

Administrative Rule

STUDENT RECORDS

Code JR-R Issued 3/16/22

Student Records

In order to provide students with appropriate educational services, the District must maintain accurate records. In recognition of the confidential nature of student records, the District will only grant access to a student's school records in accordance with the provisions of the Family Educational Rights and Privacy Act and other applicable state and federal laws and regulations.

General Provisions

A student's "education records" are those records directly related to a student and which the District or a party acting for the District maintains.

"Parent" means a parent of a student and includes a natural parent, a legal guardian, or an individual acting as a parent in the absence of a parent or a legal guardian. A parent has an absolute right to review records unless a court of competent jurisdiction precludes that right. Custody alone does not affect one's parental rights.

Section 63-5-30 of the Code of Laws of South Carolina states, in part, that each parent, whether the custodial or non-custodial parent of the child, has equal access and the same right to obtain all educational records ... of their minor children and the right to participate in their children's school activities unless prohibited by order of the court.

Whenever a student is 18 years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent/legal guardian of the student will thereafter only be accorded to, and required of, the eligible student unless the District has received notice that a court has awarded legal guardianship beyond the age of the majority. The school will document such notice.

"Directory information" includes the student's name, address, photographs including electronic images (as related to school or district-sponsored events, activities, and special recognitions), participation in officially recognized activities and sports, weights and heights of members of athletic teams, diploma or certificate and awards received, and other similar information. With the exception of electronic images related to school-sponsored or district-sponsored events, activities, and special recognitions, the District will treat all video recorded of students through surveillance videos on district property or school buses as student records entitled to confidentiality pursuant to the Family Educational Rights and Privacy Act and other applicable federal and state laws. Accordingly, the District will release or allow viewing of video only in certain defined situations consistent with federal and state law.

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A district employee's personal records on a student are not part of the student's education record as long as that person keeps the notes solely for his/her own use and maintains them separately from the school files. A substitute who performs the employee's duties on a temporary basis may use these personal records; however, the employee may not pass the records on to a successor.

Annual Notification of Rights

Schools will notify the parent/legal guardian of students and/or eligible students annually of the following:

- the type of records kept
- the procedure for inspecting and copying student records
- the right for interpretation of data contained in student records
- their right to challenge data thought to be erroneous and the procedures for expunging such data or inserting a rebuttal statement
- the type of information the district deems to be directory information
- the process for refusing to permit the release of all or some information as directory information
- the right to lodge a complaint with the U.S. Department of Education

Location of Student Records

The school or the district records office (if a student is no longer enrolled) will maintain a cumulative record folder which contains directory information, scholastic information, standardized test data, health records, and other similar information. This cumulative record may include, but is not limited to, the following:

- name (last, first, and middle) as well as the preferred name (nickname)
- date of birth (verified), along with sex and ethnic background
- address and telephone number
- name of parent/legal guardian
- health record, including surveys for vision, speech, and hearing
- standardized test scores
- test scores as required by the state or district
- attendance and scholarship record card
- academic plan and related conference documentation
- appropriate correspondence with parent/legal guardian
- disciplinary action information for conduct that posed a significant risk to the student or others

Except as provided in the last paragraph of this section, if the District has performed or received a psychological evaluation of a student, the District will maintain copies of psychological reports and related records under the following conditions:

- in the District office

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- in the student's school and/or
- in a special education records room designated by the director of special education

The appropriate personnel in the District office and/or at the appropriate school will keep records concerning students who have been involved in administrative hearings.

No information about student discipline will be kept in the cumulative/permanent student record. Information in a student discipline record will be cumulative and will be maintained separately from the student's cumulative/permanent student record. Discipline records from past school years may be maintained on back-up diskettes. Information regarding all student discipline, including suspension and expulsion, and all correspondence related to suspension and expulsion, will be included in the student discipline record (except when authorized by state law).

Once a student graduates, the District will file the student's records at his/her high school. If a student drops out of school before graduation, his/her school files the records for five years and then transfers the records to the district's central office for record storage.

Directory Information

Within 15 days after the distribution of notification of privacy rights, the parent/legal guardian of the student or the eligible student has the right to refuse to permit the release of any or all of the categories of directory information and/or any or all of the additional information referenced above. The parent/legal guardian's or eligible student's refusal must be in writing. The written refusal will become part of the student's education record. The principal of the school the student is attending is responsible for notifying appropriate personnel of the refusal, filing the refusal in the student's cumulative folder and marking the folder as specified by the superintendent or his/her designee.

The District will not release directory information to any person or agency for commercial use.

The District expects its employees to use good judgment in releasing directory information so that any release of information serves the students' best interests.

Release of Personally Identifiable Information

The Family Education and Privacy Act of 1974 requires procedures to be followed when releasing personally identifiable information.

In addition to the information referenced in this administrative rule, personally identifiable information may include other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

The parent/legal guardian or eligible student will provide a signed and dated written consent

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before the District will disclose personally identifiable information from the student's education records, except as provided below:

- The information constitutes "directory information" and is released as provided above.
- The disclosure is to other District employees, including teachers and school psychologists under contract with the District, who have legitimate educational interests in the information.
- The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll. (Generally, when a student transfers from a school in the district to a school outside the district, the school is required to send certain student records and information consistent with applicable state regulations.)
- The disclosure is to state and federal officials requesting the information as authorized by statute or regulation(s) implementing statute(s).
- The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for aid; determine the amount of aid; determine the conditions for the aid or enforce the terms and conditions of the aid.
- The disclosure is to organizations conducting studies for, or on behalf of, the District for the purpose of developing, validating, or administering predictive tests; administering student aid programs and/or improving instruction, as long as students and/or their parents/legal guardians are not personally identified and the records are destroyed when no longer needed for the prescribed purpose.
- The disclosure is to accrediting organizations to carry out their accrediting functions.
- The disclosure is to comply with a judicial order or lawfully issued subpoena, as long as the district makes a reasonable effort to notify the parent/legal guardian or eligible student of the order or subpoena in advance of compliance.
- The disclosure is in connection with a health or safety emergency, if knowledge of the information is immediately necessary to protect the health or safety of the student or other individuals.
- The disclosure is consistent with any other exemption identified in the Family Educational Rights and Privacy Act.

The District will keep a record of each request for access to and each disclosure of personally identifiable information from the education records of each student unless the request or disclosure is made pursuant to court orders or lawfully issued subpoenas or the disclosure is of directory information or is to a parent/legal guardian or eligible student. The record, filed in the student's cumulative folder, will provide the following:

- the name of the party requesting or receiving the information
- the legitimate purpose for which the data was requested

Request for Inspection

Anyone who wishes to inspect a student's educational records must make the request for inspection to the principal of the school in which the student is enrolled or where the record is

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housed. A person may also request an explanation or interpretation of records from the principal.

Principals or designated district office administrators will set a time and place for the inspection of such records within a reasonable period of time, but in no case more than 45 days after the request has been made. If a hearing concerning the student is pending, the employee will honor the request for inspection of the student's record prior to the hearing.

At the inspection, the principal will have appropriate personnel available to interpret information in the records.

The District is responsible for the maintenance of each student's record. Therefore, school personnel are not to turn the original record or microfilmed copy of a record over to any person or organization unless they have a written and specific judicial order for such action.

If the parent/legal guardian or eligible student should believe that the information in the education record is inaccurate, misleading, or violates the privacy or other rights of the student, he/she can request an amendment to the record. The school official receiving the request will either amend the record, if appropriate, or notify the parent/legal guardian or eligible student within 15 working days in writing that the request is denied and that he/she has the right to request a hearing as provided below.

Each parent/legal guardian of a student has the right to inspect and review the student's record unless the district has written evidence that there is a legally binding instrument or court order governing such matters as divorce, separation, or custody which provides to the contrary. (The same applies to parental requests for disclosure to other individuals and organizations.)

A parent/legal guardian or eligible student has the right to give written authorization for a representative to inspect and review the student's education records.

Hearings to Challenge Information in Students' Records

The parent/legal guardian or the eligible student will make requests for hearings to the principal of the school where the record is housed. The principal or his/her designee may conduct the hearing.

Principals or administrators will set a date, time, and place for the hearing and notify the requesting party in writing of the date, time, and place. The principal or administrator will establish the hearing date within 15 working days of receipt of the request. The principal or administrator must mail written notice of the hearing to the parent/legal guardian or eligible student within a reasonable time prior to the hearing.

A district official, including the principal or his/her designee, who does not have a direct interest in the outcome, will conduct the hearing.

At the hearing, the principal or administrator will try to have present the person(s) who entered the information in question should the person(s) be known and reasonably available. The parent/

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legal guardian or eligible student who requested the hearing will have the right to question that/those person(s), if present, and will be able to show evidence that would correct inaccurate, misleading, or otherwise inappropriate information. Such evidence will become a permanent part of the student's record.

The parent/legal guardian of the student or eligible student will have a full and fair opportunity to present relevant evidence and may be assisted or represented, at their expense, by legal counsel.

If, as a result of the hearing, the District decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it will amend the record accordingly and inform the parent/legal guardian or eligible student of the amendment in writing.

If, as a result of the hearing, the District decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it will inform the parent/legal guardian or eligible student in writing that he/she has the right to place in the education record a statement commenting upon the information in the record and/or setting forth any reasons for disagreeing with the decision. Any such statement must remain with the record as long as the contested portion remains in the record. Disclosure of the contested portion must include the statement of the parent/legal guardian or eligible student.

The District will send its decision, including a summary of the evidence and the reason(s) for the decision, in writing to the parent/legal guardian of the eligible student within five working days after the conclusion of the hearing. The District will base its decision solely on evidence.

Management and Destruction of Education Records

The District will protect the confidentiality of personally identifiable information on students during collection, storage, disclosure, and destruction of applicable records.

The District may destroy data which are no longer needed for providing direct educational services in accordance with the guidelines established by the South Carolina Department of Archives and History, as long as the following conditions are met:

- There is no outstanding request to inspect and review the education record.
- The District keeps the record of disclosures as long as it maintains the education record to which it relates.
- The data do not concern the referral, evaluation, staffing, or placement of a disabled student or a student suspected at one time of having had a disability. Such data will be sent to the office of programs for the disabled when no longer needed for providing direct educational services to a student.

No one may remove the following items from a student's cumulative record at any time:

- name (last, first, and middle) and/or the preferred name (nickname)
- date of birth (verified), along with sex and ethnic background
- address and telephone number

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- name of parent/legal guardian
- health record, including surveys for vision, speech, and hearing
- standardized test scores
- test scores as required by the state or district policy
- attendance and scholarship records

The Family Policy Compliance Office

Parents/Legal guardians and eligible students have the right to file written complaints concerning alleged violations of the Family Educational Rights and Privacy Act. The Family Policy Compliance Office has the responsibility for investigating, processing and reviewing alleged violations. The office will refer appropriate cases to a review Board for adjudication. Written complaints should be sent to the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202-4605

Appropriate Access to Student Test Scores and Use of Test Data

The Family Education Rights and Privacy Act allows the release of students' education records without the consent of their parents/legal guardians to "school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate education interest, including the educational interests of the child for whom consent would otherwise be required."

The District recognizes the legitimate educational interest of teachers and administrators in test scores for individual students as well as groups of students. With stringent accountability requirements at the state and federal level, more than ever, teachers and administrators share responsibility for ensuring the success of every student and securing favorable ratings for the entire school and district. Given the need for improving scores generally, planning for future students, investigating the short and long-term impact of interventions, or comparing and monitoring scores of subgroups, educators need access to information for students they serve directly and those that they are not currently teaching.

Technology has made access to student information more accessible than ever. While recognizing the legitimate interest of teachers and administrators in student data, the District expects that such access will be used for legitimate educational purposes only and that the confidentiality of student data will be maintained.

Record Provided by the Department of Juvenile Justice

A person's juvenile criminal record must be provided by the department of juvenile justice to the

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principal of the school which the juvenile is eligible to attend immediately upon the person's release from the department of juvenile justice.

The principal will ensure that the student's juvenile criminal record is maintained in the school disciplinary file or other such confidential location. Access to the record will be restricted to school personnel having need for such information in order to adequately address the educational needs of the student.

These records must be destroyed upon the student's completion of secondary school or upon reaching 21 years of age.

Fingerprint Records

In accordance with law, the county will provide each school in the county with the forms and ink pads necessary to record each student's fingerprints in kindergarten through grade 12.

The district schools with the assistance of the State Law Enforcement Division and/or local law enforcement agencies will fingerprint school children in kindergarten and grades one through 12 when the parent of a child requests in writing that his/her child be fingerprinted for identification purposes for the child's protection.

The school will give the fingerprints to the student's parents.

Adopted 3/15/22
