guardian, or student age 18 or older may inspect student school records in any reasonable manner in consultation with a certificated employee of the District during the regular hours of the school day. School

officials may reserve the right to have appropriate school personnel present when the records are inspected to interpret the contents of the file, or to explain the meaning of certain tests or other documents. A parent without parenting responsibilities or decision-making authority shall also have access to their child's records unless a court order specifically limits or denies such access.

6.1 The requesting party will notify the records custodian if he or she wishes to have copies of the requested documents, rather than just the opportunity to inspect them. Copies of documents will be provided at \$.25 per page; copies of other writings will be provided for the actual cost of duplication. The records custodian may waive fees in the amount of \$5.00 and less in his/her discretion.

7.0 **Timing of Disclosure.** Education records shall be provided to the requesting party within a reasonable time under the circumstances, in accordance with the timeline prescribed by applicable law.

8.0 **Third Party Access to Education Records – Disclosure Without Written Consent.** The principal or designee may permit access to records concerning a student enrolled in the school to the following individuals or agencies without prior parental permission:

8.1 A person or agency designated in writing by such student if the student is 18 years of age or older, or by either parent or guardian if the student is under age 18. The necessary release must specify the records to whom the release is to be made.

8.2 An officer or employee of a public, private, or parochial school where the student attends or intends to enroll. Requests for records must be written and signed by an official of the school the student attends or in which the student intends to enroll.

8.3 A school official who has a specific and legitimate educational interest in inspecting the records for use in furthering the student's academic achievement or maintaining a safe and orderly learning environment.

8.3.1 A "school official" is a person employed by the District as an administrator, supervisor, teacher, or support staff member (including but not limited to paraprofessionals, transportation personnel, health and law enforcement unit personnel and before-and-after-school program personnel); a member of the school board; a person, agency or company with whom the District has contracted, or otherwise arranged to perform a specific task or service; or, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another "school official" in performing his or her tasks.

8.3.2 A school official has a "specific and legitimate educational interest" if the official needs to review an education record in order to fulfill his/her professional and/or official responsibility. The necessary interest will also be found where a staff member or authorized volunteer works directly with students and has a specific and actual need to review education records to increase his/her awareness of steps necessary for the safety and welfare of students and staff members. This provision applies whether or not the school official receives compensation.

- 8.4 Authorized representatives of any law enforcement agency of the state or of the federal government when the student is under investigation by such agency and the authorized representative states that such record is necessary for the investigation, may have access to truancy, disciplinary, and attendance records; reports of incidents on school grounds involving assault or harassment of a teacher or school employee; and notification of failure of a student to attend school, if school attendance is a condition of that student's sentence or release.
- 8.5 A person identified in a judicial order or lawfully issued subpoena. The school must make a reasonable effort to notify the parent, guardian or eligible student in advance of the disclosure so that the individual may have an opportunity to seek protective action, unless the court or the issuing agency has ordered that the existence or contents of the subpoena or the information furnished in response to the subpoena not be disclosed, or the parent or student is a party to a court proceeding and the court order is issued in the context of that proceeding.
- 8.6 Authorized representative of federal or state education agencies.
- 8.7 An agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access the student's case plan because such agency or organization is legally responsible, in accordance with applicable state or tribal law, for the care and protection of the student.
- 8.8 A recruiting officer for any branch of the U.S. Armed Forces who requests names, addresses and home telephone numbers of secondary school students. If a student does not want such information released, he/she must submit a written request to that effect to the school's principal.
- 8.9 Individuals requesting "directory information." "Directory Information" includes a student's name, student's date and place of birth, grade level, major field of study, photograph, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance in a district school, degrees, honors and awards received, and most recent previous educational agency or institution attended. Parents and eligible students may refuse to have any or all of these types of information released without written consent. Such refusal shall be indicated by written statement sent by October 1 of the school year to the principal of the school in which the student is enrolled. Such statement should include student's name, student's I.D. number, birth date, address, school he/she attends, and grade level. Home addresses, phone numbers and email addresses of students are specifically excluded from directory information. Where the applicable records custodian regards a particular request for what would otherwise be directory information to be harmful or an invasion of privacy, based on the circumstances, the custodian may refuse to disclose the requested information.
- 8.10 Appropriate parties in a health or safety emergency.
- 8.11 A court or agency may obtain disciplinary or attendance records if the student is required to attend school as a condition of release pending an adjudicatory trial; or, the student is required to attend school as part of a sentence imposed by the court, including a condition of probation or parole.

- 9.0 **Written Consent Requirements.** When a third party seeks access to an education record and disclosure is not permitted by Section 8.0, the District shall not allow access or disclose the records without the written consent of the parent/guardian or eligible student.
- 10.0 **Information Held by Third Parties.** District personnel are authorized to obtain such information regarding students as is required to perform their legal duties and responsibilities, including protection of the student, other students, and staff. Such information may be obtained from law enforcement, probation, state agencies, and courts as provided by law or authorized by interagency agreement.
- 11.0 **Challenges to Record Content.** If a parent, guardian, or student age 18 or older believes student school records, including disciplinary records, contain inaccurate information, are misleading, or violate the privacy rights of the student he/she may submit a written request for a hearing to the principal within thirty (30) calendar days of receipt or review of the records. The principal shall submit the request to the appropriate Executive Director of School Services (hereafter "Executive Director"), who shall hold the hearing within thirty (30) calendar days of the request. The principal shall give the parent, guardian, or student age 18 or older reasonable advance notice of the date, time, and place of the hearing.
- 11.1 Prior to, or at the hearing, the student and the student's parents or guardians shall have the right to make written objections to any information contained in the record. Any written objection must be signed by the student or parent and it shall become part of the student's supplementary record.
- 11.2 At the hearing, school personnel shall be given an opportunity to show that the challenged information is accurate.
- 11.3 All parties shall be given an opportunity to have persons of their choice present their views regarding the record, subject to reasonable limitations as to time and number.
- 11.4 Upon conclusion of the hearing, the Executive Director shall either make a decision regarding the challenged material or may take the matter under advisement and make a decision within five (5) business days. The decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.
- 11.5 If the parent, guardian or student age 18 or older is dissatisfied with the Executive Director's decision, he/she may submit a written appeal of the decision to the Superintendent or the Superintendent's designee within ten (10) business days of the Executive Director's decision. The Superintendent or designee shall respond within ten (10) business days.
- 12.0 **Outsourcing and disclosure to other third parties.**
- 12.1 For situations not addressed in Section 8 above, District employees shall ensure that student education records are disclosed to persons and organizations outside the District only as authorized by applicable law and District Policy. The term "organizations outside the district" includes school service on-demand providers and school service contract providers.
- 12.2 Any contract between the District and a school service contract provider shall include the provisions required by the Data Act, including provisions that require the school service contract provider to safeguard the privacy and security of student PII and impose penalties on the school service contract provider for noncompliance with the contract.

- 13.0 **In accordance with the Data Act, the district shall post the following on its website:**
- 13.1 a list of the school service contract providers that it contracts with and a copy of each contract; and
 - 13.2 to the extent practicable, a list of the school service on-demand providers that the district uses.
- 14.0 **Privacy and security standards.** The security of student education records maintained by the District is a high priority. The District shall maintain an authentication and authorization process to track and periodically audit the security and safeguarding of student education records.
- 15.0 **Security breach or other unauthorized disclosure.**
- 15.1 Employees who disclose student education records in a manner inconsistent with applicable law and District Policy may be subject to disciplinary action, up to and including termination from employment. Any discipline imposed shall be in accordance with applicable law and District Policy.
 - 15.2 Employee concerns about a possible security breach shall be reported immediately to the chief information officer or designee. If the chief information officer is the person alleged to be responsible for the security breach, the staff member shall report the concern to the District General Counsel.
 - 15.3 When the District determines that a school service contract provider has committed a material breach of its contract with the District, and that such material breach involves the misuse or unauthorized release of student PII, the District shall follow this policy's accompanying Exhibit A in addressing the material breach.
 - 15.4 Nothing in this Policy shall prohibit or restrict the District from terminating its contract with the school service contract provider, as deemed appropriate by the District and in accordance with the contract and the Data Act.
- 16.0 **Parent/guardian complaints.** In accordance with Exhibit A of this policy, a parent/guardian of a district student may file a written complaint with the District if the parent/guardian believes the District has failed to comply with the Data Act.
- 17.0 **Oversight review.**
- 17.1 The District's practices with respect to student data privacy shall be periodically reviewed by the Chief Information Officer.
 - 17.2 The Chief Information Officer or designee shall annually review this policy and accompanying regulation to ensure it remains current and adequate to protect the confidentiality of student education records in light of advances in data technology and dissemination. The Chief Information Officer shall recommend revisions to this policy as deemed appropriate or necessary.

LEGAL REFERENCES:

C.R.S. 22-33-106.5
20 U.S.C. §1232g
34 C.F.R. §99.1 et seq. (34 C.F.R. § 300.573)
C.R.S. 19-1-303 and 304
C.R.S. 19-1-304(5.5)
C.R.S. 22-1-122
C.R.S. 22-32-109.1(6)
C.R.S. 22-32-109.3(2)
C.R.S. 22-33-107.5
C.R.S. 24-72-203(3)(a)(b)
C.R.S. 24-72-204(3)(e)(I)
C.R.S. 24-72-204(3)(e)(II)
C.R.S. 24-72-205 (5)(a)
(UETA), 24-71-101 TO 24-71.3-121
15 U.S.C. 6501 et seq.
20 U.S.C. 1232g
20 U.S.C. 1232h
20 U.S.C. 1415
20 U.S.C. 8025
34 C.F.R. 99.1 et seq.
34 C.F.R. 300.610 et seq.
C.R.S. 22-1-123
C.R.S. 22-16-101 *et seq.*
C.R.S. 22-16-107 (2)(a)
C.R.S. 22-16-107 (4)
C.R.S. 22-16-112 (2)(a)
C.R.S. 24-72-204 (3)(a)(VI)
C.R.S. 24-72-204 (3)(d)
C.R.S. 24-72-204 (3)(e)(I)
C.R.S. 24-72-204 (3)(e)(II)
C.R.S. 24-80-101 *et seq.*
C.R.S. 25.1-1-116

CROSS REFERENCES:

Policy 8300
Policy 1800
Student Records Standard Operating Procedure (SOP)
District Records Retention Schedule

Hearing and Complaint Procedures Regarding Student Data Transparency and Security Act

- 1.0 Contract breach by school service contract provider. Within a reasonable amount of time after the district determines that a school service contract provider has committed a material breach of its contract with the district, and that such material breach involves the misuse or unauthorized release of student PII, the Board shall make a decision regarding whether to terminate the district's contract with the school service contract provider in accordance with the following procedure.
 - 1.1 The district shall notify the school service contract provider of the basis for its determination that the school service contract provider has committed a material breach of the contract and shall inform the school service contract provider of the meeting date that the Board plans to discuss the material breach.
 - 1.2 Prior to the Board meeting, the school service contract provider may submit a written response to the district regarding the material breach.
 - 1.3 The Board shall discuss the nature of the material breach at a regular or special meeting.
 - 1.4 At the Board meeting, a district representative shall first be entitled to present testimony or other evidence regarding the district's findings of a material breach. The school service contract provider shall then have an opportunity to respond by presenting testimony or other evidence. If the school service contract provider is unable to attend the meeting, the Board shall consider any written response that the school service contract provider submitted to the district.
 - 1.5 If members of the public wish to speak to the Board regarding the material breach, they shall be allowed to do so, in accordance with the Board's policy on public participation at Board meetings.
 - 1.6 The Board shall decide whether to terminate the contract with the school service contract provider within 30 days of the Board meeting and shall notify the school service contract provider of its decision. The Board's decision shall be final.
- 2.0 **Parent/Guardian Complaints Regarding the Student Data Transparency and Security Act.** In accordance with the accompanying policy, the parent/guardian of a District student may file a written complaint with the Chief Information Officer if the parent/guardian believes the District has failed to comply with the Student Data Transparency and Security Act (Data Act)
 - 2.1 The parent/guardian's complaint shall state with specificity each of the Act's requirements that the parent/guardian believes the district has violated and its impact on his or her child.
 - 2.2 The Chief Information Officer or designee shall respond to the parent/guardian's written complaint within 30 calendar days of receiving the complaint.
 - 2.3 Within 10 calendar days of receipt of the District's response, the parent/guardian may appeal to the Board. Such appeal must be in writing and submitted to the Superintendent.

- 2.4 The Board shall review the parent's complaint and the district's response at a regular or special meeting. A District representative and the parent/guardian may make brief statements to the Board, but no new evidence or claims may be presented. The Board may choose to conduct the appeal in executive session, to the extent permitted by law.
- 2.5 The Board shall make a determination regarding the parent/guardian's complaint that the district failed to comply with the Act within 60 days of the Board meeting. The decision of the Board shall be final.
- 2.6 This procedure shall not apply to parent/guardian concerns with his or her child's education records. If the parent/guardian files a complaint regarding his or her child's education records, the District shall follow its procedures governing access to and review of student education records, in accordance with FERPA, applicable state law and District Policy 5300.