Washington County School District
121 West Tabernacle Street
Saint George, Utah 84770
435-673-3553

District Policy 3260

Rights of Privacy (Records)

Files and Records Management Washington County School District - Adopted 8-79; Revised 8-9-93

1. Purpose:

This policy sets forth requirements governing the maintenance and dissemination of information relating to students which assures to students and their parents, privacy consistent with the demands of the Family Rights and Privacy Act of 1974.2. Policy:

2. Policy:

This policy applies to all school and other administrative offices within the District which have the responsibility for the education records of students who are or have been in attendance within the District.

3. Procedure:

3.1. Definitions - The terms used in this policy are defined as follows:

3.1.1. Attendance - Includes but is not limited to:

3.1.2. Attendance in person.

3.1.3. Attendance by correspondence.

3.1.4. The period during which a person is working under a work-study program.

3.1.5. Directory Information - Includes the following relating to a student:

3.1.5.1. Telephone number.

3.1.5.2. Date and place of birth.

3.1.5.3. Major field of study.

3.1.5.4. Participation in officially recognized activities and sports.

3.1.5.5. Weight and height of members of athletic teams.

3.1.5.6. Dates of attendance.

3.1.5.7. Degrees and awards received.

3.1.5.8. The most recent previous educational agency or institution attended.

3.1.5.9. Other similar information.

3.1.6. Disclosure - Permitting access or the release, transfer or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means or by any other means to any party.

3.1.7. Education records are those records which are directly related to a student and which are maintained by a school or other administrative offices within the District. Access, unless prohibited by court order of which the school has knowledge, may be provided to custodial and non-custodial parents.

3.1.8. Parent - Includes a parent, a guardian or an individual acting as a parent of a student in the absence of a parent or guardian. A school principal or other administrators in charge of educational offices within the District may presume the parent has the authority to exercise the rights inherent in this policy unless the school principal or other District administrative officer has been provided with evidence that there is a State law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary.

3.1.9. Party - An individual, agency, institution or organization.

3.1.9.1. The name of a student, the student's parent or other family member.

3.1.9.2. The address of the student.

3.1.9.3. A personal identifier, such as the student's social security number or student number.

3.1.9.4. A list of personal characteristics which would make the student's identity easily traceable.

3.1.9.5. Other information which would make the student's identity easily traceable.

3.1.10. Record - Any information or data recorded in any medium, including, but not limited to, handwriting, print, tapes, film, microfilm and microfiche.

3.1.11. Student - Includes any individual with respect to whom a school or other administrative office within the District maintains educational records.

3.2. District Responsibilities

3.2.1. It shall be the responsibility of the Superintendent of schools to annually notify in writing all parents of students or eligible students in the District of their rights as follows:

3.2.1.1. To inspect and review the educational records of students including at least:

3.2.1.1.1. A statement of the procedure to be followed by a parent or an eligible student who requests to inspect and review the educational records of the student.

3.2.1.1.2. A description of the circumstances in which the District feels it has a legitimate cause to deny a request for a copy of such records.

3.2.1.1.3. A schedule of fees for copies.

3.2.1.1.4. A listing of the types and locations of educational records maintained by the schools and other administrative offices within the District and the titles and addresses of the administrators responsible for those records.

3.2.2. To be assured that personally identifiable information from the educational records of a student will not be disclosed without prior written consent of the parent of the student or the eligible student except to:

3.2.2.1. Other school officials within the District including teachers or other District educational specialists as authorized by the building principals or the Superintendent of schools as having legitimate educational interests.

3.2.2.2. To officials of another school or school system in which the student seeks or intends to enroll when the transfer of the records is initiated by the parent or eligible student within the District.

3.2.2.3. To authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education and Welfare, the Commissioner, the Director of the National Institute of Education or the Assistant Secretary for Education and state education authorities.

3.2.2.4. In connection with financial aid for which a student has applied, or which a student has received if the information was for the purpose of determining the eligibility of the student for financial aid, or if the information was for the purpose of determining the amount of financial aid, or if the information is for the purpose of enforcing the terms or conditions of the financial aid.

3.2.2.5. To states and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to state statutes adopted prior to November 19, 1974.

3.2.2.6. To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, provided that the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and that the information will be destroyed when no longer needed for the purpose for which the study was conducted.

3.2.2.7. To accrediting organizations in order to carry out their accrediting functions.

3.2.2.8. To legal parents of a dependent student.

3.2.2.9. To comply with the judicial order or lawfully issued subpoena.

3.2.2.10. To appropriate parties in a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

3.2.3. To be assured that a record of disclosures of personally identifiable information for the education records of a student will be maintained and that a parent or an eligible student will be permitted to inspect that record.

3.2.4. To be assured that they may seek the correction of education records of the student through a request to amend the records or a hearing and be permitted to place a statement in the education records of the student as provided.

3.2.5. To have assurance that their written consent will be obtained before disclosing personally identifiable information from the education records of a student other than directory information.

3.2.6. To know where copies of this policy may be obtained.

3.2.7. To file complaints concerning alleged failures by the school District to comply with the requirements of this policy.

3.2.8. To have assurance of limitations on redisclosure as follows:

3.2.8.1. 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.

3.2.8.2. With the understanding that the information will be redisclosed to other authorized parties provided that the record-keeping requirements are met in respect to each of those parties.

3.2.8.3. That the party to whom a disclosure is made is fully informed of the requirements relative to the limitations of redisclosure.

3.2.9. To have clearly stated conditions for disclosure of directory information.

3.3. Rights of Students

3.3.1. Age: Whenever a student has attained 18 years of age, 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.

3.3.2. Right to inspect and review educational records: Each school principal or other District administrator responsible for the maintenance of student records shall permit the parent of a student or an eligible student who is or has been in attendance at a school within the District to inspect and review the education records of the student. Administrators within the District shall comply with a request within a reasonable period of time but in no case more than 45 days after the request has been made. This right to inspect and review education records includes:

3.3.2.1. This right to a response from the appropriate administrative or supervisory officials with the District for explanations and interpretations of the records.

3.3.2.2. The right to obtain copies of the records from the school or District office where failure of the school or District official to provide copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the education records.

3.3.2.3. The presumption by a school or District administrator that either parent of the student has authority to inspect and review the education records of the student unless the school or District official 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.

3.3.3. Right to waive rights: A parent of a student or an eligible student may waive any of his/her rights under this policy if the waiver is in writing and is signed by the parent or student as appropriate.

3.3.4. Limitations on waivers:

3.3.4.1. A school or District administrator may not require that a parent of a student or the student to waive his/her rights under this policy.

3.3.4.2. A school or District administrator may request that a parent of a student or the student waive his/her rights under this policy.

3.3.4.3. A waiver, once given, may be revoked but the revocation must be in writing.

3.3.4.4. If a parent of a student executes a waiver under this policy, that waiver may be revoked by the student at any time after he/she becomes an eligible student.

3.3.5. Requests to amend education records:

3.3.5.1. The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate or misleading or violates the privacy or other rights of a student, may request that the school or District administrator which maintains the records amend them.

3.3.5.2. The school or District administrator shall decide whether to amend the educational records of the student in accordance with the request within a reasonable period of time upon receipt of the request.

3.3.5.3. If the school or District administrator decides to refuse to amend the education records of the student in accordance with the request, it shall so inform the parent of the student or the eligible student of the refusal and advise the parent or the eligible student of the right to a hearing.

3.3.6. Right to a hearing:

3.3.6.1. A school or District administrator shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to insure that information in the education records of the student is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student.

3.3.6.2. The hearing shall be conducted according to procedures which shall include at least the following elements:

3.3.6.2.1. The hearing shall be held within a reasonable period of time after the school or District administrator has received the request and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing.

3.3.6.2.2. The hearing may be conducted by any party appointed by the Superintendent, including an official of the school District who does not have a direct interest in the outcome of the hearing.

3.3.6.2.3. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.

3.3.6.2.4. The official conducting the hearing shall present his/her decision in writing within a reasonable period of time after the conclusion of the hearing. The decision of the official shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

3.3.6.3. If, as a result of the hearing, the Superintendent decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, he/she shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student.

3.3.6.4. If, as a result of the hearing, the Superintendent decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, he/she shall inform the parent or eligible student of the 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 with the decision of the Superintendent.

3.3.6.5. Any explanation placed in the education records of the student shall be maintained by the school or District office as part of the educational records of the student as long as the record or contested portion thereof is maintained by the agency or institution. If the education records of the student or the contested portion thereof is disclosed by the school or District administrator to any party, the explanation shall also be disclosed to that party.

Attachment 1 - Form 940 Parental Permission to Review/Obtain Personal Information/Privacy in Testing.