STUDENT RECORDS AND ACCESS

I. GENERAL

SECTION 101. Purpose. The following policy is adopted by the Salem School Board for the Salem, NH School District in order to comply with the Federal Family Educational Rights and Privacy Act of 1974 (20 USCS 1232g) and regulations of the U. S. Department of Health, Education and Welfare (45 CFR 99.1 et seq.), pursuant to 45 CFR 99.5. This policy is not intended to supersede guidelines or policies previously adopted by the Salem School Board except insofar as those prior guidelines or policies are inconsistent with this policy, and should not be relied upon as a complete statement of the provisions of the federal statute or federal regulations.

SECTION 102. Waivers. A parent or student may waive his or her rights under the statute, the regulations of this policy in accordance with the procedure described in the regulations of the U. S. Department of Health, Education and Welfare (45 CFR 99.07).

II. DEFINITIONS

SECTION 201. Education Records. "Education records" means those records which (a) are directly related to a student, and (b) are maintained by the Salem School District or by a party acting for the School District. "Education records" do not include records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto which are (a) in the sole possession of the maker thereof, and (b) not accessible or revealed to any other person except a substitute. For the purpose of this definition a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record and does not refer to an individual who permanently succeeds the maker of the record in his or her position. Education records also do not include personnel records of employees of the Salem School District.

SECTION 202. Eligible Students. "Eligible student" means a student who has attained eighteen years of age or is attending an institution of post-secondary education.

SECTION 203. Parent. "Parent" means a parent, a guardian or an individual acting as a parent of a student in the absence of parent or guardian. The Salem School District may presume the parent has the authority to exercise the rights inherent in the statute, federal regulations or this policy unless the School District has been provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary. Whenever a student becomes an eligible student, the rights accorded to and the consent required of the parent of a student shall thereafter only be accorded to and required of the eligible student.

SECTION 204. Record. "Record" means any information or data recorded in any medium, including but not limited to handwriting, print, tapes, film, microfilm and microfiche.

SECTION 205. Student. "Student" means any individual with respect to whom the Salem School District maintains education records, but does not include an individual who has not attended the Salem School District.

III. ANNUAL NOTIFICATION OF RIGHTS

SECTION 301. Publication. The Salem School District shall publish a notice of rights in the local media on the first Thursday of September of each year. The annual notice of rights shall be in the form prescribed in JRA-E1.

SECTION 302. Individualized Notice. Personnel of the Salem School District shall inform the Superintendent of any student's parent identified as having a primary or home language other than English. The Superintendent shall make a reasonable attempt to communicate the contents of JRA-E1 to any such parent.

IV. INSPECTION AND REVIEW OF RECORDS

SECTION 401. Inspection. The parent of a student or an eligible student may review and inspect the education records of the student. Such a request shall be in written form to the Superintendent, and the Salem School District shall comply with the request within a reasonable amount of time but in no case more than forty-five days after the request has been received. The Salem School District may require that a school official be present during the inspection and review. Such official should be generally familiar with the kinds of information in the student's education record and the requirements of law and of this policy regarding family rights and student records.

SECTION 402. Explanations. The right to inspect and review records includes the right to a response from the Salem School District to reasonable requests for explanations and interpretations of the records by qualified school personnel.

SECTION 403. Copies. The right to inspect and review includes the right to obtain copies of the records from the Salem School District, where failure to provide copies would effectively prevent the parent or student from exercising the right to inspect and review education records. The Salem School District will not charge a fee to search for or to retrieve such records, but will charge a fee to make copies, provided the fee does not effectively prevent the parent or student from exercising the right to inspect and review education records. The copy fee shall be 10 cents per 8 1/2 x 11-inch, or 8 1/2 x 14-inch photocopy. For other sorts of copies, the copy fee shall be equal to the cost of the material and time involved in the copying, but may not exceed the fee charged by commercial copying, businesses. If the education record is maintained in such media form as tapes, film, microfilm, or otherwise not capable of being conveniently copied on equipment of the Salem School District, the School District may, at its discretion, require the parent to assume the initiative in identifying a resource to copy such record, and/or require the parent to pay in advance the costs of such copying.

SECTION 404. Destruction of Records. The Salem School District will not destroy any education record if there is an outstanding request to inspect and review such record.

V. TYPES AND LOCATIONS OF RECORDS

SECTION 501. Types of Records. The Salem School District maintains the following three categories of pupil records:

A. Administrative Records. These constitute the minimum personal information about the student and family for operation of the school system. Such data includes, but is not limited to, names, birth date, sex, race, names of parents, addresses, telephone numbers, academic work, grades, attendance, placement, transfer and separation, and verified reports of serious or recurring behavior patterns.
B. **Supplemental Records.** These represent verified information that is of clear importance in the operation of the school system and in many instances contribute directly to the welfare of the student. Such data includes, but is not limited to, test scores, interest inventories, health information, family information, counselor and/or teacher ratings and observations, diagnostic and prescriptive information from specialists, verified reports of serious or recurring behavior patterns, and reporting from colleges or employers to indicate placement and progress.

C. **Tentative Records.** These represent potentially useful information that is not verified or is not clearly useful beyond the near present. Such information may include anecdotal records of teachers, administrators, counselors or specialists and clinical findings. Such records are generally needed for ongoing concerns in counseling and disciplining students.

**SECTION 502. Locations.** Administrative and supplemental records are generally maintained in the administrative office of the school which the student attended or attends. Each school principal is responsible for the maintenance of administrative and supplemental records in the building. Tentative records are generally in the sole possession of the maker, should not be conveyed to another person and should be destroyed once their usefulness has passed.

**SECTION 503. Special Status of Tentative Records.** As long as tentative records remain in the sole possession of the maker and are not revealed or accessible to any other person except a substitute, such tentative records do not qualify as "education records" as defined in Section 201 of this policy. It should be noted that only "education records" are subject to inspection and review by the parent of a student or an eligible student under Sections 401 - 404 of this policy. Tentative records therefore are not ordinarily subject to inspection and review by parents or eligible students.

**VI. DISCLOSURE**

**SECTION 601. Limitation.** The Salem School District will not disclose personally identifiable education records without the prior written consent of a parent of the student or of the eligible student, except as permitted under Sections 701, 801 and 1101 of this policy, or as otherwise permitted under 45 CFR 99.30 - 99.37 of the regulations of the U.S. Department of Health, Education and Welfare.

**VII. DISCLOSURE TO OTHER SCHOOL OFFICIALS**

**SECTION 701. No Prior Written Consent Required.** The Salem School District may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student to other officials of the Salem School District who have a legitimate educational interest.

**SECTION 702. School Officials.** School officials includes members of the school board, the Superintendent of Schools, and personnel performing under the Superintendent's authority and direction including administrators, teachers and supplementalist full and part time employees, volunteers and interns, professional and para-professional persons, secretarial and clerical personnel.

**SECTION 703. Legitimate Educational Interest.** The school official's educational interest shall be deemed legitimate when access to the record would assist the school official in performing his or her responsibilities in the planning, implementing, monitoring or evaluating of the educational placement or program of an individual student or group of students, or in carrying out responsibilities incidental to the requirements of Federal, State or local law, policy or guidelines.
VIII. DIRECTORY INFORMATION

SECTION 801. No Consent Required. Directory information may be released without the prior written consent of the parent of the student or of the eligible student.

SECTION 802. Categories. Directory information consists of a student's name, address, date and place of birth, grade placement, subjects taken, dates of attendance, participation in officially recognized activities, clubs and sports, awards, achievements and honors (including honor rolls based upon marks), and schools attended, as well as an athlete's height, weight and photograph.

SECTION 803. Right to Restrict Release of Directory Information. A parent of a student or an eligible student may request that any or all of the categories of information listed in Section 802 not be designated "directory information" with respect to that student. Such requests shall be written, dated and addressed to the Superintendent of Schools, Salem School District, 38 Geremonty Drive, Salem, NH 03079. All such requests shall lapse on the first day of October immediately following the request, except that requests received in September shall remain effective until the first day of October of the following calendar year.

SECTION 804. Notice. Notice of the Salem School District's policy regarding directory information shall be published as part of the annual notice of rights described in Section 301, and in the form prescribed in JRA-E1.

IX. RECORD OF DISCLOSURES

SECTION 901. Record Required. The Salem School District shall, for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record kept with the education records of the student which identifies:

a. The name and address of each party which has requested or obtained personally identifiable information from the education records of the student;
b. The legitimate interest each person or organization had in requesting or obtaining the information; and
c. As reasonable and appropriate, the category and/or items which were disclosed.

The record of such requests for disclosure and of such disclosures shall be kept with the education records of the student, and shall be maintained for as long as the education record to which it pertains is maintained.

SECTION 902. Record Not Required. The record required in Section 901 shall not apply to (a) disclosures to a parent or an eligible student, (b) disclosure pursuant to the written consent of a parent of a student or an eligible student when the consent is specific with respect to the party or parties to whom disclosure is to be made, (c) disclosures to school officials under Section 701, or (d) disclosures of directory information under Section 801.

SECTION 903. Inspection of Record of Disclosures. The record of disclosure may be inspected by a parent of the student or by the eligible student in accordance with Section 401.

X. CORRECTION OR AMENDMENT OF RECORDS

SECTION 1001. Request to Amend. A parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate or misleading or violates the privacy or other rights of the student may request that the Salem School District amend them. Such

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request shall state specifically the item or items of information under question and the amendment which the parent or eligible student requests. The request to amend shall be in written form and addressed to the Superintendent of Schools, Salem School District, 38 Geremonty Dr., Salem, NH 03079.

SECTION 1002. Decision on Request. The Salem School District shall decide whether to amend the education records of the student in accordance with the request and shall inform the parent of its decision or action in writing within a reasonable period of time after receipt of the written request, and in no case more than forty-five days after receipt of the written request.

SECTION 1003. Denial of Request. If the Salem School District decides to refuse to amend the education records of the student in accordance with the request, it shall so inform the parent of the student or the eligible student of the refusal and advise the parent or eligible student of the right to a hearing under Sections 1004 - 1006.

SECTION 1004. Right to a Hearing. The Salem School District shall, on request, provide an opportunity for a hearing to challenge the content of a student's education records in order to insure that information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students.

SECTION 1005. Request for a Hearing. A request for a hearing shall be in written form, shall state specifically what information in the student's education records is at issue, and shall be addressed to the Superintendent of Schools, Salem School District, 38 Geremonty Drive, Salem, NH 03079.

SECTION 1006. Conduct of Hearing.

a. The hearing shall be held within a reasonable period of time, and in no case more than forty-five days after the Salem School District has received the request.

b. The parent of the student or the eligible student shall be given notice of the date, place and time of the hearing reasonably in advance of the hearing.

c. The hearing may be conducted by any person or persons appointed by the Superintendent, including an official of the Salem School District, who does not have a direct interest in the outcome of the hearing.

d. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to issues raised under Sections 1001 - 1003, and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.

e. The hearing officer shall make his decision in writing within a reasonable period of time after the conclusion of the hearing.

f. The decision of the hearing officer shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision. The decision shall be in writing, and a copy of the decision shall immediately be given to or forwarded to the parent or eligible student.

SECTION 1007. Action After Hearing.

a. If, as a result of the hearing, the hearing officer decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the Salem School District shall amend the education records of the student accordingly and so inform the
parent of the student or the eligible student in writing.

b. If, as a result of the hearing, the hearing officer decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the Salem School District shall inform the parent or eligible student of the right to place in the educational records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the hearing officer.

SECTION 1008. Handling Explanations. Any explanation placed in the education records of the student under Section 1007 (b) shall:

a. Be maintained by the Salem School District as part of the education records of the student as long as the record or contested portion thereof is maintained by the Salem School District, and

b. If the education records of the student or the contested portion thereof is disclosed by the Salem School District to any party, the explanation shall also be disclosed to that party.

XI. DISCLOSURE TO OFFICIALS OF OTHER SCHOOLS AND SCHOOL SYSTEMS

SECTION 1101. No Consent Required. The Salem School District may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student to officials of other schools or school systems in which the student seeks or intends to enroll if such school or school system requests such information and certifies that the student seeks or intends to enroll.

XII. ADOPTION AND AMENDMENT

SECTION 1201. Date. This policy was adopted by the Salem School Board on January 10, 1978, and became effective immediately upon adoption.

SECTION 1202. Amendment. If this policy is amended, the fact of such amendment shall be announced in the local media but neither the text nor a summary of the amendment need be published therein unless the amendment involves directory information. If the amendment involves directory information, a notice which summarizes the amendment and which summarizes the entire directory information policy shall be published in the local media, and JRA-E1 shall be modified to reflect the amendment, in order to comply with 45 CFR 99.37. (c) of the regulations of the U.S. Department of Health, Education and Welfare.