

SUBJECT: STUDENT EDUCATIONAL RECORDS ADMINISTRATIVE PROCEDURE

DATE OF ORIGINAL POLICY:

DATE OF NEXT REVIEW: Fall 2007

CANCELS POLICY CODE:

REVISION DATE:

JURISDICTION: Poland Regional High School

PHILOSOPHY: It is the philosophy of the Poland High School Committee that student records are confidential and they should be handled in accordance with well-defined procedures and safeguards in place.

POLICY:

I. INTRODUCTION

These procedures have been adopted to implement federal and state legislation establishing guidelines governing the manner in which student records are maintained and supervised. The purpose of the legislation is to ensure students and parents of student's access to their official records, to guarantee that these records are used only for legitimate educational purposes, and to ensure that the records are not released without written permission of the student or parent of the student except as permitted by law. These procedures do not contain all the information contained in the federal or state legislation, but do adopt and incorporate such law.

II. DEFINITIONS

The following definitions apply to terms used in this policy.

- A. "Act" means the Family Educational Rights and Privacy Act (20 USC § 1232g).
- B. "Directory information" means the following information contained in an education record of a student: name, the student's participation in officially recognized activities and sports, weight and height of student athletes, grade level in school of participants in extracurricular activities, date of attendance at Poland schools, and honors and awards received.
- C. "Eligible student" means a student who has attained eighteen years of age, has not been judged by a court of competent jurisdiction to be so severely impaired that the student is unable to make decisions or exercise judgment on his/her own behalf or is attending an institution of post-secondary education.

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- D. “Parent” means parent, regardless of divorce or separation, a legal guardian, or individual acting as a parent or guardian provided that there shall be a presumption that a parent has the authority to exercise the rights inherent in the Act, unless there is evidence of a state law or court order governing such matters as divorce, separation or custody or a legally binding instrument that specifically revokes such rights.
- E. “Record” means any information or data recorded in any medium including, but not limited to, handwriting, print, computer media, video or audio tape, microfilm and microfiche, but excluding records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- F. “School” means Poland Schools and each school within the system.
- G. “Student” includes any individual with respect to whom the Poland School Department maintains educational records.

III. ANNUAL NOTIFICATION OF RIGHTS

Each year parents of students attending school or eligible students attending school will be provided with a summary of their rights through any of the following means:

- A. A letter to each parent or eligible student within Poland.
- B. Publication of the policy summary in a school newspaper, newsletter, or handbook distributed to each parent or eligible student.

A model copy of that statement is attached to this policy as JRA-E.

IV. INSPECTION AND REVIEW OF EDUCATIONAL RECORDS

Parents of students and eligible students may review and inspect their educational records by the following procedure:

- A. The parent or eligible student must request in writing to review the records through the school principal.

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- B. The school will comply with the request within a reasonable period of time, but in no case more than 45 days after it received the request, and will comply before any meeting regarding an Individualized Education Program (IEP) or any due process hearing relating to the identification, evaluation, or placement of the student.
- C. The superintendent will list the types and locations of all records, the names and titles of officials responsible for those records, and the names of non-school personnel who have received copies or reviewed the educational records.
- D. The school may deny a request for access to or a copy of the student's records if there is reasonable doubt as to the legality of the parent/child relationship. Access will be withheld until a determination of legal right to access can be established.

V. DISCLOSURE OF EDUCATION RECORDS

- A. The school will not disclose any personal identifiable information from the education records of a student without prior written consent of the parent or eligible student. The written consent shall include a specification of the records that may be disclosed, the purpose(s) of the disclosure(s), and the identity of the party or parties to whom the disclosure(s) may be made. Exceptions to these disclosure requirements are as follows:
 - 1. As provided by 20-A MRSA § 6001-B, when a student transfers from Poland School Department to another unit in Maine or any other state, a copy of all his/her education records, including special education records, will be sent to the receiving school unit upon written request of the Superintendent or designee of that unit; there is no requirement for written consent by the parent/guardian or eligible student. At the request of the receiving unit, the student's current or former school administrator will disclose orally or in writing whether the student seeking admission has been expelled, suspended, or is the subject of an expulsion or suspension proceeding.
 - 2. Personally identifiable information may be disclosed without written consent if the disclosure is to:
 - a. State and local educational authorities, the Comptroller General of the United States, or the Secretary of the U.S. Department of Education (including those acting for the Secretary) in connection with the audit and evaluation of federal and state supported educational programs or for enforcement of or compliance with federal requirements, and to state and local educational authorities as required by state statute and permitted by federal law;

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- b. School administrators, board members, officials, teachers and other school personnel, contracted providers of educational services for the student and lawyers within the Poland Schools who have legitimate educational interests;
- c. Officials of another school, school system, or institution of post-secondary education in which the student seeks to attend or enroll;
- d. Institutions to which the student has applied for or has received financial aid if the information is necessary to determine the eligibility, amount or conditions of the aide, or to enforce the terms or conditions of the aid;
- e. Organizations conducting studies for, or on behalf of, educational agencies or institutions, including, but not limited to, studies to develop, validate, or administer predictive tests;
- f. Accrediting organizations for the purpose of carrying out their accrediting functions;
- g. Parents of a dependent student, as defined in § 152 of the Internal Revenue Code 1954;
- h. Those as directed by judicial order or lawfully issued subpoena, provided that reasonable effort is made to notify the parent of the student or the eligible student of the order or subpoena prior to compliance herewith, unless the subpoena or judicial order directs that the disclosure not occur;
- i. A court of law, if relevant to an action brought by the parents of the child against the school unit, or brought by the school unit against the child or child's parents;
- j. Appropriate parties in a health or safety emergency provided that knowledge of the information is necessary to protect the health or safety of the student or other individuals. This disclosure may include the release of appropriate information to school officials in other school units about disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student or other members of the school community, if the officials in the other school unit have legitimate educational interest in the behaviors of the student;
- k. Criminal justice agencies or other agencies that by court order or agreement are responsible for the juvenile in circumstances as described in 20-A MRSA § 6001(3); and
- l. Other circumstances specifically permitted by law.

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3. Directory information may be disclosed without parental consent about former students.
 4. The Poland School Department reserves the right to make public at its discretion personally identifiable information from the education records of a student if that information has been designated as directory information as that term is defined under subparagraph B in section II of this policy, unless the parent of the student or eligible student informs that school in writing by July 1 for the upcoming year or within 30 days of enrollment, whichever is later, that such personally identifiable information is not to be designated as directory information with respect to that student.
- B. All disclosures of information under this section will comply with regulations and guidelines provided by the Federal Government and the Maine Department of Education.
- C. The school will maintain a record of disclosures or personally identifiable information from the education records of a student and will permit a parent or eligible student to inspect that record, except that such record shall not include disclosures of the parent of a student or an eligible student, disclosures pursuant to written consent, disclosures to school officials, or disclosures of directory information.

VI. REQUEST TO AMEND EDUCATION RECORDS

- A. All parents of students/eligible students may seek correction of education records of the student through a request to amend the record on the grounds that it is inaccurate, misleading, or in violation of the privacy or other rights of the student. The school shall, within 15 days of receipt of the request, either amend the information in accordance with the parent's/eligible student's request or inform the parent/eligible student of its refusal to amend the information and advise the parent/eligible student of the opportunity for a hearing. **[Note: Federal regulations require that a response be provided within a reasonable time, not to exceed 45 days. State special education regulation at 15.8(A) requires the response within 15 days of receipt of the request. The local school unit must meet the state requirements]**
- B. Of the request is denied, the parent or the eligible student shall be entitled to a hearing upon request. The hearing shall be held within a reasonable period of time from the time the school receives the request, and the parent or the eligible student shall be given advance notice of the date, place, and time of the hearing. The Superintendent may designate an individual to conduct the hearing. The individual may be an employee of the school unit, but may not have a direct interest in the outcome of the hearing. The parent or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney. The school shall make its decision in writing within a reasonable period of time. The decision of the school shall include a summary of the evidence and the reasons for the decision.

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- C. If, as a result of the hearing, the school decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the education records of the student accordingly and so inform the parent or the eligible student in writing.
- D. If, as a result of the hearing, the school decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the contested information in the education records and/or setting forth any reasons for disagreeing with the decision of the school.
- E. Any explanation placed in the education record of the student under the preceding paragraph shall be maintained by the school as part of the education records of the student as long as the record or contested portion is maintained by the school, and if the education records of the student or the contest portion is disclosed by the school to any party, the explanation shall also be disclosed to the party.

VII. STUDENT RIGHTS

When a student becomes an eligible student, the rights accorded to and the consent required of the parent of the student shall thereafter transfer to the eligible student.

VIII. LIMITATIONS OF WAIVERS

A parent of a student/eligible student may waive any of his/her rights regarding confidentiality of educational records as set forth in this policy and in the Act, but such a waiver shall be in writing and signed by the parent or student as appropriate. The school may not require that a parent/eligible student waive his/her rights.

A waiver under this section may be revoked with respect to any actions occurring after the revocation. A revocation under this paragraph must be in writing. If a parent executes a waiver under this section, that waiver may be revoked by the student any time after he/she becomes an eligible student.

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IX. FEES

The school shall provide copies of education records to parents/eligible students upon request. The cost of producing copies of the record, if desired, to the parent/eligible student will be ten cents per page; i.e. ten cents per page copied plus postage. This fee, however, will not prohibit a parent's eligible student's opportunity for access to the records if they are unable to pay for such copies. There will be no charge to search for or to retrieve the education records of a student.

X. LIMITATION OF DESTRUCTION OF EDUCATION RECORDS

The school may destroy parts of an education record of a student when they are no longer deemed useful, subject to the following exceptions:

- A. The school may not destroy any education record if there is any outstanding request to inspect or review such records.
- B. The record or access maintained shall be retained for as long as the education record to which it pertains is maintained.
- C. The school shall inform parents of students with disabilities when education records are no longer needed to provide educational services to the student or to demonstrate that the school has provided the student with a free appropriate public education as required by law. At that point, the records shall be destroyed at the request of the parents and may be turned over to parents or eligible student upon their request.
- D. A permanent record of a special education student's name, address, phone number, grades, attendance record, and classes attended, and grade and year completed shall be maintained without time limitations.

XI. The Secretary of the U.S. Department of Education maintains an office that will investigate, process, and review complaints that may be filed concerning alleged violations of the provision of the Act. Complaints regarding violations of rights accorded parents and eligible student may be submitted in writing to the following address:

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

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AMPLIFYING INSTRUCTIONS AND GUIDELINES: As per this policy statement

DELEGATION OF AUTHORITY: The Poland High School Committee delegates the authority to carry out this policy to the Superintendent of Schools, who may delegate the process on the policy to an administrative designee.

EXCEPTIONS TO THE POLICY: None

REPORTS: None

DEFINITIONS: None

ATTACHMENTS: JRA-E Notification of Rights

LEGAL REFERENCES:

20 USC § 1232g

34 CFR Part 99

20-A MRS § 6001

Me. Dept. of Ed. Reg. ch 101 § 15 (Nov. 1999)

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SIGNATURE BLOCK:

Poland High School Committee

Ira Levine, Chair DATE

Peter Bolduc DATE

Jack Conway DATE

Norman Davis DATE

Laurie Levine DATE

David Griffiths DATE

Matthew Foster DATE