



Book	Policies
Section	08000 Records Access and Management
Title	Student Records
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A. Education Records

For the purposes of this policy, the term "education defined records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution

The term "education records" does not include:

1. Records that contain only information about a student after he or she is no longer a student in the District.
2. Records made by district personnel that are kept in the sole possession of the maker and are not accessible or revealed to anyone other than a temporary substitute for the maker of the records. 20 U.S.C. § 1232g(a)(4)(2)

B. List of Types and Locations

The District shall maintain a list of types and locations of information of education records and of the titles and addresses of the officials responsible for those records. 34C.F.R. §99.6

C. Screening Records

The Principal of each school shall maintain records of screening for special senses and communication disorders and spinal screening for each student in the school. Records shall be open for inspection by the state or local health department. Individual screening records may be transferred among schools in accordance with provisions below concerning access by other persons.

D. Immunization Records

The District shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by representatives of local health departments or the Utah Department of Health. The District shall cooperate with other districts in transferring students' immunization records between schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers.

E. Assessment Records

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by the District are confidential and may be made available only to the student, the student's parents or guardian, and to the school personnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by school and District and made available to the public, with appropriate interpretations, at the regularly scheduled Board meetings. The information may not contain the names or other identifying information of individual students or teacher.

F. Academic Achievement Record

The District shall maintain a student academic record achievement record on each student enrolled in the District. This record shall reflect courses of studies completed and shall substantiate the fulfillment of course requirements toward qualifying for high school graduation. A copy of this record shall be furnished each student transferring to another school district.

G. Access to Education Records

1. Access to the education records of a student who is or records has been in attendance at a school in the District shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes. "Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. 34 C.F.R. § 99.3 (2006)
2. The District shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. 34 C.F.R. § 99.4 (2006)
3. Whenever a student has attained 18 years of age or is attending an institution of post-secondary education, the rights accorded to, and consent required of, parents regarding the student's education records transfer from the parents to the student. 34 C.F.R. § 99.5(2006)

H. Request Procedure

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. The District shall respond to reasonable requests for explanations and interpretations of the records. 34 C.F.R. § 99.10

I. Access by Other Persons

1. Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following:
 - a. School officials, including teachers, who have legitimate educational interest. An administrator or teacher is entitled to access to student's medical records maintained by the District only if he or she has completed in-service training on HIV infections.
 - b. Officials of other schools or school systems in which the student seeks or intends to enroll, provided that the District either:

1. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
2. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent.)

In either case, the District shall furnish a copy of the transferred records to the parent if requested, and give the parent an opportunity for a hearing to challenge the content of the record.

- c. Authorized representatives of the Comptroller General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal or state-supported education programs or in connection with the enforcement of or compliance with the federal legal requirements that relate to such programs. 34 C.F.R. §§ 99.31, 35 (2006)
- d. Personnel involved with a student's application for, or receipt of financial aid.
- e. State and local officials to whom such information is specifically required to be reported or disclosed by state statute.
- f. Organizations conducting studies for educational agencies or for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies. Such information must be destroyed when no longer needed for the original purposes of the studies.
- g. Accrediting organizations that require the information for purposes of accreditation.
- h. Parents of student who is a dependent for tax purposes.
- i. Appropriate persons who, in an emergency, must have such information in order to protect the health or safety of the student or other person.
- j. Any person requesting directory information, as defined in local policy, after the District has given public notice of the definition. 34 C.F.R. §§ 99.31, 37 (2006)

Information may also be released in compliance with a judicial order or subpoena provided that the District makes a reasonable effort to notify the parent and student of the order or subpoena in advance of compliance. 34 C.F.R. § 99.31 (2006)

J. Transfer Not Permitted

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent.

K. Notice of behavior that may threaten safety

1. Notwithstanding any other provision of this policy, in the event a student is expelled for a period of more than ten (10) days for use or distribution of alcohol or a controlled substance, or for possession of an incendiary device or firearm, a record stating the cause of expulsion shall be created and provided only to the following persons:
 - a. The Principal and Vice-Principal over students in any alternative educational setting where the student will be educated;
 - b. Any teachers of the student in the alternative education placement; and
 - c. Counselors in any school where the student attends who may provide counseling services to the student.

If appropriate, the record shall state also any appropriate precautions to be observed in the education of the student.

2. The Board finds that dissemination of such information to those persons identified is necessary to provide an appropriate and safe education to the student or the District. The District shall not provide copies of such private records to any persons except those identified by the parent or legal guardian of the student without a court order.
3. If the student is being educated pursuant to an Individual Education Program, then that student's education records shall be considered by the Individual Education Program Team to determine an appropriate placement in the least restrictive environment consistent with safety and well-being of all students in the District.
4. A copy of this policy shall be made available to parents and students upon request.

L. Record of Access to Student Record

1. Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records. The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the District maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. 20 U.S. C. §1232g(b)(A)(2002)
2. The record shall not include requests for access by, or access granted to, parents of the student or officials of the District, requests accompanied by prior written consent of the parent, or requests for directory information. 34 C.F.R. §99.32

M. Right to Amend Records

1. The parent of a student whose records are covered by this policy may ask the District to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If the District decides not to amend the education records requested, it shall inform the parent of its decision and the right to a hearing to challenge the content of the student's education records.
2. If the District decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the District decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the District. Any explanation shall be maintained with the contested part of the record as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed. 34 C.F.R. § 99.20, 21 (2006)

N. Annual Notification of Rights

1. The District shall give parents of students in attendance and eligible students annual notification of their rights under the Family Educational Rights and Privacy Act of 1974 and of the places where copies of this policy may be located, including notice of the right to file complaints concerning alleged failures by the District to comply with the provisions of the Act.
2. A Notification similar to the following shall be used to provide the annual notice required by this policy.

O. Notice of Parent and Student Rights (Family Education Rights and Privacy Act, 20 USC § 1232g)

1. The Tooele County School District maintains general 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.
2. 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.
3. The principal is custodian of all records for currently enrolled, withdrawn and graduated students at the assigned school. Records may be reviewed during regular school hours. The record custodian or designee will respond to reasonable requests for explanation and interpretation of

the records. The addresses of the schools are:

Anna Smith Elementary PO Box 879 Wendover, UT 84083	Copper Canyon Elementary 1600 N Broadway Tooele, UT 84074	Dugway School (K-12) Bldg. 5010 School Street Dugway, UT 84022
Grantsville Elementary 50 South Park Street Grantsville, UT 84029	Ibapah Elementary 116 Eagle's Nest Ibapah, UT 84034	Middle Canyon Elementary 751 East 1000 North Tooele, UT 84074
Northlake Elementary 268 North Coleman St. Tooele, UT 84074	Old Mill Elementary 130 E Brigham Road Stansbury Park, UT 84074	Preschool Program 555 East Vine Street Tooele, UT 84074
Overlake Elementary 2052 North 170 West Tooele, UT 84074	Rose Springs Elementary 5349 N Insubrook Place Stansbury Park, UT 84074	Settlement Canyon Elem 935 W. Timpie Road Tooele, UT 84074
Stansbury Park Elementary 485 Country Club Stansbury Park, UT 84074	Sterling Elementary 135 S. Seventh Street Tooele, UT 84074	Vernon Elementary 70 North Main Vernon, UT 84080
West Elementary 451 West 300 South Tooele, UT 84074	Willow Elementary 439 So. Willow St. Grantsville, UT 84029	Tooele Junior High 411 West Vine Street Tooele, UT 84074
Blue Peak High 211 S. Tooele Boulevard Tooele, UT 84074	Blue Peak Online 211 S. Tooele Boulevard Tooele, UT 84074	Clarke N. Johnsen Junior High 2152 North 400 West Tooele UT 84074
Grantsville High 155 E Cherry St. Grantsville, UT 84029	Grantsville Jr. High 318 South Hale St. Grantsville, UT 84029	Stansbury High 5300 North Aberdeen Lane Stansbury Park, UT 84074
Tooele High 301 W. Vine St. Tooele, UT 84074	Tooele Junior High 411 West Vine St. Tooele, UT 84074	Wendover High PO Box 610 Wendover, UT 84083

4. Parents of a minor child 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.
5. 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 anyone else. When the student reaches 18 years of age, the right to consent to release of records transfers to the student.
6. 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.
7. 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 students privacy or other rights. If the District refuses the request to amend the records, the requestor has the right to a hearing. If the records are not amended as a result of the hearing, the requestor 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.
8. Copies of student records are available at a cost of \$1.00 for the first page and \$.25 per page thereafter, 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 post-secondary 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 written request of the parent, one copy of the record will be provided at no charge.
9. 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, participating 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.
10. The District's complete policy regarding student records is available from the Principal's or Superintendent's office.

20 U.S.C. § 1232g(e)
34 C.F.R. § 99.7

P. Director Information

The District may release information if it has given public notice of:

1. The types of personally identifiable information that it has designated as directory information.
2. The right of the parent to refuse to permit the District to designate any or all of the information about the student as directory information.
3. The period of time within which the parent must notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.

34 C.F.R. § 99.37 (2006)

Q. Fees for Copies

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis. 34 C.F.R. § 99.11

R. Records of Students with Disabilities

The District shall permit parents to inspect and review Education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities.

34 C.F.R. §300.562(a)(2006)

S. Access Rights to Records for Students with Disabilities

In addition to policies applicable to all student records, the following guidelines shall apply when parents request to review or inspect District records relating to the education of their child with a disability:

1. Parents may request that a representative inspect and review the records. 34 C.F.R. §300.562(b)(3)(2006)
2. The District shall comply with a requested request without unnecessary delay and before any meeting regarding an individual education plan (IEP) or hearing relating to the identification, evaluation, or placement of a child. 34 C.F.R. §300.562(a)(2006)
3. The District shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees) including name, date of access, and the purpose for which the person is authorized to use the records. 34 C.F.R. §300.563(2006)

T. Access Records

The date of access shall be included in the access record. 34 C.F.R. §300.562(a)

U. Parental Consent to Use of Information of Students with Disabilities

1. Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act (IDEA) or disclosed to anyone other than officials of agencies collecting or using this information. The District may not release information from these records without parental consent except as provided in the Family Educational Rights and Privacy Act (FERPA). 34 C.F.R. §300.571(2006)
2. No student shall be required to submit to psychiatric examination, testing or treatment of which the primary purpose is to reveal information concerning:
 - a. Political affiliations;
 - b. Mental or psychological problems potential embarrassing to the student or the student's family;
 - c. Sex behavior and attitudes;
 - d. Illegal, anti-social, self-incriminating or demeaning behavior;
 - e. Critical appraisals of close family members;
 - f. Any legally privileged information;
 - g. Income (except as required to receive financial assistance for fee waivers); and
 - h. Religious affiliations or beliefs. Unless the District has first obtained the written consent of the parent or guardian of the student (unless the student is 18 years of age). The parent shall be notified in writing of the means and purposes of the testing and the person(s) doing the testing at least two weeks, but not more than five months, before information protected by this policy is sought. UCA 53A-13-302(1)

V. Confidentiality

The District shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records relating to students with Disabilities. One official in the District shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. The District shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. 34 C.F.R. §300.572(2006)

W. Destruction of Information

The District shall inform parents when personally identifiable information pertaining to education of a student with a disability is no longer needed to provide educational services to the student. Such information shall be destroyed on request of the parent. A permanent record of the student's name, address, and phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limit. 34 C.F.R. § 300.573(2006)

X. Comprehensive System

The Superintendent shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school personnel.

Y. Cumulative Record

1. A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.
2. This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for non-enrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent.

Z. Custodian of Records

The Principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of records for student who have withdrawn or graduated. The student handbook distributed annually to all students and parents shall contain a listing of the addresses of District schools, as well as the Superintendent's business addressTypes and Locations of Records

AA.

Each record custodian, at the location listed in the student handbook, shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluation.
4. Health services record, including:
 - a. The results of any tuberculin tests administered by the District.
 - b. The findings of screening or health appraisal programs the District conducts or provides.
 - c. Information and follow-up to ensure the parents have been notified of identified problems and of how they can obtain needed services for the students.
 - d. Immunization records.
 - e. Attendance records.
 - f. Student questionnaires.
 - g. Records of teacher, counselors or administrative conferences with the student or pertaining to the student.
 - h. Verified reports or serious or recurrent behavior patterns.
 - i. Copies of correspondence with parents and other concerned with the student.
 - j. Records transferred from other districts the student has been enrolled in.
 - k. Records pertaining to participation in extracurricular activities.
 - l. Information relating to student participation in special programs.

- m. Records of fees assessed and paid.
- n. Other records that may contribute to an understanding of the student

BB.

The cumulative record shall be made available to the parent. Records may be reviewed during regular school hours upon written request to the record custodian. The record custodian or designee shall be present to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and the records shall be restricted to use only in the Superintendent's, Principal's, or counselor's office, or other restricted area designated by the record custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school

CC.

Directory information shall include a student's name, address, telephone listing, 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, awards received, and the most recent previous school attended by a student.

DD.

Directory information shall be released to any individual or organization that files a written request with the Superintendent or designee.

EE.

Student Rights

Whenever a student has attained 18 years of age or is attending an institution of post-secondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

FF.

Access by School Officials

1. For the purposes of this policy, "school officials" shall mean any employees, trustees, or agents of the District, of cooperatives of which the District is a member, or of facilities with which the District contracts for placement of handicapped students. The term also includes attorneys, consultants, and independent contractors who are retained by the District, by cooperatives of which the District is a member, or by facilities with which the District contracts for placement of handicapped students.
2. School officials have a "legitimate educational interest" in a student's records when they are working with the student, considering disciplinary or academic actions, or developing a handicapped student's individualized education program; compiling statistical data; or investigating or evaluating programs.

GG.

Access by Parents

Parents may be denied copies of records after the student reaches age 18 and is no longer a dependent for tax purposes, when the student is attending an institution of post-secondary education, or if they fail 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 written request of the parent, one copy of the record shall be provided at no charge.

HH.

Fee for Copies

Copies of records are available at a per copy cost, payable in advance, as specified in the annual notice to parents of their privacy rights.

II.

Transcripts and Transfer of Records

1. The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.
2. The District shall promptly forward education records upon request to officials of other schools or school systems in which the student intends to enroll.

UCA §53A-11-504 (2007) UCA §53A-11-502(1998)

JJ.

Records Responsibilities for Students with Disabilities

1. The official responsible for ensuring the confidentiality of any personally identifiable information in records of students with disabilities shall be the Superintendent.
2. A current listing of names and positions of persons who have access to such student records is maintained at the office of the Superintendent.

KK.

Procedure to Amend Records

1. Within 15 school days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten school days after the request is received. Parents shall be notified in advance for the date, time, and place of the hearing.
2. An administrator appointed by the superintendent who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence, and at their own expense, may be assisted or represented at the hearing. The parents shall be notified of the decision in writing within ten school days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 school days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.