

POLICY NO. 5200
Adopted: 1-14-76
Revised: 2-27-91

**PROTECTION OF THE RIGHTS AND PRIVACY
OF PARENTS AND STUDENTS**

POLICY:

It is the policy of the Lake Stevens School District to maintain student records in a manner that will assure the protection of the rights and privacy of students and parents. All district records, data, or information related to individual students shall be treated as confidential. Such information demands judicious use and should always be used so as to contribute to the welfare of the individuals under consideration. Employees of the Lake Stevens School District are prohibited from placing inquiries to employers of parents in connection with or in response to the parents' complaint activities. Access to student records shall be granted by the custodian of the records only in accordance with the procedures established herein.

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PROCEDURES:

1. Student Records and Files

1.1 Student Records. As used in this policy statement, “student records” shall include any and all official records, files, and data directly related to a student including all material incorporated into a student’s cumulative record folder. These records include, but are not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.

1.2 Cumulative Record. A cumulative record shall be maintained for each student from his entrance into school through the twelfth grade. The cumulative record shall consist of:

1.2.1 Standard Records

- 1.211 personal and family data including certification of name and date of birth
- 1.212 test data, such as aptitude, interest, and achievement tests;
- 1.213 1.2.13 appropriate health status reports, such as medical reports, speech and hearing evaluations;
- 1.214 permanent record cards;
- 1.215 attendance records

1.2.2 Supplementary Records

Supplementary records are those that contain additional information deemed helpful toward promoting optimum student

progress and usually require interpretation by the writer or an otherwise appropriate professional person, e.g., anecdotal reports; pupil questionnaires; records of conference; copies of correspondence with parents and others concerning the child, other records which may contribute to understanding the student such as psychological and medical reports, etc. Such records may originate in a nonschool agency with written consent from the student's parents.

2. Custody of Student Records

At each place where student records are kept, the District shall designate one or more school officials who will be custodians responsible for the maintenance of student records in accordance with the provisions of this policy. The custodians will permit access to the information in student records only in the manner and only to the persons or entities specifically authorized herein.

3. Parents' Access to Records

- 3.1 Parents have the right to know whatever the District knows about their children. Parents desiring to inspect and review a student's record shall present a written request to the administrators of the school attended by their child. The review shall occur at the office of the custodian of the records at a mutually agreed upon time, and in no case more than 45 days after the request has been received. Where records include information on more than one student, the parents of a student are entitled to review that part of the record which pertains to their child. This right extends to any legal guardian of the student. Requests for information contained in the student's record shall not be honored when made by a student's relatives or immediate family members other than the parents of legal guardians except with written parental or guardian consent.
- 3.2 If the parents believe that information in a student record is inaccurate, misleading, or in violation of the privacy or other rights of the student, the parent may request in writing a meeting with school administrators. If the parents' challenge to the content of their child's record is not resolved to their satisfaction within thirty (30) days, the parents, upon written request, shall be given the opportunity for a hearing before the Board of Directors or a committee thereof. Such hearing shall be held within a reasonable time following the receipt of the request.

- 3.3 If the determination made after the hearing provided for in subsection 3.2 is unsatisfactory to the parents, the parents shall have the right to insert into the challenged records a written explanation respecting the content of such records.
- 3.4 Upon the adoption of this policy and thereafter on an annual basis, the District shall take such steps as may be practicable to advise parents and students eighteen years of age or older of the existence of this policy and their rights hereunder.

4. Student Access to Records

- 4.1 For students under eighteen (18) years of age, information from standard records shall be interpreted to students upon request. Information contained in supplementary records shall be interpreted to such students when a request is accompanied by parental consent. Students under eighteen years of age shall not have the right to examine those records, data, or test results for which the Board of Directors has determined direct student access may be detrimental to educational interests.
- 4.2 Whenever a student has attained eighteen (18) years of age, the permission or consent required of and the rights accorded to the parents with respect to student records shall thereafter be required of and accorded to the student, except that information from student records may be released to the parents of a student age eighteen or older if the student is a dependent of the parents. For the purposes of this policy “dependent” shall be defined as in Section 152 of the Internal Revenue Code of 1954.

5. Access by School Personnel

Teachers, administrators, and educational staff associates involved with the student during the current year shall have access to both standard and to supplementary records. Other district certificated staff who may be involved in decision-making related to a student shall have access to the student’s records in instances where that information might have a bearing on that staff member’s decision.

6. Other School District and Educational Institutions

Other schools or school districts in which the student intends to enroll will be provided with a transcript of the contents of a student’s standard records upon receipt of an official request from the school district. The parents of the student shall be notified of the transfer of records.

Upon receipt of written request from the student or parents, a transcript will be sent to an institution of post-secondary education in which the student seeks to enroll. The student's parents shall be notified of the request and shall be sent a copy of the record if desired when a request is from other than the parents.

Supplementary record information, with appropriate interpretation, shall be provided to other school districts with written consent of parents or legal guardian provided the student is younger than eighteen (18) years of age. Students eighteen years of age or older may provide their own written consent for such release of supplementary record material.

7. Federal and State Agencies

Without written consent of the parents, the District may provide access to, and release data from, student records to authorized representatives of federal and state educational agencies in connection with the evaluation or audit of federally supported educational programs, or in connection with the enforcement of federal legal requirements. Except when collection of personally identifiable information is specifically authorized by federal law, such data shall be released only if the agency involved will protect the data in a manner which will not permit the personal identification of students and their parents by persons outside the agency, and if the data will be destroyed when no longer needed for such evaluation, audit, or enforcement of federal legal requirements.

8. State and Local Authorities

The District may release data from student records to state and local officials and authorities without written consent of parents when such information is specifically required to be reported or disclosed pursuant to state statutes adopted prior to November 19, 1974.

9. Accrediting and Educational Research Agencies

The District may release to accrediting agencies information from student records needed to perform their accrediting functions. Such information may also be released for the purpose of developing predictive tests or improving instruction, provided that such studies are conducted so as not to permit personal identification of students and their parents by persons outside the agency or institution and that the information will be destroyed when no longer needed for such studies.

10. Emergencies

In connection with an emergency, information from student records may be released to appropriate persons if the knowledge of such information is necessary to protect the health and safety of a student or other persons.

11. Other Nonschool Agencies

Nonschool agencies or persons, such as employers, colleges, and various professionals will be provided with appropriate information contained in the standard or supplementary records with any necessary interpretation provided by qualified school personnel, upon written request or consent of parents, legal guardians, and where applicable, the senior high school student himself (if he is eighteen or older).

Any court order, or order of a public officer or an administrative agency having the power of subpoena, directing the release of information concerning students will be honored in accordance with legal provisions. Parents and students shall be notified of all such orders and subpoenas in advance of compliance by the District.

If information concerning students is requested by public offices or agencies, the request must be made in writing to the custodian of the pupil's records. Unless the request is pursuant to a court order or subpoena, or is within the provisions of Sections 6-10 above, the information shall be provided only if the written consent of the parent, guardian, or student (if he is eighteen years of age or older) has been given.

12. Parent's Written Consent

Whenever student records are furnished with the parent's consent or with the student's consent if the student is eighteen years of age or older, the consent shall be in writing and specify the records to be released, the reason for such release, and to whom release is to be made. A copy of the records to be released shall be furnished to the student's parents and to the student if desired by the parents.

13. Procedure for Release of Information

All persons, agencies, or organizations (other than school personnel identified in Section 5 above) desiring access to student records shall be required to sign a written request. The request shall specifically indicate

the legitimate educational or other interest that such person, agency, or organization has in seeking the information. Requests shall be kept permanently with the file of the student as a “record as access” which shall be available only to the parents, custodian of the records, and authorized auditors of the records system.

All personal information from student records shall only be transferred by the District to third parties on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

14. Directory Information

The term “directory information” relating to a student includes the following: the student’s name, address, telephone listing, date and place of birth, course of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous school attended by the student.

Directory information may be released by a school or the District without written consent, provided that public notice shall be given of the categories defined as directory information, and parents shall have the right to designate that any or all of such information be released only with prior parental consent.

15. Disposition of Student Records

If two years have elapsed since an elementary or junior high school student has withdrawn from the district schools and no official request for the student’s records has been received, the student’s permanent record card shall be filed and the remaining standard records destroyed. Supplementary records shall then also be destroyed except in those instances where the building principal recommends that specific information be maintained on file at the District Pupil Services Office.

If no official request has been received from another school district for the records of a senior high school student by the time the class from which that student withdrew has graduated, the student’s permanent record card shall be filed and the remaining standard records destroyed. Supplementary records shall then also be destroyed except in such isolated instances when the building principal recommends that specific information be maintained on file at the District Pupil Services Office.

When a student has graduated from high school, his permanent record shall be filed and maintained in a safe, fireproof place. Other residual standard and supplemental records shall be destroyed when a student has graduated or has reached his eighteenth birthday, whichever is the later date.

16. 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.