



## Policy 4036 - Student Records

NOTICE OF PARENT AND STUDENT RIGHTS  
FAMILY EDUCATION RIGHTS AND PRIVACY ACT  
20 u.s.c. 1232g

The Piute School District maintains federal education records required by law. A student's school records are private and are protected from unauthorized inspection or use. A cumulative record is maintained for each student from the time the student enters the District until the student withdraws or graduates. This record moves with the student from school to school.

By law, both parents, whether married, separated, or divorced, have access to the records of a student who is a minor or a dependent for tax purposes, as do students who are 18 years of age or older. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of all records for students who have withdrawn or graduated. Records may be reviewed during regular school hours. The records custodian or designee will respond to reasonable requests for explanation and interpretation of the records. The address of the Superintendent's office is:

500 North Main  
Junction, Utah 84740

The address of the principals' offices are:

Piute High School  
555 N. 100 West  
Junction, Utah 84740

Circleville Elementary  
300 South Center  
Circleville, Utah 84723

Oscarson Elementary  
160 West Sevier Ave  
Marysvale, UT 84750

Parents of a minor or a student who is a dependent for tax purposes, the student (if 18 or older), and school officials with legitimate educational interests are the only persons who have general access to a student's records. "School officials with legitimate educational interests" include any employees, agents, or Board Members of the District, or of cooperatives of which the District is a member, or of facilities with which the District contracts for placement of handicapped students, as well as their attorneys and consultants, who are (1) working with the student; (2) considering disciplinary or academic actions, the student's case, or a handicapped student's individual education plan; (3) compiling statistical data; or (4) investigating or evaluating programs.

Certain other officials from various governmental agencies may have limited access to the records. The District forwards a student's records on request to a school in which a student seeks or intends to enroll without the necessity of the parent's permission. Parental consent is required to release the records to

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anyone else. When the student reaches 18 years of age, the right to consent to release of records transfers to the student.

The parent's or student's right of access to and copies of, student records does not extend to all records. Materials such as, but not limited to, teachers' personal notes on a student that are shared only with a substitute teacher and records on former students do not have to be made

available to the parents or students. Students over 18 and parents of minor students may inspect the student's records and request a correction if the records are inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. If the District refuses the request to amend the records, the requester has the right to a hearing. If the records are not amended as a result of the hearing, the requester has 30 school days to exercise the right to place a statement commenting on the information in the student's record. Although improperly recorded grades may be challenged, parents and students are not allowed to contest a student's grade in a course through this process. Parents or students have the right to file a complaint with the U.S. Department of Education if they feel that the District is not in compliance with the law regarding student records.

Copies of student records are available at a cost of \$.05 per page, payable in advance. Parents may be denied copies of student's records (1) after the student reaches age 18 and is no longer a dependent for tax purposes; (2) when the student is attending an institution of postsecondary education; or (3) if the parent fails to follow proper procedures and pay the copying charge.

If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon a written request of the parent, one copy of the record will be provided at no charge.

Certain information about District students is considered directory information. This information will be released to anyone who follows procedures for requesting it, unless the parent objects to the release of any or all directory information about his child. This objection must be made in writing to the principal within ten school days after the issuance of this notice. Directory

information includes: a student's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received in school, and most recent previous school attended.

The District's complete policy regarding student records is available from the principal's or Superintendent's office.

### **Cumulative Records**

Student's records are defined as the complete cumulative history of a student's activity in school-transcript of grades, ACT, and other test scores, health records, counseling records, and permanent files.

- A cumulative record will be kept on each student and contain the following student directory information: Personal data; student's complete name, including adoptive or assumed names, birthdates, address, social security number, any previous school attended, and parents names.
  - Essential medical information.
  - Psychological services received outside the school system, giving data and agency.
  - General aptitude information.
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- Individual test data (test labels and test titles should be used. The examiner should be listed if possible).
  - Group achievement test data.
  - Parent permission information.
  - Student counselors in secondary schools may want to add data regarding:
  - Student's extra curricular participation, achievement awards or honors, weight and height if student is a member of an athletic team.

Piute School District discourages the inclusion of any subjective information in student records which stereotypes students for future educational placement or in terms of their behavior.

### **Statement of Rights**

- Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act (FERPA) and this policy:
- The right to inspect and review the student's education records.
- The right to exercise a limited control over other people's access to the student's education record.
- The right to seek to correct errors in the student's education record--in hearing if necessary.
- The right to report violations of the FERPA to the Department of Health, Education, and Welfare.
- The right to be informed about FERPA rights.
- All rights and protections given parents under the FERPA and this policy transfer to the student when he or she reaches age 18 or enrolls in a post secondary school. The student then becomes an "eligible student."
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by a district school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:
  - Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

### **Locations of Education Records**

- All student records for current students should be located in the principal's office.
- Designated high school personnel have custodial responsibility for student records for five years. At the end of each school year, when records of the most recent graduating class go into storage, records from the sixth year previous are to be sent to the records clerk at the district office.
- All other permanent records are stored at the district office, including records of students who have moved away, or dropped out of school.
- Periodically, at the discretion of the records clerk, former student's permanent records will be sorted, and the oldest, less frequently requested will be microfilmed.

### **Permanent Records**

- Move-outs and Dropouts
  - Upon request, the entire record should be sent to the new school; do not send a copy or keep the original. Forward a copy of the secondary school transcript only to the district office with an explanation.
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- Elementary records that are not requested by the new school should be forwarded to the district office at the end of each school year.
  - A student's counseling, academic and health records are to be kept in one file folder.
  - Records of dropouts are to be forwarded to the district office.

### **Destroying Confidential Material**

After five years, counseling and health records may be destroyed; however, ACT scores and permanent academic records may never be destroyed, although it is not necessary to keep duplicates. Confidentiality must be maintained when destroying records.

### **Requests for Transcripts**

Written requests that come to the school for student records that are no longer stored there, should be forwarded to the records clerk immediately.

Refer telephone requests to the district office, or take down complete information and forward to the records clerk. Complete information means alternate names, correct spellings, date of birth, address where transcript should be sent, and a phone number in case of questions or difficulty in locating the record.

Those who can legitimately request student records are prospective employers, schools where the individual intends to enroll, and the individual, or guardian if under the age of 18.

Student records may not be withheld to force payment of debts to the school.

### **Fees for Copies of Record**

There are no fees for copies of transcripts for current or former students of Piute School District.

### **Procedure to Inspect Education Records**

Parents of students and eligible students may inspect and review the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The principal (or other custodian) will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.

If for any valid reason such as working hours, distance between record location sites, or health, a parent or eligible student cannot personally inspect and review a student's education record, the Piute School District will arrange for the parent or eligible student to obtain copies of the record.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students.

### **Use of Student Education Records**

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To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The Piute School District will use the following criteria to determine who school officials are. An official is:

- A person duly elected to the school board.
- A person certified by the State and appointed by the school board to an administrative or supervisory position.
- A person certified by the State and under contract to the school board as an instructor.
- A person employed by the school board as a temporary substitute for administrative, supervisory, or instructional personnel for the period of his or her performance as a substitute.
- A person employed by or under contract to the school board to perform a special task such as a secretary, a clerk, the school board attorney or auditor of the period of his or her performance as an employee or contractor.

School officials who meet the criteria listed above will have access to a student's records if they have a legitimate educational interest in doing so. A "legitimate educational interest" is the person's need to know in order to:

Perform an administrative task required in the school employee's position description approved by the school board.

Perform a supervisory or instructional task directly related to the student's education.

Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.

The Piute School District will only release information from or permit access to a student's education record with a parent or eligible student's prior written consent except that the school superintendent or a person designated by the superintendent may permit disclosure.

When certain federal and state officials need information in order to audit or enforce legal conditions related to federally supported education programs in the district.

To parties who provide or may provide financial aid to a student to:

- Establish the student's eligibility for the aid. Determine the amount of financial aid.
- Establish the conditions for the receipt of the financial aid.
- Enforce the agreement between the provider and the receiver of financial aid.

If a State law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to State or local officials.

When the Piute School District has entered into a written agreement or contract for an organization to conduct studies on the school district's behalf to develop tests, administer student aid, or improve instruction.

To accrediting organizations to carry out their accrediting functions.

To parents of eligible students if the parents claim the student as a dependent as defined by the Internal Revenue Code of 1954.

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To comply with a judicial order or lawfully issued subpoena. The district will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision.

If the disclosure is an item of directory information and the student's parent or the eligible student has not refused to allow the district to designate that item as directory information for that student.

The Piute School District will permit any of its officials to make the needed disclosure from student education records in a health or a safety emergency if:

- He or she deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons.
- The information is necessary and needed to meet the emergency.
- The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency.
- Time is an important and limiting factor in dealing with the emergency.

Piute School District officials may release information from a student's educational record if the student's parent or the eligible student gives his prior written consent for the disclosure. The written consent must include at least:

- A specification of the records to be released.
- The reason for the disclosure.
- The person or the organization or the class of persons or organizations to whom the disclosure is to be made.
- The parent or student's signature.
- The date of the consent and, if appropriate, a date when the consent is to be terminated.
- The student's parent or the student may obtain a copy of any records disclosed under this provision.

### **Records of Requests for Access and Disclosures Made from Education Records**

The Piute School 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 will be kept with, but will not be a part of, each student's Cumulative School Records. It will be available only to the record custodian, the eligible student, the parent of the student, or to federal, state, or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record will include at least:

- The name of the person or agency that made the request.
- The interest the person or agency had in the information.
- The date the person or agency made the request.
- Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The district will maintain this record as long as it maintains the student's education record.

The record will not include requests for access or access granted to parents of the student or to an eligible student, requests for access or access granted to officials of the Piute School District who have a legitimate educational interest in the student, requests for or disclosures of information contained in the student's education record if the request is accompanied by the prior written consent of a parent of the

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student or the eligible student or the disclosure is authorized by such prior consent, of for requests for, or disclosures of directory information designated for that student.

### **Procedures to Seek to Correct Education Records**

Parents of students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading or in violation of student rights. (Note: Under the FERPA, the district may decline to consider a request to change the grade a teacher assigns for a course).

For the purpose of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is inaccurate, misleading, or in violation of student rights. The term "correct" will be used to describe a record that is accurate, not misleading, and not in violation of student rights. Also, in this section, the term "requester" will be used to describe the parent of a student or the eligible student who is asking the school district to correct a record.

To establish an orderly process to review and correct an education record for a requester, the district may make a decision to comply with the request for change at several levels in the procedure.

#### **First level decision:**

When a parent of a student or an eligible student finds an item in the student's education record which he or she believes is inaccurate, misleading or in violation of student rights, he or she should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at his level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, he will:

- Provide the requester a copy of the questioned record at no cost. Ask the requester to initiate a written request for the change, and Follow the procedure for a second level decision.

#### **Second level decision**

The written request to correct a student's education record through the procedure at this level should specify the correction the requester wishes the district to make. It should at least identify the item the requester believes is incorrect and state whether he or she believes the item:

- Is inaccurate and why,
- Is misleading and why, or Violates student rights and why.

The request will be dated and signed by the requester.

Within two weeks after the record custodian receives a written request, he or she will: study the request, discuss it with other school officials (the person who made the record or those who may have a professional concern about the district's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the record should be corrected, he will effect the change and notify the requester in writing that he has-made the change.

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Each such notice will include an invitation for the requester to inspect and review the student's education record to make certain the record is in order and the correction is satisfactory.

If the custodian decides the record is correct, he will make a written summary of any discussions with other officials and of his findings in the matter. He will transmit this summary and a copy of the written request to the school superintendent.

**Third level decision:**

The school superintendent will review the material provided by the record custodian, and if necessary, discuss the matter with other officials such as the school attorney or the school board (in executive session). He will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the superintendent decides the record is incorrect and should be changed, he will advise the record custodian to make the changes. The record custodian will advise the requester of the change as he would if the change had been made at the second level.

If the superintendent decides the record is correct he will prepare a letter to the requester which will include:

- The school district's decision that the record is correct and the basis for the decision.
- A notice to the requester that he or she has a right to ask for a hearing with the board of education to present evidence that the record is incorrect and that the district will grant such a hearing.
- Instructions for the requester to contact the superintendent, or an official he designates, to arrange for a date, time, and place for the hearing with the board of education.
- Advice that the requester may be represented or assisted in hearing by other parties, including an attorney at the requester's expense.

**Fourth level decision:**

After the requester has submitted (orally or in writing) his wishes concerning the date, time, and place for the hearing, the superintendent will, within a week, notify the requester when and where the district will hold the hearing.

At the hearing, the board will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect as shown in the requester's written request for a change in the record (second level).

- Within one week after the hearing, the requester will be furnished with a written copy of the board's decision. As a result of the district's decision, the superintendent will take one of the following actions:
  - If the decision is that the district will change the record, the superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second level decision.
  - If the decision is that the district will not change the record, the superintendent will prepare a written notice to the requester which will include:
  - The school district's decision that the record is correct and will not be changed.
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- A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the district's decision.
  - Advise to the requester that he or she may place in the student's education record an explanatory statement which states the reasons he or she disagrees with the school district's decision and/or the reasons he or she believes the record is incorrect.

**Final Administration Step in the Procedure**

When the school district receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education record as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record and whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.

Revised 4/14/20

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