

## STUDENT RECORDS

- **Board Policy JR: Student Records**
  - **Board Policy EBCB: Video Monitoring of School Board Property**
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**The Family Education Rights and Privacy Act (FERPA)** provides for the right of access to student education records and limits disclosure of education records without parental consent except under certain circumstances.

Under FERPA, the parents/legal guardian of a student or a student who has reached the age of majority has the right to:

- Inspect
- Request amendment
- Consent to disclosure
- Object to the disclosure of directory information

School officials have an obligation to protect **personally identifiable information** contained in a student's education record.

**Personally identifiable information** is information about an individual that may be used on its own or with other information to identify, contact, or locate a single individual, including, but not limited to the following:

- Any information that can be used to distinguish or trace an individual's identity such as full name, social security number, date and place of birth.
- Any other information that is linked or linkable to an individual such as medical, educational, financial and employment information.
- Two or more pieces of information that separately or when linked together can be used to reasonably ascertain the identity of the person.

**Education Records** are records that are directly related to a student and are maintained by the School Board or someone acting on behalf of the School Board.

School officials are obligated to maintain the confidentiality of personally identifiable information in student education records. That means that you cannot disclose confidential information without parental consent.

However:

School employees may always share student records and information when there is a **legitimate educational reason** to do so, that is, when sharing information is necessary for you to do your job in furthering the educational interests of the child.

### **Act 547 – Access to Student Records**

Under FERPA, parents have a right to review student records and to seek to have those records amended, if they believe that the records are incorrect.

In the last legislative session, the legislature passed Act 547 which provides, among other things, that:

1. Parents/guardians are entitled to receive a paper or electronic copy of their child's education records within 10 business days of submitting a written request for education records.
2. Parents/guardians may not be required to come to the school in person to either make, or validate, the written request. School officials may, however, contact a parent or guardian if there is a legitimate concern regarding the validity of the written request, or to clarify the specific documents that are being requested.
3. Parents/guardians may be charged a reasonable fee for prints and/or copies of education records in accordance with district policy. The current charge for copies or prints of student records is .25/page. The school may not charge for electronic copies of student records.

**Guidelines for Responding to Requests for Education Records** are included in your packet. School leaders will need to designate a point person to respond to request for student records in a timely manner.

## **FERPA and School Resource Officers**

School Resource Officers qualify as “school officials” under FERPA.

As such, an SRO may have access to personally identifiable information if he/she has a “legitimate educational interest” in obtaining the information.

The SRO may only use that information for a legitimate educational purpose such as promoting school safety or ensuring the physical security of students.

The SRO may not disclose personally identifiable information to anyone without parental consent, including law enforcement, unless the disclosure fits into one of the specific FERPA exceptions.

The SRO may view, but may not disclose, videotape of students to local law enforcement, without the consent of the parent, or a court order or subpoena.

Local law enforcement agencies and the District Attorney’s office are aware of this policy and understand that they need to provide a subpoena to obtain school video clips if students appear in the video.

Neither you, nor the SRO, may release video that contains images of students to the police without a court order or subpoena.

If an incident occurs that may lead to disciplinary or criminal charges, you should make a clip of the videotape immediately because the video overwrites every 14 days.

If you receive a subpoena for video, scan it and send it to me for approval. I will get it back asap. If you give me a call, I may be able to get it to you while the officer is waiting, so they don’t have to come back.

### ***Guidance:***

- 1. Parents/legal guardians and students who have reached the age of majority have the right to review and/or receive paper or electronic copies of student records within 10 business days of submitting a written request to the school.***
- 2. The school may charge .25/page for paper copies and prints, but may not charge for electronic copies of student records.***

3. *Education records may not be disclosed without consent except under limited circumstances.*
4. *Education may be shared with other district employees with a legitimate educational interest in the information, including the SRO.*
5. *Video clips containing images of students may not be shared with local law enforcement without a court order or subpoena.*