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EXPLANATION: STUDENT RECORDS (K–12 Districts)

Version one of this policy is for K–12 districts. K–8 districts should use version two.

MSBA has updated this policy to reflect the changes brought about by the Every Student Succeeds Act (ESSA).

For years federal law has required that districts provide the names, addresses and telephone numbers of secondary students to military recruiters and institutions of higher education, unless parents opted out of the disclosure in writing. The language of the ESSA is slightly different and specifically allows secondary students who are 18 to opt themselves out of the disclosure. MSBA has changed the policy to match the statute.

MSBA has also made some minor clarifying changes to the policy as well.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

Board Secretary		Business Office	X	Coaches/Sponsors
Facility Maintenance		Food Service		Gifted
Human Resources	X	Principals		Library/Media Center
Health Services	X	Counselor		Special Education
Transportation		Public Info/Communications		Technology

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STUDENT RECORDS

(K–12 Districts)

In order to provide students with appropriate instruction and educational services, it is necessary for the district to maintain extensive and sometimes personal information about students and families. These records must be kept confidential in accordance with law, but must also be readily available to district personnel who need the records to effectively serve district students.

The superintendent or designee will provide for the proper administration of student records in accordance with law, will develop appropriate procedures for maintaining student records and will standardize procedures for the collection and transmittal of necessary information about individual students throughout the district. The superintendent and building administrators will develop a student records system that includes protocols for releasing student education records. Administrators are responsible for maintaining and protecting the student education records in each school. The superintendent or designee will make arrangements so that all district employees are trained annually on the confidentiality of student education records, as applicable for each employee classification.

Definitions

Eligible Student – A student or former student who has reached age 18 or is attending a postsecondary school.

Parent – A biological or adoptive parent of a student, a guardian of a student, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Student – Any person who attends or has attended a school in the school district and for whom the district maintains education records.

Health Information

Student health information is a type of student record that is particularly sensitive and protected by numerous state and federal laws. Student health information shall be protected from unauthorized, illegal or inappropriate disclosure by adherence to the principles of confidentiality and privacy. The information shall be protected regardless of whether the information is received orally, in writing or electronically and regardless of the type of record or method of storage.

Parent and Eligible Student Access

All parents may inspect and review their student's education records, seek amendments, consent to disclosures and file complaints regarding the records as allowed by law. These rights transfer from

the parent to the student once the student becomes an eligible student; however, under the Missouri Sunshine Law, parents maintain some rights to inspect student records even after a student turns 18. The district will extend the same access to records to either parent, regardless of divorce, custody or visitation rights, unless the district is provided with evidence that the parent's rights to inspect records have been legally modified.

If a parent or eligible student believes an education record related to the student contains information that is inaccurate, misleading or in violation of the student's privacy, the parent or eligible student may use the appeals procedures created by the superintendent or designee to request that the district amend the record.

The district will annually notify parents and eligible students of their rights in accordance with law.

Directory Information

Directory information is information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed without the consent of a parent or eligible student. The district will designate the types of information included in directory information and release this information without first obtaining consent from a parent or eligible student unless a parent or eligible student notifies the district in writing as directed. Parents and eligible students will be notified annually of the information the district has designated as directory information and the process for notifying the district if they do not want the information released.

Even if parents or eligible students notify the district in writing that they do not want directory information disclosed, the district may still disclose the information if required or allowed to do so by law. For example, the district may require students to disclose their names, identifiers or district e-mail addresses in classes in which they are enrolled, or students may be required to wear, publicly display or disclose a student identification card or badge that exhibits information that is designated as directory information.

The school district designates the following items as directory information.

General Directory Information – The following information the district maintains about a personally identifiable student may be disclosed by the district to the school community through, for example, district publications, including the district's webpage and any district-sponsored social media website, or to any person without first obtaining written consent from a parent or eligible student:

Student's name; date and place of birth; parents' names; grade level; enrollment status (e.g., full-time or part-time); student identification number; user identification or other unique personal identifier used by the student for the purposes of accessing or communicating in electronic systems as long as that information alone cannot be used to access protected

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educational records; participation in district-sponsored or district-recognized activities and sports; weight and height of members of athletic teams; athletic performance data; dates of attendance; degrees, honors and awards received; artwork or course work displayed by the district; schools or school districts previously attended; and photographs, videotapes, digital images and recorded sound unless such records are protected by FERPA or would be considered harmful or an invasion of privacy.

Limited Directory Information – In addition to general directory information, the following information the district maintains about a personally identifiable student may be disclosed to: school officials with a legitimate educational interest; parent groups or booster clubs that are recognized by the Board and are created solely to work with the district, its staff, students and parents and to raise funds for district activities; parents of other students enrolled in the same school as the student whose information is released; students enrolled in the same school as the student whose information is released; governmental entities including, but not limited to, law enforcement, the juvenile office and the Children's Division (CD) of the Department of Social Services:

The student's address, telephone number and e-mail address and the parents' addresses, telephone numbers and e-mail addresses.

Law Enforcement Access

The district may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in federal law.

If the district reports a crime committed by a student with a disability as defined in the Individuals with Disabilities Education Act (IDEA), the district will transmit copies of the special education and disciplinary records to the authorities to whom the district reported the crime as allowed by law.

Law enforcement officials also have access to directory information and may obtain access to student education records in emergency situations as allowed by law. Otherwise, law enforcement officials must obtain a subpoena or consent from the parent or eligible student before a student's education records will be disclosed.

Children's Division Access

The district may disclose education records to representatives of the CD when reporting child abuse and neglect in accordance with law. Once the CD obtains custody of a student, CD representatives may also have access to education records in accordance with law. CD representatives may also

have access to directory information and may obtain access to student education records in emergency situations, as allowed by law.

Military and Higher Education Access

The district will disclose the names, addresses and telephone numbers of secondary school students to military recruiters or institutions of higher education as required by law ~~unless the parent or student notifies the district in writing not to disclose the information to those entities.~~ However, if a parent, or a secondary school student who is at least 18, submits a written request, the district will not release the information without first obtaining written consent from the parent or the student. The district will notify parents, and secondary school students who are at least 18, that they may opt out of these disclosures.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 08/08/1994

Revised: 08/13/2001; 09/13/2004; 12/12/2005; 04/08/2013;

- Cross Refs: BBFA, Board Member Conflict of Interest and Financial Disclosure
EFB, Free and Reduced-Price Food Service
EHB, Technology Usage
EHBC, Privacy Protection
GBCB, Staff Conduct
IGBA, Programs for Students with Disabilities
IGBE, Students in Foster Care
IGDB, Student Publications
IIAC, Instructional Media Centers/School Libraries
IL, Assessment Program
KB, Public Information Program
KBA, Public's Right to Know
KDA, Custodial and Noncustodial Parents
KI, Public Solicitations/Advertising in District Facilities
KKB, Audio and Visual Recording
KNAJ, Relations with Law Enforcement Authorities

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Legal Refs: §§ 167.020, .022, .115, .122 - .123, 210.115, .865, 452.375 - .376, 610.010 - .028,
RSMo.
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g
Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417
~~No Child Left Behind Act of 2001~~ **The Elementary and Secondary Education Act of
1965**, 20 U.S.C. §§ ~~6301 - 7941~~ **7908**
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794
34 C.F.R. Part 99
Oregon County R-VI School District v. LeMon, 739 S.W.2d 533 (Mo.Ct.App. 1987)

Camdenton R-III School District, Camdenton, Missouri

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