

**POLICY NO. 5230**  
**Adopted: 1-10-96**  
**Revised: 12-12-18**

## **STUDENT RECORDS**

### **POLICY:**

The Lake Stevens School District shall maintain those student records necessary for the educational guidance and/or welfare of students, for orderly and efficient operation of schools, and as required by law. All information related to individual students shall be treated in a confidential and professional manner. The District will use reasonable methods to ensure that teachers and other school officials obtain access to only those education records in which they have legitimate educational interests. When information is released in compliance with state and federal law, the District and district employees are immune from civil liability unless they acted with gross negligence or in bad faith.

Student records are the property of the District but shall be available in an orderly and timely manner to students and parents. "Parent" includes the State's Department of Social and Health Services when a minor student has been found dependent and placed in state custody. A parent or adult student may challenge any information in a student record believed inaccurate, misleading, or in violation of the privacy or other rights of the student.

Student records shall be forwarded to other school agencies upon request. A high school student may grant authority to the District which permits prospective employers to review the student's transcript. Parental or adult student consent shall be required before the District may release student records other than to a school agency or organization, except as otherwise provided by law.

The report of grades, transcript, or diploma shall not be released until a student has made restitution for damages assessed as a result of losing or damaging school materials or equipment. If a student has transferred to another school district that has requested the student's records, but the student has an outstanding fee or fine, only records pertaining to the student's academic performance, special placement, immunization history, and discipline actions will be sent to the enrolling school. The content of those records will be communicated to the enrolling district within two school days and copies of the records will be sent as soon as possible. The official transcript will not be released until the outstanding fee or fine is discharged. The enrolling school will be notified that the

official transcript is being withheld due to an unpaid fee or fine.

The Superintendent shall establish procedures governing the content, management, and control of student records.

Legal References:

CFR 45, Part 99 Family Education Rights and Privacy Act

RCW 28A.230.120 Option to receive final transcripts--Notice

RCW 28A.230.180 Educational and career opportunities in the  
military, student access to information on, when

RCW 28A.635.060 Defacing or injuring school property--Liability of parent  
or guardian

RCW 40.24 Address Confidentiality Program

WAC 180-52-025 Pupil tests and records--Pupil personnel records--School  
district policy in writing

WAC 434-840 Address Confidentiality Program

## **STUDENT RECORDS**

### **PROCEDURES:**

Student records shall be managed by the District Records Custodian in the following manner:

#### **Type of Records**

Student records shall be divided into two categories: the cumulative folder and supplementary records.

The cumulative folder may contain all information about a student which is collected and maintained on a routine basis, such as identifying information (name, birth date, sex, year in school, address, telephone number, parent's name, ethnic classification, emergency information (parent's place of employment, family doctor, babysitter, siblings), identifying information may be limited if the student is a participant in the state Address Confidentiality Program; attendance records, including date of entry and withdrawal; grades, and other student progress reports; results of tests of school achievement, aptitude, interests, hearing and vision; health and immunization status reports; records of school accomplishments and participation in school activities; verified reports of misconduct, including a record of disciplinary action taken; and such other information as shall enable staff to counsel with students and plan appropriate activities.

**Supplementary records** about a student may be collected and maintained in connection with special school concerns about the student, such as confidential health information or reports connected with assessment and placement of a student who is formally identified as a "focus of concern"; reports from nonschool persons and organizations such as physicians, psychologists, and clinics, except for general screening purposes; reports pertaining to specific problems associated with the student; and current reports of psychological tests and progress reports related to a student's disabling condition. All such reports included in records shall be dated and signed.

For the purpose of these regulations, working notes of staff are defined as those records about students which are maintained in the sole possession of the writer and are not accessible or revealed to any other person except a substitute for that staff member. Working notes are not considered student records within the purview of these regulations and procedures.

**Instructional Materials in Experimental Programs.** All instructional materials, including teachers' manuals, films, tapes, or other supplementary

instructional materials which will be used in connection with any research or experimental program or project shall be available for inspection by the parents or guardians of the children engaged in such program or project. Parents or guardians desiring to inspect these instructional materials shall present a written request to the administrators of the school attended by their child. The materials will be made available at the child's school at a mutually agreed upon time. A "research or experimental program" is a program designed to explore or develop new or unproven teaching methods or techniques.

### **Accessibility of Student Records**

Information contained in the cumulative folder and/or supplementary records shall be provided to persons and agencies as follows:

**Parents.** Parents of dependent children have the right to inspect the cumulative folder and/or supplementary records of their children. (Form: Request to Gain Access to Student Records.)

- A. The parent shall be provided an analysis and interpretation by qualified staff of all information in the cumulative folder and supplementary records. This action may be initiated by the parent or a staff member. The review shall occur within five (5) school business days after a request is received unless a written explanation for the failure to do so is supplied by the custodian of records. In no case shall the review occur later than forty-five (45) days after the request is made.
- B. Inspection and review shall be conducted during normal working hours, unless the custodian (teacher, counselor, nurse, psychologist, principal) consents to other arrangements. Custodians shall provide assistance in the interpretation and analysis of student records as needed. Although records must remain within district control, they may be copied or reproduced by or for the parent or eligible student at their own expense.

**The Student.** Information from the cumulative folder shall be interpreted to the student upon his/her request. Information contained in supplementary records shall be interpreted to the student upon his/her request and with the consent of the parent. The adult student may inspect his/her cumulative folder and supplementary records. The right of access granted the parent or adult student includes the right to be provided a list of the types of student-related education records maintained by the school and the District. The parent and adult student shall have the right to inspect or to be informed of the content of any record containing personally identifiable information regarding more than one student, provided that the right to access shall apply only to that portion of the record or document which relates to the student. Upon graduation from high school, a student may request to receive a final transcript in addition to the diploma.

Parents and adult students will be notified annually of their right to inspect and review the records of their children and their other rights under the Family

Education Rights and Privacy Act through either the district website or school calendar.

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

- A. The right to inspect and review the student’s education records within 45 days of the day the district receives a request for access. Parents or eligible students should submit to the district records custodian a written request that identifies the record(s) they wish to inspect. The records custodian will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- B. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask the district to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- C. Parents or eligible students have a right to inspect or review information including when the student is a dependent under IRS tax code, when the student has violated a law or the school rules regarding alcohol or substance abuse (and the student is under 21), and when the information is needed to protect the health or safety of the student or other individuals.
- D. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. Exceptions which permit disclosure without consent are: disclosure deemed by the district as necessary to protect the health or safety of the student or other individuals and disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, hearing officer, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. 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.

Upon request, the district discloses educational records without consent to officials of another school district in which a student seeks or intends to enroll.

- E. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue S.W.  
Washington, D.C. 20202

**Staff.** Staff who have a legitimate educational interest in a student shall have access to the cumulative folder and any supplementary records.

**Other Districts.** Other districts shall be provided with records upon official request from the District unless the student has an outstanding fee or fine. In those instances, the enrolling school will be provided with the student's academic, special placement, immunization history, and discipline records within two school days, but the official transcript will be withheld until the fee or fine is discharged. The enrolling school district will be notified that the transcript is being withheld due to an outstanding fee or fine. At the time of transfer of the records, the parent or adult student may receive a copy of the records at his/her expense if requested and shall have an opportunity to challenge the contents of the records. Parents shall be advised through the annual Student Rights and Responsibilities Handbook that student records shall be released to another school where the student has enrolled or intends to enroll.

**Other Persons and Organizations.** Prospective employers may request to review the transcript of a student. Each student shall be advised at least annually that such requests shall be honored only upon a signed release of the student. Information contained in the cumulative folder and supplementary records of a student shall be released to persons and organizations other than the student, parent, staff, and other districts only with the written consent of the parent or adult student (Form: Consent to Release Student Records), with the following exceptions:

- A. Directory information may be released publicly without consent upon the condition that the parent or adult student be notified annually of the school's intention to release such information and be provided the opportunity to indicate that such information is not to be released without prior consent. Such information shall not be released for commercial reasons. Directory information is defined as the student's name, photograph, address, telephone number, date, and place of birth, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, and the most recent previous school attended. The actual residential addresses of participants in the state Address Confidentiality Program will not be available for release as directory information.
- B. Information may be released to authorized representatives of the Comptroller

General of the United States, the Commissioner of Education, and/or an administrative head of an education agency or state education authorities in connection with the audit and evaluation of federally supported education programs or in connection with the enforcement of the federal legal requirements for such programs.

- C. Information may be released to state and local officials to whom such information is specifically required to be reported or disclosed pursuant to Washington State statute adopted prior to November 19, 1974 (examples: reporting child abuse or referrals to juvenile court for truancy).
- D. Information may be released to organizations conducting studies for educational agencies for the purpose of developing, validating, or administering predictive tests or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than the representatives of such organizations and if such information shall be destroyed when no longer needed for the purpose for which it has been gathered.
- E. Information may be released in compliance with judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act, upon condition that a reasonable effort was made to notify the parent or adult student in advance of such compliance unless such notice is not allowed by the order or subpoena. In compliance with the federal Uninterrupted Scholar's Act of 2013, when a parent is a party to a court proceeding involving child abuse or neglect (as defined in Section 3 of the Child Abuse and Prevention and Treatment Act (42 U.S.C. 5101) or dependency matters, and the order is issued in the context of that proceeding, the District is not required to provide additional notice (i.e., in addition to the court's notice) to the parent prior to release of the information.
- F. Information may be released to appropriate persons and agencies in connection with an emergency to protect the health or safety of the student or other persons. The District will take into account the totality of the circumstance and determine if there is an articulable and significant threat to the health or safety of the student or other individuals. In the Superintendent's judgment, information may be released to district-wide nonprofit organizations concerned with the welfare of Lake Stevens students.

When information from a student's record, other than directory information, is released to any person or organization other than staff, a record of such release shall be maintained as part of the specific record involved. Telephone requests for information about students shall not be honored unless the identity of the caller is known and the caller is authorized to receive the information under provisions of this rule. A record shall be made of any such release of information and placed in the student's cumulative folder. This record of access shall include date of access, name

of the party granted access, and the legitimate educational interest of the party granted access (Form: Record of Access to Student Records).

- G. In compliance with the federal Uninterrupted Scholar's Act of 2013, information regarding students in foster care may be released without prior written consent of the parent or eligible student to agency caseworkers or other representatives of state or local child welfare agencies or tribal organizations who are legally responsible for the care and protection of the student for purposes related to the student's case plan.
- H. A high school student may grant authority to the District permitting prospective employers to review the student's transcript.

### **Confidential Health Records**

Confidential health records should be stored in a secure area accessible only to the school health care provider, unless an appropriately executed release under Ch. 70.02 has been obtained. Such records are also covered by the Family Education Rights and Privacy Act, permitting parent access to review and otherwise exercise FERPA rights regarding the records. There is a higher standard of confidentiality and minor student's rights of privacy for records pertaining to HIV, sexually transmitted diseases, drug or alcohol treatment, mental health treatment, family planning or abortion. The releases for information regarding sexually transmitted diseases, HIV and drug or alcohol treatment are more restrictive than ordinary medical releases.

### Challenges and Hearings

Schools and departments shall inform the parent or adult student of his/her rights regarding student records by providing notice of the following items:

- A. Types of records maintained;
- B. Name of custodian;
- C. Person other than parent or adult student having access to records and the purpose for such access;
- D. Inspection, review, challenge, and hearing rights;
- E. Concurrent rights of minor students;
- F. Costs for copying records; and
- G. Directory information categories.

Forms used in connection with these procedures shall contain information required by law to notify parents, adult students, and others of their respective rights and duties.

At the time of inspection and review the parent or adult student granted access to records may challenge the appropriateness and accuracy of any record directly related to the student and may demand correction or deletion. Custodians (teacher, counselor, nurse, psychologist) may honor such demands by correcting or deleting records which are misleading, violative of privacy, or inaccurate, provided that the senior custodian (principal or department head)

concur.

If the demanded correction or deletion is denied by the senior custodian, the parent or adult student may request an informal hearing before the Superintendent, which hearing shall be held within ten (10) school days of the receipt of such request. During the hearing, the Superintendent shall review the facts as presented by the parent or adult student and the custodian and decide whether or not to order the demanded correction or deletion. The Superintendent shall send his/her written decision to the parent or adult student within ten (10) school days of the hearing.

Upon denial of correction or deletion by the Superintendent, the parent or adult student may request in writing a hearing before the Board, which hearing shall be conducted at its next regular meeting. During such hearing, which shall be closed to the public, the Board shall review the facts as presented by the parent or adult student and senior custodian and decide whether or not to order the demanded correction or deletion. The Board shall send its written decision to the parent or adult student within ten (10) school days of the hearing.

Parents or adult students challenging the appropriateness and accuracy of student records may insert a written explanation of their objections in such records.

### **Maintenance of Student Records**

The student's principal, counselor, or teacher shall be the custodian of the cumulative folder. The principal or the student's counselor shall be the custodian of the supplementary records. Duplicate copies of all guidance case study reports and reports from non-school agencies contained in a student's supplementary records may be maintained in the District Office under the supervision of the Superintendent.

#### Custodians shall:

- A. Maintain only those records authorized by these procedures;
- B. Safeguard student records from unauthorized use and disposition;
- C. Maintain access records;
- D. Honor access requests for parent or adult student;
- E. Delete or correct records upon approval of the senior custodian or upon order of the Superintendent or the Board; and
- F. Follow the records review schedule and procedures established by the senior custodian.

Senior custodians may assume the duties of custodians and shall:

- A. Request student records from other schools;
- B. Maintain security of student records;
- C. Transfer, destroy, and expunge records as permitted;
- D. Supervise activities of their custodians;
- E. Conduct informal hearings and grant or deny approval of corrections or

- deletions requested by parents or adult students.
- F. Establish records review schedules and procedures for their respective schools or departments in accordance with procedures governing records disposition. (Psychological test scores shall be reviewed annually to determine their relevance to the continuing educational needs of the student.);
  - G. Upon transfer of the student to the next level (elementary to middle school, middle school to high school) or upon graduation or transfer outside the district, remove for retention, preservation, or destruction in accordance with applicable disposition procedures any records no longer pertinent to educational program placement; and
  - H. Certify to the District Records Custodian by June 30 of each year the following:
    - 1. Only records pertinent to educational program placement are being maintained, unless otherwise authorized by law, and
    - 2. Required reviews have been accomplished.

The District Records Custodian shall provide overall supervision of student records management and control and shall enforce the student records policy and the administrative procedures.

### **Disposition of Student Records**

The permanent student records shall serve as the record of the student's school history and academic achievement. Permanent records filed in the student's cumulative folder are to be extracted and retained before disposition of the folder.

Within ten days after receiving a request, the District will furnish a set of unofficial educational records to the parent of a student transferring out of state who meets the definition of a child of a military family in transition. When a student transfers to another school in the district, all records, including the permanent student record, shall be transmitted to the other school. When a student transfers to a school outside of the district, the senior custodian shall purge the cumulative folder of all nonofficial, extraneous information. A copy of all records will be sent to the requesting school unless the student has an outstanding fee or fine. In those instances, the enrolling school will be provided with information regarding the student's academic, special placement, immunization history, and discipline records within two school days and the records will be sent as soon as possible. The official transcript will be withheld until the fee or fine is discharged. The enrolling school district will be notified that the transcript is being withheld due to an outstanding fee or fine. The cumulative folder for an elementary or middle school student who leaves the district shall be maintained for two (2) years after discontinuance of enrollment in the district.

Cumulative folders of high school students shall be retained for three (3) years after graduation from high school or for three (3) years after discontinuance of high school enrollment. In all cases, the student's permanent record card shall be retained in perpetuity by the District. Contents of a student's supplementary

records shall be maintained for three (3) years.

At the time a student graduates from school or ceases to need special educational services, the parent or adult student shall be informed that record information regarding the disabling condition is no longer needed for educational purposes AND that the special education records will be retained by the District for six (6) years before being destroyed pursuant to the School Districts and Educational Districts Records Retention Schedule approved in accordance with RCW 40.14.070.

In informing the parent or adult student about his/her rights regarding such records, the District shall advise the parent or adult student that the information may be needed by the student or the parent to establish eligibility for certain adult benefits, e.g., social security AND that the parent/guardian/adult student should ensure that they possess the necessary documentation or request copies of certain records from the District BEFORE the district records are destroyed in six (6) years. At the parent's or adult student's request, the record information relating to the disabling condition shall be destroyed but ONLY after the records have met their six (6) year retention requirement pursuant to the school districts' and educational districts' Records Retention Schedule. The District may, in its discretion, choose to retain these records for a longer period of time for business purposes.

A parent or adult student, at his/her expense, may receive a copy of all records to be transmitted to another district.

### **Large Scale Destruction of Student Records**

After exercising care in accordance with that contained in the previous section (Disposition of Student Records), the senior custodian shall bundle all records and send them to the District Office. Each bundle shall be plainly marked: "Student Records--for Destruction", dated and signed by the senior custodian. A summary sheet shall be completed and retained in the office. The sheet shall indicate: "As of this date, I have determined that the following records may be destroyed in accordance with district and state requirements and have submitted them for destruction." The summary sheet shall be dated and signed by the senior custodian.