

## **STUDENT RECORDS/RELEASE OF INFORMATION ON STUDENTS**

The confidentiality of student records and privacy rights of students and parents will be maintained in compliance with federal and state law as reflected in this policy. Individual student records are not treated as public records under applicable Colorado and federal laws, but may be accessed by parents and students under certain circumstances.

### **A. Definitions**

1. Parent includes a parent, guardian or individual acting as a parent of a student in the absence of a parent/guardian. The custodian of the record may presume that either parent has the authority to exercise the right identified unless provided with evidence that there is a court order, which restrains the right of a parent or other person.
2. Student includes any individual with respect to whom Colorado Springs School District 11 (the District) maintains education records.
3. Adult student is a student 18 years old or older or a younger student who has completed a high school education and is attending a post-secondary educational institution. An adult student is referred to in federal law as an "eligible student."
4. Legitimate educational interest is defined as those situations that require decision-making that affects the student. Such decision-making may be, but is not limited to, areas such as academic achievement, health, placement, instructional programs, safety, and welfare, as determined by the District or the Colorado Springs School District 11 Board of Education (the Board).
5. Legitimate educational interest in the behavior of the student is defined as a direct need to know a student's discipline information, not shared by the general teaching, counseling, District or school staff, in order to address the education, safety, or welfare needs of the student, other students, personnel, or the District, as determined by the District or the Board.
6. School officials means those persons identified as administrators, teachers, nurses, counselors, social workers, security personnel, psychologists, legal officers, Board members, and others acting on behalf of the District.
7. Education records means those records, files, documents and other materials that contain information directly related to the student and are maintained by the District or by a person acting for the District. Education records include discipline information, which is subject to the specific additional requirements specified herein.

Education records do not include:

- a. Records of supervisory, administrative and educational personnel which are in the sole possession of the maker and are not available to other persons except a substitute.
  - b. Records maintained by the security unit of the District that were created by the unit for the purpose of security and enforcement.
  - c. Records made and maintained in the normal course of business which relate exclusively to an employee in that person's capacity as an employee and are not available or use for any other purpose.
  - d. Records that only contain information about an individual's status or activity after he or she is no longer a student in the District.
8. Directory information includes the student's name, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous education agency or institution attended by the student, photographs, video and audio recordings made during school hours, school events, and other similar information.
9. Personally identifiable information contained in a student's education records includes:
- a. Names of student, student's parents or other family members;
  - b. Student's telephone number and address or the address of the student's family;
  - c. A personal identification such as the student's social security number or student registration number;
  - d. Personal characteristics or other information, which would make the student's identity easily traceable or which would make it possible to identify the student with reasonable certainty;
  - e. Records or information received from a source outside of the District where the recipient of such information knows or should know that the same information is maintained by the District as part of the education record of a student.
10. Discipline information means information that is maintained by the student's school concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of
- a. that student
  - b. other students, or

- c. other members of the school community.

**B. Access to records**

1. An adult student, and in the case of a student who is not an adult student, a parent of the student, has the right to inspect and review the student's education records. If a student is an adult student, the student's parent will not have the right to inspect or review the student's education records without written permission from the adult student, and the adult student will have the rights otherwise applicable to a parent.
2. Any parent of a non-adult student or any adult student desiring to inspect an education record will make such request known to the Custodian of Records at the particular location of the record. The Custodian of Records in the schools is the Principal or designee. The records shall include, but may not be limited to:
  - a. Records of currently enrolled student are located in the school of attendance.
  - b. Records of high school students who have withdrawn for the current school year are in the high school of last attendance. Records of middle and elementary school students who have withdrawn are in the Records Management Center.
  - c. Records of graduates and students who have withdrawn are maintained in the high schools for one year. After that time, they are located in the in the Records Management Center.
  - d. Records used in determining the presence of a handicapping condition or the provision of special education services are in the school of attendance.
3. The Custodian of Records will make every effort to comply with requests to inspect records within a reasonable time but in no case will this exceed 45 calendar days. The custodian will make a good faith effort to make such records available within three working days, except in the case of extenuating circumstances.
4. The person requesting to inspect a record will be entitled to make reasonable requests for explanations and interpretations of the record and to obtain copies of the record. Such person will present evidence that he is entitled to the information requested.

**Fees for copies of records:**

- a. Students currently enrolled in District schools will receive the first copy free. The fee for each additional copy will be \$10.00.
- b. Copies of records requested by another school receiving District records

will be free.

- c. There will be no charge for last semester grades sent to colleges to complete their records.
- d. Former District students may be charged \$10 per copy for records they request.
- e. When multiple sets of records are requested, the same charges will apply to each set.

C. Request to amend education records

1. Request for amendment.

- a. Parents of non-adult students or adult students who believe that information contained in the education records of a student is inaccurate or misleading or violates the privacy or other rights of the student may request in writing on a request for amendment of education records form that the District amend the records.
- b. Within 15 school days after receipt of the request or such longer period as may be required in extenuating circumstances, the District will decide whether to amend the records in accordance with the request. If the District denies the request to amend, it will notify the requesting person and inform such person of the right to a hearing. Unless otherwise designated by the Superintendent, requests for amendment made with respect to a current student will be decided by the building Principal or such person's designee and all other requests will be decided by the custodian of the records or such person's designee.

2. Hearing procedures:

- a. If a parent or adult student is dissatisfied with the District's decision, such person may request a hearing by filing a written request with Custodian of Records for the District.
- b. Within 10 school days of receiving a request for a hearing, the District will appoint a hearing officer to conduct such hearing. The designated hearing officer will notify in writing the parent or adult student of the date, place and time of the hearing at least 10 school days in advance of the hearing. The hearing will be held within a reasonable period of time.
- c. The hearing officer will conduct the hearing. The official conducting the hearing will not have a direct interest in the outcome of the hearing.
- d. Parents or adult student will be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or

represented by individuals of their choice at their own expense, including an attorney.

- e. The hearing will be conducted in a fair manner with all procedures and evidentiary decisions made by the hearing officer.
  - f. The hearing officer will make a decision in writing within 15 school days of the close of the hearing.
  - g. The hearing officer's decision will be based upon the evidence presented at the hearing and will include a summary of the evidence and the reason for the decision.
  - h. If the hearing officer decides to amend the records, the hearing officer will inform the person in interest and the Principal or custodian in writing.
  - i. If the hearing officer decides not to amend the records, the hearing officer will inform the parent or adult student of their right to place in the student's records a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records will be maintained by the school District as part of the records as long as the record or contested portion is maintained. If the school or any other party discloses the student record, the explanation also will be disclosed to that party.
3. Any education record with an outstanding request to inspect or review will not be destroyed until the request is satisfied.

D. Disclosure without written consent

1. The school District will not disclose education records or personally identifiable information (as defined in Section A) from a student's education records without written consent of the parent of a non-adult or the adult student except to those persons or entities that are entitled to receive such information under federal or state law as provided herein and in file GBGB.
2. Written consent of the parent of a non-adult student or the adult student will be obtained before disclosing personally identifiable information contained in a student's education records and/or education records (as defined in Section A) except when disclosure is to:
  - a. Teachers, counselors, and other school officials within the school system when the request is for discipline information pursuant to this policy and File GBGB and the school official has a legitimate educational interest in behavior of the student, as determined by the District or the Board.
  - b. Teachers, counselors, and other school officials within the school system when the request is for information other than discipline information contained in a student's education records and the school official has a

legitimate educational interest in such information, as determined by the District or the Board.

- c. Officials of another school or school system to which the student seeks or intends to enroll.
- d. Authorized federal and state official representatives for the purpose of audit and evaluation of federally-supported educational programs or in connection with the enforcement or compliance with federal legal requirements, which relate to these programs.
- e. Officials requesting information in connection with financial aid for which a student has applied or which a student has received. A student's education records or personally identifiable information relating to the student may be disclosed only for such purposes as:
  - (1) Determining the eligibility of the student for financial aid
  - (2) Determining the amount of financial aid
  - (3) Determining the conditions which will be imposed regarding the financial aid
  - (4) Enforcing the terms and conditions of the financial aid
- f. State and local officials or authorities to which such information is specifically allowed to be reported or disclosed pursuant to state statute.
- g. Accrediting institutions.
- h. Federal, state and local agencies and independent organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, student aid programs and improving instruction provided that the studies are conducted in a manner which will not permit the personal identification of the students and their parents by Individuals other than the representatives of the organization. Such organizations are required to destroy records after they no longer are needed.
- i. In compliance with a judicial order or lawfully issued subpoena. The parent or adult student will be notified of the order or subpoena in advance of compliance.
- j. Appropriate parties in a health or safety emergency when such information is necessary to protect the health or safety of the student or other individuals.
- k. Law enforcement agencies when the student is under investigation by the agency and the agency shows that the information is necessary for the investigation.
- l. Any other person as required or permitted by law.

The District may disclose group scholastic achievement data from which the individual cannot be identified without written consent of the parent or adult student.

3. A school official may not disclose education records or personally identifiable information regarding a student to any other school official where the school official having custody of the education records or personally identifiable information knows or has reason to know that the other school official is likely to violate the provisions of this policy, or any applicable student confidentiality law.

E. Disclosure to military recruiting officers

Upon request, the District will release the name, address and home telephone number of each District eleventh and twelfth grade student, to military recruiting officers who represent a branch of the United States armed forces, unless the student's parent/guardian or an adult student submitted a written request to the contrary to the Records Management Center by the last school day each September (see JRA/JRC-E).

The following procedures are designed to alert parents and adult students to the District's obligation to supply information to military recruiting officers:

1. At the beginning of each school year, each secondary school will be provided written notice of the District's procedures for releasing information to military recruiters. Notification will be distributed each fall to the parent of each minor secondary student and to each adult secondary student then enrolled. This notice will be provided for all grade levels for which the information has been requested. Such notice will indicate that the student's name, address, and home telephone number will be released to any military recruiting officer who requests such information unless the parent or adult secondary student submits a written request to the contrary to the Records Management Center by the last school day in September of that school year. Late enrollees who enroll before the last school day in September will also be provided such notice.

Secondary schools will make reasonable efforts to provide alternative forms of notice to accommodate parents of minor secondary students and adult secondary students, who are known to the District to be disabled or whose primary language is other than English, in a manner that is reasonably likely to inform them of the contents of this policy.

2. The Records Management Center will not release the name, address or home telephone number of any secondary student to any military recruiting officer if the student's parent or the adult student has, in accordance with this policy, requested that such information not be released.
3. Actual direct expenses incurred in furnishing this information will be paid by the requesting military service. Such expenses will include those relating to publishing and/or distributing reminders to students, and preparing the student list. The requesting military service must agree in writing and in advance to pay all such expenses.

4. If a timely-filed written request to the contrary, is not received by the last school day in September, a student's name, address, and home telephone number will be released to military recruiters who request such information. Such data will be released to military recruiters with the understanding that they will use such data only to advise secondary students about military service and that they will not use the data for any other purpose nor release it to any person or organization other than individuals within the recruiting services of the armed forces.

F. Disclosure to other parties

1. The school will not disclose a student's education records or personally identifiable information contained in the student's education records, except for directory information and except as indicated in Sections D and E above, to other individuals or parties without prior written consent of the parent or adult student. When an education record is released that requires written consent, such consent will be signed and dated by the parent or adult student and will include:
  - a. Specification of the records to be disclosed
  - b. The purpose or purposes of the disclosure
  - c. The party or class of parties to whom the disclosure may be made
  - d. A statement limiting third party disclosure without parent or adult student consent
2. A record of disclosure will be maintained and kept with the education record of the student for each disclosure of discipline information made pursuant to this policy and File GBGB, other than for disclosure made to the parent or adult student.
3. A record of all other disclosures will also be maintained and kept with the education record of the student for each request for and each disclosure of information from the student's education records or personally identifiable information made, other than requests made by the parent or adult student, school officials as identified in Section D above (unless the disclosure is of discipline information) and disclosure of directory information. Such record will indicate:
  - a. Parties who requested or obtained personally identifiable information from the record
  - b. The legitimate interest these parties had in requesting or obtaining the information
4. The record of disclosure may be inspected by:
  - a. The parent of a non-adult student or adult student

- b. School officials and designated persons responsible for the custody of the records and authorized auditors.

G. Disclosure to the Colorado Commission on Higher Education (CCHE)

On or before December 31 of each school year the District shall disclose to the CCHE the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary education opportunities and higher education admission guidelines as required by state law.

H. Disclosure of directory information

1. The District may disclose directory information without written consent of the parent or adult student. The parent or adult student has the right to refuse to permit the designation of any or all of the categories of information. To exercise this right, the parent or adult student annually will inform the District in writing within 15 calendar days of the date that public notice is given for this right or within 15 calendar days of the date the student enrolls in a District school.
2. Student telephone numbers and addresses are treated as personally identifiable information under this policy and the Colorado Open Records Act and will not be disclosed pursuant to this section without the consent of the parent of a non-adult student or the adult student or as otherwise permitted by law.
3. Addresses and telephone numbers may be provided to any law enforcement agency of Colorado, any other state or the United States where a student is under investigation and the agency shows that such information is necessary to the investigation.

I. Annual notification of rights

1. The District at the beginning of each academic year will notify the parents of non-adults and the adult students of their rights pursuant to this policy and applicable law. Copies of this policy and/or the information contained in the annual notice may be obtained from the Records Management Center any time during normal business hours.
2. The District will make reasonable efforts to provide alternative forms of notice of this information to accommodate parents of non-adult students or adult students who are known to the District to be disabled or whose primary language is other than English in a manner that is reasonably likely to inform them of their rights.
3. Complaints regarding violations of rights accorded parents and adult students pursuant to the Family Educational Rights and Privacy Act may be submitted to the local office of civil rights of the department of education.

J. Waivers

A parent or adult student may waive any or all of his rights protected by this policy. Waiver will not be valid unless in writing and signed by the parent or adult student. The District does not require a waiver but may request a waiver. Any waiver under this provision may be revoked at any time in writing.

- K. It will be the responsibility of all those persons designated to act as custodians of records to exercise reasonable judgment and care in all record transactions. Any individual who violates the provisions of this policy or any applicable student confidentiality law may be subject to disciplinary action, including, but not limited to, termination.

Adopted February 15, 1978  
Revised December 9, 1981  
Revised September 1993  
Revised September 1996  
Revised June 1997  
Revised January 1999  
Revised May 1999  
Revised September 2001  
Revised June 2005  
Revised September 2005  
Revised June 11, 2014

LEGAL REFS.: 10 U.S.C. §503  
20 U.S.C. 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. 7908  
34 C.F.R. 99.1 et seq. (regulations)  
C.R.S. 24-72-204  
C.R.S. 22-1-123  
C.R.S. 22-32-109.3

CROSS REF.: EHC, Educational Technology Resources  
GBGB, Staff Personal Security and Safety  
IMBB, Exemptions from Required Instruction  
JRA/JRC-E, Annual Notification of Parents/Guardians Rights  
JRD, Student Photographs  
KDB, Public's Right to Know/Freedom of Information

Policy Owner: Records Management