

STUDENT RECORDS AND ACCESS (FERPA)

General Statement. It is the policy of the School Board that all school officials (as defined below) will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the School Board that all school officials will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations. The Superintendent and/or his designee is authorized to make procedures to implement this policy.

Education Record. For the purposes of this policy and in accordance with FERPA, the term “educational record” means as all records, files, documents, and other materials containing information directly related to a student and are maintained by the school district, or by such other agents as may be acting for the school district. Such records include, but are not limited to, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and/or microfiche. Educational records do not include the records listed in 34 C.F.R. §99.3 and 20 U.S.C. 1232g(a)(4).

Eligible Student. For the purposes of this policy and in accordance with FERPA, the term “eligible student” means a student who has reached 18 years of age or is attending an institution of postsecondary education.

Directory Information. For the purposes of this policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term “directory information” means:

- Students’ name, address, e-mail, telephone number, and date and place of birth
- Major field of study
- Students’ grade level, enrollment status and dates of attendance
- Students’ photograph
- Students’ participation in recognized school activities and sports
- Students’ degrees, awards and honors received
- The most recent previous educational agency or institution attended by students.

The District may release or disclose student directory information without prior consent of the student’s parents/guardians or eligible students. Within the first three weeks of each school year, the District will provide notice to parents/guardians or eligible students that the District may publish directory information without their prior consent, along with the categories of information which it has designated as directory information. Parents/guardians or eligible students will be given until September 30 to notify the District in writing of any or all directory information items that they refuse to permit the District to release or disclose. Notice from a parent/guardian or eligible student that any or all directory information shall not be released will only be valid for that school year and must be re-issued each school year.

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Personally Identifiable Information. “Personally identifiable information” is defined as a student’s name; a student’s or their family’s address; the name of the student’s parent/guardian or other family members; a personal identifier such as a student’s Social Security number, student number, or biometric record; other indirect identifiers, such as the student’s date of birth, place of birth, or mother’s maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with a reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

Annual Notification/Rights of Parents/Guardians and Eligible Students. Within the first three weeks of each school year, the District will publish notice to parents/guardian and eligible students of their rights under State and Federal law and this policy. The District will send home with each student a notice listing these rights as part of the Parent-Student Handbook. The notice will include:

1. The rights of parents/guardians or eligible students to inspect the review the student’s education records, and the process for doing such;
2. The intent of the District to limit the disclosure of information in a student’s record, except: (a) by the prior written consent of the parent/guardian or eligible student; (b) as directory information; or (c) under certain, limited circumstance, as permitted by law;
3. The right of a student’s parents/guardians or an eligible student to seek to correct parts of the student’s educational records which he/she believes to be inaccurate, misleading, or in violation of student rights, and the process for doing such, which, includes a right to a hearing to present evidence that the records should be changed if the District decides not to alter them according to the parent’s/guardian’s or eligible student’s request;
4. The right of any person to file a complaint with the United States Department of Education if the District violates FERPA;
5. A specification of the criteria of who constitutes a school official and what constitutes a legitimate educational interest. As described more fully below, the District does not require prior consent to disclose educational records to another school official who has a legitimate educational interest in that information.

Procedure to Inspect Education Records. Parents/guardians may inspect and review education records of their children, consistent with the provisions of FERPA. Eligible students may inspect and review their own records. In some circumstances, it may be more convenient for the record custodian to provide copies of records.

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In accord with RSA 91-A:5, student records are exempt from disclosure under the Right-to-Know Law and access to student records will be governed by FERPA and state law.

Since a student's records may be maintained in several locations, the school principal may offer to collect copies of records or the records themselves from locations other than a student's school, so that they may be inspected at one site. If parents/guardians and eligible students wish to inspect records where they are maintained, school principals will determine if a review at that site is reasonable.

Parents/guardians or eligible students should submit to the school principal a written request that identifies as precisely as possible the record or records that he/she wishes to inspect. The principal will contact the parents/guardians or the eligible student to discuss how access is best arranged for their inspection or review of the records (copies, records brought to a single site, etc.).

The principal will make the needed arrangements as soon as possible and notify the parent/guardian or eligible student of the time and place where the records may be inspected. This procedure must be completed within 14 days or earlier after the principal's receipt of the request for access.

Parents/Guardians or eligible students may not inspect and review the records of other students. When records contain information about students other than a parent/guardian's child or the eligible student, the principal will seek consultation with the Superintendent and/or the District's attorney to determine how best to proceed.

Fees for Copying Records. There shall be a no charge to search for or retrieve education records of a student. The School District shall provide copies of education records to parents/eligible students upon request, subject to reasonable limitations. The cost of producing copies of the record to parents/eligible student will be 15 cents per page copied, plus postage. Parents/eligible students who are unable to pay such fees will not be denied access to education records.

Procedures To Seek Correction of Education Records. Parents/guardians of students or eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights. To establish an orderly process to review and correct the education records, the following procedures are established.

1. First-level decision. When a parent/guardian or eligible student finds an item in the student's education records that he/she believes is inaccurate, misleading, or otherwise in violation of a student's privacy rights, he/she should submit a written request asking the building principal to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the principal should make the correction. If the records are changed to the parent's/guardian's or eligible student's satisfaction, both parties shall sign a document/form stating the date and records were changed and that the parent/guardian or eligible student is satisfied with the correction.

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If the principal believes that the record should not be changed, he/she shall:

1. Notify the parent/eligible student of that decision.
 2. Notify the parent/guardian or eligible student of their right to appeal this decision to the Superintendent (second-level decision); and
 3. Inform the parent or eligible student of their right to place a statement in the record commenting on the contested information in the record and/or stating why he or she disagrees with the decision of the principal.
2. Second-level decision. If the parent/guardian or eligible student wishes to challenge the principal's decision to not change the student record, he/she may appeal the matter to the Superintendent. The parent/guardian or eligible student shall submit a written request to the principal asking that the matter be appealed to the Superintendent. The principal will forward to the Superintendent the request and inform the parents/eligible student that the matter has been forwarded to the Superintendent for subsequent processing.

The Superintendent shall, within ten business days after receiving notification of the request:

1. Review the request;
2. Discuss the request with other school officials;
3. Make a decision to comply or decline to comply with the request;
4. Schedule a meeting with the parents/guardians or eligible student if the Superintendent believes such a meeting would be necessary; and
5. Contact the parents/guardians or eligible student of his/her decision concerning the request for amendment

If the Superintendent determines the records should be amended, he/she will make the change and notify the parents/guardians or eligible student in writing that the change has been made. The letter stating the change has been made will include an invitation for the parent/guardian or eligible student to inspect and review the records to verify that the records have been amended and the correction is satisfactory. If the records are changed to the parent's/guardian's or eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/guardian or eligible student is satisfied with the correction.

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If the Superintendent determines the records will not be amended, he/she will notify the parents/guardians or eligible student in writing of his/her decision. Such letter will also notify the parents/guardians or eligible student of their rights (1) to an appeal hearing before the school board and (2) to place a statement in the record commenting on the contested information in the record and/or stating why he or she disagrees with the decision of the Superintendent.

3. Third-level decision. If the parents/guardians or eligible student are not satisfied with the Superintendent's decision, they may submit a written request for a hearing before the School Board. The parents/guardians or eligible student shall submit the request for a hearing with the Superintendent within ten (10) business days of the Superintendent's written decision in level-two. The Superintendent will inform the school board of the request for a hearing and will work with the school board to schedule a hearing within 45 days of receipt of the request. Once the meeting is scheduled, the Superintendent will inform the parents/guardians in writing of the date, time, and place of the hearing.

The hearing will be held in non-public session consistent with the provisions of RSA 91-A:3 unless the parent/guardian or eligible student requests that the hearing be held in public session. The school board will give the parent/guardian or eligible student a full and fair opportunity to present evidence relevant to the issues raised under their request/complaint. Parents/guardians or eligible students may be assisted or represented, at their own cost, by one or more individuals of their own choice, including an attorney.

The school board will issue its final decision in writing within 30 days of the hearing and will notify the parents/guardians or eligible student thereof via certified mail, return receipt requested. The school board will base its decision solely on the evidence presented at the hearing. The school board's written decision will include a summary of the evidence and the reasons for its decision which will include a determination of whether the educational records are inaccurate, misleading, or otherwise in violation of the privacy rights of the student.

If the school board determines that the student record should be changed or amended, it will direct the Superintendent to do so as soon as possible. The Superintendent will then inform the parents/guardians or eligible student in writing of the amendment, and he/she will arrange for a meeting so they can review and inspect the records to verify that they have been changed or amended. At this meeting, both parties shall sign a document/form stating the date the records were changed and that the parent/guardian or eligible student is satisfied with the correction.

If, as a result of the hearing, the school board determines that the student record should not be changed or amended, it shall issue a written decision informing the parent or eligible student of the same, and inform the parent or eligible student of the right to place a statement

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in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the agency or institution, or both.

If the parent or eligible student seeks to place such a statement in the record, the District will maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

The school board's decision will be final.

Disclosure of Student Records and Student Information. The District will not disclose student education records and information to third parties without prior written consent that complies with 34 C.F.R. §99.30 unless such disclosure without consent is authorized by law.

In addition to directory information, the District may disclose student records and student information without consent to the following parties or under the following conditions. This policy should be interpreted consistent with the FERPA regulations and any relevant state law.

1. to other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. "Legitimate education interest" refers to school officials or employees who need to know information in a student's education record in order to perform the employee's employment responsibilities and duties. A "school official" is defined as a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including, health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official will also include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks.
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where a student is already enrolled if the disclosure is for purposes related to the student's enrollment of transfer, subject to the requirements of 34 C.F.R. §99.34.
3. To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of 34 C.F.R. §99.35, in connection with

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an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.

4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
5. To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38.
6. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of an eligible student if the student is a dependent for IRS tax purposes.
9. To comply with a judicial order or lawfully issued subpoena if applicable requirements are met.
10. To appropriate officials in connection with a health or safety emergency, subject to 34 C.F.R. §99.36.
11. Information the school has designated as "directory information" if applicable requirements under 34 C.F.R. §99.37 are met.
12. To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement.
13. To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions.

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Maintenance of Student Records and Data. The principal of each building is responsible for record maintenance, access and destruction of all student records. All school district personnel having access to records shall place great emphasis upon privacy rights of students and parents/guardians.

The principal will ensure that all records are maintained in accordance with application retention schedules as may be established by law and District policy.

Records of Disclosures Made From Education Records. The District will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses and access it permits, with some exceptions listed below. The District will also maintain an accurate record of the names of State and local educational authorities and federal officials and agencies listed in 34 C.R.F. §99.31(a)(3) (local, state, and federal agencies for the purposes of audit or evaluation) that may make further disclosures of personally identifiable information from the student's education records without consent under 34 C.R.F. §99.33(b).

The District will maintain this record as long as it maintains the student's education record. This record is kept with, but is not a part of, each student's cumulative school records. ~~It~~ The record is available only to the record custodian and his/her assistants, the eligible student, the parents/guardians of the student who is not an eligible student, or ~~to~~ federal, state, or local officials for the purpose of auditing or enforcing federally supported educational programs. See 34 C.F.R. §99.32(c).

The record of disclosure includes:

1. The name of the person who or agency which made the request;
2. The interest which the person or agency has in the information;
3. The date on which the person or agency made the request;
4. Whether the request was granted and, if it was, the date access was permitted, or the disclosure was made;
5. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and the parties to whom the agency or institution disclosed the information.

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6. If the District discloses educational records with the understanding that they are to be further disclosed in pursuant to a provision of FERPA, the record will also include:
 - a. The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and
 - b. The legitimate interests which each of the additional parties has in requesting or obtaining the information.

The District's records of disclosure will not include requests for access or information relative to access which has been granted;

1. To a parent(s) of a student or to an eligible student;
2. To officials of the district who have a legitimate educational interest in the information;
3. By a request accompanied by prior written consent of a parent(s) or eligible student; or
4. The disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information.

Military Recruiters and Institutions of Higher Learning. Military recruiters or institutions of high learning shall have access to secondary school students' names, addresses, and telephone listings unless an adult student or the parent of the minor student requests that such information not be released without prior written consent. The District shall notify parents of the option to opt out of this disclosure as part of its Annual Notice of Directory Information, and it shall comply with any requests received.

Law Enforcement and Reporting Agencies. Consistent with RSA 193-D:7, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identify of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

Complaints. The United States Department of Education maintains an office that handles complaints about alleged violations of FERPA by local school districts. Complaints regarding violations of rights accorded parents/eligible students may be submitted in writing to:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington D.C. 20202-5901

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Related Policies: Data/Records Retention (EHB)

Legal Reference:

RSA 91-A:5, III, Exemptions, Pupil Records
RSA 189:66, IV(A), Data Inventory and Policies Publication
RSA 189:1-e, Directory Information
20 U.S.C. §1232g, Family Educational Rights and Privacy Act
34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations

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