

STUDENT RECORDS - ACCESS

This policy sets forth the condition governing the protection of privacy and access of parents and students as it relates to the collection, maintenance, disclosure and destruction of education records. Definitions and procedures comply with State Board Policy 4350: Procedures for the Collection, Maintenance and Disclosure of Student Data.

“Education records” mean all material concerning an individual student maintained in any form by the Board of Education or its employees, except personal notes maintained by teachers and other school personnel solely for their own individual use and not communicated to any other person.

“Parent” includes a parent, guardian, or an individual acting as a parent of a student in the absence of a parent or guardian.

RETENTION AND SECURITY:

1. The principal shall be the records manager for the records maintained in the school building. The principal shall have the overall responsibility for maintaining the confidentiality of student records and for keeping them in a locked file.
2. Cumulative record cards, containing all education records, shall be maintained without time limitation on all students.
3. Student records shall be reviewed and screened at each level of school transition. Records of special education students shall not be destroyed without parental consent. Prior to any destruction of such data, parents must be informed and give consent for that destruction. They must be informed that records may be needed for other purposes, such as social security benefits, etc. If the parent requests that the information be destroyed, the Board may retain certain information in perpetuity. A permanent record of a student’s name, address, phone number, his or her grades, attendance record, classes attended, grade level completed, and years completed shall be maintained without time limitation.

REQUEST TO AMEND EDUCATION RECORDS:

1. The parent of a student or an eligible student who believes that information contained in the education records is inaccurate or misleading or violates the privacy or other rights of the student may request in writing that the school system which maintains the records amend them.
2. The school system shall decide whether to amend the educational records of the student in accordance with the request within ten (10) school days of receipt of the written request.
3. If the school system refuses to amend the education records of the student in accordance with the request it shall so inform the parent or eligible student of the refusal, and advise the parent or eligible student of the right to a hearing.

RIGHT TO A HEARING:

1. The Tyler County Board of Education shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to insure that information in the education records of the student is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students. The hearing shall be conducted in accordance with procedures outlined in the WV Procedures for the Collection, Maintenance and Disclosure of Student Data. These procedures are on file with the Superintendent's Office.

COMPLAINT PROCEDURES:

1. Complaints regarding violations of rights accorded parents and eligible students, under these policies, shall be submitted to the Office of the Superintendent in writing. Specific procedures to be followed are listed in the WV Procedures for the Collection, Maintenance, and Disclosure of Student Data. These procedures are on file at the Superintendent's Office.

ACCESS TO STUDENT RECORDS:

The following persons only shall be permitted to inspect and review a student's records.

1. School officials including teachers who have been determined by the agency or institution to have legitimate educational interest.
2. The parent or guardian of a student under the age of eighteen (18), and anyone (including the student), who has the written permission of such parents or guardian.
3. Full rights shall be granted to either parent unless the school has been provided with evidence that there is a court order that specifically revokes those rights.
4. The State Superintendent of Schools and his officers or subordinates including other teachers within the educational institution as long as the intended use of the data is consistent with the Superintendent's statutory powers and responsibilities.
5. The student is over the age of eighteen (18), may grant or deny anyone access to his or her records except those persons who are permitted access as previously stated.
6. Bona fide researchers who explain in writing the nature of the research project and relevance to it of the records sought, and who satisfy the Superintendent that the records will be used under such conditions of anonymity and confidentiality, that the identity of individual students or parents cannot be discovered.
7. Any court of law or governmental agency acting with subpoena, in which case the student or parent must be notified, in advance if possible, of the compliance by the school and of the date for the production of such records.

8. Authorized representatives of (a) the Comptroller General of the United States; (b) Secretary of Health, Education, and Welfare, (c) an administrative head of an education agency or, (d) State educational authorities provided that when collection of personally identifiable data is specifically authorized by Federal law; any data collected by such officials with respect to individual students shall not include information (including Social Security numbers), which would permit the personal identification of such student or their parents after the data so obtained has been collected.
9. Persons considering a student's application for, or receipt of, financial aid.
10. Officials of other schools or school systems in which the student intends to enroll, upon the condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity to challenge the contents of the record according to the procedures set out above.
11. Each request for consent to inspect a student record must be handled separately. If the education records of a student contain information on more than one student, the parent of the student or the eligible student may inspect and review or be informed on only the specific information which pertains to that student.

The principal shall enter in each student record a notation of the data and time and reasons each person inspects or copies a student record, as well as the data disclosed.

Any parent, student or other person seeking access under authority of the above sections may appeal according to the procedures set out above.

Each request of a parent, or student, or other person listed shall be granted within a reasonable period of time, but in no case more than forty-five (45) days after the request has been made.

REFERENCE: State Board Policy 4350: Procedures for the Collection, Maintenance, and Disclosure of Student Data

DATE: 2/1/16, 2/18/13, 6/1/10, 3/19/07, 3/4/91, 9/18/78, 6/9/78