

**INFORMATION AND PROCEDURES FOR REQUESTING
STUDENT EDUCATION RECORDS**

The Franklin Parish School Board maintains high standards in records management and follows procedures set by the *Family Educational Rights and Privacy Act (FERPA)* and applicable Louisiana laws protecting the rights of parents/guardians/eligible students regarding an individual student’s education records. The following procedures have been established to facilitate prompt access to student records by parents/guardians and students of majority age (eligible students) and to ensure compliance with federal and state laws and regulations governing personally identifiable student records.

TYPES AND LOCATIONS OF RECORDS

Except as otherwise provided by law, student education records mean those records recorded in any medium that are directly related to an individual student and maintained by the School Board or by a party acting on behalf of the School Board. Such records may include, but are not limited to:

- § personal and family data;
- § evaluation and test data;
- § medical, psychological and;
- § all records of school achievement, progress reports and portfolios;
- § records of conferences with students and/or parents (including Individualized Education Programs for exceptional children);
- § school attendance records;
- § copies of correspondence concerning a student;
- § photographs/video records of a student;
- § discipline records;
- § other information or data used in working with a student and/or required by law.

The disclosure of certain student records may be limited by law and/or valid court order.

Locations

A student’s education records shall generally be located in the student’s permanent record (cumulative file) at the student’s current school of attendance or school last attended if the student is no longer enrolled in the school district. Education records are stored in a location designated by the principal of the school and the principal is responsible for the confidentiality of all such education records maintained at the school. Additional education records and/or copies of records may be maintained in a separate location (e.g., the School Board office). Parents/guardians/students of majority age requesting access to education records shall be informed of the type and location of any records that may be maintained in a location separate from the student’s current school or school last attended.

REQUESTS FOR EDUCATION RECORDS

Parents/guardians shall have the right to inspect, review, and to receive copies of any education record relating to their minor child pursuant to the *Family Education Rights and Privacy Act (FERPA)* and La. Rev. Stat. Ann §17:406.9. A student who has reached age eighteen (18) has the sole right to review or grant review and/or inspection of his/her education records unless the School Board has been notified of a court order establishing full guardianship or limited guardianship for educational services. Access to records includes the right to a response to reasonable requests for explanations and interpretations of the records and the right to have a representative inspect and review the records of a student identified as exceptional under Louisiana law. Both parents/legal guardian shall be presumed to have records access rights unless the School Board has been advised that the parent(s) does not have that right under applicable state laws governing such matters, including custody and divorce.

Requests to inspect, review, and receive a copy of education records shall be submitted in writing by the parent/guardian/eligible student to the school principal at the student's school. All requests shall specify the particular records requested. No "on-going" or "standing requests" shall be honored. A valid request submitted in accordance with these procedures shall be granted within a reasonable period of time, not to exceed ten (10) business days of the School Board's receipt of the written request (either electronically or on paper), and before any IEP Team meeting concerning the identification, evaluation, placement, or provision of a free appropriate public education (FAPE) to an exceptional student.

If any record contains information on more than one student, the parent(s) may inspect, review, and receive a copy of information relating to only his/her child.

Fees

If paper copies of education records are requested, a fee of \$1.00 per page may be charged, prepayment required, unless the fee would prevent the parent(s) or eligible student from reviewing/obtaining copies of the records. There is no charge for a parent/eligible student to receive such records electronically. The School Board reserves the right to charge reasonable copy fees for repetitive requests for the same records.

AMENDMENT OF EDUCATION RECORDS

Parents or eligible students may request amendment of any education record believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Requests to amend the student's education records shall be addressed in writing to the school principal and shall indicate the specific record for which the amendment is requested. The school principal shall review the request for amendment within ten (10) business days after the request is received. If the amendment is refused, the parent or eligible student shall be notified in writing of his/her right to a hearing within ten (10) business days of the decision regarding the amendment request.

Informal Resolution

In lieu of a hearing, the School Board and parent or eligible student may mutually agree to allowing the parent/guardian/eligible student to attach a statement to the specific record at issue a statement commenting upon the information in the records and/or setting forth any reasons for disagreeing with the contents of the record. Such statement shall be maintained as a part of the student's education records as long as the contested portion of the records is maintained, and if the contested portion is disclosed to another party, the statement shall also be disclosed to such party.

HEARINGS

Parents/guardians or eligible students have a right to request a hearing to challenge information in the student's education records, if they believe the records are inaccurate, misleading, or otherwise in violation of the student's privacy rights. The request identifying the particular information believed to be in error shall be addressed in writing to the school principal, who shall appoint a Hearing Officer. The Hearing Officer shall be a school official who has no direct interest in the outcome of the hearing. The Hearing Officer shall conduct the hearing in accordance with the following procedures:

1. The Hearing Officer shall set the date for the hearing which must be held within thirty (30) business days after the written request is received. The Hearing Officer shall notify the parent or eligible student at least five (5) business days in advance regarding the exact date, place, and time of the hearing and of these hearing procedures.
2. The parent or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by one or more individuals at his/her own expense, including an attorney.
3. The decision of the Hearing Officer shall be based solely upon evidence presented at the hearing by both the parent/eligible student and school officials.
4. The Hearing Officer shall issue a decision within fifteen (15) business days after the conclusion of the hearing. The parent or eligible student shall be notified, in writing, of the decision. This notice shall include a summary of the evidence presented and reasons for the decision.
5. If the Hearing Officer's decision is that the records are not inaccurate, misleading, or in violation of the student's privacy rights, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting upon the information in the records and/or setting forth any reasons for disagreeing with the decision. Such statements shall be maintained as a part of the student's education

records as long as the contested portion of the records is maintained, and if the contested portion is disclosed to another party, the statement shall also be disclosed to such party.

DISCLOSURE OF EDUCATION RECORDS

Student education records are confidential and shall not be disclosed or the contents released except as allowed by state and federal law. *Disclosure* means permitting access to, or the release, transfer, or other communication of, student education records or personally identifiable information orally or in writing or by any other means. Written consent of the parent(s) or eligible student shall be required for disclosure of any education records to any party or agency or under any condition other than those specified below. Disclosure may be made to the following individual(s) or under the following conditions without written consent:

1. Parent(s) of the child or the eligible student;
2. School officials, (such as teachers, instructional aides, administrators) and other service providers (such as contractors, consultants, and substitutes teaching personnel used by the School Board to perform institutional services and functions). A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibilities;
3. Officials of another school, school system, or institution of post-secondary education where the student seeks or intends to enroll or is already enrolled, so long as the disclosure is related to the student's enrollment or transfer, upon the condition that the parent(s) or the eligible student may receive a paper copy of the record if they desire and have an opportunity for a hearing to challenge the content of the record;
4. Between schools in cases where the student transfers schools within the school district;
5. Persons other than employees who are designated by the Superintendent in connection with audit, evaluation, enforcement, or compliance activities regarding Federal or State programs;
6. Organizations conducting studies for or on behalf of the School Board as authorized by law;
7. Accrediting organizations in order to carry out their functions;
8. Appropriate parties in health and safety emergencies;
9. In connection with a student's application for or receipt of financial aid;

10. Parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986 (26 U.S.C. Section 152).
11. Entity or person designated in a judicial order or lawfully issued subpoena. Prior to complying with a lawfully issued court order or subpoena requiring disclosure of personally identifiable student information, school authorities shall make a documented effort to notify the parent or eligible student. However, in compliance with FERPA, when a lawfully issued court order or subpoena requires disclosure be made without notification of the student or parent, the School Board shall comply with that requirement. If the School Board receives such an order, the matter may be referred to the Franklin Parish School Board's legal counsel for advice.
12. The Superintendent or Superintendent's designee shall be authorized to release student directory information to organizations or individuals with a legitimate educational interest and purpose upon written request. A student's name, address, grade level, honors and awards, photograph (excluding video records) and major field of study constitutes directory information. A student's date of birth constitutes directory information only for purposes of the *U.S. Department of Education Free Application for Federal Student Aid (FAFSA)*. The School Board provides a *Directory Information Opt-Out Form* to permit parents and eligible students to opt-out of the release of directory information. Disclosure of directory information shall only be allowed by the School Board to specific parties for specific purposes. Such limitations shall be specified in the student directory information notification.
13. Unless the parent/guardian or eligible student requests in writing that the School Board release such information, the student's name, address, and telephone number shall be released to Armed Forces recruiters upon request of such recruiters.

A *Record of Disclosure (access)* shall be maintained on all requests for, and disclosures of, student education records except disclosures to the parent(s), eligible students, school officials and requests for directory information. This record shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Education records are disclosed to an authorized third party only on the condition that the party to whom the information is disclosed shall not disclose the information to any other party (except officers, employees, or agents of the organization) without the prior written consent of the parent(s) or eligible student, and that the information shall be used only for the purpose for which it was disclosed.

Surveys of Protected Information

The School Board shall provide direct notice to parents/guardian to obtain prior written consent for their minor child(ren) to participate in any protected information survey, analysis, or evaluation, if the survey is funded in whole or in part by a program of the U.S. Department of Education or any other entity or person.

(These requirements do not apply to educational evaluations administered to students in accordance with the *Individuals with Disabilities Education Improvement Act (IDEA)*).

NOTIFICATION OF RIGHTS AND POLICY

Parents and eligible students shall be provided annual written notice of these rights and the procedures afforded to them under FERPA and La. Rev. Stat. Ann. §17:406.9 via the Franklin Parish School Board *Student Handbook*. School Board policy regarding the confidentiality of student records may be found on the School Board's website.

New procedures: August, 2018
FPSB approved August 6, 2018

Ref: 20 USC § 1232(g-i) (*Family Educational Rights and Privacy Act*); 20 USC §1400 et seq. (*Individuals with Disabilities Education Act*); 20 USC §7908 (*Armed Forces Recruiter Access to Student Information*); 34 C.F.R. Part 99 (*Family Educational Rights and Privacy Act*); La. Rev. Stat. Ann. §§9:351, 17:81, 17:112, 17:221.3, 17:3913, 17:3914, 44:4, 44:4.1, 44:31, 44:32; La. Civil Code Arts. 131, 134, 250; Louisiana Attorney General Opinion No. 15-0103; Board minutes,08/06/18.