

EDUCATION RECORDS ACCESS

The board recognizes the importance of maintaining student records and preserving their confidentiality as provided by law. Education records are kept confidential at collection, storage, disclosure and destruction stages. The board secretary is the custodian of student records. Education records may be maintained in the central administration office or administrative office of the student's attendance center.

Definitions

For the purposes of this policy, the defined words have the following meaning:

- “Education Record” means those records that contain information directly related to a student and which are maintained by an education agency or institution or by a party acting for the agency or institution.
- “Eligible Student” means a student who has reached eighteen years or attends a postsecondary institution. Parents of an eligible student are provided access to education records only with the written permission of the eligible student unless the eligible student is defined as a dependent by the [Internal Revenue Code](#). In that case, the parents may be provided access without the written permission of the student.

An education record may contain information on more than one student. Parents will have the right to access the information relating to their student or to be informed of the information. Eligible students will also have the right to access the information relating to themselves, or be informed of the information.

Parents eligible students, and other individuals authorized in accordance with law will have a right to access the student's education records upon request without unnecessary delay and in no instance more than forty-five calendar days after the request is made. Parents, other than parents of an eligible student, may be denied access to a student's records if the school district has a court order stating such or when the district has been advised under the appropriate laws that the parents may not access the student records. Parents, an eligible student or an authorized representative of the parents will have the right to access the student's education records prior to an Individualized Education Program (IEP) meeting or hearing.

Copies of education records will be provided if failure to do so would effectively prevent the parents or student from exercising the right to access the education records. Fees for copies of the records shall be waived if it would prevent the parents or student from accessing the records. A fee may not be charged to search or retrieve information from education records.

Upon the request of parents or an eligible student, the school district will provide an explanation and interpretation of the education records and a list of the types and locations of education records collected, maintained or used by the school district.

If the parents or an eligible student believes the information in the education records is inaccurate, misleading or violates the privacy of the student, the parents or an eligible student may request that the school district amend the student records.

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Education records may be disclosed in limited circumstances without parental or eligible student's written permission. This disclosure is made on the condition that the education record will not be disclosed to a third party without the written permission of the parents or the eligible student. This disclosure may be:

- To school officials within the school district and AEA personnel whom the superintendent has determined to have a legitimate educational interest, including, but not limited to, board members, employees, school attorney, auditor, health professionals, and individuals serving on official school committees;
- To officials of another school district in which the student wishes to enroll, provided the other school district notifies the parents the education records are being sent and the parents have an opportunity to receive a copy of the records and challenge the contents of the records unless the annual notification includes a provision that records will automatically be transferred to new school districts;
- To the U.S. Comptroller General, the U.S Attorney General, the U.S. Secretary of Education or state and local educational authorities;
- In connection with student's application for, or receipt of, financial aid;
- To organizations conducting for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it was conducted;
- To accrediting organizations;
- To parents of a dependent student as defined in the Internal Revenue Code;
- To comply with a court order or judicially issued subpoena;
- Consistent with an interagency agreement between the school district and juvenile justice agency
- In connection with a health or safety emergency;
- as directory information; or
- In additional instances as provided by law

The superintendent will keep a list of the individuals and their positions who are authorized to view a special education student's education records without the permission of the parents or the eligible student. Individuals not listed are not allowed access without parental or an eligible student's written permission. This list must be current and available for public inspection and updated as changes occur.

The superintendent will also keep a list of individuals, agencies and organizations which have requested or obtained access to a student's education records, the date access was given and their legitimate educational interest or purpose for which they were authorized to view the records. The Superintendent, however, does not need to keep a list of the parents, authorized educational employees, officers, and agencies of the school district who have accessed the student's education records. This list for an education record may be accessed by the parents, the eligible student and the custodian of education records.

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Permanent education records, including a student's name, address, phone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation. Permanent education records will be kept in a fire-safe vault or they may be maintained electronically with a secure backup file.

When personally identifiable information, other than permanent education records, is no longer needed to provide educational services to a special education student, the parents or eligible student are notified. This notice is normally given after a student graduates or otherwise leaves the school district. If the parents or eligible student request that the personally identifiable information be destroyed, the school district will destroy the records, except for permanent records. Prior to the destruction of the records, the school district must inform the parents or eligible student the records may be needed by the parents or eligible student for social security benefits or other purposes. For purposes of policy, "no longer needed to provide educational services" means that a record is no longer relevant to the provision of instruction, support, or related services and it is no longer needed for accountability and audit purposes. At a minimum, a record needed for accountability and audit purposes must be retained for five years after completion of the activity for which funds were used.

The school district will cooperate with the juvenile justice system in sharing information contained in permanent student records regarding students who have become involved with the juvenile justice system. The school district will enter into an interagency agreement with the juvenile justice agencies involved.

The purpose of the agreement is to allow for the sharing of information prior to a student's adjudication in order to promote and collaborate between the school district and the agencies to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

The school district may share any information with the agencies contained in a student's permanent record which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication information contained in the permanent record may be disclosed by the school district to the parties without parental consent or court order. Information contained in a student's permanent record may be disclosed by the school district to the agencies after adjudication only with parental consent or a court order. Information shared pursuant to the agreement shall be used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family. Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian. Confidential information shared between the school district and the agencies shall remain confidential and shall not be shared with any other person, unless otherwise provided by law.

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The school district may discontinue information sharing with an agency if the school district determines that the agency has violated the intent or letter of the agreement.

Agencies will contact the principal of the attendance center where the student is currently or was enrolled. The principal will then forward copies of the records within a reasonable time following receipt of the request.

The school district will provide training or instruction to employees about parents' and eligible students' rights under this policy. Employees will also be informed about the procedures for carrying out this policy.

It shall be the responsibility of the superintendent to annually notify parents and eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the law authorizes disclosure without consent; and
4. File a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the law.

The notice is given in a parents' or eligible student's native language. Should the school district collect personal information from students for the purposes of marketing or selling that information, the school district will annually notify parents of such activity.

The notice will include a statement that the parents have a right to file a complaint alleging the school district failed to comply with this policy. Complaints are forwarded to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Washington, DC. 20202-8520

Legal Reference: 20 U.S.C. § 1232g, 1415
34 C.F.R. Pt. 99, 300.610 et seq
Iowa Code §§ 22; 279.9B, 280.24,.25, 622.10
281 I.A.C. 12.3(4); 41
1980 Op. Att'y Gen. 720, 825.

Cross Reference: 501 Student Attendance
505 Student Scholastic Achievement
506 Student Records
507 Student Health and Well-Being
603.3 Special Education
708 Care, Maintenance and Disposal of School District Records
901 Public Examination of School District Records

STUDENT RECORDS CHECKLIST

	Copy to Parent Upon Request	Parent Sig. Required**	User Must Sub. Written Reg.*	No Parent Sig. Required	Parent Notify in Advance	Parent Notify of Release	Req. Made Part of Stud. Rec.	Sche. Hearing Foll. b/wrtn. decision t/Par.	
Subpoena or Judicial Order				•	•				Lawfully Issued
Student Financial Aid				•					Written Request
School or Staff in Same School System				•					No Written Request Necessary
Other School System Where Student Plans to Enroll	•		•	•		•	•		506.1E2
United States Comptroller General			•	•			•		506.1E2
Dept. of Health, Education and Welfare Secretary			•	•			•		506.1E2
National Institute of Education			•	•			•		506.1E2
Iowa Dept. of Education Official			•	•			•		506.1E2
Parent Inspection of Student Educational Records	•	•							506.1E5
Parent Request for Hearing to Challenge Record		•						•	506.1E4
Parent Authorization for School to Release Information	•	•							506.1E3
Notification of Transfer of Student Records	•			•					506.1E6

*Such written request shall be available for inspection by the parent or student and the school official responsible for record maintenance.

**When a student has attained the age of 18 years or is attending an institution of post-secondary education, the permission or consent required of the rights accorded the parent of the student shall thereafter be required of and accorded only to the student.

REQUEST OF NONPARENT FOR EXAMINATION OR COPIES OF EDUCATION RECORDS

The undersigned hereby requests permission to examine the Humboldt Community School District's official education records of:

Legal Name of Student

Date of Birth

*The undersigned requests copies of the following official education records of the above student:

The undersigned certifies that they are (check one):

- (a) An official of another school system in which the student intends to enroll ()
- (b) An authorized representative of the Comptroller General of the United States ()
- (c) An authorized representative of the Secretary of the U.S. Department of Education or U.S. Attorney General ()
- (d) A state or local official to whom such is specifically allowed to be reported or disclosed ()
- (e) A person connected with the student's application for, or receipt of, financial aid (SPECIFY DETAILS ABOVE.) ()
- (f) Otherwise authorized by law. (SPECIFY DETAILS: _____). ()
- (g) A representative of a juvenile justice agency with which the school district has an interagency agreement. ()

The undersigned agrees that the information obtained will only be redisclosed consistent with state or federal law without the written permission of the parents of the student, or the student if the student is of majority age.

Signature

Title

Agency

APPROVED:

Signature: _____
Title: _____
Dated: _____

Date: _____
Address: _____
City: _____
State: _____ Zip: _____
Phone Number: _____

AUTHORIZATION FOR RELEASE OF EDUCATION RECORDS

The undersigned hereby authorizes the Humboldt Community School District to release copies of the following official education records:

concerning _____ Date of Birth _____
Full Legal Name of Student

_____ From 20_____ to 20 _____
Name of Last School Attended Year(s) of Attendance

The reason for this request is: _____

My relationship to the child is: _____

Copies of the records to be released are to be furnished to:

- the undersigned
- the student
- other (please specify) _____

Signature

Date: _____

Address: _____

City: _____

State: _____ Zip _____

Phone Number: _____

REQUEST FOR HEARING ON CORRECTION OF EDUCATION RECORDS

To: _____ Address: _____
Board Secretary (Custodian)

I believe certain official education records of my child, _____
(Full Legal Name of Student), Humboldt Community School District, are inaccurate, misleading or in violation of
privacy rights of my child.

The official education records which I believe are inaccurate, misleading or in violation of the privacy or other rights
of my child are:

The reason I believe such records are inaccurate, misleading or in violation of the privacy or other rights of my child
is:

My relationship to the child is: _____

I understand that I will be notified in writing of the time and place of the hearing; that I will be notified in writing of
the decision; and I have the right to appeal the decision by so notifying the hearing officer in writing within ten days
after my receipt of the decision or a right to place a statement in my child's record stating I disagree with the
decision and why.

Signature

Date: _____

Address: _____

City: _____

State: _____ Zip _____

Phone Number: _____

REQUEST FOR EXAMINATION OF EDUCATION RECORDS

To: _____ Address: _____
Board Secretary (Custodian)

The undersigned desires to examine the following official education records:

of _____, _____ Grade
Full Legal Name of Student Date of Birth

Name of School

My relationship to the student is: _____

(check one)

I do

I do not

desire a copy of such records. I understand that a reasonable charge may be made for the copies.

Parent signature

APPROVED:

Signature: _____

Title: _____

Dated: _____

Date: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone Number: _____

NOTIFICATION OF TRANSFER OF EDUCATION RECORDS

To: _____
Parent or Guardian

Date: _____

Address: _____
City: _____
State: _____ Zip _____

Please be notified that copies of the Humboldt Community School District's official education records concerning

Full Legal Name of Student

have been transferred to:

School District Name

Address

upon the written statement that the student intends to enroll in said school system.

If you desire a copy of such records furnished, please check here _____ and return this form to the undersigned. A reasonable charge will be made for the copies.

If you believe such records transferred are inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, you have the right to a hearing to challenge the contents of such records.

Name

Title

LETTER TO PARENT REGARDING RECEIPT OF A SUBPOENA

Date _____

Dear _____:
Name of Parent

This letter is to notify you that the Humboldt Community School District has received _____
_____ requesting copies of your child's education records.
subpoena or court order

The specific records requested are:

The school district has until _____
- _____
date on subpoena or court order)

to deliver the documents to _____
_____ requesting party on subpoena or court order

If you have any questions, please do not hesitate to contact me at _____.
(Phone Number)

Sincerely,

(Principal or Superintendent)

JUVENILE JUSTICE AGENCY INFORMATION SHARING AGREEMENT

Statement of Purpose: The purpose of this Agreement is to allow for the sharing of information among the School District and the Agencies prior to a student's adjudication in order to promote and collaborate to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

Identification of Agencies: This agreement is between the Humboldt Community School District (hereinafter "School District") and (Agencies listed)(hereinafter "Agencies").

Statutory Authority: This agreement implements Iowa Code § 280.25 and is consistent with 34 C.F.R. 99.38.

Parameters of Information Exchange:

1. The School District may share any information with the Agencies contained in a student's permanent record which is directly related to the juvenile justice system's ability to effectively serve the student.
2. Prior to adjudication information contained in the permanent record may be disclosed by the school district to the Agencies without parental consent or court order.
3. Information contained in a student's permanent record may be disclosed by the School District to the Agencies after adjudication only with parental consent or a court order.
4. Information shared pursuant to the agreement shall be used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family.
5. Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.
6. This agreement only governs a school district's ability to share information and the purposes for which that information can be used. Other agencies are bound by their own respective confidentiality policies.
7. Information obtained by the school from other juvenile justice agencies may not be used as the basis for disciplinary action of the student.

Records' Transmission: The individual requesting the information should contact the principal of the building in which the student is currently enrolled or was enrolled. The principal will forward the records within a reasonable time following receipt of the request.

Confidentiality: Confidential information shared between the Agencies and the school district shall remain confidential and shall not be shared with any other person, unless otherwise provided by law. Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent. Agencies or individuals violating the terms of this agreement subject their entity represented and themselves personally to legal action pursuant to federal and state law.

JUVENILE JUSTICE AGENCY INFORMATION SHARING AGREEMENT

Amendments: This agreement constitutes the entire agreement among the agencies with respect to information sharing. Agencies may be added to this agreement at the discretion of the school district.

Term: This agreement is effective from July 1 through June 30 of each school calendar year.

Termination: The School District may discontinue information sharing with an Agency if the School District determines that the Agency has violated the intent or letter of this Agreement.

APPROVED:

Signature:	_____	Address:	_____
Title:	_____	City:	_____
Agency:	_____	State:	_____ ZIP _____
Dated:	_____	Phone Number:	_____
	_____		_____

Signature:	_____	Address:	_____
Title:	_____	City:	_____
Agency:	_____	State:	_____ ZIP _____
Dated:	_____	Phone Number:	_____
	_____		_____

Signature:	_____	Address:	_____
Title:	_____	City:	_____
Agency:	_____	State:	_____ ZIP _____
Dated:	_____	Phone Number:	_____
	_____		_____

Signature:	_____	Address:	_____
Title:	_____	City:	_____
Agency:	_____	State:	_____ ZIP _____
Dated:	_____	Phone Number:	_____
	_____		_____

ANNUAL NOTICE

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

(1) The right to inspect and review the student's education records within 45 days of the day the district receives a request for access.

Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal (or appropriate school official) will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading or in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the school district to amend a record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed.

If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist, a parent or student serving on an official committee, such as a disciplinary or grievance committee or student assistance team, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes of the student's enrollment transfer. (Note: FERPA requires a school district to make a reasonable attempt to notify the parent or eligible student of the records request unless it states in its annual notification that it intends to forward records on request.)

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC, 20202-4605.

ANNUAL NOTICE

La FERPA (Family Educational Rights and Privacy Act), la ley que trata sobre el derecho a la privacidad y los derechos educativos de la familia, le depara a los padres y a los estudiantes mayores de dieciocho años (estudiantes emancipados) ciertos derechos con respecto a los expedientes académicos del estudiante. Estos derechos están a continuación:

(1) El derecho a inspeccionar y a revisar los expedientes académicos del estudiante dentro de un plazo de 45 días a partir de la fecha en que el distrito reciba una solicitud para obtener acceso a los expedientes.

Los padres o los estudiantes emancipados deben someter una solicitud por escrito al director de la escuela (o al oficial escolar apropiado) identificando el expediente o los expedientes que ellos desean inspeccionar. El director hará arreglos para el acceso a los mismos y le notificará al padre o a la madre o al estudiante emancipado de la hora y el lugar en donde se pueden inspeccionar los expedientes.

(2) El derecho a solicitar una enmienda de los expedientes académicos del estudiante, los cuales piensan los padres o el estudiante emancipado que están incorrectos, que son engañosos o que quebrantan los derechos del estudiante a su privacidad bajo FERPA.

Los padres o estudiantes elegibles que deseen pedir al distrito escolar que modifique un registro deben escribir al director de la escuela, identificar claramente la parte del registro que quieren cambiar y especificar por qué debe ser cambiado.

Si el distrito escolar decide no enmendar el expediente, según la solicitud de los padres o de los estudiantes emancipados; el distrito notificará a los padres o al estudiante emancipado de esta decisión y les informará de su derecho a tener una audiencia con relación a la solicitud de enmienda. Cuando se le notifique del derecho a tener una audiencia, el padre, la madre o el estudiante emancipado también recibirá información adicional sobre los procedimientos de la audiencia.

(3) El derecho al consentimiento de la divulgación de información contenida en el expediente académico del estudiante y que lo identifica personalmente, a la excepción de lo que autoriza FERPA divulgar sin consentimiento.

Una excepción que permite la divulgación sin consentimiento es la divulgación a los funcionarios escolares con intereses educativos legítimos. Un funcionario de la escuela es una persona empleada por el distrito como administrador, supervisor, instructor o miembro del personal de apoyo (incluyendo personal de salud o médico y personal de la unidad de aplicación de la ley); Una persona que sirve en la junta escolar. Un funcionario de la escuela también puede incluir un voluntario o contratista fuera de la escuela que realiza un servicio institucional de función para el cual la escuela de otra manera utilizaría a sus propios empleados y que está bajo el control directo de la escuela con respecto al uso y mantenimiento de PII Como un abogado, un auditor, un consultor médico o un terapeuta, un padre o un estudiante que actúa en un comité oficial, tal como un comité disciplinario o de quejas o un equipo de asistencia estudiantil, o ayudar a otro funcionario de la escuela a realizar sus tareas.

Un oficial escolar tiene un interés escolar legítimo si el oficial necesita revisar un expediente académico a fin de cumplir con su obligación profesional.

A solicitud, el distrito revela los registros de educación sin el consentimiento de los funcionarios de otro distrito escolar en los que un estudiante busca o tiene intención de inscribirse o ya está matriculado si la divulgación es para propósitos de la transferencia de inscripción del estudiante. (Nota: FERPA requiere que un distrito escolar haga un intento razonable de notificar al padre o al estudiante elegible de la solicitud de registros a menos que declare en su notificación anual que tiene la intención de enviar los expedientes a petición).

(4) El derecho de presentar una queja ante el Departamento de Educación de los Estados Unidos sobre presuntos incumplimientos por parte del distrito de cumplir con los requisitos de FERPA. El nombre y dirección de la oficina que administra FERPA es: Family Policy Compliance Office, Departamento de Educación de los Estados Unidos, 400 Maryland Ave., SW, Washington, DC, 20202-4605.