



Student Confidential Information - AR

2.7(1)

A. Purpose and Scope

It is the intent of City Schools of Decatur to maintain secure, accurate, and complete records for each enrolled student. Confidentiality of student records shall be preserved in compliance with the Family Educational Rights and Privacy Act (FERPA), the Protecting Pupil Rights Amendment (PPRA), the Individuals with Disabilities Education Act (IDEA), and other relevant laws. The Executive Director of Information Services shall ensure this administrative regulation remains compliant with relevant laws.

B. Definitions

Except as clarified below, City Schools of Decatur shall use the definitions provided in FERPA and PPRA for terms related to this administrative regulation.

- *Directory information* is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. City Schools of Decatur defines the following as directory information: student's name, address, telephone number, date and place of birth, participation in official clubs and sports, height and weight of students who are involved in official athletics, grade level, school name, dates of attendance in City Schools of Decatur, awards received while attending City Schools of Decatur, and media recordings (including video and film footage and photographs).
- *Eligible students* are students to whom rights otherwise reserved to parents/guardians transfer when that student is either aged 18 or older, attending a postsecondary school, or is younger than 18 and emancipated.

C. Notice

The Executive Director of Information Services shall develop a means reasonably likely to notify parents/guardians and eligible students of their privacy rights under FERPA and other relevant laws on an annual basis. This notice shall not fail to include

- The data elements considered directory information; and
- Directions to opt out of information disclosures required by law

The Director of Special Education shall ensure parents/guardians and eligible students referred to or served under IDEA are informed of IDEA's confidentiality provisions.



D. Access to and disclosure of student information

1. Review by parents/guardians or eligible students

Parents/guardians or eligible students shall be permitted to review the student's education record within 45 calendar days of submitting a written request to do so with the student's principal. In circumstances where the law requires more rapid production, such as some conditions under IDEA, City Schools of Decatur shall comply with the more rapid timeline. Unless otherwise court-ordered and conveyed to City Schools of Decatur, non-custodial parents have the same right to access education records as custodial parents. Principals shall make reasonable effort to have staff available to assist parents/guardians and eligible students to understand and interpret the contents of the educational record.

Parents/guardians or eligible students shall be provided a photocopy of the student's education record within 45 days of making a written request to the student's principal. The school may opt to charge a fee for copies not to exceed \$0.10/page. Official high school transcripts for e.g. college and scholarship applications are not accessible via an education records request; procedures to access them are managed through the school. When parts of a record cannot be reproduced due to copyright licensing restrictions, the parent/guardian or eligible student will be informed of the record's omission and provided the opportunity to review the record in person; they will not be able to take pictures of, reproduce, or create verbatim copies of those items.

Each principal shall ensure a dated log is maintained for each student enrolled in their school indicating the persons to whom access to and/or a copy of that student's educational record has been provided.

2. Disclosure to third parties

Except as required or permitted under law, personally identifiable information as defined under FERPA from an education record shall not be released by City Schools of Decatur without prior written consent of the parent/guardian or eligible student.

Federal law requires school systems to (1) provide, upon request by a military recruiter or institution of higher education, access to secondary school students' names, addresses, and telephone numbers; and (2) disclose to any third party upon request any student information identified as directory information. The annual notice of parent/guardian and eligible student rights shall include directions to opt out of (1) and/or (2). A parent/guardian or eligible student "opt out" must be received in writing by the student's principal within 10 days of the student's



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first day of school that school year. A parent/guardian's or eligible student's "opt out" will remain in effect until 10 days after the beginning of the following school year.

From time-to-time, requests for student information, photographs, etc. are made by organizations affiliated with the school system but that are not under the direction or control of the system, such as a PTA. In those circumstances, CSD may assist the organization in requesting an information/media release from the parent/guardian before providing the requested information.

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or eligible student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information.

City Schools of Decatur uses several third-party websites, services, and applications. No later than August 2019, the Executive Director of Information Services shall develop and maintain a process to evaluate such services' adherence to privacy best practices and make recommendations to staff on which services are appropriate.

E. Collection of confidential information

City Schools of Decatur shall request, collect, and store confidential information (1) required to do so by law; (2) necessary to provide safety and security to students, staff, and visitors; and (3) necessary to deliver an effective instructional program.

City Schools of Decatur shall comply with PPRA's requirements regarding students' participation in surveys, analyses, or evaluations that reveal information concerning:

- Political affiliations or beliefs of the student or the student's parent/guardian;
- Mental or psychological problems of the student or the student's family;
- Sexual behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- Income (other than required by law to determine eligibility for participation in a program for receiving financial assistance under such program).



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A parent/guardian of a student may, upon request, inspect any survey created by a third party containing one or more of the items listed above before the survey is administered or distributed by a school to a student and may choose to opt the student out of participation in the survey. In consultation with the Executive Director of Student Support Services, each principal shall develop procedures for: (1) granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received, and (2) making arrangements to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the items listed above. The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA).

The parent/guardian of a student shall be notified prior to the commencement of activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose). Such notice shall offer the parent the opportunity to inspect, upon request, any instrument used in the collection of such information before the instrument is administered or distributed to a student and to opt the student out of such activities. Each principal shall develop procedures that: (1) make arrangements to protect student privacy in the event of such collection, disclosure, or use; and (2) grant a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

F. Amending records

A parent/guardian or eligible student who believes the student's record contains an error that is inaccurate, misleading, or otherwise in violation of the student's privacy rights may request its correction by submitting a written explanation of the error and the basis for believing it to be in error to the principal. Upon receipt of a request to amend an education record, the principal shall, within a reasonable period of time not to exceed 30 calendar days, investigate and determine whether to amend the record.

A request to amend may not be used to challenge a grade, an opinion, or a substantive decision made by a school about a student (such as a disciplinary outcome).

If the matter cannot be resolved, a parent/guardian or eligible student may request a hearing. Upon the principal's receipt of a written request for a hearing:

- The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent/guardian or eligible student, not to exceed 30 calendar days.
- The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.



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- The hearing may be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing.
- The District shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised in the request to amend and hearing notice. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- The District shall make its decision in writing within a reasonable period of time after the hearing, not to exceed 10 school days.
- The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.
- If the hearing results in a determination that the record contained erroneous information, the parent/guardian or eligible student shall be informed in writing of the correction.
- If the information contained in the record is determined not to be erroneous, the parent/guardian or eligible student may place a statement in the record commenting upon the contested information and stating the basis for disagreement. The statement shall thereafter be disclosed whenever the portion to which it relates is disclosed.

Questions about this regulation should be directed to the Executive Director of Information Services.

Related Board Policy: 2.7(1)

Public Review and Feedback: 11/14/18 - 12/14/18

Approved by Cabinet: 1/14/19