

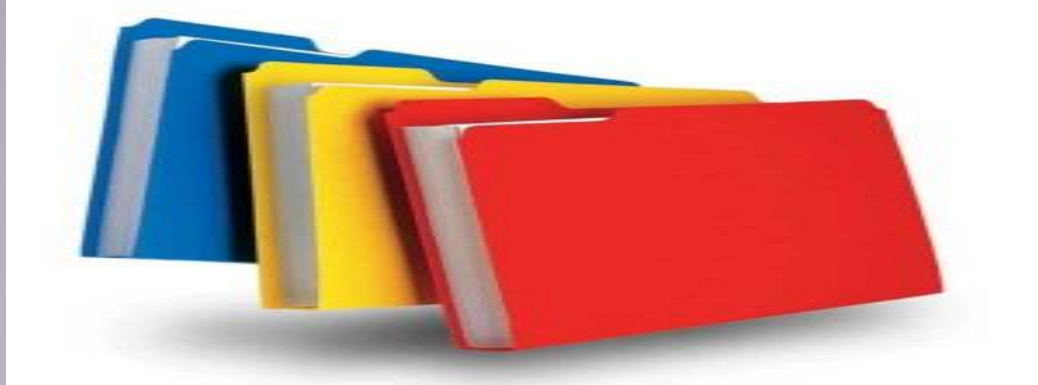
# Policy 4350

Procedures for the Collection,  
Maintenance, and Disclosure of  
Student Data

# Policy 4350

There are specific legal and ethical requirements that school personnel must know and follow concerning the records and information regarding students.

# Purpose of Policy 4350



- **Privacy of education records**
- **Students and parents access**
- **Destruction of records**

# Directory Information

Includes name, address, phone, date and place of birth, major field of study, participation in activities/sports, weight/height of members of athletic teams, dates of attendance, diplomas/awards, most recent school attended, enrollment status, grade level, photograph.

(Parents may opt out.)

# Education Records or Not?

- **Records kept in the sole possession of the maker, used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker**
- **Surveillance videos**
- **Cell phone videos sent to you**
- **Law enforcement records**
- **Harassment complaints**
- **Employment records**

# FERPA and HIPAA

- Health records created by or obtained by a school nurse and maintained by a school or LEA are education records covered by FERPA
- School health clinics not engaged in HIPAA transactions and covered by FERPA are ruled by FERPA, not HIPAA
- Records of mental health providers who are located in schools become education records if placed in school's student files

*(use caution)*

# Parent Rights

In **GENERAL**, either parent has rights to the education records of their children.



# Student Rights

- Rights transfer at 18 years of age  
OR
- Enrollment in a post-secondary institution





# Annual Notification of Rights

## **Must include procedural explanations for:**

- Inspecting and reviewing education records
- Requesting amendment of records
- Consent to disclosures
- Determining who constitutes a school official
- Determining what constitutes a legitimate educational interest

# Annual Notification of Rights

- Designating directory information
- Disclosing education records to another school district
- Requesting a hearing
- Filing a complaint with the US Dept. of Ed

# Right to Inspect and Review Education Records

- Access to education records within 30 days
- Limitations on right to inspect and review education records



# FERPA Enforcement

- Family Compliance Office of the US Dept. of Ed.
- Complaints must be filed within 180 days of the alleged incident
- Examples of complaint issues:
  - Violation of parents' rights to access records
  - Failure to provide an opportunity to amend records
  - Improper disclosure of records
  - A VERBAL disclosure of confidential information

# Maintenance of Records

- Maintain in a secure location
- Computer, WVEIS records are protected by passwords
- Passwords and USER IDs are to be used only by the individual to whom they are designated
- The same rules for paper records apply to electronic records

# Destruction of Education Records

Length of time and special considerations:

- Directory information – perpetuity
- Grades and attendance records – perpetuity
- Federally funded program records – five years after the activity is completed
- Other personally identifiable data which is no longer needed to provide education services may be destroyed
- Must notify parents directly of destruction of Sp. Ed. records
- Public notice of any timelines for maintenance and destruction of student records

# Parent/Adult Student Rights

- Right to request amendment of education records
- Right to a hearing
- Right to file a complaint



# Consent for Disclosure Not Required

- To officials of another school or school system
- To institutions of post-secondary education in which the student seeks or intends to enroll
- In connection with financial aid for which a student has applied or receives
- To comply with a judicial order or lawfully issued subpoena
- Transfer of disciplinary information (18A-5-1A)
- Health and safety issues
- To Attorney General related to Terrorism



# Record of Disclosure Required to be Maintained

An educational agency shall maintain a record kept with the education records of the student that indicates:

- The parties who have requested information from the records
- The date access was given
- The legitimate interest these parties had in requesting or obtaining the information

# Legitimate Educational Interest

- Defined by LEA
- School official has need to know:
  - To perform education or discipline-related tasks for the student
  - To provide services to student or family
  - To perform administrative or other educational responsibilities prescribed by school or LEA

# Other Requirements

- Collection and use of social security numbers
- Release of list of high school students to military recruiters



# Safeguards under Individuals with Disabilities Education Act (IDEA)

- One official assumes responsibility for ensuring confidentiality
- All persons collecting or using personally identifiable information are trained
- Current listing of names and positions of those who have access
- Option to file a state complaint in addition to Family Policy Compliance Office complaint with the US Department of Ed

# Questions?



# For More Information Contact:

- Your school principal
- Lesia Sammons, Coordinator of Counseling and Testing

[lasammon@k12.wv.us](mailto:lasammon@k12.wv.us)

(304) 235-7212