

Pittsfield School District

STUDENT RECORDS AND ACCESS (FERPA)

It is the policy of the Board that all school district personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the Board that all school district personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.

Educational Record. For the purposes of this policy and in accordance with FERPA, the term “educational record” is defined as all records, files, documents, and other material containing information directly related to a student; and maintained by the 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.

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:

- Student’s name, address, telephone number, date and place of birth, dates of enrollment;
- Parent / guardian’s name and address;
- Student’s grade level, enrollment status, and dates of attendance;
- Student’s photograph;
- Student’s participation in recognized school activities and sports;
- Weight and height of members of athletic teams;
- Post-high school plans; and
- Student’s diplomas, certificates, awards, and honors received.

Except for elements of a student's directory information which the student's parents/guardians or an eligible student has notified the district not to disclose, 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 and eligible students that the district may publish directory information without their prior consent.

JRA

Parents/guardians and eligible students will be given until a date to be determined by the dean of operations 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.

Personally Identifiable Information. “Personally identifiable information” is defined as data or information which makes the subject of a record known, including a student’s name the student’s or student’s 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; the student’s date of birth, place of birth, or mother’s maiden name; or 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, the district will publish notice to parents/guardians 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. The notice will include:

- (1) The rights of parents/guardians or eligible students to inspect and review the student’s education records;
- (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; this includes a hearing to present evidence that the records should be changed if the district decides not to alter them according to the parent’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; and
- (5) The procedure that a student’s parents/guardians or an eligible student should follow to obtain copies of this policy.

Procedure to Inspect Education Records. Parents/guardians or eligible students may inspect and review education records to which they are entitled. In some circumstances, it may be more convenient for the record custodian to provide copies of records.

Since a student’s records may be maintained in several locations, the dean of operations may offer to collect copies of records or the records themselves from locations other than

JRA

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, the dean of operations will determine if a review at that site is reasonable.

Parents/guardians and eligible students should submit to the dean of operations a written request that identifies as precisely as possible the record or records that he/she wishes to inspect. The dean of operations 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 dean of operations 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 thirty days or earlier after the dean of operations' receipt of the request for access.

If for any valid reason such as working hours, distance between record location sites, or health, a parent/guardian or eligible student cannot personally inspect and review a student's education records, the dean of operations may arrange for the parent/guardian or eligible student to obtain copies of the records.

When records contain information about students other than a parent/guardian's child or the eligible student, the parent/guardian or eligible student may not inspect and review the records of the other students. If such records do contain the names of other students, the dean of operations will seek consultation with the superintendent and/or the district's attorney to determine how best to proceed.

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 for a requester, the following processes 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 in violation of student rights, he/she should submit a written request asking the dean of operations to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the dean of operations should make the correction. If the records are changed to the parent/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.

If the dean of operations believes that the record should not be changed, he/she shall:

1. Provide the requester a copy of the questioned records at no cost;
2. Ask the parent/guardian or eligible student to initiate a written request for the change, which will be forwarded to the superintendent;

JRA

3. Forward the written request to the superintendent; and
 4. Inform the parents/guardians or eligible student that the matter has been forwarded to the superintendent for subsequent processing.
2. Second-level decision. If the parent/guardian or eligible student wishes to challenge the dean of operations' 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 dean of operations asking that the matter be appealed to the superintendent. The dean of operations will forward to the superintendent the request.

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 as he/she may deem appropriate;
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/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.

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 right to an appeal hearing before the school board.

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 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 forty-five days of receipt of the request. Once

JRA

the meeting is scheduled, the superintendent will inform the parents 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 by one or more individuals of their own choice, including an attorney.

The school board will issue its final decision in writing within thirty 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.

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 contact the parents/guardians or eligible student 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.

The school board's decision will be final.

4. Parent/Guardian/Eligible Student Explanation to be Included in Record.

Notwithstanding the resolution of any request to correct a student's record(s), in accordance with section (a)(2) of FERPA, a parent/guardian or eligible student may insert into that student's educational record a written explanation respecting the content of the record.

Disclosure of Student Records and Student Information. 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.

1. School officials and others with a legitimate educational interest. School officials with a legitimate educational interest may access student records. "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. "Legitimate educational interest" also refers to contracted service providers – for example, attorneys or consultants – who need to know information in a student's education record in order to perform the service provider's contracted service to the district.
2. Other schools into which a student is transferring or enrolling.
3. Officials for audit or evaluation purposes.

JRA

4. Appropriate parties in connection with financial aid.
5. Organizations conducting certain studies for, or on behalf of the school district.

Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose of: developing, validating, or administering predictive tests, administering student aid programs, or improving instruction.

6. Accrediting organizations.
7. Judicial orders or lawfully issued subpoenas.
8. Health and safety emergencies.

Maintenance of Student Records and Data. The dean of operations 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.

All entries into student records must be dated and signed by the person access such records.

The dean of operations will ensure that all records are maintained in accordance with application retention schedules as may be established by law.

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. This record is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parents/guardians of the student or eligible student, or to federal, state or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record 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 and
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.

JRA

The district will maintain this record as long as it maintains the student's education record. The records do not include requests for access or information relative to access which has been granted to parents/guardians of the student or to an eligible student, requests for access or access granted to officials of the district who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parents/guardians or eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

The records of a request for the correction of an educational record, including any appeal of a denial of that request, if the educational record is ultimately corrected shall not be treated as part of the educational record of the student and shall be preserved separately.

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