

1 **Yaak School District #24**

2  
3 **STUDENTS**

3600P  
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4  
5 Student Records

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7 Maintenance of School Student Records

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9 The District maintains two (2) sets of school records for each student – a permanent record and a  
10 cumulative record.

11 The permanent record will include:

- 12 Basic identifying information
- 13 Academic work completed (transcripts)
- 14 Level of achievement (grades, standardized achievement tests)
- 15 Immunization records (per § 20-5-406, MCA)
- 16 Attendance record
- 17 Statewide student identifier assigned by the Office of Public Instruction
- 18 Record of any disciplinary action taken against the student, which is educationally related

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22 **Each student's permanent file, as defined by the board of public education, must be**  
23 **permanently kept in a secure location.**

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25 The cumulative record may include:

- 26 Intelligence and aptitude scores
- 27 Psychological reports
- 28 Participation in extracurricular activities
- 29 Honors and awards
- 30 Teacher anecdotal records
- 31 Verified reports or information from non-educational persons
- 32 Verified information of clear relevance to the student's education
- 33 Information pertaining to release of this record
- 34 Disciplinary information

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37 Information in the permanent record will indicate authorship and date and will be maintained in  
38 perpetuity for every student who has been enrolled in the District. Cumulative records will be  
39 maintained for eight (8) years after the student graduates or permanently leaves the District.  
40 Cumulative records which may be of continued assistance to a student with disabilities, who  
41 graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the  
42 parents or to the student if the student has succeeded to the rights of the parents.

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44 The Head Teacher will be responsible for maintenance and retention of a student's permanent and  
45 cumulative records, in accordance with District procedure established by the Board. Destruction of  
46 cumulative records will be done by the clerk under the direction of the Head Teacher.

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48 Access to Student Records

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3 The District will grant access to student records as follows:

- 4 1. The District or any District employee will not release, disclose, or grant access to information  
5 found in any student record except under the conditions set forth in this document.  
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7 2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy  
8 information in the child's school records. Such requests will be made in writing and directed  
9 to the records custodian. Access to the records will be granted within fifteen (15) days of the  
10 District's receipt of such request.  
11

12 Where the parents are divorced or separated, both will be permitted to inspect and copy the  
13 student's school records, unless a court order indicates otherwise. The District will send  
14 copies of the following to both parents at either one's request, unless a court order indicates  
15 otherwise:  
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- 17 a. Academic progress reports or records;  
18 b. Health reports;  
19 c. Notices of parent-teacher conferences;  
20 d. School calendars distributed to parents/guardians; and  
21 e. Notices about open houses and other major school events, including student-parent  
22 interaction.  
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24 A student that attains the age of legal majority is an "eligible student" under FERPA. An eligible  
25 student has the right to access and inspect their student records. An eligible student may not  
26 prevent their parents from accessing and inspecting their student records if they are a dependent  
27 of their parents in accordance with Internal Revenue Service regulations.  
28

29 Access will not be granted to the parent or the student to confidential letters and  
30 recommendations concerning admission to a post-secondary educational institution, applications  
31 for employment, or receipt of an honor or award, if the student has waived his or her right of  
32 access after being advised of his or her right to obtain the names of all persons making such  
33 confidential letters or statements  
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- 35 3. The District may grant access to or release information from student records without prior written  
36 consent to school officials with a legitimate educational interest in the information. A school  
37 official is a person employed by the District in an administrative, supervisory, academic, or  
38 support staff position (including, but not limited to administrators, teachers, counselors,  
39 paraprofessionals, coaches, and bus drivers ), and the board of trustees. A school official may  
40 also include a volunteer or contractor not employed by the District but who performs an  
41 educational service or function for which the District would otherwise use its own employees and  
42 who is under the direct control of the District with respect to the use and maintenance of  
43 personally identifying information from education records, or such other third parties under  
44 contract with the District to provide professional services related to the District's educational  
45 mission, including, but not limited to, attorneys and auditors. A school official has a legitimate  
46 educational interest in student education information when the official needs the information in  
47 order to fulfill his or her professional responsibilities for the District. Access by school officials  
48 to student education information will be restricted to that portion of a student's records necessary  
49 for the school official to perform or accomplish their official or professional duties.  
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3 4. The District may grant access to or release information from student records without parental  
4 consent or notification to any person, for the purpose of research, statistical reporting, or  
5 planning, provided that no student or parent can be identified from the information released,  
6 and the person to whom the information is released signs an affidavit agreeing to comply  
7 with all applicable statutes and rules pertaining to school student records.  
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- 9 5. The District may grant release of a child's education records to child welfare agencies  
10 without the prior written consent of the parents.  
11
- 12 6. The District will grant access to or release information from a student's records pursuant to a  
13 court order.  
14
- 15 7. The District will grant access to or release information from any student record, as  
16 specifically required by federal or state statute.  
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- 18 8. The District will grant access to or release information from student records to any person  
19 possessing a written, dated consent, signed by the parent or eligible student, with particularity  
20 as to whom the records may be released, the information or record to be released, and reason  
21 for the release. One (1) copy of the consent form will be kept in the records, and one (1)  
22 copy will be mailed to the parent or eligible student by the Clerk. Whenever the District  
23 requests consent to release certain records, the records custodian will inform the parent or  
24 eligible student of the right to limit such consent to specific portions of information in the  
25 records.  
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- 27 9. The District may release student records to the county superintendent or an official with  
28 similar responsibilities in a school in which the student has enrolled or intends to enroll, upon  
29 written request from such official. School officials may also include those listed in #3 above.  
30
- 31 10. Prior to release of any records or information under items 5, 6, 7, 8, and 9 above, the District  
32 will provide prompt written notice to the parents or eligible student of this intended action.  
33 This notification will include a statement concerning the nature and substance of the records  
34 to be released and the right to inspect, copy, and challenge the contents.  
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- 36 11. The District may release student records or information in connection with an emergency,  
37 without parental consent, if the knowledge of such information is necessary to protect the  
38 health or safety of the student or other persons. The records custodian will make this  
39 decision, taking into consideration the nature of the emergency, the seriousness of the threat  
40 to the health and safety of the student or other persons, the need for such records to meet the  
41 emergency, and whether the persons to whom such records are released are in a position to  
42 deal with the emergency. The District will notify the parents or eligible student, as soon as  
43 possible, of the information released, date of the release, the person, agency, or organization  
44 to whom the release was made, and the purpose of the release.  
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- 46 12. The District may disclose, without parental consent, student records or information to the  
47 youth court and law enforcement authorities, pertaining to violations of the Montana Youth  
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3 Court Act or criminal laws by the student.  
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- 5 13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney  
6 General or designee to have access to a student's school records without notice to or consent  
7 of the student's parent(s)/guardian(s).  
8
- 9 14. The District charges a nominal fee for copying information in the student's records. No  
10 parent or student will be precluded from copying information because of financial hardship.  
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- 12 15. A record of all releases of information from student records (including all instances of access  
13 granted, whether or not records were copied) will be kept and maintained as part of such  
14 records. This record will be maintained for the life of the student record and will be  
15 accessible only to the parent or eligible student, records custodian, or other person. The  
16 record of release will include:  
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- 18 a. Information released or made accessible.
  - 19 b. Name and signature of the records custodian.
  - 20 c. Name and position of the person obtaining the release or access.
  - 21 d. Date of release or grant of access.
  - 22 e. Copy of any consent to such release.
- 23

24 Directory Information  
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26 The District may release certain directory information regarding students, except that parents may  
27 prohibit such a release. Directory information will be limited to:  
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29 Student's name  
30 Photograph (including electronic version)  
31 Date and place of birth  
32 Dates of attendance  
33 Grade level  
34 Participation in officially recognized activities  
35 Honors and awards received  
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37 The notification to parents and students concerning school records will inform them of their right to  
38 object to the release of directory information.  
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40 Student Record Challenges  
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42 The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge  
43 content of the student's education records on the grounds that the information contained in the education  
44 records is inaccurate, misleading, or in violation of the privacy rights of the student.

45 The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:  
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- 47 • The District shall hold the hearing within a reasonable time after it has received the request for  
48 the hearing from the parent or eligible student.  
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- The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- The hearing may be conducted by any individual including an official of the District who does not have direct interest in the outcome of the hearing.
- The District shall make its decision in writing within a reasonable amount of time after the hearing.
- 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.

The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

Legal Reference:	Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2011); 34 C.F.R. 99 (2011)
	§ 20-5-201, MCA      Duties and sanctions
	§ 40-4-225, MCA      Access to records by parent
	§ 41-3-201, MCA      Reports
	§ 41-5-215, MCA      Youth court and department records – notification of school
	10.55.909, ARM      Student records
	10.55.910, ARM      Student Discipline Records

Procedure History:

Adopted on: 6/15/2013  
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