

McNairy County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Student Records Use of Records	Descriptor Code: 6.603	Issued Date: 12/12/02
		Rescinds:	Issued:

1 Authorized school officials will have access to and permit access to student education records for
2 legitimate educational purposes.¹ A “legitimate educational interest” is the official’s need to know
3 information in order to:

- 4
- 5 1. Perform required administrative tasks;
- 6
- 7 2. Perform a supervisory or instructional task directly related to the student’s education;
- 8
- 9 3. Perform a service or benefit for the student or the student’s family such as health care, counseling,
10 student job placement, or student financial aid.
- 11

12 Authorized school officials may release information from or permit access to a student’s education record
13 without the parent(s) or eligible student’s* prior written consent in the following instances:

- 14
- 15 1. To comply with a judicial order or lawfully issued subpoena. The school system will make a
16 reasonable effort to notify the student’s parent(s) or the eligible student before making a disclosure;
- 17
- 18 2. If the disclosure is an item of directory information;
- 19
- 20 3. To comply with the requirements of child abuse reports to the extent known by the school officials
21 including the name, address and age of the child, the name and address of the person responsible
22 for the care of the child, and the facts requiring the report;²
- 23
- 24 4. When certain federal and state officials need information in order to audit or enforce legal
25 conditions related to federally-supported education programs in the school system;
- 26
- 27 5. When the school system has entered into a contract or written agreement for an organization to
28 conduct scientific research on the system’s behalf to develop tests or improve instruction, provided
29 that the studies are conducted in a manner which will not permit the personal identification of
30 students and their parents by individuals other than representatives of the organization and the
31 information will be destroyed when no longer needed for the purpose for which the study was
32 conducted;³
- 33
- 34 6. To appropriate officials if the parent(s) claim the student as a dependent as defined by the Internal
35 Revenue Code of 1954;⁴
- 36
- 37 7. To accrediting organizations to carry out their accrediting functions;
- 38
- 39 8. When a student seeks or intends to enroll in another school district or a post-secondary school.
40 Parent(s) of students or eligible students have a right to obtain copies of records transferred under
41 this provision;⁵

9. To financial institutions or government agencies that provide or may provide financial aid to a student in order to establish eligibility, to determine the amount of financial aid, to establish conditions for the receipt of financial aid and to enforce financial aid agreements.

10. To make the needed disclosure in a health or safety emergency when warranted by the seriousness, of the threat to the student of other persons, when the information is necessary and needed to meet the emergency, when time is an important and limiting factor and when the persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency.

11. To the Attorney General or his designee for official purposes related to the investigation or prosecution of an act of domestic or international terrorism. An educational agency that, in good faith, produces education records in accordance with an order issued under this Act shall not be liable to any person for that production.⁶

Authorized school officials may release information from a student’s education record if the student’s parent(s) or the eligible student gives written consent for the disclosure. The written consent must include:

1. A specification of the records to be released;
2. The reasons for the disclosure;
3. The person, organization, or class of persons or organizations to whom the disclosure is to be made;
4. The signature of the parent(s) or eligible student;
5. The date of the consent and, if appropriate, a date when the consent is to be terminated. The student’s parent(s) or the eligible student may obtain a copy of any records disclosed under this provision.

The school system will maintain an accurate record of all requests to disclose information from or to permit access to a student’s education records. The system will maintain an accurate record of information it discloses and access it permits. The system will maintain this record as long as it maintains the student’s education record.

The record will include at least:

1. The name of the person or agency that makes the request;
2. The interest the person or agency has in the information;
3. The date the person or agency makes the request; and
4. Whether the request is granted and, if it is, the date access is permitted or the disclosure is made.

Legal References:

1. USCA 20-1232g; TCA 10-7-503; TCA 10-7-504
2. TCA 37-1-403
3. TRR/MS 0520-1-3-.09(5)(e)(7)
4. 1979 Internal Revenue Code (1954 Amendment), Sections 151 and 170
5. TRR/MS 0520-1-3-.03(11)(e)
6. USA Patriot Act of 2001 § 507