

<b>North Providence School Department Access to Educational Records/Privacy Act Policy</b>	<b>Approved: 3/25/2015</b>

### Policy

The North Providence School Department (NPSD) gives all parents/legal guardians of students under 18 years of age and all students 18 years of age and older the right to see, correct, and control access to student records.

### Purpose

This policy establishes procedures to carry out these rights and complies with FERPA.

The NPSD maintains that the following parties may inspect the educational records relating to each student given the limitations describe in this policy:

- The parent or eligible student;
- The school official or his or her assistants who are responsible for the custody of the records;
- Those parties authorized for the purposes of auditing the record keeping procedures of the educational agency.

Educational records relating to each student and directory information may be disclosed, under the conditions and limitations described below, to:

- Parents and eligible students
- School officials, including teachers, who have legitimate educational interest (as determined by the District)
- Certain third parties

Educational records are those records, files, documents and other such materials which contain information directly related to a student; and are maintained by the NPSD or by a person acting on behalf of the NPSD. Individual homework assignments, classroom assignments and tests are not considered to be educational records.

## **Parents and Eligible Students Right to Access**

1. Parents (custodial and non-custodial unless restricted by divorce decree and including the student's legal guardian) of students and eligible students (students age 18 and over) must be given the opportunity to inspect and review the student's educational records.
  
1. Parents and eligible students who wish to review educational records must schedule an appointment with the Principal of the school the child attends for school records or the Director of Special Education for special education records.
2. The NPSD shall comply with a request for access to records within a reasonable period of time, but not more than 10 calendar days after the request has been made.
3. The NPSD shall respond to reasonable requests for explanations and interpretations of the records.
4. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's educational records, the NPSD shall:
  - provide the parent or eligible student with a copy of the records requested; or
  - make other arrangements for the parent or eligible student to inspect and review the requested.
5. The NPSD shall not destroy any education records if there is an outstanding request to inspect and review the records.
6. The NPSD may charge a fee, of up to \$0.15 per page, for a copy of an educational record that is made for the parent or eligible student. The NPSD may not charge a fee to search for or to retrieve the education records of a student.
7. If the educational records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

## **Access to Records by Other than Parents**

Anyone other than parents, eligible students, and herein authorized personnel of the NPSD who wishes to review educational records, or directory information, must make a request to the principal of the school the child attends for school records or the special education director for special education records.

The NPSD shall disclose information from a student's educational records only with the written consent of the parent or eligible student, which specifies the records that are to be disclosed, the purpose of the disclosure and the identity of the party, or class of parties, to whom the disclosure may be made. If requested the NPSD will provide the parent or eligible student with a copy of the records that have been disclosed. Provided however that the NPSD may disclose educational records without the consent of the parent or eligible student in the following circumstances:

1. To school officials who have a *legitimate educational* interest, as determined by the NPSD, in the records when the official is:
  - performing a task or responsibility that is specified in his or her job description, position description or contract agreement;
  - performing a task related to a student's education;
  - performing a task related to the discipline of a student;
  - providing a service or benefit to the student and/or the student's family including, but not limited to, health care, parent effectiveness training; counseling, homebound instruction, job placement and financial aid;
  - providing a purchased service, i.e. counseling, evaluation, therapy, consultation, etc.;
  - providing educationally related consultation, expert advice/opinions, and legal representation to the school district.
2. To officials of another school, school system or institution of postsecondary education in which the student is enrolled, or receives services from, seeks or intends to enroll. Unless the request is initiated by the parent or eligible student or the annual notice sent to parents advises them that student records will be sent to a requesting school in which the students seeks or intends to enroll, the NPSD will attempt to notify the parent or eligible student of the disclosure and provide the parent or eligible student with a copy of the record that was disclosed. If requested, the parent or eligible student will be given the opportunity to have a hearing on a request to amend the records.
3. To authorized officials of the U.S. Department of Education, the Comptroller General of the United States, the Attorney General of the United States and state and local education authorities, provided the disclosure is done in conjunction with an audit or evaluation of state-supported or federally supported education programs, or in compliance with federal legal requirements which relate to those programs. Unless the parent or eligible student has given written consent to the disclosure, or the collection of personally identifiable information is specifically authorized by federal law, the information that is

provided must be protected in a manner that does not permit personal identification of individuals by anyone but these officials and must be destroyed when no longer needed for these purposes.

4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, the amount of the aid, the conditions for the aid or enforce the terms and conditions of the aid.
5. To State and local officials or authorities to whom this information is allowed under State statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released. Provided that the receiving authority certifies in writing prior to the disclosure that the information will not be disclosed to a third party except with the written consent of the parent, except as required by state law.
6. To organizations conducting studies for or on behalf of educational agencies or institutions to develop, validate or administer predictive tests (but only if the study does not permit the identification of the parents or students by any other than the organization and the information is destroyed when no longer needed for the purposes of the study), administer student aid programs or improve instruction.
7. To accrediting organizations to carry out their accrediting functions (excluding confidential special education records).
8. To parents of a dependent student, as defined in § 152 of the Internal Revenue Code of 1986.
9. In compliance with a judicial order or a lawfully issued subpoena, provided that the NPSD will make a reasonable effort to advise the parent or eligible student of the order or subpoena so that they may seek protective action. This notification obligation does not apply to certain federal grand jury subpoena and those issued for law enforcement purposes and the issuing authority has ordered that the existence or contents of the subpoena is not to be disclosed.
10. The disclosure is in connection with a health or safety emergency and the disclosure is necessary to protect the health or safety of the student or other individuals
11. The disclosure of *directory information*, which consists of the following:
  - Name
  - Participation in recognized activities/sports
  - Weight and height for athletic team members
  - Photograph
  - Academic Degrees, honors, and awards
  - Athletic honors and awards
  - Date of birth
  - Dates of attendance and grade level

Directory information shall not include email or home address(es) of students or parents of students.

Parents and eligible students have the right to prohibit the disclosure of directory information. Directory information is also released to military recruiters in conformance with federal law and institutions of higher education unless requested otherwise by parents. Parents and eligible students will be advised at the beginning of the school year of this right and steps that they must take in order avoid the disclosure of this information

12. To the parent of a student who is not an eligible student or to the student.

### **Record keeping**

1. The NPSD shall maintain a record of access with the education records of the student for as long as the educational records are maintained.
2. For each request or disclosure, the record must include:
  - the parties who have requested or received personally identifiable information from the education records; and
  - the legitimate interests the parties had in requesting or obtaining the information.
3. If the requested information may be forwarded to a third party, the names of the additional parties must be noted on the record along with a notation as to the legitimate interest which the additional parties have for the information.
4. These record keeping procedures do not apply if the request was from, or the disclosure was to:
  - a. The parent or eligible student
  - b. An official, including teachers, of the NPSD;
  - c. A party with written consent from the parent or eligible student;
  - d. A party seeking directory information; or
  - e. A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

## **AMENDING EDUCATIONAL RECORDS**

### **Amending:**

1. If a parent or eligible student believes the educational records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the NPSD to amend the record by making a written request to the custodian of the record that is the principal of the school the child attends for school records or the pupil personnel services director for special education records
2. The NPSD shall decide whether to amend the record as requested within a reasonable amount of time after the agency receives the request and advise the parent of the decision in writing.
3. If the NPSD decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and of his or her right to a hearing on the request.

### **Right to a Hearing:**

1. The NPSD shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.
  2. Parents who would like a hearing to contest the students educational records must file a written request with the principal of the school the child attends for school records or the special education director for special education records
- If, as a result of the hearing, the NPSD decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall:
    - amend the record; and
    - inform the parent or eligible student of the amendment in writing.
  - If, as a result of the hearing, the NPSD decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the agency or institution, or both.
3. If the NPSD places a statement in the education records of a student (see above) the agency shall:
    - Maintain the statement with the contested part of the record for as long as the record is maintained; and

- Disclose the statement whenever it discloses the portion of the record to which the statement relates.

### **Conduct of the Hearing**

1. The NPSD shall hold the hearing within a reasonable time after it has received the request for the hearing after it has received the request from the parent or eligible student.
2. The NPSD shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
3. Any individual, including an official of the educational agency who does not have a direct interest in the outcome of the hearing, may conduct the hearing.
4. The NPSD shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues. The parent or eligible student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The NPSD shall make its decision in writing within a reasonable period of time after the hearing.
6. 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.

### *COMPLAINTS*

1. A parent or eligible student may file a written complaint regarding an alleged violation under FERPA. The address is:  
Family Policy Compliance Office  
U. S. Department of Education  
Washington, D.C. 20202-4605
2. A complaint filed must contain specific allegations of fact giving reasonable cause to believe that a violation of the Act has occurred.
3. A timely complaint is defined as an allegation of a violation of the Act that is submitted to the Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.
4. The Office extends the time limit if the complainant shows that he or she was prevented by circumstances beyond the complainant's control from submitting the matter within the time limit, or for other reasons considered sufficient by the Office.

## **DESTRUCTION OF EDUCATIONAL RECORDS**

1. In accordance with a request from the office of the Secretary of the US Department of Education, The NPSD will retain records for at least five years after completion of the activity for which it uses federal funds. For children enrolled in general education, not receiving special education services, this requirement would extend five years after the date of graduation (or the date that a student's class graduates for students not receiving a regular diploma). For children receiving special education services or entitled to receive special education and related services under IDEA, the timeline is either five years after the child receives a regular high school diploma or five years after the child turns twenty-one, whichever occurs first.
2. In accordance with state law, the NPSD retains student registers, which record the name of students and their dates of attendance, be retained indefinitely.
3. The NPSD shall inform parents when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the student:
  - Education records will be maintained by the educational agency for five (5) years after the student has graduated or left the educational agency, whichever comes first.
4. The NPSD will continue to maintain a permanent record of a student's name, address, attendance record, classes attended, grade level completed and year completed.
5. The parent or eligible student has the right to request that educational records be destroyed. Such requests will be handled as follows:
  - The parent or eligible student will in writing the request for destruction of records stating the reason for destruction.
  - The request will be submitted to the designated administrator and will be reviewed in a time manner.
  - The NPSD has the right to refuse requests for the destruction of educational records based on the requirement that records be maintained for five years.
  - The parent or eligible student has the right to appeal any decision to the Rhode Island Department of Education.

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