



## **SECTION IV: STUDENTS**

## **POLICY 4360**

### **STUDENT RECORDS**

The Board of Education intends to comply with the Family Educational Rights and Privacy Act (FERPA). The Superintendent will designate an administrator to oversee compliance with FERPA. For purposes of this policy, the School District uses the following definitions of terms.

#### **Student**

Any individual who is or has been in attendance in the Broken Arrow School District and for whom the District maintains educational records.

#### **Eligible Student**

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

#### **Parent**

Either natural parent of a student unless his or her rights under FERPA have been removed by a court order, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian. The District assumes that either parent has the right of access to records regardless of custody orders unless the District has been provided with evidence that this right has been revoked. Documents such as a court order or legally binding document relating to such matters as divorce, separation, or custody that specifically revoke the right to inspect and review records must be provided to the District to prevent parent access to records.

#### **Unauthorized Person**

Any party seeking access to student records who is not specifically granted such access under this policy.

#### **Education Records**

Any record that is directly related to a student and maintained by the District or a party acting for the District. The term does not include:

1. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records of a law enforcement unit of the District, but only if the education records of the District are not disclosed to the law enforcement unit, and the law enforcement records are maintained separately from education records, are used only for law enforcement purposes and are disclosed only to law enforcement officials of the same jurisdiction.
3. Records of an individual who is employed by the District and that are made and maintained in the normal course of operations, relate to the individual's capacity as an employee and are not available for use for any other purpose. Records relating to a student who is employed by the District as a result of the status of student (work-study students, for example) are education records and are not accepted under this section.



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4. Records on a student who is 18 years of age or older or is attending an institution of post-secondary education that are;
  - Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a professional capacity or assisting in a paraprofessional capacity.
  - Made, maintained, or used only in connection with treatment of the student.
  - Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Records created or received that only contain information about an individual after the person is no longer a student in the Broken Arrow School District and that are not directly related to the individual’s attendance as a student.
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

#### Personally Identifiable Information

The term includes, but, is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier, such as the student’s social security number, student number, or biometric record;
5. Other indirect identifiers, such as the student’s date of birth, place of birth and mother’s maiden name;
6. 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 reasonable certainty; or
7. Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

In accordance with FERPA, the Broken Arrow School District designates the following personally identifiable information as directory information that will be released upon request, provided that the information is a part of the student’s education records and that the District has not been notified to withhold the information:

1. Student’s name



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2. Address
3. Telephone listing
4. Date and place of birth
5. Grade level
6. Participation in officially recognized activities and sports
7. Weight and height of members of athletic teams
8. Dates of attendance
9. Degrees, honors and awards received
10. The most recent previous educational institution attended
11. Photograph

Principals may release the above-mentioned student directory information to requesting colleges unless an exclusion request is on file for a specific student. All other requests for student directory information should be made through the Superintendent's designee at the administrative center. This includes requests from all public and private non-profit or for-profit entities.

Parents and eligible students have the right to exclude directory information from public access by so notifying the school of attendance. The request should be made to the principal of the school in writing. A notation will then be made on the records to prevent release of the designated student directory information for the specified student. Once such a notation is made it remains in effect until the parent or eligible student revokes the request by written notification to the principal.

#### Notification of FERPA Rights

The Superintendent's designee will notify parents and eligible students yearly of their rights under FERPA by means of a District newsletter, newspaper notice, school handbook, or individual notices. Enrollment packets contain a statement of FERPA rights. Parents will be provided a copy of FERPA rights at placement meetings or Individualized Educational Program (IEP) meetings for special education services, as well as when they give consent for individual student testing.

The following rights are specified:

1. The right to inspect and review the student's education records.
2. The right to request the amendment of education records to ensure they are not inaccurate, misleading, or in violation of the student's privacy or other rights.



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3. The right of consent to disclose education records except to the extent that FERPA authorizes disclosure without consent.
4. The right to file complaints with the U.S. Department of Education and to receive information from the District as to where a complaint should be filed concerning alleged violations of the requirements of FERPA.
5. The right to obtain a copy of this policy adopted by the District and to be informed as to how this request can be made. A translation of the policy will be provided to any parent, guardian, or eligible student upon request.
6. The right to exclude the release of directory information by following the procedures in this policy.

#### The Right to Inspect and Review the Student's Education Records

A parent or an eligible student may inspect and review the student's cumulative records upon request to the building principal. Access will be provided during school hours and within 45 days of the request.

Access to a child's confidential records will be provided upon request before any IEP meeting or hearing relating to the identification, evaluation, or educational placement of a child or the provision of a free and appropriate education to the child, and in all cases within 45 days of a request. Access to confidential records should be requested in writing from the Executive Director of Special Services.

The right of access to education records shall not be withheld from parents or eligible students because of debts owed to the District.

The right to inspect student records also includes:

1. The right to an explanation and interpretation of the records by school officials.
2. The right to copies of the records if failure to provide the copies would effectively prevent the parent from exercising the right to inspect and review the records. A \$.25 per page fee for photocopying may be charged. There will be no charge for searching for records.

The right to have a representative of the parent or eligible student inspect and review the records.

#### Types of and Location of Students' Educational Records

TYPES	Cumulative Files (former students)	Confidential File
Cumulative Files (current students)	Health Records	Transcripts



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LOCATION	High School	School Nurse
Counseling Office		Executive Director of Special Services and/or Records Secretary
	SCHOOL OFFICIAL	
Warehouse	School Counselor	Counselor's Office or Registrar
School Health Offices		
Special Services Office	Director of Ancillary Services	

<u>Record</u>	<u>Retention Period</u>	<u>Reference</u>
<u>Transcripts</u> <u>Includes: name, address, phone, birth date/place, courses (with grades), GPA and/or class rank</u>  <u>May include: academic &amp; extracurricular honors &amp; awards, degrees, extracurricular or after-school activities</u>	<u>80 years from student's last date of enrollment</u>	<u>70 O.S. § 24-114.C</u>
<u>Screening results (from a regional education service center)</u>	<u>Must destroy when information no longer needed or when student turns 18, whichever is earlier</u>	<u>70 O.S. § 1210.277</u>
<u>Records of access</u>	<u>5-7 years from student's last date of enrollment</u>	<u>20 U.S.C. § 1232g (b)(4)(A)</u> <u>70 O.S. § 24-114.D</u>
<u>Special education records</u>	<u>5 years from student's last date of special education services, with 60 day notice to parents or student</u>	
<u>All other student records</u>	<u>5-7 years from student's last date of enrollment</u>	<u>70 O.S. § 24-114.D</u>

### Disclosure of Student Education Records

All school officials have access to student education records when they have a legitimate educational interest in examining the information.



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Written permission from the parent or eligible student is required to allow access to a student's education records or to provide copies of such records to others except as permitted by FERPA. The District will require such written permission except in the following instances:

1. The disclosure is to duly elected school officials, including teachers, within the District whom the District has determined to have legitimate educational interests.
2. A contractor, consultant, volunteer, or other party to whom the School District has outsourced institutional services or functions may be considered a school official provided that the outside party –
  - Performs an institutional service or function for which the School District would otherwise use employees;
  - Is under the direct control of the School District with respect to the use and maintenance of education records; and
  - Is subject to the FERPA requirements governing the use and re-disclosure of personally identifiable information from education records.
3. The disclosure is to officials of another school, school system, or institution of post-secondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is related to the student's enrollment or transfer.
4. The disclosure is to authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or state and local educational authorities. Military services representatives shall have access to student directory information unless such access is specifically denied in writing by the parent, legal guardian, or student age 18 or over. Military services representatives shall have the same access to secondary school students as is generally provided to post-secondary institutions or prospective employers unless denied in writing by the parent, legal guardian, or student age 18 or over.
5. The disclosure is in connection with financial aid for which the student has applied or, for which the student has received, if necessary to determine eligibility for the aid, amount of the aid, conditions for the aid, or to enforce the terms and conditions of the aid.
6. The disclosure to organizations conducting studies for, or on behalf of the School District to develop, validate or administer predictive tests, administer student aid programs or improve instruction in compliance with Section 99.31(a)(6) of the FERPA regulations.
7. The disclosure is to accrediting institutions to carry out their accrediting functions.
8. The disclosure is to parents of eligible students if the parents claim the student as a dependent as defined in Section 152 of the Internal Revenue Code of 1986.
9. The disclosure is to comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision except as otherwise provided by Section 99.31(a)(9).



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10. The disclosure is to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making this determination the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.
11. The disclosure contains only "directory information" as defined above, and no written request has been made to except the directory information.
12. The disclosure is directly to the parents of the student or the eligible student.
13. The disclosure is authorized by a state statute adopted before November 19, 1974.
14. The District may disclose, without consent or knowledge of the eligible student or parent, personally identifiable information in the education records of a student to the Attorney General of the United States or designee in response to an ex parte court order in connection with the investigation of prosecution of terrorism crimes. The District is not required to record such disclosure of information and is protected from liability for disclosing such information in good faith.

Disclosure of confidential student files is provided only to the following persons upon request to the building principal or Executive Director of Special Services or designee(s) for access. Representatives of non-District agencies seeking access to files will be asked to provide appropriate identification to District officials.

- Special Education Teachers
- Registered Physical Therapists
- General Education Teachers
- Physical Therapist Assistants
- Administrators/Designated Administrative Personnel
- Occupational Therapists
- Counselors, including Voc. Rehab.
- Certified Occupational Therapist Assistants
- State Department of Education Personnel
- School Psychologists & Psychometrists
- Tulsa Technology Center Education Personnel
- Speech/Language Pathologists/Therapists
- Parents/Guardians/Surrogate Parents
- School Nurses
- Students (if over 18 years old)



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- Social Workers
- Paraprofessionals/Teacher Assistants
- Other Related Service Providers
- Student Teachers

A parent or eligible student must provide permission in writing for an unauthorized person to inspect a file or be given a copy of a student file. The signed permission will be included in the student file as a record of the disclosure of the file. The permission will include the date of access to the file and the name of the person who received access.

#### Right to Request Amendment of Student Records

Parents and eligible students may request an amendment to the student's records if the record may be inaccurate, misleading, or violates the privacy or other rights of the student. A request for amendment of a cumulative record should be made in writing to the principal, stating the reasons for the request and specifying the change requested. A request for an amendment to the confidential record should be made in writing to the Executive Director of Special Services.

Records may not be destroyed or deleted while a request for amendment is pending.

A hearing will be conducted by the principal or the Superintendent's designee (for cumulative records) or the Executive Director of Special Services (for confidential records) within 45 days. The parent will be informed of the date and time of the hearing and may attend to state the reasons and rationale for the request. School authorities with knowledge about the item(s) in question may attend also. The principal, Superintendent's designee or Director conducting the hearing will communicate the decision to the requester in writing. The communication will also specify the right to place a statement in the student records and the right to appeal the decision to the Superintendent or designee.

If, as a result of the hearing, it is determined that the record is inaccurate, misleading, or otherwise violates the privacy or other rights of the child, the record will be amended. The requester will be informed of the decision in writing and invited to inspect the record and review the changes.

If the decision is to let the record stand as is and the parent or eligible student submits a statement to include in the student's records, the District will maintain the statement as a part of the file as long as the record is maintained by the school. When records of the student are provided to an agency or other third party, the statement will also be provided.





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#### Safeguards for Confidential Records

The District will protect the confidentiality of personally identifiable information at the collection, storage, disclosure and destruction stages. All confidential special education records for students with disabilities are maintained in a confidential folder, separate from student cumulative records. The records will be maintained in a secure manner, which prevents unauthorized access.

The Executive Director of Special Services has the responsibility for ensuring the maintenance of confidential files. The Executive Director will see that District personnel are trained in policy and procedures regarding confidentiality and that those confidentiality procedures are posted. The Executive Director will maintain a list of current names and positions of persons in the District who may have access to confidential files. Requests to review and inspect confidential records should be addressed to the Executive Director of Special Services.

#### Destruction of Student Confidential Records

All confidential records, except student transcript records, will be maintained for at least five years from the time a student has graduated, transferred or withdrawn from the district. After this time, if the records are no longer needed for educational purposes they may be destroyed provided there is no outstanding request by a parent or eligible student to review the records.

Parents will be notified at least 60 days prior to the destruction of confidential records and will have the opportunity to obtain the records before destruction. Parents are notified in writing at their last known address. The District will document the effort to notify the parents and maintain the documentation for at least five years.

#### Maintenance of Student Records

A permanent academic record "transcript" of each student's name, address, phone number, date and place of birth, all grades, grade-point average, courses taken, grade level completed and year completed shall be maintained for at least 80 years following a student's graduation, transfer or withdrawal from the district.

The parent or eligible student may request a copy of this record. The District may charge a fee of \$.25 per page for photocopying. No charge will be made to search for a student record.

#### Right to File Complaints of Alleged Violations

Parents and eligible students who have concerns about District non-compliance with the requirements of FERPA should contact the Superintendent or designee. They also have the right to file a complaint with the U.S. Department of Education at:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington D.C. 20202-4605  
(202) 260-3887



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*Broken Arrow Board of Education policy revised, March 3, 2003.*

*Broken Arrow Board of Education policy revised, July 13, 2009.*

*Broken Arrow Board of Education policy revised, July 10, 2017.*

*Broken Arrow Board of Education policy revised, December 11, 2017.*

*Broken Arrow Board of Education policy revised, November 4, 2019.*