

MAINTAINING, DISCLOSURE OF, AND DISPOSITION OF STUDENT CUMULATIVE RECORDS

Classification

Student education records are an essential part of the educational process. Education records are maintained in each school building. Additional records of educationally handicapped students are maintained in the Special Education Office. The following are the types of education records that shall be maintained:

Directory Information: This category will consist of the Office Record (O.R.) card which constitutes the minimum personal data necessary to reflect the student's educational progress. The information on this record includes the student's name, birth date, name and address of parents (not included in FERPA or Ed. 1123), grade level, and attendance data.

Non-Directory Information: This category will consist of all other material contained in the Cumulative Folders such as teacher and counselor observations, results of standardized tests, health records, information regarding family background, results of interest and/or personality inventories, reports from psychologists and school specialists, individualized education plans, permission to test forms, and supporting documents. Under the provisions of POPPS policy 3442 the parent of a student or an eligible student may designate any or all Directory Information as Non-Directory Information. Regardless of this designation, the names, phone numbers, and addresses of students will not be supplied to anyone other than the physical custodial parent without that parent's written permission.

II. Notes and Memory Aids

Private notes should not be placed in the student's file unless they are considered essential for the school record and are based on observation and verifiable fact. Notes in the file will be subject to review by the parent or eligible student as defined in Section IV A.

III. Maintenance

The building principal or the principal's designee is responsible for the security and privacy of student education records maintained in the school building. The Director of Special Education is responsible for student records maintained in the Special Education Office. The above school district officials have the responsibility for classifying education records. Only school personnel designed by the above school district officials shall have access to student education records for proper educational purposes. The above school district officials will protect the confidentiality of non-directory information for which they are responsible at the collection, storage, disclosure and destruction stages.

IV. Review of Material

A. Definitions

1. Parent: Includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian.

2. Eligible student: A student who has attained eighteen years of age, or is attending an institution of post-secondary education.
 3. Education records: Those records directly related to a student and are collected, maintained, or used by the Nashua School District or by a party acting for the school district (Ed. 1123.02g).
- B. The parent of a student or an eligible student who is or has been in attendance in the Nashua public schools may inspect and review the education records of a student without unnecessary delay (Ed. 1123.04 (13)) upon making a request in writing to the school district official responsible for the records. (A form will be provided for this purpose.)
- C. Written requests to review a student's education records will be answered by the school district official responsible for the records within five working days from the date of receipt, and a meeting to review the records will be arranged within fifteen working days from the date of receipt.
- D. The school district official responsible for the records will meet with the parents or eligible student to review the student's education records.
- E. If a challenge is made regarding any material in the education records, which the parent or eligible student believes is inaccurate or misleading or violates the privacy of the student, and it cannot be resolved during the meeting, a notation will be made on the written request to review the education records and will be signed by the parent or eligible student. The parent or eligible student will be advised of his/her right to a hearing. See Ed. 1123.11 for process to request amendment to education record.
- F. The school district official responsible for the records will notify the appropriate Assistant Superintendent of any unresolved challenges to education records with two school days. The Appeal Board, consisting of the Assistant Superintendent, a Principal from the same level (not the one involved with the challenge), and a representative from the Special Education Office will hold a hearing with the parents or eligible student present, within fifteen working days of the day the challenge was made. The parent(s) or the eligible student will be notified in advance of the date, time and place of the hearing. They will be given the opportunity to present evidence relevant to the issue and may be assisted by a person of their choice, including an attorney. The decision will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision.
- G. The Appeal Board will make a recommendation in writing to the Superintendent of Schools within five working days of its hearing. If the decision rendered is that the information is inaccurate, misleading, or otherwise in violation of the privacy of the student, the District will amend the records or destroy information that is no longer needed to provide education services and will inform the parent(s) or eligible student in writing of said amendment or destruction.

If the decision rendered is that the information is not accurate, misleading, or otherwise in violation of the privacy of the student, the District will inform the parent(s) or eligible student in writing of their right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing the District's decision, such explanation shall be maintained as part of the record for as long

as the record is maintained by the District, and shall be disclosed if the educational record or portion thereof is disclosed to any party.

- H. Parents and eligible students may request copies of education records which will be provided at a cost for duplicating determined by the Nashua School District business administrator. The district will not charge a fee to search for or retrieve the education records of a student.

V. Disclosure of Records

- A. Except as otherwise provided, a student's education records other than Directory Information will be only disclosed upon the written permission of the parents or eligible student. Written permission includes a specification of the records to be disclosed, the purpose of the disclosure and the party or class of parties to whom the disclosure may be made. Certain directory information will only be disclosed with written consent (see page 1 Non-Directory Information).
- B. For the purposes of this policy 3440.1, whenever a student has attained eighteen years of age, or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student except in the case of certain students with disabilities (Ed. 1123.03a) or when a surrogate is appointed (Ed. 1123.03b).
- C. The district will comply with requests made under V-A and B before any meeting regarding an Individual Education Program or hearing relating to the identification, evaluation, or placement of an educationally handicapped student.
- D. Either parent of the student has authority to inspect and review the education records of the student unless the District has been provided with evidence that there is a legally binding instrument, or a state law or court order governing such matters as divorce, separation or custody, which provides to the contrary.
- E. Under circumstances prescribed by law, the District may disclose non-directory information from the education records of a student without the written consent of the parent of the student, or the eligible student:
 - 1. To other school officials, including teachers, within the District who have been determined by the District to have a legitimate educational interest. The District maintains a current listing of the names and positions of all its personnel.
 - 2. To officials of another school in which the student seeks or intends to enroll.
 - 3. To the authorized representatives of:

- a. The Comptroller General of the United States
 - b. The Secretary of Education
 - c. The Commissioner, the Director of the National Institute of Education, the Assistant Secretary for Education
 - d. State educational authorities
4. In connection with financial aid for which a student has applied or which a student has received.
 5. To state and local officials to whom information is specifically required to be reported by statute adopted prior to November 19, 1974. This applies only to statutes which require specific information to be disclosed to state or local officials but does not apply to statutes which permit but do not require disclosure. Nothing herein shall prevent a state from further limiting the number or type of state or local officials to whom disclosures are made.
 6. To organizations conducting studies on behalf of educational agencies or institutions for the purpose of developing, validating, or administering student aid programs and improving instruction. Said studies are to be conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization conducting the study. The information will be destroyed when it is no longer needed for the purposes of the study.
 7. To accrediting organizations in order to carry out their accrediting function.
 8. To parents of a dependent student as defined in the Internal Revenue Code of 1954, Section 152.
 9. To comply with a judicial order or lawfully issued subpoena, provided that the District makes a reasonable effort to notify the parent or student of the order or subpoena in advance of compliance.
 10. To appropriate parties in a health or safety emergency as determined by the seriousness of the threat to the student, the need for the information to meet the emergency, whether the parties receiving the information are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency.
- F. The Director of Special Education shall be responsible for ensuring that all persons collecting or using non-directory information on educationally handicapped students receive training or instruction regarding the State's policies and procedures regarding the confidentiality of non-directory information.

- G. Personally identifiable (Ed. 1123.15) information from the education records of a student will be disclosed only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student. Information disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made.

- H. Except for the disclosure of directory information, the party to whom a disclosure is made shall be informed of the requirements regarding confidentiality as set forth in

the New Hampshire Standards for the Education of All Handicapped Students and Section V.H. above.

- I. Directory Information may be released in accordance with Policy 3442 (see attached) contained in the Nashua School District's Planning, Organization, Policies, Procedures and Staff Manual (POPSS).
- J. The school district official responsible for the records will keep a file of each request for and each disclosure of education records. A notation will be made on the request, and on the student's folder, indicating when the records were disclosed, to whom, and for what purpose. The record of access or disclosure states the parties who have requested and/or obtained the records and the legitimate interests the parties had in requesting or obtaining the information 20 U.S.C. 1232g(b)(4) 34 CFR 99.32 (a).
- K. When a disclosure is made, a copy of the record which is disclosed shall be made available to the parent(s) or eligible student and the school official, upon request for auditing purposes (Ed. 1123.14(c)).

VI. Disposition of Records

- A. An Office Record Card (O.R.) for all students will be permanently maintained by the School District.
- B. Non-directory information for Regular education students may be destroyed upon the direction of the Superintendent of Schools for three (3) years (State guideline is one year) from the date of termination of program completion, except as provided in Sections VI. C, D, E, and F.

Non-directory information and Special Education records for Special Education students should be maintained for six (6) years after the date of termination or program completion.

- C. For educationally handicapped students, the District shall inform parents when non-directory information collected, maintained, or used to provide an appropriate educational program is no longer needed to provide educational services to the student. Upon receipt of this notification, parents may request that all such information be destroyed except the student's name, address, telephone number, his or her grades, attendance record, classes attended, grade level completed, and year completed. This information may be maintained without time limitation.
- D. No educational record shall be destroyed if there is an outstanding request to inspect and review it.
- E. No explanation placed in the education records of a student shall be destroyed as long as the record or contested portion thereof is maintained by the District.

3440.1

Page 5 of 5

- F. The record of access as provided for in Section V K shall be maintained for as long as the education record to which it pertains is maintained.

R 8/15/83

R Bd Approved 03/31/97