ACCESS TO STUDENT RECORDS – FERPA

General Statement: It is the policy of the School 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 School Board that all school district personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.

Education 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 school 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:

- Students' name, address, dates of enrollment
- Parents'/Guardians' name and address
- Students' grade level, enrollment status and dates of attendance
- Students' photograph
- Students' participation in recognized school activities and sports
- Students' certificates, awards and honors received

The District may release or disclose student directory information without prior consent of the student's parents/guardians/eligible students. Within the first three weeks of each school year, the District will provide notice to parents/guardians/eligible students that the District may publish directory information without their prior consent. Parents/Guardians/eligible students will be given until September 30th of each school year 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/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 and Eligible Students: At the beginning of each school year, 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. This notice shall be available in the *Student/Parent Handbook*: 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/guardian'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/guardian 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 which they are entitled to. 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 school principal may offer to collect copies of records or the records themselves from locations other than 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 school principal will determine if a review at that site is reasonable.

Parents/Guardians/eligible students should submit to the school principal a written request that identifies as precisely as possible the record or records that he/she wishes to inspect. The principal 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 principal 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 30 days or earlier after the principal's 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 principal 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's/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 principal will seek consultation with the Superintendent and/or the District's attorney to determine how best to proceed.

Procedures to Seek to 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, 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 building principal to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the principal should make the correction. If the records are changed to the parent's/guardian's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/guardian/eligible student is satisfied with the correction.

If the principal 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/eligible student to initiate a written request for the change, which will be forwarded to the Superintendent;
3. Forward the written request to the Superintendent; and
4. Inform the parents/guardians/eligible student that the matter has been forwarded to the Superintendent for subsequent processing.

2. Second-level decision: If the parent/guardian/eligible student wishes to challenge the principal's decision to not change the student record, he/she may appeal the matter to the Superintendent. The parent/guardian/eligible student shall submit a written request to the principal asking that the matter be appealed to the Superintendent. The principal 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;
3. Make a preliminary decision to comply or decline to comply with the request;
4. Schedule a meeting with the parents/guardians/eligible student if the Superintendent believes such a meeting would be necessary; and
5. Contact the parents/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/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/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's/guardian's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/guardian/eligible student is satisfied with the correction.

If the Superintendent determines the records will not be amended, he/she will notify the parents/guardians/eligible student in writing of his/her decision. Such letter will also notify the parents/guardians/eligible student of their right to an appeal hearing before the School Board.

3. Third-level decision: If the parents/guardians/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/eligible student shall submit the request for a hearing with the Superintendent within ten (10) 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 45 days of receipt of the request. Once 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/eligible student requests that the hearing be held in public session, The School Board will give the parent/guardian/eligible student a full and fair opportunity to present evidence relevant to the issues raised under their request/complaint. Parents/Guardians/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 30 days of the hearing, and will notify the parents/guardians/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/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/eligible student is satisfied with the correction.

The School Board's decision will be final.

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 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.
2. Other schools into which a student is transferring or enrolling.
3. Officials for audit or evaluation purposes.
4. Appropriate parties in connection with financial aid.
5. With Superintendent approval, 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 principal 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 accessing such records.
The principal will ensure that all records are maintained in accordance with application retention schedules as may be established by law and as listed below:

A. Special Education (see Bureau of Special Education FY'19 Memo #5) – Upon graduation from high school, guardians (or adult student) may request, in writing, the destruction of the student's records and final Individual Education Program (IEP) at that time. Alternatively, they may request the records be retained until the student's twenty-sixth (26^{th}) birthday.
B. The guardians (or adult student) may, at any time prior to the student's twenty-sixth (26^{th}) birthday provide a written request to the district to retain records until the student's thirtieth 30^{th}) birthday.
C. Absent any requests as noted above, the district will destroy a student's records and final IEP within a reasonable time after the student's twenty-sixth (26^{th}) birthday, provided that all such records are destroyed by the student's thirtieth birthday.
D. FERPA does not require cumulative records of regular education students to be maintained. NSD will maintain records three (3) years past graduation or separation from the district
E. NSD should provide parent/guardian or adult student with a written notice of its document destruction policies upon student's graduation with a regular high school diploma or at the

transfer of rights or whichever comes first. NSD will provide public notice of its documentation destruction policy annually

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 parent/guardian(s) of the 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.

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 parent/guardian(s) 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 parent/guardian(s) 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.

Legal References:

RSA 91-A: 5, III, Exemptions, Pupil Records
RSA 189:1-e, Directory Information
20 U.S.C. §1232g, Family Educational Rights and Privacy Act
34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations

Legal References Disclaimer*: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Board Approved: 02/12/2018 (*Replaces 3440 and 3440.1)*
09/26/2022