

Section 8000 – Students

8940-R Student Records

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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 Principal shall designate one or more full-time District employees as records custodian(s) for student educational records in the school. The system or database administrator at each site is designated custodian for all student educational 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 educational records maintained at the District central office.

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

Record Types

Student educational records 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.

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.

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.

Storage

The custodian is responsible for ensuring that educational 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 Board, Superintendent or designee, 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.

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.

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

Missing Students

When law enforcement officials have notified the District that a student has been reported missing, the 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 is 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) or eligible student for access to their child's or their 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)/eligible (s) shall only be informed of or provided information on that part of the record that pertains their child or the eligible student.

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.

Copies of student record(s) will be made for the parent(s)/guardian(s) or eligible students 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 for FOIA requests.

Requesting Amendments

Parent(s)/Guardian(s) or eligible students 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)/eligible student(s) detailing the actions taken. If the decision is to deny the request, the parent(s)/guardian(s)/eligible student(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)/eligible student(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 or the eligible 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)/eligible student(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)/eligible student(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
- 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)/eligible student(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) or eligible student 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)/eligible student(s):

- Other school officials, including teachers within the District who have legitimate need to know,
- Officials of other schools or school systems in which the student intends to enroll, [Note: this requires parent(s)/guardian(s)/eligible student(s) notification in each instance unless stated as a practice in the annual notification to parent(s)/guardian(s)/eligible student(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, only after approval has been granted for the research project,
- Accrediting organizations,
- In compliance with a judicial order or subpoena, provided the custodian makes a reasonable effort to notify the parent(s)/guardian(s)/eligible student(s) prior to complying so that they may seek protective action. Notification will not be made to the parent(s)/guardian(s)/eligible student(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 eligible student(s) 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 eligible student(s) 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.

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 and if a data sharing agreement has been signed by the requesting person or entity or a research request has been approved by the District. The custodian shall exercise care in this regard; as statistically small populations within the District may be identifiable through seemingly innocuous data, (e.g. 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 or eligible student(s) specifying the records, the reasons, and the person(s) to

whom the release is to be made.¹ A copy of the parent(s)/guardian(s)/eligible student(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)/eligible student(s) of the right to limit such consent to specific portions of information in the records.

The District may also require that an entity that desires personally identifiable student information enter into a data sharing agreement with the District to ensure the confidentiality of the student information.

Disposition of Records

The student educational records shall be maintained according to the Michigan Records Retention law.

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.

¹ 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).”

Notification

Each school within the District shall disseminate to each student and family at least annually the statement of rights listed below. Parent(s)/Guardian(s)/Eligible Student(s) who are non-native speakers of English shall be provided a translation or otherwise contacted to inform them of these rights. 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. The appropriate forms for said notices are on file in the office of the custodian of the educational records.

**STUDENT AND FAMILY RIGHTS
CONCERNING STUDENT EDUCATIONAL 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.

- 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.
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 this notice. No Directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise.

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.

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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

Rules Accepted: June 29, 2009

Rules Revised: November 19, 2018

Student Directory Information Notification Form

Dear Parents/Guardians/Emancipated Student: Please sign and return this form to the school within thirty (30) days of the date of this letter. If we receive no response by that date, we will withhold all student directory information unless required by law to release certain directory information (such as to Armed Forces recruiters upon their request.) You may direct us not to release such information to any person or agency, including the Armed Forces, by completing and returning this form in a timely fashion.

Date

Dear Parent/Guardian/ Emancipated Student:

This letter informs you of your right to direct the District to withhold release of student directory information for _____.

Student's Name

Following is a list of items that this District considers student directory information. Please choose one (1) of the three (3) options below. That is, choose Option 1 if the District may not release any item of directory information; Option 2, if the District may release all items of information; or Option 3, if the District may release only selected items of information. Then check those items that may be released.

Student Directory Information Notification

Release to – Institutions of Higher Education, Potential Employers, Armed Forces Recruiters, etc.

Choose one of the Options below:

- Option 1:** The District **MAY NOT RELEASE ANY** information listed below.
- Option 2:** The District **MAY RELEASE ALL** information listed below.
- Option 3:** The District **MAY RELEASE ONLY** the information checked below

If you chose Option 3 above, then indicate by checking which item(s) of information the District may release.

- | | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Student's name <input type="checkbox"/> Student's address <input type="checkbox"/> Student's telephone number <input type="checkbox"/> Student's date and place of birth <input type="checkbox"/> Student's major field of study <input type="checkbox"/> Information about the student's participation in officially recognized activities and sports <input type="checkbox"/> Student's photograph/picture | <ul style="list-style-type: none"> <input type="checkbox"/> Student's weight and height (if a member of an athletic team) <input type="checkbox"/> Student's dates of attendance <input type="checkbox"/> Degrees and awards the student has received <input type="checkbox"/> Most recent educational institution attended by the student <input type="checkbox"/> Grade level |
|---|--|

NOTE: If a student's name, grade level, or photograph is to be withheld, the student will not be included in the school's yearbook, event or athletic programs, or other such publications.

Parent/Guardian/Emancipated Student's Signature

Date