GOFFSTOWN SCHOOL DISTRICT **JRA**

STUDENT RECORDS AND ACCESS

A. General Statement: It is the Policy of the Goffstown School Board that all Goffstown School District personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the Goffstown School Board that all Goffstown School District personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.

B. "Education Record": For the purposes of this Policy and in accordance with FERPA, the term "educational record" is defined as all records, files, documents, and other material containing information directly related to a student and maintained by the Goffstown School District, or by such other agents as may be acting for the Goffstown School District. Such records include, but are not limited to, completed forms, printed documents, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and microfiche. Educational records do not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute. A student's electronic files and documents created as part of classroom instruction including electronic communication are not considered part of a student's education record under FERPA and are subject to retention and access as defined by the district's data governance plan as specified by policy EHAB and EHAB-R.

C. "Directory Information": For the purposes of this Policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term "directory information" means:

1. Students' name(s), address(es), telephone number(s), and date(s) of enrollment
2. Parent(s) and legal guardian(s) name(s) and address(es)
3. Students' grade levels, enrollment status and dates of attendance
4. Students participation in recognized school activities and sports
5. Weight and height of members of athletic teams
6. Post-high school plans; and
7. Students' diplomas, certificates, awards, and honors received.

Except for elements of a student's directory information which the student's parent(s) and legal guardian(s) or an eligible student has notified the Goffstown School District not to disclose, the Goffstown School District may release or disclose student directory information without prior consent of the student's parent(s), legal guardian(s), and eligible students. Within the first three weeks of each school year, the Goffstown School District will provide notice to parent(s), legal guardian(s) and eligible students of their rights under FERPA and that the Goffstown School District may publish directory information without their prior consent. Parent(s), legal guardians, and eligible students will be given until October 1st to notify the Goffstown School District in writing of any or all directory information items.

D. "Personally Identifiable Information": "Personally identifiable information" is defined as data or information which makes the individual who is the subject of a record known, including a student's name; the student's, or the student's family's address; the name of the

student's parent(s), legal guardian(s) or other family members; a personal identifier such as a student's Social Security number; the student's date of birth, place of birth, or mother's maiden name. "Personally identifiable information" also includes other information that, alone or in combination, is linked or linkable to a specific student, and 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 a reasonable certainty. It also includes other information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

E. FERPA Definition of "Parent": For the purposes of this policy, the term parent shall mean and include a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian, and all of their plural or singular form.

F. Annual Notification/Rights of Parent(s), Legal Guardian(s), and Eligible Students. Within the first 3 weeks of each school year, the Goffstown School District will publish notice to parent(s), legal guardian(s), and eligible students of their rights under State law, Federal law, and this Policy. The Goffstown School District will send a notice listing these rights home with each student. The notice will include:

1. The rights of parent(s), legal guardian(s), or eligible students to inspect and review the student's education records.
2. The intent of the Goffstown School District to limit the disclosure of information in a student's record, except: (a) by the prior written consent of the parent(s), legal guardian(s), or eligible student; (b) as directory information; or (c) under certain, limited circumstance, as permitted by law.
3. The right of a student's parent(s), legal guardian(s), or an eligible student to seek to correct parts of the student's educational records which they believe to be inaccurate, misleading, or in violation of student rights; this includes a hearing to present evidence that the records should be changed if the Goffstown School District decides not to alter them according to the parent(s), legal guardian(s), or eligible student's request.
4. The right of any person to file a complaint with the United States Department of Education if the Goffstown School District violates FERPA and
5. The procedure that a student's parent(s), legal guardian(s) or an eligible student should follow to obtain copies of this policy.

G. Procedure To Inspect Education Records. Parent(s), legal guardian(s), or eligible students may inspect and review that student's education records. In some circumstances, it may be more convenient for the record custodian to provide copies of records.

Since a student's records may be maintained in several locations, the School Principal may offer to collect copies of records or the records themselves from locations other than a student's school, so that they may be inspected at one site. If parent(s), legal guardian(s) and eligible students wish to inspect records where they are maintained, School Principals will determine if a

review at that site is reasonable.

Although not specifically required, in order that a request is handled in a timely manner, parent(s), legal guardian(s) or the eligible students should consider submitting their request in writing to the school Principal, identifying as precisely as possible the record or records that they wish to inspect. The Principal will contact the parent(s), legal guardian(s) or the eligible student to discuss how access is best arranged for their inspection or review of the records (copies, records brought to a single site, etc.).

The Principal will make the needed arrangements as soon as possible and notify the parent(s), legal guardian(s) or eligible student of the time and place where the records may be inspected. This procedure must be completed within fourteen (14) days that the request for access is first made. Note: the fourteen (14) day limit is required under New Hampshire RSA 189:66, IV, in contrast to the forty-five (45) day period otherwise allowed under FERPA.

If for any valid reason such as the parent(s) or legal guardian(s) working hours, distance between record location sites or the parent(s), legal guardian(s) or student's health, a parent(s), legal guardian(s), or eligible student cannot personally inspect and review a student's education records, the Principal may arrange for the parent(s), legal guardian(s), or eligible student to obtain copies of the records.

When records contain information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students. If such records do contain the names of other students, the Principal will seek consultation with the Superintendent and or the Goffstown School District's Attorney to determine how best to proceed. Where practicable, it may be necessary to prepare a copy of the record which has all personally identifiable information on other students redacted, with the parent/guardian or eligible student being allowed to review or receive only a copy of the redacted record. Both the original and redacted copy should be retained by the Goffstown School District.

H. Procedures To Seek a Correction of Education Records. Parent/guardian of the students or eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights. FERPA and its regulations use both "correction" and "amend". For the purposes of this Policy, the two words (in all of their respective forms) shall mean the same thing unless the context suggests otherwise. To establish an orderly process to review and correct the education records for a requester, following processes are established.

1. **First-level decision.** When a parent or eligible students find an item in the student's education records that they believe is inaccurate, misleading or in violation of student rights, they should submit a written request asking the Building Principal to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the Principal should make the correction. If the records are changed to the parent(s), legal guardian(s) or eligible student's satisfaction, both parties shall sign a

document stating the date the records were changed and that the parent(s), legal guardian(s), or eligible student are satisfied with the correction.

If the Principal believes that the record should not be changed, the Principal shall:

a. Provide the requester with a copy of the questioned records at no cost.
b. Ask the parent(s), legal guardian(s), or eligible students to initiate a written appeal of the denial of the request for the change, which will be forwarded to the Superintendent.
c. Forward the written appeal to the Superintendent; and
d. Inform the parent/eligible student that the appeal has been forwarded to the Superintendent for a decision.

2. **Second-level decision.** If the parent(s), legal guardian(s) or eligible student wishes to challenge the Principal's decision to not change the student record, they may appeal the matter to the Superintendent. The parent(s), legal guardian(s) or eligible student shall submit a written request to the Principal asking that the matter be appealed to the Superintendent. The Principal will forward the appeal to the Superintendent.

The Superintendent shall, within ten (10) business days after receiving the appeal:

a. Review the request.
b. Discuss the request with other school officials.
c. Make a decision whether or not to make the requested correction to the educational record.
d. Schedule a meeting with the parent/guardian or eligible student if the Superintendent believes such a meeting would be necessary, and
e. Notify the parent/guardian eligible student of the Superintendent's decision on their request to correct the student's educational record.

If the Superintendent determines the records should be corrected, they will make the change and notify the parent/guardian or eligible student in writing that the change has been made. The letter stating the change has been made will include an invitation for the parent/guardian or eligible student to inspect and review the records to verify that the records have been corrected and the correction is satisfactory. If the records are changed to the parent/guardian or eligible student's satisfaction, both parties shall sign a document stating the date the records were changed and that the parent/guardian or eligible student is satisfied with the correction.

If the Superintendent determines the records will not be corrected, they will notify the parent/guardian or eligible student in writing of their decision. Such letter will also notify the parent/guardian or eligible student of their right to an appeal hearing before the Goffstown School Board.

3. **Third-level decision.** If the parent(s), legal guardian(s) or eligible student are not satisfied with the Superintendent's decision, they may submit a written request for a

hearing before the Goffstown School Board. The parent/guardian or eligible student shall submit the request for a hearing with the Superintendent within ten (10) business days of the date of the Superintendent's written decision in level two. The Superintendent will inform the Goffstown School Board of the request for a hearing and will work with the Goffstown School Board to schedule a hearing within forty-five (45) days of receipt of the request. Once the meeting is scheduled, the Superintendent will inform the parent(s), legal guardian(s) and eligible student in writing of the date, time, and place of the hearing.

The hearing will be held in non-public session consistent with the provisions of RSA 91-A:3 unless the parent/guardian or eligible student requests that the hearing be held in public session. The Goffstown School Board will give the parent(s), legal guardian(s), or eligible student a full and fair opportunity to present evidence relevant to the issues raised under their request. The parent(s), legal guardian(s) or eligible students may be assisted or represented by one or more individuals of their own choice, including an attorney.

The Goffstown School Board will issue its final decision in writing within thirty (30) days of the hearing and will notify the parent(s), legal guardian(s) or eligible student thereof via certified mail, return receipt requested. The Goffstown School Board will base its decision solely on the evidence presented at the hearing. The Goffstown School Board's written decision will include a summary of the evidence and the reasons for its decision.
If the Goffstown School Board determines that the student record should be corrected, it will direct the Superintendent to do so as soon as possible. The Superintendent will then contact the parent/guardian or eligible student for a meeting so they can review and inspect the records to verify that they have been corrected. At this meeting, both parties shall sign a document stating the date the records were corrected and that the parent/guardian or eligible student is satisfied with the correction.

The Goffstown School Board's decision will be final.

4. Parent(s)/Legal Guardian(s)/Eligible Student Explanation to be Included in Record: Notwithstanding the resolution of any request to correct a student's record(s), in accordance with section (a)(2) of FERPA, parent(s), legal guardian(s) or eligible student may insert into that student's educational record a written explanation respecting the content of the record.

I. Disclosure of Student Records and Student Information. In addition to directory information, the Goffstown School District may disclose student records and student information without consent to the following parties on the condition that the recipient agrees not to permit any other party to have access to the released information without the written consent of the parent/guardian of the student, and under the conditions specified.

1. Goffstown School District officials with a legitimate educational interest.
   a. “School Officials” mean persons employed or used by the District to perform

institutional services and functions, and includes such persons as teachers, instructional aides, administrators, health or medical staff, school resource offices, and third parties such as contractors, attorneys, consultants, and volunteers. Such third-party, school officials may access student records provided such persons are:

1. Under the District's direct control with respect to the use and maintenance of education records, and
2. Prohibited from disclosing the information to any other party without the prior written consent of the parent/eligible student, or as otherwise authorized by law.

"Legitimate educational interest" includes performing a task or engaging in an activity related to: (i) one's regular duties or professional responsibilities, (ii) a student's education, (iii) the discipline of a student, (iv) a service to or benefit for a student, (v) measures to support students success, and (vi) the safety and security of campus.

2. Other schools into which a student is transferring or enrolling, upon condition that the student's parent/guardian are notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. This exception continues after the date that a student has transferred.
3. Officials for audit or evaluation purposes.
4. Appropriate parties in connection with financial aid.
5. Organizations conducting certain studies for, or on behalf of the Goffstown School District. Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction. The recipient organization must agree to limit access to the information and to destroy the information when no longer needed for the purpose for which it is released.

Additionally, any such studies must comply with the provisions of Board Policy ILD.

6. Accrediting organizations.

7. Judicial orders or lawfully issued subpoenas may be complied with by the Goffstown School District only after the parent(s), and eligible student(s) have been notified advance, unless prohibited by law. Notification is not required when a parent is a party to a court proceeding involving allegations of child abuse, neglect, or dependency. The Principal shall consult with the Superintendent and legal counsel, as needed, to ensure compliance with the judicial order, subpoena, and all applicable laws.

8. Health and safety emergencies.

J. Maintenance of Student Records and Data: The Principal of each building is responsible for record maintenance, access, and destruction of all student records. All Goffstown School District personnel having access to records shall place great emphasis upon privacy rights of students and parent/guardian.

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All entries into student records must be dated and signed by the person access such records. The Principal will ensure that all records are maintained in accordance with applicable retention schedules as may be established by law.

K. Disclosures Made From Education Records: The Goffstown District will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of the information it discloses and persons to whom it permits access, with some exceptions listed below. This record is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parent/guardian of the student, or to federal, state, or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record includes:

1. The name of the person who or agency which made the request.
2. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals who formed the basis for the disclosure, and the parties to whom the agency or institution disclosed the information.
3. Whether the request was granted and, if it was, the date access was permitted, or the disclosure was made.
4. The date on which the person or agency made the request.
5. The interest which the person or agency has in the information.

The Goffstown School District will maintain this record as long as it maintains the student's education record. The records do not include requests for access or information relative to access which has been granted to parent/guardian of the student or to an eligible student; requests for access or access granted to officials of the Goffstown School District who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent/guardian or eligible student, or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.
The records of a request for the correction of an educational record, including any appeal of a denial of that request, shall not be treated as part of the educational record of the student if the educational record is ultimately corrected but shall be preserved separately.

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Legal References:
RSA 91-A:5,III, Exemptions, Pupil Records
RSA 189:1-e, Directory Information
RSA 189:66, IV, Data Inventory and Policies Publication
20 U.S.C. §1232g, Family Educational Rights and Privacy Act
34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations

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