

## Section 8000 – Students

### 8940 Student Records

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The educational interests of students require the collection, retention, and use of data about individuals and groups of students while ensuring individual rights of privacy. The school District will maintain educational records of students for legitimate educational purposes.

School student records are confidential and information from them shall not be released except as provided by law. The information contained in school student records shall be kept current, accurate, clear, and relevant. All student records, including those maintained in District electronic database(s), shall be safeguarded during collection, maintenance, and dissemination to protect against unauthorized access or accidental release. The District may release Directory information in accord with law, provided parent(s)/guardian(s) are given the opportunity to object to the release of this information.

#### Directory Information

The custodian of records may make certain Directory information available without parent(s)/guardian(s) or eligible student's consent if public notice of the categories of information designated as Directory information has been given. After such public notice has been given, the parent(s)/guardian(s) have the right to object to the release of the information within a specified reasonable time. Directory information for this District includes the following information about the student:

1. Student name
2. Student address
3. Student telephone number
4. Student date and place of birth
5. Photograph
6. Electronic mail address
7. Student participation in officially recognized activities and sports
8. Student degrees, honors, and awards received
9. Student major field of study
10. Student dates of attendance
11. Grade level
12. Name of last previous school attended by student
13. Weight and height of members of athletic teams

As provided in PA 39, 2002 (MCL 380.1139) a school must provide armed forces recruiters and service academies with a student's name, address, and telephone number unless the parent(s)/guardian(s) specifically "opts out" of having that information given to military recruiters.

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Parent(s)/Guardian(s) will be notified of their right to opt out of the disclosure of Directory information to the military recruiters, and that informs the recipients that failure to complete and return the form will result in the disclosure of the information to military recruiters. Pursuant to federal law, high school Principals may not exclude military recruiters from the school campus if they do not similarly exclude prospective employers or post-secondary institutions.

The District shall inform students and their parent(s)/guardian(s) annually and upon initial enrollment of their rights under law and Board policy with respect to student records, and of the procedures for exercising those rights. This notice shall be modified to accommodate the needs of the disabled or those whose dominant language is other than English.

The Superintendent shall insure that a copy of a student's school record, including disciplinary records of suspensions and expulsions, is transferred to any public or private school in which the student has enrolled within 30 days after receipt of the request, pursuant to federal law and state mandate. Notice shall be given to parent(s)/guardian(s) of this transfer procedure and that the student's record being transferred does include a record of any suspension or expulsion action against the student.

The Superintendent shall develop rules and procedures for implementing this policy and state and federal law with respect to student records. The Superintendent shall designate one or more records custodian(s) for each site and/or media in which student records are kept, and shall provide them with appropriate training. The District may charge an appropriate fee to cover the expense of providing copies of records requested by the parent(s)/guardian(s).

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The District shall protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Board or Superintendent. Regulations established under this policy shall include provisions controlling the use, dissemination, and protection of such data.

If students are to be surveyed or monitored by researchers, parent(s)/guardian(s) shall be notified of the dates of the planned activities, given an opportunity to review the survey instruments, and given the opportunity to opt out.

Annual notice will be given to parent(s)/guardian(s) of the administration of any health or physical screening, and given the opportunity to opt out.

Student names and addresses shall not be disclosed to businesses or organizations that plan to use the information for commercial purposes. Exceptions may be made where the purpose has been approved in advance by the Superintendent and where parent(s)/guardian(s) have given, in writing, express permission for this information to be disclosed.

For the purposes of this policy, whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the consent required of and the rights accorded to the parent(s)/guardian(s) of the student shall only be required of and accorded to the student.

Approved: September 9, 2010

LEGAL REF: MCL 15.231 *et seq.*; 380.1134-1135; 380.1139; 20 USCA §1232g (Family Educational Rights and Privacy Act); 20 USCA § 7908 (No Child Left Behind Act); Michigan Department of Education Memo dated 4/6/04.

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For the purposes of this rule, whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the consent required of and the rights accorded to the parent(s)/guardian(s) of the student shall only be required of and accorded to the student.

### Custodians

Each building Principal shall designate one or more full-time staff members as student records custodian(s) for the school. The system or database administrator at each site is designated custodian for all student records maintained in an electronic database or other computer media. The Superintendent shall designate one or more full-time staff members as custodian for any student record information maintained at the District central office.

Each custodian will be trained in their duties by their immediate supervisor. Custodians shall become familiar with law, Board policy, and these rules with respect to student records. The custodian(s) should work closely with other staff members to ensure that all data maintained in student records is current, accurate, clear, and relevant.

### Record Types

Student record files shall include, but shall not be limited to, the following: permanent, supplemental, and tentative record files.

### Permanent records

This classification includes official administrative records that constitute data necessary for operating the educational system, which is of long-term value or importance. It includes basic identifying information, academic transcripts, attendance records, accident and health reports, withdrawal and re-entry records, honors and activities, date of graduation, follow-up records, information pertaining to release of records, records concerning suspension and expulsion actions against the student, and other information deemed to be of permanent value by the District. Permanent records will be maintained for an indefinite period.

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### Supplementary records

This classification includes verified information that is important in operating the educational system but is of a more sensitive nature and of less historical importance. It includes: test scores on standardized achievement, aptitude and intelligence tests; observational data gathered from teachers; counselor evaluation and observations of social and personal assets; psychological reports; disciplinary information; special education files; health data; family background information; educational and vocational plans; and other information determined by the administration to be appropriate for this category. Supplemental records shall be destroyed when no longer needed, or shall be transferred to the permanent record, if they have a permanent use.

### Tentative records

This classification includes useful information that has not been verified or is not clearly needed beyond the immediate present. It includes unevaluated reports of teachers or counselors that may be needed in ongoing counseling or disciplinary actions and student electronic mail. Tentative records shall be destroyed when the use for which they have been collected has ended.

### Storage

The custodian is responsible for ensuring that the records under his/her care are stored in such a fashion as to protect them from harm and unauthorized alteration or access. Physical records should generally be kept in a storage area, which is well supervised and lockable; electronic records should be protected by regular back up and password or encryption security of good integrity.

### Data Gathering

Only the school Superintendent with respect to an individual school, and the Superintendent or Board with respect to the District, may authorize the collection of survey or other data pertaining to students or their families. The administrator shall confirm that the data collection will be in accord with law and Board policy prior to authorizing it.

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At the time of authorization, the administrator is to see to it that safeguards are in place to ensure the confidentiality and security of the information gathered, including appropriate training of the persons who will be collecting or handling the data.

Survey instruments and procedures shall be made available for inspection prior to use, and notice of the planned activity and an opportunity to opt out shall be granted.

### Missing Student

When law enforcement officials have notified the District that a student has been reported missing, the building Principal shall tag this in an obvious way on that student's records. The tag shall remain until notified by law enforcement that the tag should be canceled, or until the student's eighteenth birthday. If a request had been received for a tagged student's records, the custodian shall not comply with the request but shall immediately notify the law enforcement agency.

### Inspection and Copying of Records

Each school shall establish appropriate procedures for the granting of a request by the parent(s)/guardian(s) for access to their child's records within a reasonable period of time, but in no case more than 45 school days after the request has been made. Where such records or data include information on more than one student, the parent(s)/guardian(s) of any student shall be entitled to receive, or to be informed of, that part of such record as pertains to their child.

A school official competent in interpreting student records shall be present to explain the meaning and implications of the records that are examined.

In situations where the parents/guardians of a student are divorced or separated, each parent/guardian, custodial and/or non-custodial, has equal rights to their student's records unless a court order specifies otherwise. The District's personnel shall not recognize private agreements between the student's parents/guardians.

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Copies of student record(s) will be made for the parent(s)/guardian(s) upon request. Copying fees shall be charged only when multiple copies are requested in a limited period, and shall be assessed according to the procedures established by the District.

### Requesting Amendments

Parent(s)/Guardian(s) may ask the District to amend a record that they believe is inaccurate, misleading, or in violation of a student's right to privacy by writing the school Principal or records custodian, identifying the part of the record they want changed, and specifying the reason(s) for the request. The competent school or District administrator shall make a determination on the request in a timely fashion and shall reply in writing to the parent(s)/guardian(s) detailing the actions taken. If the decision is to deny the request, the parent(s)/guardian(s) shall be provided with the information and procedures to request a hearing regarding their request for amendment.

When a hearing has been requested by the parent(s)/guardian(s) for challenging the content of the student's education record, the procedure to be followed in the hearing shall include the following:

- The hearing shall be conducted and the decision rendered by a person who does not have a direct interest in the hearing outcome,
- The parent(s)/guardian(s) of the student shall be given notice of the date, place and time of the hearing within a reasonable time in advance of the hearing,
- The parent(s)/guardian(s) may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney,
- The parent(s)/guardian(s) shall be afforded a full and fair opportunity to present relevant evidence,
- The decision shall be rendered in writing within a reasonable time after the hearing concludes, and

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- The decision of the school shall be based solely upon the evidence presented at the hearing and include a summary of the evidence and the reasons for the decision.

If the decision of the school following the hearing is to deny the request, the parent(s)/guardian(s) shall be afforded an opportunity to place a statement in the record commenting on the contested information or disagreement with the school. This statement shall be attached to the record in question and copied or disclosed along with the record for as long as the record is maintained.

### Disclosure without Consent

The custodian of records may disclose information contained in those records without the consent of the student's parent(s)/guardian(s) to the following persons or entities, on the condition that they agree not to disclose the information to any other party without the written consent of the parent(s)/guardian(s):

- Other school officials, including teachers within the District who have legitimate educational interests,
- Officials of other schools or school systems in which the student intends to enroll, [Note: this requires parent(s)/guardian(s) notification in each instance unless stated as a practice in the annual notification to parent(s)/guardian(s) of their rights]
- The Comptroller General of the United States, the Secretary of Education, or state and local educational authorities,
- Authorized persons to whom a student has applied for or from whom a student has received financial aid,
- Organizations conducting studies for or on behalf of educational agencies or institutions,
- Accrediting organizations,



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- In compliance with a judicial order or subpoena, provided the custodian makes a reasonable effort to notify the parent(s)/guardian(s) prior to complying so that they may seek protective action. Notification will not be made to the parent(s)/guardian(s), however, if the court or agency issuing the subpoena orders that the subpoena not be disclosed,
- In the absence of a court order or subpoena, to a court if the District initiates legal action against the parent(s)/guardian(s) or student and the records of the student are relevant for the District to proceed with the legal action, or if the parent(s)/guardian(s) or student initiates legal action against the District and the student's records are relevant for the District to defend itself, and
- Appropriate persons if knowledge of the information is necessary to protect the health or safety of the student or other persons in an emergency. The custodian of the records shall take the following factors into consideration in deciding whether the information should be released: the seriousness of the emergency; whether the information is needed to meet the emergency; whether the persons to whom the information will be released are in a position to deal with the emergency; and whether time is of the essence in dealing with the emergency.

Except for local school officials, all persons, agencies, or organizations requesting or accessing the records of a student shall be recorded on a form (including electronic forms) kept permanently along with the student's records if the request or access involved any information, which personally identified the student, except for subpoenas, which prohibit disclosure. The form must identify the requesting party, the legitimate interest the party had in making the request, the information released or made accessible, the date the request and/or release was made, and the name of the custodian who handled the request.

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Statistical data from student records may be disclosed without consent of the parent(s)/guardian(s) for research, statistical summary, or planning purposes if the information released cannot be used to identify an individual student. The custodian shall exercise care in this regard; as statistically small populations within the District may be identifiable through seemingly innocuous data, (Ex. Race and gender of a student may be sufficient to identify an individual in a District with a low minority population).

#### Disclosure with Written Consent

The custodian may disclose information in a student's records or provide access to the records following written instructions signed and dated by the parent(s)/guardian(s) of the student specifying the records, the reasons, and the person(s) to whom the release is to be made.<sup>10</sup> A copy of the parent(s)/guardian(s) instructions shall be kept along with the record.

Whenever the District requests the consent to release certain records, the custodian shall inform the parent(s)/guardian(s) of the right to limit such consent to specific portions of information in the records.

#### Disposition of Records

The school shall maintain permanent records for an indefinite period. When the student graduates, supplementary records shall be destroyed or shall be transferred to the permanent record if they have permanent usefulness. Tentative records shall be destroyed when the use for which they were collected is ended.

However, tentative records may be placed in the supplementary classification if the continuing usefulness of the information is demonstrated and its validity verified.

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<sup>10</sup> Per 34 CFR part 99, "signed and dated written consent" may include a record and signature in electronic form that (1) identifies and authenticates a particular person as the source of the electronic consent; and (2) indicates such person's approval of the information contained in the electronic consent." Per the Standards for Electronic Signatures in Electronic Student Loan Transactions, an electronic signature may include "a shared secret, such as (a) a personal identification number (PIN) or password; (b) a unique credential or token; (c) a computer file or number that corresponds to a biometric measurement uniquely associated with the borrower, such as a fingerprint or retinal pattern; (d) a signature image (a computer file that is created from the scanned image of the borrower's handwritten signature); or (e) a typed name, combined with (a), (b), (c), or (d)."

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To eliminate unnecessary or outdated information, the official custodian shall review a student's records when the student moves from elementary to a middle school or junior high, from a middle school or junior high to high school and upon high school graduation.

### Custodial Discretion in Exceptional Circumstances

If the custodian of student records has special information that would indicate granting or denying access to student records in accordance with these rules would be harmful to the student, he/she may exercise discretion in granting or denying access in a manner other than provided herein.

### Student Disciplinary Records

Pursuant to the directive of the Michigan Department of Education of 4/6/04, disciplinary records that concern suspension or expulsion action against the student shall be considered to be a part of the "student's record" and shall be transferred to any private or public school in which the student has enrolled within 30 days after the receipt of the request from a public or private school for the student's record.

### Notification

Parent(s)/Guardian(s) will be notified annually of their rights in the District newsletter. Parent(s)/Guardian(s) who are non-native speakers of English shall be provided a translation or otherwise contacted to inform them of these rights.

### Disposition

Annual notice shall be given to parent(s)/guardian(s) and eligible students concerning the student's records. In addition, the custodian of the educational records shall give annual public notice of the class of records the institution has designated as Directory information.

**STUDENT AND FAMILY RIGHTS CONCERNING SCHOOL RECORDS**

The Family Educational Rights and Privacy Act (FERPA) afford parent(s)/guardian(s) 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 copy the student’s education records within 45 school days of the day the District receives a request for access.
  - a. Parent(s)/Guardian(s) or students should submit to the school custodian of student records a written request that identifies the record(s) they wish to inspect.
  - b. The custodian will arrange for access and notify the parent(s)/guardian(s) 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(s)/guardian(s) or eligible student believes are inaccurate, misleading or an invasion of privacy.
  - a. Parent(s)/Guardian(s) or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or an invasion of privacy. They should write the school Principal or records custodian, clearly identify the part of the record they want changed, and specify the reason.
  - b. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student’s school student records are forwarded to another school to which the student is transferring.

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- c. If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the decision and advise him/her of their right to a hearing regarding the request for amendment.  
  
Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.
3. The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that the FERPA or Michigan law authorizes disclosure without consent.
4. The right to be informed that, pursuant to federal law and state mandate, records of suspension or expulsion action against the student are considered to be a part of the "student record" and the District is required to transfer those records pertaining to suspension or expulsion to any public or private school in which the student has enrolled within 30 days of the date of the request from the other school.
5. The right to be informed that disclosure is permitted without consent to school officials with legitimate educational or administrative 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 Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or the parent(s)/guardian(s) or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his/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.

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6. The right to know that, upon request, the District discloses education records, including records of suspension or expulsion action against the student, without consent to officials of another school District in which a student has enrolled or intends to enroll as well as to person(s) specifically required or allowed by State or federal law.
7. The right to know that disclosure is also permitted without consent to: any person for research, statistical reporting, or planning, if no student or parent(s)/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.
8. The right to prohibit the release of Directory information concerning the parent(s)/guardian(s) child.

Throughout the school year, the District may release Directory information regarding students, limited to:

- Name,
- Picture,
- Grade level,
- Academic awards, degrees and honors,
- Information in relation to school sponsored activities, organizations and athletics, and
- Major field of study

*Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the building Principal within 30 days of the date of the notice. No Directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise.*

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9. The right to prohibit the release of Directory information concerning the parent(s)/ guardian(s) child to Armed Forces recruiting personnel.

Student information to be released to the Armed Forces is to include:

- Name,
- Address, and
- Telephone number.

10. 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  
Washington DC 20202-4605