

## Raymond School District Policy - JRA

### ACCESS TO STUDENT RECORDS – FERPA

### **STUDENT RECORDS AND PPRA POLICY**

Adult students over 18 years of age and parents/legal guardians will have access to school records of Raymond students in accordance with Federal and State law and this Policy.

#### **I. ANNUAL NOTICE**

Annually, the School District will distribute a student handbook to students, parents or guardians and adult students over 18 years of age containing the following notice of policies hereby adopted by the School Board:

##### **A. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT ANNUAL NOTICE**

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

1. The right to inspect and review the student's education records within 14 days of the day the school receives a request for access. Parents or eligible students should submit to the building principal a written request that identifies the record(s) they wish to inspect. The building principal or his/her designee 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. Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should write the building principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested by the parent or eligible student, the school 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 school or SAU as an administrator, supervisor, instructor, or support staff member such as guidance, health or medical staff and law enforcement unit personnel; or a person serving on the School Board. A school official may also include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or 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 personally identifiable information from education records such as an attorney, auditor, medical or educational consultant, evaluators, educational providers, experts, therapist, SRO, or online educational services; or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or a person 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.
4. Upon request, the School District discloses education records without consent to officials of another school or 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 or transfer.
  5. Under federal law, military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of high school students and the School District must comply with any such request, provided that parents have been notified that they or their eligible student have the right to opt out and request that this information not be released without their prior written consent.
  6. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

**Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202**

**B. NOTICE OF DIRECTORY INFORMATION**

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the Raymond School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the School District may disclose appropriately designated "directory information" without written consent, unless you have advised the School District to the contrary in accordance with School District procedures. The primary purpose of directory

information is to allow the School District to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- An annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; or
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want the School District to disclose directory information from your child's education records without your prior written consent, you must notify the School District in writing by September 15. The School District has designated the following information as directory information:

- Parents/guardians' name and address
- Student's name, address, telephone number, date and place of birth, dates of enrollment
- Student's participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Photograph
- Degrees, honors, and awards received
- Students' grade level, enrollment status and dates of attendance

### C. **PROTECTION OF PUPIL RIGHTS AMENDMENT NOTICE**

(See also District Policy ILD)

The Protection of Pupil Rights Amendment (PPRA) affords parents of elementary and high school students certain rights regarding the School District's conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These rights include but are not limited to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the

survey is funded in whole or in part by a program of the U.S. Department of Education (DOE):

1. Political affiliations or beliefs of the student or student's parent;
  2. Mental or psychological problems of the student or student's family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of:
    1. Any other protected information survey, regardless of funding;
    2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
    3. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.
  - Inspect, upon request and before administration or use:
    1. Protected information surveys of students and surveys created by a third party;
    2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
    3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

**The Raymond School District has developed and adopted** policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **The School District** will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes.

**The School District** will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys at least 10

days before the specific activities or survey and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The **School District** will make this notification to parents at the beginning of the school year if the School District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by DOE.
- Any non-emergency, invasive physical examination or screening as described above.

*Parents who believe their rights have been violated may file a complaint with:*

**Family Policy Compliance Office**  
**U.S. Department of Education**  
**400 Maryland Avenue, S.W.**  
**Washington, D.C. 20202**

## **II. PROCEDURE TO INSPECT AND REVIEW RECORDS**

A. Parents/guardians and eligible students wishing to inspect student records must file a written request to do so with the building principal. Such inspection shall take place during regular school hours or at reasonable times during vacation periods, but not during weekends or holidays.

B. Since a student's records may be maintained in several locations, the school principal may offer to collect copies of records or the records themselves from locations other than a student's school, so that they may be inspected at one site. If parents/guardians and eligible students wish to inspect records where they are maintained, school principals will determine if a review at that site is reasonable.

C. Single copies of appropriate records shall be made available in a reasonable length of time, but in no case more than 14 days after request has been made in writing to the building principal. The records may be inspected by the parents, guardians, and all students once they reach 18 in the presence of the building principal or his/her designee.

D. The school shall make a written record of the disclosure of all student records, except directory information, and such record will be kept in the student's file. This

record of disclosure is also available for inspection by the parent or eligible student. A record of inspections will also be kept.

E. In cases involving a third party request for records requiring consent for disclosure under law, the student over 18, parent or guardian shall sign a consent form furnished by the building principal. Forms used will identify the records to which access is sought and will be placed in the student's file as a record of the request.

F. Access will be refused or granted depending upon the propriety of the request and validity of the request and consent forms.

G. If a request for access is refused, and the party who requested access objects to said refusal, said request will be referred to the Superintendent for a final ruling.

H. The building principal shall be the custodian of all student records in his/her school.

I. If for any valid reason such as working hours, distance between record location sites or health, a parent/guardian/eligible student cannot personally inspect and review a student's education records, the principal may arrange for the parent/guardian/eligible student to obtain copies of the records.

J. When records contain information about students other than a parent's/guardian's child or the eligible student, the parent/guardian/eligible student may not inspect and review the records of the other students. If such records do contain the names of other students, the principal will seek consultation with the Superintendent and/or the District's attorney to determine how best to proceed.

### **III. PROCEDURE TO AMEND RECORDS**

A. The parent(s), guardian(s) of a student under 18, or a student over 18, shall have an opportunity to identify in writing, addressed to the building principal, the record or records which he/she believes are inaccurate, misleading or otherwise in violation of the student's privacy rights, together with a statement of the reasons for the requested amendment of the record.

B. A response by the building principal shall be made within 14 days indicating whether he/she finds the record to be inaccurate, misleading or otherwise in violation of the student's privacy rights and if so how the record will be corrected or deleted. The parent, guardian or eligible student will then be given 5 days from receipt of the principal's decision to refer the request on to the Superintendent for a hearing.

C. If requested, a hearing before the Superintendent or Superintendent's designee who does not have a direct interest in the outcome of the hearing, shall be held within a reasonable period of time, but in no case more than 45 days after receipt of such a request by the Superintendent. The parent, guardian or student 18 years or older, will have the right to be represented by counsel and to present evidence in support of his/her belief that the record should be amended. A written decision will be rendered within 30 days stating

the disposition of the challenge to the record and the reasons for the determination. Although the hearing may be informal in nature, the processes used shall ensure fairness and impartiality. The decision made shall be final and not subject to appeal.

D. If as a result of the hearing the Superintendent or his/her designee decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, he/she shall inform the parent, guardian, or the eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the School District.

#### **IV. MAINTENANCE OF RECORDS**

The building principal shall make sure that all student records are maintained in accordance with retention schedules established by law or School District policy.

**General Statement.** It is the policy of the School Board that all school district personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the School Board that all school district personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.

**Education Record.** For the purposes of this policy and in accordance with FERPA, the term “educational record” is defined as all records, files, documents and other material containing information directly related to a student; and maintained by the school district; or by such other agents as may be acting for the school district. Such records include, but are not limited to, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and/or microfiche.

**Directory Information.** For the purposes of this policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1 e, the term “directory information” means:

1. Students' name, address, telephone number, date and place of birth, dates of enrollment
2. Parents/guardians' name and address
3. Students' grade level, enrollment status and dates of attendance
4. Students' photograph
5. Students' participation in recognized school activities and sports
6. Weight and height of members of athletic teams
7. Students' diplomas, certificates, awards and honors received

The District may release or disclose student directory information without prior consent of the student's parents/guardians/eligible students. Within the first three weeks of each

school year, the District will provide notice to parents/guardians/eligible students that the District may publish directory information without their prior consent.

Parents/guardians/eligible students will be given until September 15 to notify the District in writing of any or all directory information items that they refuse to permit the District to release or disclose. Notice from a parent/guardian/eligible student that any or all directory information shall not be released will only be valid for that school year and must be re-issued each school year.

**Personally Identifiable Information.** “Personally identifiable information” is defined as data or information which makes the subject of a record known, including a student’s name; the student’s or student’s family’s address; the name of the student’s parent/guardian or other family members; a personal identifier such as a student’s Social Security number; the student’s date of birth, place of birth, or mother’s maiden name; or other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with a reasonable certainty or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

**Annual Notification/Rights of Parents/Guardians and Eligible Students.** Within the first three weeks of each school year, the District will publish notice to parents/guardians and eligible students of their rights under State and Federal law and this policy. The District will send home with each student a notice listing these rights. The notice will include:

- (1) The rights of parents/guardians/eligible students to inspect and review the student’s education records;
- (2) The intent of the District to limit the disclosure of information in a student’s record, except: (a) by the prior written consent of the parent/guardian/eligible student; (b) as directory information; or (c) under certain, limited circumstance, as permitted by law;
- (3) The right of parents/guardian/eligible students to seek to correct parts of the student’s educational records which he/she believes to be inaccurate, misleading, or in violation of student rights; this includes a hearing to present evidence that the records should be changed if the District decides not to alter them according to the parent’s/guardian’s/eligible student’s request;
- (4) The right of any person to file a complaint with the United States Department of Education if the District violates FERPA; and
- (5) The procedure that parents/guardians/eligible students should follow to obtain copies of this policy.

**Procedure To Inspect Education Records.** Parents/guardians/eligible students may inspect and review education records which they are entitled to. In some circumstances, it may be more convenient for the record custodian to provide copies of records.

Since a student’s records may be maintained in several locations, the school principal may offer to collect copies of records or the records themselves from locations other than a student’s school, so that they may be inspected at one site. If parents/guardians and



~~eligible students wish to inspect records where they are maintained, school principals will determine if a review at that site is reasonable.~~

~~Parents/guardians/eligible students should submit to the school principal a written request that identifies as precisely as possible the record or records that he/she wishes to inspect. The principal will contact the parents/guardians/eligible student to discuss how access is best arranged for their inspection or review of the records (copies, records brought to a single site, etc.).~~

~~The principal will make the needed arrangements as soon as possible and notify the parent/guardian/eligible student of the time and place where the records may be inspected. This procedure must be completed within 30 days or earlier after the principal's receipt of the request for access.~~

~~If for any valid reason such as working hours, distance between record location sites or health, a parent/guardian/eligible student cannot personally inspect and review a student's education records, the principal may arrange for the parent/guardian/eligible student to obtain copies of the records.~~

~~When records contain information about students other than a parent's/guardian's child or the eligible student, the parent/guardian/eligible student may not inspect and review the records of the other students. If such records do contain the names of other students, the principal will seek consultation with the Superintendent and/or the District's attorney to determine how best to proceed.~~

**Procedures To Seek Correction of Education Records.** ~~Parents/guardians of students/eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights. To establish an orderly process to review and correct the education records for a requester, following processes are established.~~

~~1. First level decision. When a parent/guardian/eligible student finds an item in the student's education records that he/she believes is inaccurate, misleading or in violation of student rights, he/she should submit a written request asking the building principal to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the principal should make the correction. If the records are changed to the parent's/guardian's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/guardian/eligible student is satisfied with the correction.~~

~~If the principal believes that the record should not be changed, he/she shall:~~

- ~~1. Provide the requester a copy of the questioned records at no cost;~~
- ~~2. Ask the parent/guardian/eligible student to initiate a written request for the change, which will be forwarded to the Superintendent;~~
- ~~3. Forward the written request to the Superintendent; and~~
- ~~4. Inform the parents/guardians/eligible student that the matter has been forwarded to the Superintendent for subsequent processing.~~

~~2. Second level decision. If the parent/guardian/eligible student wishes to~~

~~challenge the principal's decision to not change the student record, he/she may appeal the matter to the Superintendent. The parent/guardian/eligible student shall submit a written request to the principal asking that the matter be appealed to the Superintendent. The principal will forward to the Superintendent the request.~~

~~The Superintendent shall, within ten business days after receiving notification of the request:~~

- ~~1. Review the request;~~
- ~~2. Discuss the request with other school officials;~~
- ~~3. Make a decision to comply or decline to comply with the request;~~
- ~~4. Schedule a meeting with the parents/guardians/eligible student if the Superintendent believes such a meeting would be necessary; and~~
- ~~5. Contact the parents/guardians/eligible student of his/her decision concerning the request for amendment.~~

~~If the Superintendent determines the records should be amended, he/she will make the change and notify the parents/guardians/eligible student in writing that the change has been made. The letter stating the change has been made will include an invitation for the parent/guardian/eligible student to inspect and review the records to verify that the records have been amended and the correction is satisfactory. If the records are changed to the parent's/guardian's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/guardian/eligible student is satisfied with the correction.~~

~~If the Superintendent determines the records will not be amended, he/she will notify the parents/guardians/eligible student in writing of his/her decision. Such letter will also notify the parents/guardians/eligible student of their right to an appeal hearing before the school board.~~

~~3. Third level decision. If the parents/guardians/eligible student is/are not satisfied with the Superintendent's decision, they may submit a written request for a hearing before the School Board. The parents/guardians/eligible student shall submit the request for a hearing with the Superintendent within ten (10) business days of the Superintendent's written decision in level two. The Superintendent will inform the school board of the request for a hearing and will work with the school board to schedule a hearing within 45 days of receipt of the request. Once the meeting is scheduled, the Superintendent will inform the parents/guardians in writing of the date, time and place of the hearing.~~

~~The hearing will be held in non public session consistent with the provisions of RSA 91-A:3, unless the parent/guardian/eligible student requests that the hearing be held in public session. The school board will give the parent/guardian/eligible student a full and fair opportunity to present evidence relevant to the issues raised under their request/complaint. Parents/guardians/eligible students may be assisted or represented by one or more individuals of their own choice, including an attorney.~~

~~The school board will issue its final decision in writing within 30 days of the hearing, and will notify the parents/guardians/eligible student thereof via certified mail, return receipt requested. The school board will base its decision solely on the evidence presented at the hearing. The school board's written decision will include a summary of the evidence and the reasons for its decision.~~

~~If the school board determines that the student record should be changed or amended, it will direct the Superintendent to do so as soon as possible. The Superintendent will then contact the parents/guardians/eligible student for a meeting so they can review and inspect the records to verify that they have been changed or amended. At this meeting, both parties shall sign a document/form stating the date the records were changed and that the parent/guardian/eligible student is satisfied with the correction.~~

~~The school board's decision will be final.~~

**Disclosure of Student Records and Student Information.** ~~In addition to directory information, the District may disclose student records and student information without consent to the following parties or under the following conditions:~~

- ~~1. School Officials With a Legitimate Educational Interest. School officials with a legitimate educational interest may access student records. "Legitimate education interest" refers to school officials or employees who need to know information in a student's education record in order to perform the employee's employment responsibilities and duties.~~
- ~~2. Other schools into which a student is transferring or enrolling.~~
- ~~3. Officials for audit or evaluation purposes.~~
- ~~4. Appropriate parties in connection with financial aid.~~
- ~~5. Organizations conducting certain studies for, or on behalf of the school district. Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose of: developing, validating or administering predictive tests; administering student aid programs; or improving instruction.~~
- ~~6. Accrediting organizations.~~
- ~~7. Judicial orders or lawfully issued subpoenas.~~
- ~~8. Health and safety emergencies.~~

**Maintenance of Student Records and Data.** ~~The principal of each building is responsible for record maintenance, access and destruction of all student records. All school district personnel having access to records shall place great emphasis upon privacy rights of students and parents/guardians.~~

~~All entries into student records must be dated and signed by the person accessing such records.~~

~~The principal will ensure that all records are maintained in accordance with application retention schedules as may be established by law.~~

**Disclosures Made From Education Records.** ~~The 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 is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parent(s)/guardian(s) of the student or to federal, state or local officials for the purpose of auditing or enforcing federally supported educational programs.~~

The record includes:

- ~~1. The name of the person who or agency which made the request;~~
- ~~2. The interest which the person or agency has in the information;~~
- ~~3. The date on which the person or agency made the request;~~
- ~~4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made and~~
- ~~5. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and the parties to whom the agency or institution disclosed the information.~~

~~The District will maintain this record as long as it maintains the student's education record. The records do not include requests for access or information relative to access which has been granted to the parent(s)/guardian(s)/eligible student, requests for access or access granted to officials of the District who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent(s)/guardian(s)/eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.~~

**Legal References:**

~~*RSA 91 A:5,III, Exemptions, Pupil Records*~~

~~*RSA 189:1-e, Directory Information*~~

~~*20 U.S.C. §1232g, Family Educational Rights and Privacy Act*~~

~~*34 C.F.R. Part 99, Family Educational Rights and Privacy Act*~~

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