



**Responsible Office:** Office of the Chief of Staff, Department of Student Accounting

## **BOARD POLICY 5000**

### **STUDENT RECORDS AND INFORMATION**

#### **PURPOSE**

The Board of Trustees ("Board") encourages students, parents/guardians, and faculty and staff to be fully informed about their rights and responsibilities related to student records. In order to provide students with appropriate instruction and education services, it is necessary to maintain extensive and sometimes personal information about students and their families. The Washoe County School District ("District") shall employ safeguards related to access, maintenance, and confidentiality of student information and records.

#### **POLICY**

##### **1. Guiding Principles**

- a. The District shall comply with state and federal laws and regulations related to the creation, content, maintenance, access, release, use, retention, destruction and confidentiality of student education records.
- b. Student records shall be maintained by the District as necessary for the educational guidance and/or welfare of students, for orderly and efficient operation of schools, and as required by law.
- c. Reasonable methods shall be used to ensure that administrators, faculty, staff, and other individuals acting on behalf of the District obtain access to only those protected education records in which they have legitimate educational interests.
- d. All information related to individual students shall be treated in a confidential and professional manner by District/school officials, who have a legitimate educational interest prior to access to the student records or information. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his/her professional responsibility.
  - i. School officials with a legitimate educational interest are generally defined as person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Board of Trustees.

- ii. A school official also may include but is not limited to: a volunteer, intern, resident, student worker, third-party educational vendor, or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of Personally Identifiable Information from educational records, such as an attorney, auditor, medical consultant, or therapist.
  - e. Student records are the property of the District but shall be available in an orderly and timely manner to parents/guardians, eligible students, and other individuals as specified in Administrative Regulation 5005, Student Educational Records, or as required by law. Parents/Guardians and eligible students have the right to inspect, review, and confirm the accuracy of the student's education record, and, under certain conditions, require written permission for the District to release those records.
2. Guiding Practices
- a. Education records are those records that are directly related to a student and maintained by the District. There are limited exceptions to what constitutes an education record under federal law, including, but not necessarily limited to the following:
    - i. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
    - ii. Records of the law enforcement unit of, or working in, the District (this does not include discipline records maintained by school staff);
    - iii. Records relating to the employment of a student by the District that are not available for use for any other purpose;
    - iv. Grades on peer-graded papers before they are collected and recorded by a teacher; and
    - v. Email that is not printed and placed in the cumulative file.
  - b. An electronic cumulative record shall be maintained for each student beginning with enrollment into a District school until withdrawal or graduation from the District, or in accordance with District policy and applicable state or federal laws. The District shall establish administrative regulations and procedures governing the content, management, destruction and challenge of student records. Such procedures shall ensure that records are accessed by authorized persons only.

- i. Consistent with federal law, student records shall be forwarded to other school agencies upon request. Parent/Guardian or eligible student consent shall be required before the District may release student records other than to a school agency or organization, except as otherwise provided by law.
  - ii. The Family Educational Right to Privacy Act ("FERPA") amendment procedures may be used by a parent/guardian or eligible student to challenge facts in a student record that are inaccurately recorded or misleading. Such procedures may not be used to challenge a grade, an opinion, or a substantive decision made by a school about an eligible student.
- c. The District shall provide parents/guardians and/or eligible students with annual notice of their rights under the Family Educational Right to Privacy Act ("FERPA"). This includes:
  - i. The right of parents/guardians or eligible students to inspect and review education records, any procedures that must be followed in order to inspect and review records, and that a reasonable fee may be charged for copies of records.
  - ii. Circumstances under which personally identifiable information will be released from a student's education records without the parent/guardian or eligible student's prior written consent.
  - iii. An explanation of directory information and notice that this information may be provided to others without prior written consent of the parent/guardian or eligible student, unless the parent/guardian or eligible student notifies the principal in writing that he does not wish for directory information to be disclosed regarding his child without prior written consent.
- d. The District shall comply with the provisions of the Protection of Pupil Rights Amendment (PPRA) regarding student surveys, collection and use of information for marketing purposes.
- e. The Superintendent may create administrative regulations, procedures, and practices necessary to implement the provisions of this policy. That includes, but is not limited to, the following:
  - i. Practices for ensuring reasonable methods are used to protect personally identifiable student data, such as:
    - 1. Individuals accessing student records understand the limitations on the use of the data;
    - 2. Individuals accessing student records understand that data will not be re-disclosed without permission.

3. Procedures for records destruction by third parties shall be clearly documented; and
  4. A rigorous data security plan for all users shall be implemented and maintained.
- ii. Practices for ensuring the appropriate and adequate maintenance and destruction of student records in compliance with state and federal laws and regulations, to include the records management guidelines established by the Nevada State Library, Archives and Public Records and the Individuals with Disabilities in Education Act (IDEA).

## **DEFINITIONS**

1. Eligible student means a student who has reached 18 years of age or is attending an institution of postsecondary education.
2. A cumulative record is general school information related to a student such as grades, attendance, discipline, standardized assessment reports and other information from a student's educational career.
3. Disclosure means to permit access to or the release, transfer or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.
4. Personally identifiable information includes the student's name, the names of parents or other family members, the address of the student or student's family, a personal identifier, such as the student's social security number, student number or biometric record, other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name. It also includes other information that, alone or in combination, is linked or linkable to a specific student and could lead to identification of the student, or information requested by a person who the school district believes knows the identity of the student to whom the education record relates.
5. Record means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film microfilm, and microfiche.
6. Third party educational vendor has the meaning prescribed in the Family Educational Rights and Privacy Act of 1974 (FERPA): Third party educational vendors are those used by the District to outsource institutional functions or services. Under FERPA, disclosure of student information from education records to contractors, consultants, volunteers, or other third parties is permitted if the party performs a District function that the District would have had an employee perform; has met the criteria for being a school official listed in the District's

annual notice during Online Registration which can also be obtained on the Student Accounting website under Family Educational Rights and Privacy Act, Who May Obtain Personally Identifiable Information; is under the direct control of the District with respect to the use and maintenance of education records; and uses the education records only for authorized purposes and may not re-disclose the information from the records to other parties, unless the provider has specific authorization from the school or district to do so and it is otherwise permitted by FERPA (See 34 CFR § 99.31(a)(1)(i)).

- a. The District's third party vendor list can be found on the Student Accounting Department Page of the WCSD website under Family Educational Rights and Privacy Act, Contract Service Providers Acting As School Officials.

### **DESIRED OUTCOMES**

1. Through adoption and implementation of this policy, the District seeks to:
  - a. Protect and balance the interests of safety and privacy for individual students and their families; and
  - b. Comply with state and federal laws and regulations related to student educational records, to include the Family Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records, and the Individuals with Disabilities in Education Act (IDEA).
    - i. No record containing identifiable individual student data will be released or shared with any third party except as provided by law.

### **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This policy reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District:
  - a. Administrative Regulation 5005, Student Educational Records
  - b. Board Policy 5025, Student Placement and Communication of Progress
  - c. Board Policy 5200, Family Engagement
  - d. Board Policy 5450, Release of Students
  - e. Board Policy 7610, Public Records Requests
  - f. Board Policy 7620, Document and Records Management
2. This policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
  - a. Chapter 239, Public Records, and specifically:
    - i. NRS 239.010, Public books and public records open to inspection; confidential information in public books and records;...

- b. Chapter 392, Pupils, and specifically:
  - i. NRS 392.029, Compliance with federal law governing access and confidentiality of education records and elicitation of information concerning pupils; written notice of rights to parents and guardians required.
  - ii. NAC 392.301 – 392.360, Confidentiality of Education Records
- 3. This policy complies with the following federal laws and regulations:
  - a. Family Educational Rights to Privacy Act (“FERPA”)
  - b. Protection of Pupil Rights Amendment (“PPRA”)
  - c. Individuals with Disabilities in Education Act (“IDEA”)

**REVIEW AND REPORTING**

- 1. This document shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board shall receive notification of any required changes to the policy.
- 2. Administrative regulations, and/or other associated documents, will be developed as necessary to implement this policy. The Board shall receive notification of the adoption and/or revision of any implementing administrative regulations.

**REVISION HISTORY**

Date	Revision	Modification
3/14/2017	1.0	Adopted
4/9/2019	2.0	Revised: remove address, telephone, and email address from definition of Directory Information