

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

ASD MEMORANDUM #154 (2006-2007)

December 11, 2006

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT

SUBJECT: SCHOOL BOARD POLICY REVISION: SECTION 343.34 -
ACCESSIBILITY OF RECORDS (SECOND READING)

ASD Goal: *Ensure public accountability through effective communication with students, staff, parents, community and government at all levels.*

RECOMMENDATION:

It is the Administration's recommendation that the School Board adopt on Second Reading the recommended policy changes for School Board Policy 343.34, Accessibility of Records (Attachment A).

PERTINENT FACTS:

On the recommendation of District legal counsel, the Policy Subcommittee reviewed Policy 343.34 to clarify the access School Resource Officers have to student records. The previous policy did give the School Resource Officers access to these records, but the recommended policy language changes make that allowance more clear and defined. The language further clarifies that defined school district officials have access to such records only as it relates to the fulfillment of their professional responsibilities to the District.

At its December 4, 2006 meeting, the Board unanimously approved this proposed policy change on First Reading.

CC/RG

Attachment

Prepared by: Rhonda Gardner, Assistant Superintendent, Instruction

Approved by: Rhonda Gardner, Assistant Superintendent, Instruction

343.34 Accessibility of Records

The Anchorage School District shall maintain the confidentiality and privacy of all student records which contain personally identifiable information about the student or family in accordance with state and federal laws.

- a. The student's record shall be available, without consent, to school officials with a legitimate educational interest in having access to the records. The unit administrator for each school shall be responsible for assuring that no student records in that school are made available to school personnel who do not have a legitimate educational interest.

(1) A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff); a person serving on the School Board; law enforcement unit personnel as defined by federal law related to educational records; or a person or company with whom the District has contracted to perform a special task (such as attorney, auditor, medical consultant, or therapist).

(2) A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility to the district.

FERPA 20 U.S.C. § 1232g; 34 CFR Part 99

- b. The student's records shall be available to the student for inspection and copying upon request. The District shall provide a list of records maintained for students and the location of records maintained by the District upon request. Parents or students shall submit written requests for records to the principal. Students may review the records while qualified school personnel are present. If the student is 18 or over but financially dependent on the parent/guardian, then the parent/ guardian will be afforded the same right of access. For the purposes of this section, the term "parent" means either or both

parents of the student, even if a divorce or other separation has occurred, unless:

(1) Parental rights of either parents have been legally terminated through adoption or other legal process;

(2) A decree of divorce, separation, dependency, or the like specifically prohibits the access of either parent to the student or matter pertaining to the student;

(3) Documentary proof of the circumstances described in (1) or (2) has been filed with the District.

- c. All requests by other than the parent/student for release of records containing personally identifiable information or copies of former student's records must have prior written consent of the parent/guardian if the former student is under 18 years of age or prior written consent from the former student if the former student is 18 or over or is attending an institution of post secondary education. The written consent to release any personally identifiable material must specify the records disclosed, the purpose for disclosure, and the parties to whom disclosure is made.

(1) Exception 1. - The parent/guardian if the student is under 18 years of age may request copies via telephone or in person. Where telephone requests are made under this or the following section, the District employee in charge of records shall take necessary steps to verify that the caller is properly identified. If any reasonable doubt exists as to the correct identity of the caller, the District personnel shall require either personal appearance or written release before releasing the requested records. Those copies may be mailed directly to the parent/ guardian or to such other individual or institution as the parent/guardian may designate.

(2) Exception 2. - The student, if he/she has attained 18 years of age (or is attending post secondary education), may request copies of his/her records via telephone or in person. Those copies may be mailed or given directly to the student or to such other individual or institution as the student may designate.

(3) Exception 3. - Copies of the student's records may be released upon receipt of an order for production of such records from an Alaskan or federal court of competent jurisdiction. However, in such situations, the District shall make reasonable efforts to notify the parent, guardian, or student (whichever applies) in advance of its compliance so that the parents or eligible student may seek protective action. However, prior notice will not be given in cases where the District receives a federal grand jury subpoena and the court has ordered that the existence or contents of the subpoena not be disclosed. In addition, prior notice will not be given if a court or other agency issues a subpoena for a law enforcement purpose and orders the school not to disclose the existence or contents of the subpoena.

- d. Information from students' permanent academic records may be released to government agencies for general data collection purposes provided no individual student is identified.
- e. All persons, agencies, or organizations desiring access to the records of a student shall be required to sign a written form which shall be kept permanently with the file of the student indicating specifically the information sought, the legitimate educational or other interest that each person, agency or organization has in seeking this information. This form must be approved in writing by the student or his/her parent/guardian for students under 18 years of age, before any material may be released to the requesting person, agency or organization. Such persons, agencies, or organizations must also agree not to permit any other party to have access to such information without written consent of the parents or the student (if 18 or over).

- f. Whenever a student has attained 18 years of age, (or is attending an institution of post-secondary education) the permission or consent required of and rights accorded to the parents or guardians of the student shall thereafter only be required of and accorded to the student. However, as long as a student enrolled in the District is financially dependent on the parent/ guardian, the parent/guardian shall retain the right of access to the student's file without the requirement of consent of the student. A financially dependent student is one who receives over half of his/her support from the parent/ guardian. All students enrolled in the District shall be presumed financially dependent upon the parent/guardian unless the student submits documentation which establishes that the student is not financially dependent.
- g. The District may include in a student's education records, information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. The District may disclose this information to teachers and school officials of other districts, if those individuals have a legitimate educational interest in the behavior of the student.

Personally identifiable information from student records may be released to appropriate parties in emergency situations where the information is necessary to protect the health or safety of the student or other individuals. The factors to be considered in disclosing information under this section include the seriousness of the threat, the extent to which time is of the essence in meeting the emergency, and the need of the information to meet the emergency. In these situations, the student or parent or guardian (whichever applies) shall be notified of the information released and the reason for its release.

- h. Directory information includes information contained in the education record of a student which would not generally be considered harmful

or an invasion of privacy if disclosed. Directory information may be released after prior annual notification unless a parent/student objects to the release of directory information. The District shall provide annual notification by October 1 of each school year. This information will be annually distributed in District publications, such as: school newsletters, school handbooks, etc.

(1) The following categories of information have been designated as directory information: student's name, address, phone number, date and place of birth, dates of attendance, grade level, degrees and awards received, date of graduation, name of secondary school most recently attended, participation in officially recognized activities and sports, and height and weight of members of interscholastic athletic teams.

(2) Requests for directory information from authorized representatives of governmental agencies, elected officials, the police, social service and educational agencies, private businesses, individuals or other organizations which facilitate service to students will be considered and approved at the Administration's discretion. Directory information may be released without the prior written consent from the parent/guardian, or from the student if 18 or over unless notified in writing to the contrary by October 1 of each school year or upon enrollment. Notification of this policy will occur on an annual basis at the beginning of each school year or upon enrollment.

(3) Information as to whether a particular student is enrolled in the District may be released.

- i. Requests to change or modify records. Parents or eligible students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(1) Parents or the eligible student must submit a written request to the principal to amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.

(2) The Anchorage School District may comply with the request or it may decide not to comply. If it decides not to comply, the District will notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.

(3) Upon request, the Anchorage School District will arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing.

(4) The hearing will be conducted within a reasonable time by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the District. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The parents or student may be assisted by one or more individuals, including an attorney.

(5) The Anchorage School District will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

(6) If the Anchorage School District decides that the challenged information is not inaccurate, misleading or in violation of the student's rights of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting

on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(7) The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the Anchorage School District discloses the contested portion of the record, it must also disclose the statement.

(8) If the Anchorage School District decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the parents or eligible student, in writing, that the record has been amended.

j. Disclosure without prior consent. The following may have restricted access to student records without the prior written consent signed by the parent or eligible student:

(1) The School Board as an official body when acting in its official capacity with regard to matters pertaining to an individual student.

(2) A school official having a legitimate educational interest and need to know by virtue of being appropriately involved in carrying out assigned responsibilities for the administration or provision of educational programming or services and/or for the generation and maintenance of student records.

(3) Before releasing records to another school system, the District will release information to schools in which the student has or intends to enroll only with the written consent of the parent or eligible student, unless:

a) The records transfer was requested by the parent; or

b) the annual notification states that the District forwards education records to other schools in which the student wishes to enroll.

(4) State/federal officials and others only as prescribed by state and federal law and regulations.

(5) The parent of an 18 year old who is financially dependent has the right of access to the student's records.

(6) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests; administering student aid programs; and improving instruction; under the condition that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization, and the information will be destroyed when no longer needed for the purposes for which the study was conducted.

(7) Accrediting organizations in order to carry out their accrediting functions.

(8) In limited circumstances in connection with financial aid for which the student has applied or has received.

(9) If the District initiates legal action against a student or parent, the District may disclose relevant student records to the court after making a reasonable effort to notify the parent/eligible student in advance of providing the records.

If the District utilizes a procedure of records transfer without notice or consent, it must give the parent or eligible student a copy of the records that were disclosed, if the parent or eligible student so requests.

k. Pre-School Children. Pre-school children who are applicants for enrollment, but not currently enrolled, are not considered students or

covered under this policy. Information about these children is covered under Policy 332.3, Lottery Procedures.

I. Definitions: The following definitions apply to this policy.

(1) Student: any person who attends or has attended a school in the Anchorage School District and for whom the District maintains education records.

(2) Eligible Student: a student or former student who has reached age 18 or is attending a post secondary school.

(3) Parent: either natural parent of a student, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian. A parent with a financially dependent student 18 or over has right of access to the student's records. A financially dependent student is one who receives over half of his/her financial support from his/her parents. ([Section 152 of IRS Code of 1954.](#))

(4) Education Records: any record (in handwriting, print, tapes, file, or other medium) maintained by the Anchorage School District or an agent of the District which is directly related to a student, except:

a) A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to other persons except a temporary substitute for the maker of the record;

b) Records created and maintained by the Anchorage School District for law enforcement purposes;

c) An employment record which is used only in relation to a student's employment by the Anchorage School District;

d) Alumni records which contain information about a student after he or she is no longer in attendance at the District and which do not relate to the person as a student.

e) Medical or psychological records of a past or present student 18 or over which are made, maintained, or used only in connection with treatment of the student and which are provided to an individual administering treatment.

(Section 343.34 - Revised September 11, 1995)

(Section 343.34 - Revised June 22, 1998)

(Section 343.34 – Revised October 24, 2005)