

I. DEFINITIONS

For the purposes of this policy, the Lordsburg Municipal Schools use the following definitions of terms.

Student: Any person who is enrolled and attends or has attended a school in the district.

Eligible Student: A student or a former student who has reached age 18 or is attending post-secondary school.

Parent: Either natural parent of a student, a guardian, or an individual authorized to act as a parent or guardian in the absence of the student's parent or guardian.

School Official: A person employed by the district as an administrator, supervisor, instructor, or support staff member, including health or medical staff; a person elected to the school board; a person employed by or under contract to the district to perform a special task, such as an attorney, auditor, medical consultant, or therapist; a person who is employed by the district for law enforcement purposes.

Legitimate Educational Interest: An interest is deemed legitimate if the school official is performing a task that is specified in his or her job description or by contractual agreement in connection with the operation, maintenance, management, or programs and functions of the school district; performing a task related to the student's education; performing a task related to the discipline of a student; providing a service or benefit relating to the student or student's family, such as healthcare, counseling, job placement, or financial aid; maintaining the safety and security of the campus.

Education records: Any record (in handwriting, print, tapes, film, or other medium) maintained by the district, or an agent of the district which contains information directly related to a student *except*:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records created and maintained by the district for law enforcement purposes.
3. An employment record which relates exclusively to an individual in his or her capacity as an employee of the district and which is not available for other use.
4. Alumni records which contain information about a student after he or she is no longer in attendance at the district and do not relate to the person as a student.

II. MAINTENANCE OF RECORDS

The district shall maintain a cumulative record folder for each student attending its schools. The cumulative record folder shall contain all the education records identified in the definition above and not include any record that qualifies as an exception to the definition.

The following types of files shall be considered education records and shall be included in the cumulative file:

1. Identification information, including name, sex, race, birthplace, and birth date;
2. Family data;
3. Medical health records and emergency medical information;
4. Attendance records;
5. Academic or scholastic records;
6. Standardized test scores;
7. Records of educational or vocational plans;
8. Records of interests, activities and honors;
9. Teacher evaluations, if shared with anyone else;
10. Counselor evaluations, if shared with anyone else;
11. Information pertaining to special services provided for students;
12. Records of incidents of unsatisfactory behavior or imposition of discipline.

Records that may be purged shall be removed from the record and properly disposed of unless a request for a review by a parent or student is pending. At a minimum, the student's record shall be reviewed for records to be purged when the student has completed elementary school, junior high school, and high school. Records which may be purged include those previously designated as such.

The following is a list of the types of records that the district maintains, their locations, and their custodians.

<u>TYPES</u>	<u>LOCATION</u>	<u>CUSTODIAN</u>
Cumulative School Records (Current Students)	Current School	Principal

Cumulative School Records (Former Students)	Lordsburg High School	Principal
Health Records	Current School	District Nurse
Speech Therapy Records/ Psychological Records	Central Elementary School	Sp. Ed. Coord.
School Transportation Records	R.V. Traylor Elem. School	Transp. Dir.
Standardized Test Records	Current School	Principal

III. METHOD OF ANNUAL NOTIFICATION

In compliance with 34 C.F.R. Section 99.7 of the regulations adopted pursuant to the Federal Educational Rights and Privacy Act, parents shall be notified of their rights under such statute by:

1. Annual publication in student handbook ,
2. Distribution of individual parent information packets,
3. Letter sent via U.S. Mail at the beginning of the academic year.

The notice shall be in a form substantially similar to that included in the Forms and Procedures section of the official board policy manual.

IV. PROCEDURES FOR INSPECTING EDUCATION RECORDS

Parents of students or eligible students may inspect and review the student's education records upon request.

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 appropriate school authority) will make needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. Access must be given in 45 days or less from the date of receipt of the request.

Parents or eligible students who wish to inspect records and who live within 50 miles of the place where the records are kept must do so at a place designated by the district. After inspection, the parent or eligible student may request copies of the records inspected. Parents or eligible students who live farther than 50 miles from the place where the records are kept may request copies of the records without first inspecting them at the district's designated place. In such a case, the district will copy the records at the requestor's expense and mail the records by registered mail, return receipt requested.

A school official competent in interpreting student records shall be present to explain the implications of the records that are examined.

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 portion of the record which pertains to other students. At the discretion of school officials, the names of the students may be excised or deleted from the record in order to permit inspection.

V. REFUSAL TO PROVIDE COPIES

The district reserves the right to deny a parent or eligible student a copy of the student's education records in the following circumstances, unless failure to provide a copy would effectively prevent the parent or eligible student the right to inspect and review education records:

1. The parent or student has an unpaid financial obligation to the district.
2. The education record requested is an exam or set of standardized test questions, covered by the publisher's restriction or copyright.

VI. FEES FOR COPIES OF RECORD

The fee for copies requested of education records shall not exceed 10¢ per page which includes copy time and postage.

VII. DISCLOSURE OF EDUCATION RECORDS

The district will disclose information from a student's education records only with the written consent of the parent or eligible student, except that the district may disclose or permit inspection or disclosure without consent when disclosure is for reasons enumerated below:

1. To school officials who have a legitimate educational interest in the resources, including for purposes related to financial aid.
2. To officials of another school, upon request, in which a student seeks or intends to enroll. In such a case, the parent or eligible student shall receive notices of the request.
3. To certain officials of the U.S. Department of Education, the Comptroller General, the state and local educational authorities, in connection with an audit or evaluation of certain state or federally-supported education programs.
4. In connection with a student's request for a receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the conditions of the aid.

5. To state and local officials or authorities if specifically required by state law adopted before November 19, 1974.
6. To organizations conducting education-related studies for or on behalf of the district.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student if the student is a dependant for tax purposes.
9. To comply with a judicial order or a lawfully issued subpoena. In such a case, school officials shall make reasonable efforts to notify the parent or eligible student to permit them to challenge disclosure if desired.
10. To appropriate parties in a health or safety emergency, or in connection with any investigation of child abuse or neglect if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
11. State and local authorities, within a juvenile justice system, pursuant to specific state law.
12. The disclosure is to an alleged victim of any crime of violence, as that term is defined in Section 16 of Title 18, United States Code, of the results of any disciplinary proceeding conducted by an institution of post-secondary education against the alleged perpetrator of that crime with respect to that crime.
13. To individuals requesting directory information as designated by the district.

VIII. RE-DISCLOSURE

An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

IX. RECORD OF REQUEST FOR DISCLOSURE

The district will maintain a record of all requests for and/or disclosures of information from a student's education records. The record shall be kept in each student's cumulative file and shall indicate the name of the party making the request, any additional information regarding to whom the information may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parent or eligible student.

X. DIRECTORY INFORMATION

The district designates the following items as directory information: student's name, parent's name, address, telephone number, electronic mail address, date and place of birth, major field of study, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended and student's photograph. For purposes related to the education of students and in accordance with the Family Educational Rights and Privacy Act (FERPA), the district may disclose any of those items at administrative discretion without prior written consent, unless notified in writing to the contrary within 14 calendar days from the first day of the academic year.

Dates of attendance shall be construed to mean periods of time such as academic years, semesters, or quarters. The term does not include specific daily records of attendance.

XI. CORRECTION OF EDUCATION RECORDS

Parents or eligible students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. The following procedures apply to request for correction of records:

1. Parents or the eligible student must ask the district to amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy rights.
2. The district may comply with the request or it may decide not to comply. If it decides not to comply, the district will notify the parents or eligible students of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's privacy rights.
3. Upon request, the district will arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the district. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issue raised in the original request to amend the student's education records. The parents or student may be assisted by one or more individuals, including an attorney.

5. The district will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the district decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the parents or eligible student, in writing, that the record has been amended.
7. If the district decides that the challenged information is not accurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have right to place in the record a statement commenting on the challenged information and/or statement setting forth reasons for disagreeing with the decision.
8. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the district discloses the contested portion of the record, it must also disclose the statement.

XII. WAIVER OF RIGHTS

Parents of a student or an eligible student may waive any of their rights under this policy. A waiver of rights must be in writing, must be by the parent or the student, and must specify those rights intended to be waived. A waiver is effective until revoked in writing. If a parent executes a waiver, the student may revoke it upon turning 18 years of age.

XIII. COMPLAINTS

A parent or eligible student may file a written complaint with the Family Policy Compliance Office regarding an alleged violation of the Federal Education Rights and Privacy Act. The Office's address is: Family Policy and Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.