



Procedures for Confidentiality of Student Education Records

Department of Pupil Personnel

JEFFERSON COUNTY PUBLIC SCHOOLS

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These procedures are written pursuant to Board Policy Students 09.14: Student Records. They may not address issues resulting from unusual circumstances. If there is a conflict between these procedures and Board policies, the Board policies shall govern.

Direct questions regarding these procedures to:

**Director of Pupil Personnel
Jefferson County Public Schools
P. O. Box 34020
Louisville, KY 40232-4020
(502) 485-3338**

Procedures for Confidentiality of Student Education Records

The Jefferson County Public Schools has developed the following procedures concerning confidentiality of student education records in compliance with and state law and regulations KRS 158.153, KRS 610.320, KRS 610.340, KRS 610.345, Page 3 of 4, KRS 7.110, KRS 15A.067, KRS 158.032, KRS 159.160, KRS 159.250, KRS 160.990, KRS 161.200, KRS 161.210, 702 KAR 1:140, 702 KAR 3:220, 20 U.S.C. 1232g, 34 C.F.R. 99.1-99.67, 20 U.S.C. 1232h (Protection of Pupil Rights Amendment); 34 C.F.R. 98, OAG 80-33, OAG 85-130, OAG 85-140, OAG 86-2, OAG 93-35, Kentucky Family Educational Rights and Privacy Act (KRS 160.700, KRS 160.705, KRS 160.710, KRS 160.715, KRS 160.720, KRS 160.725, KRS 160.730), Individuals with Disabilities Education Improvement Act of 2004, Kentucky Education Technology System (KETS), and P. L. 107-110, Sections 1061 and 9528 (No Child Left Behind Act of 2001). These procedures are in accordance with Jefferson County Board of Education Policy Students 09.14: Student Records.

A. Types and Locations of Education Records

Except as otherwise provided by law, *student education records* mean those records recorded in any medium that are directly related to a student and are maintained by the District or by a party acting for the school district. Such records, as defined by law, may include, but are not limited to:

1. personal and family data;
2. evaluation and test data;
3. medical, psychological and;
4. all records of school achievement, progress reports and portfolios;
5. records of conferences with students and/or parents (including Individual Education Programs for exceptional children);
6. copies of correspondence concerning a student;
7. photographs/video records of a student;
8. discipline records
9. other information or data that may be useful in working with a student and/or required by law.

Education records shall be located in each student's permanent record at each school and shall be stored at the location designated by the principal of each school. The principal shall be responsible for the confidentiality of education records. Additional records and/or copies of records may be maintained in a separate file at the discretion of the principal or the superintendent. However, parents inspecting their child's records must be informed of the type and location of such additional records, if maintained.

Certain juvenile court records concerning students adjudicated youthful or violent offenders may be received by the principal from the Superintendent via the courts pursuant to KRS 610.345. Such records are not education records and must be maintained, stored, and secured according to KRS 610.345. The procedures set out elsewhere in this handbook do not apply to those records or the information contained in those records. Court records must be kept in

a locked file. The principal is permitted to release information in juvenile court records only to school administrative, transportation, and counseling personnel and to teachers or other school employees with whom the student may come in contact. **Since disclosure of juvenile court records is strictly limited by law, consult the Department of Pupil Personnel before disclosing any information contained in juvenile court records.**

Parent Review of Education Records

Parents shall have the right to inspect and review any education record relating to their minor child. That right shall include the right to a response to reasonable requests for explanations and interpretations and the right to have a representative inspect and review the records of their exceptional child. Both parents shall be presumed to have these rights unless the District has been advised that the parent(s) does not have that right under applicable state laws governing such matters as custody, separation and divorce. The student shall acquire the sole right to review or grant review and/or inspection of such education records at age 18 or upon entrance into an institution of post-secondary education unless the District has been notified of a court order establishing full guardianship or limited guardianship for educational services.

Requests to review and inspect education records shall be addressed to the local school principal. The request shall be granted within a reasonable period of time not to exceed 45 calendar days and before any Admissions and Release Committee meeting concerning the identification, evaluation, or placement of an exceptional child. If any record contains information on more than one student, the parent(s) may inspect and review only information relating to his/her child. If copies of the records are requested, a fee of ten (10) cents per page may be charged, unless the fee would prevent the parent(s) or eligible student from reviewing the records.

B. Amendment of Education Records

Parents or eligible students may request amendment of any education record believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. Requests to amend the student's education records shall be addressed in writing to the local school principal and must indicate the specific record for which the amendment is requested. The local school principal/designee will review the request for amendment within ten (10) calendar days after the request is received. If the amendment is refused, the parent or eligible student shall be notified of his/her right to a hearing.

Hearings

Parents or eligible students may request a hearing to challenge information in the education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the student's privacy rights. The request must be addressed in writing to the Director of Pupil Personnel, who shall appoint a Hearing Officer. The Hearing Officer shall be a school official who has no direct interest in the outcome of the hearing. The Hearing Officer shall conduct the hearing in accordance with the following procedures:

1. The Hearing Officer will set the date for the hearing which must be held within thirty (30) working days after the request is received. The Hearing Officer shall notify the

parent or eligible student at least seven (7) working days in advance of the exact date, place, and time of the hearing and of these hearing procedures.

2. The parent or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by one or more individuals at his/her own expense, including an attorney.
3. The decision of the Hearing Officer shall be based solely upon evidence presented at the hearing by both the parent/eligible student and school officials.
4. The Hearing Officer will issue a decision within fourteen (14) calendar days after the conclusion of the hearing. The parent or eligible student shall be notified, in writing, of the decision. This notice shall include a summary of the evidence presented and reasons for the decision.
5. If the decision is that the records are not inaccurate, misleading, or in violation of the student's privacy rights, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting upon the information in the records and/or setting forth any reasons for disagreeing with the decision. Such statements shall be maintained as a part of the education records as long as the contested portion of the records is maintained, and if the contested portion is disclosed to another party, the statement will also be disclosed to such party.

C. Disclosure of Education Records

Student education records are confidential and shall not be disclosed or the contents released except as allowed by state and federal law.

Disclosure means permitting access to or the release, transfer, or other communication of student education records or personally identifiable information contained therein orally or in writing or by any other means. Written consent of the parent(s) or eligible student shall be required for disclosure of any education records to any party or agency or under any condition other than those specified below. Disclosure will be made to the following individual(s) or under the following conditions *without* written consent:

1. Parent(s) of the child or the eligible student
2. School officials, (such as teachers, instructional aides, administrators) and other service providers (such as contractors, consultants, and volunteers used by the District to perform institutional services and functions). A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility. Parents and other noneducational persons who are elected or appointed to School Based Decision Making councils or committees thereof, or other voluntary boards, shall not be considered school officials.)
3. Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is related to the student's enrollment or transfer, upon the condition that the parent(s) or the eligible student may receive a copy of the record if they desire, at their expense, and have an opportunity for a hearing to challenge the content of the record

4. Between schools in cases where the student is enrolled in more than one school or receives services from more than one school
5. Personally identifiable student information may be released to those other than employees who are designated by the Superintendent in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs. Such designation must be executed in writing with the authorized representative and specify information as required by 34 CFR Part 99.35.
6. Organizations conducting studies for or on behalf of the District as authorized by law
7. Accrediting organizations in order to carry out their functions
8. Appropriate parties in health and safety emergencies
9. In connection with a student's application for or receipt of financial aid
10. Entity or person designated in a judicial order or lawfully issued subpoena. Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the District shall comply with that requirement. If the District receives such an order, the matter may be referred to the General Counsel for advice.
11. Parents of a dependent student of such parents, as defined in Section 152 of the Internal Revenue Code of 1986 (26 U.S.C. Section 152)
12. The Superintendent/designee is authorized to release student directory information to organizations or individuals with a legitimate educational interest and purpose upon written request. A student's name, address, grade level, honors and awards, photograph (excluding video records) and major field of study constitutes directory information. A student's date of birth constitutes directory information only for purposes of the U.S. Department of Education Free Application for Federal Student Aid (FAFSA) Completion Project. The District provides a Directory Information Opt-Out Form to permit parents and eligible students to opt-out of the release of directory information. Disclosure of directory information is only allowed by the District to specific parties for specific purposes. Such limitations are specified in the student directory information notification.
13. Unless the parent/guardian or secondary school student requests in writing that the District not release such information, the student's name, address, and telephone number shall be released to Armed Forces recruiters upon their request.

A Record of Disclosure (access) must be maintained on all requests for and disclosures of student education records except disclosures to the parent(s), eligible students, school officials and requests for directory information. This record shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. This record shall be kept in the student's permanent record (and SBARC folder and ECE Permanent Record, if applicable) and may be inspected by the parent(s), the eligible student, or school officials.

Education records are disclosed to an authorized third party only on the condition that the party to whom the information is disclosed will not disclose the information to any other party (except officers, employees, or agents of the organization) without the prior written consent of the parent(s) or eligible student, and that the information will be used only for the purpose for which it was disclosed.

If it is determined that the District cannot comply with any part of FERPA or its implementing regulations due to a conflict with state or local law, the District is required to notify the Family Policy Compliance Office (FPCO) within forty-five (45) days of the determination and provide the text and citation of the conflicting law.

F. Records of Missing Children

Upon notification by the Commissioner of Education of a child's disappearance, the District shall flag the record of such child in a manner that whenever a copy of or information regarding the child's record is requested, the District shall be alerted to the fact that the record is that of a missing child. Instead of forwarding the records of a child who has been reported missing to the agency, institution, or individual making the request, the District is to notify the Justice Cabinet.

G. Destruction of Education Records

Education records may be destroyed according to the *Jefferson County Public Schools Archives and Records Center Procedures Manual and Records Retention Schedule*, except when there is an outstanding request to inspect and review them. Explanations placed in records as a result of a hearing and the record of disclosures must be maintained as long as the education records to which they pertain are maintained.

Records of a child who has graduated or otherwise left the District and who was formerly enrolled in a program for exceptional children, including personally identifiable student information collected, maintained, or used for the identification, evaluation, or placement of the exceptional child, may be destroyed when they are no longer needed to provide educational services to a child and after 5 years from the date of the last activity. The parent of the child shall be informed by individual or public notice prior to the destruction of these records. A parent may also request that the information be destroyed. This request shall be addressed in writing to the Director of Pupil Personnel. The parents shall be informed that these records may be needed by the child or the parent(s) for social security benefits or other purposes and that a permanent record of a child's name, address, and phone number, his grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitations.

H. Notification of Rights and Policy

Annually, by means of the *Student Bill of Rights* or other Districtwide publication, parents and eligible students receive public notice containing the following:

1. A summary of the rights and procedures afforded under the Family Educational Rights and Privacy Act

2. A statement of the District's policy with regard to transfer of records and release of directory information
3. A statement of the right to file a complaint with the U.S. Department of Education, Family Policy Compliance Office, 400 Maryland Avenue, S.W., Washington, D.C. 20202-8520, concerning alleged failures of the District to comply with the Family Educational Rights and Privacy Act.

Written notification given to the parent(s) prior to the identification, evaluation, or placement of an exceptional child shall include a statement of the rights and procedures concerning education records.

I. Students with Disabilities

The District's special education policy and procedures manual shall include information concerning records of students with disabilities.

J. Safeguards

The local school principal shall ensure the confidentiality of any personally identifiable information at the collection, storage, disclosure, and destruction states of student education records in the local school. That responsibility shall include the maintenance for public inspection of a current directory of the names and positions of all school personnel who may have access to education records and the training and instruction of such personnel concerning these policies and procedures. At the district wide level the Director of Pupil Personnel shall be responsible for maintaining the confidentiality of student education records.

Records generated and stored in the education technology system shall be protected and preserved.

K. Surveys of Protected Information

The District shall provide direct notice to parents/guardian to obtain prior written consent for their minor child(ren) to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education. Parents/eligible students also shall be notified of and given opportunity to opt their child(ren) out of participation in the following activities:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Parents/eligible students may inspect, upon written request and prior to administration or use, materials or instruments used for the collection, disclosure, or use of protected information.

These requirements do not apply to evaluations administered to students in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA).

L. Forms

1. Record of Disclosure
2. Education Record Release Notice
3. Student Educational Request Form

**Jefferson County Public Schools
Record of Disclosure**

Student Name: _____ **Date of Birth** _____

Record the following information for any request for access to and each disclosure of the student’s education records to any party other than the parent, eligible student (age 18 or over), school official, party with written consent from the parent or eligible student or party receiving records pursuant to a judicial order or lawfully issued subpoena where the issuing party has ordered that the existence of the order or subpoena not be disclosed. Disclosure means inspection, release or transfer of the education records. Education records shall be disclosed to the named party only on the condition that such party will not permit any other party to have access to the education records without the written consent of the parent or eligible student (age 18 or over).

Date	Name of Party Requesting Records	Purpose of Request	Access Granted Y/N	List of Records Inspected, Reviewed or Copied

Note: This record of disclosure may not be viewed by any party other than the parent, eligible student or school officials without the written authorization of the parent or eligible student.

**Jefferson County Public Schools
Education Record Release Notice**

This form should be used when forwarding student education records to another entity authorized by law to receive student records without the consent of the parent(s) or eligible student.

TO WHOM IT MAY CONCERN:

The Jefferson County Public Schools is required by federal law to follow certain procedures to safeguard the privacy rights of students. We have determined that you have a legitimate educational interest in the enclosed records and that you are entitled to receive these education records without the consent of the parent or eligible student.

We are transferring these education records to you on the condition that you will not permit any other party to have access to these records without the consent of the parent(s) or eligible student.

School/Department

Custodian of Records

Date

Jefferson County Public Schools Student Educational Request Form

This form should be used by parent(s) or eligible students requesting to view, copy or transfer student education records.

The Family Educational Rights and Privacy Act (FERPA) and the Kentucky Education Rights and Privacy Act guarantee to parents/guardians of students under age eighteen (18) and to eligible students (age 18 or over or upon entrance to an institution of post-secondary education) the right to inspect and review the student's education records. Requests to inspect and review the education records shall be addressed to the school principal where the records are housed or to the Director of Pupil Personnel if the records are housed at the district level. The request shall be granted within a reasonable period of time not to exceed forty-five (45) calendar days and before any Admissions and Release Committee meeting concerning the identification, evaluation or placement of an exceptional child.

To: Principal: _____ School Name: _____
 Director of Pupil Personnel

I, as parent/guardian of the student listed below or the eligible student listed below:

- Hereby request to view or copy the student's education records
- Hereby authorize the release of the student's education records to the person/entity listed below.

Person/Entity Authorized to Receive Records

Address

City, State, Zip Code

The records to be released are:

- All Permanent Records
- Grades and/or Academic Standing, Credits/Units
- Individual Standardized Achievement Test Results
- Health Forms
- Key to Grading System
- Exceptional Child Education Records including Individual Education Programs, Due Process Forms and Psychological Evaluation
- Other (Please Specify) _____

Purpose of Release: _____

Student Name: _____

Birthdate: _____

Address: _____

Signature: _____ Date: _____

Parent/Guardian or Eligible Student (age 18 or over):



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