

Student Records/Release of Information on Students

In recognition of the confidential nature of student education records, no person or agency may access student education records without prior written consent from the student's parent/guardian or the eligible student, except as set forth in law and this policy.

The superintendent or designee shall provide for the proper administration of student records in accordance with law, including the implementation of safeguard measures or procedures regarding access to and disclosure of student education records.

Content and custody of student education records

The principal is the official custodian of records in his or her building.

Student education records in all formats and media, including photographic and electronic, are those records that relate directly to a student. Student education records may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any Individualized Education Program (IEP).

Student education records do not include records maintained by a law enforcement unit of the school or school district that are created by that unit for the purpose of law enforcement.

Nothing in this policy shall prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from a student's education records.

In accordance with applicable law, requests for inspection and review of student education records, requests for copies of such records, and disclosure of personally identifiable information therein shall be maintained as a part of each student's education record.

School personnel shall use reasonable methods to authenticate the identity of parents, students, school officials, and any other party to whom they disclose student education records. Authentication of identity prior to disclosure of electronic records through passwords or other security measures shall be required.

Access to student education records by parents and eligible students

A parent/guardian ("parent") has the right to inspect and review his or her child's education records, if the student is under 18 years of age. If a student is 18 years old or older ("eligible student"), the student may inspect or review his or her own

education records and provide written consent for disclosure of such records and personally identifiable information therein. However, the parent is also entitled to access his/her child's education records, despite the lack of written consent from the eligible student, if the eligible student is a dependent for federal income tax purposes or the disclosure is in connection with a health or safety emergency. Access to student education records by parents or eligible students shall be in accordance with the regulation accompanying this policy.

Request to amend student education records

A parent or eligible student may ask the district to amend a student education record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student. Student grades cannot be challenged pursuant to this policy. Requests to amend a student education record shall be in accordance with the regulation accompanying this policy.

Disclosure with written consent

Whenever the district is required by law or policy to seek written consent prior to disclosing personally identifiable information from a student's education record, the notice provided to the parent or eligible student shall contain the following:

- a. The specific records to be disclosed;
- b. The specific reasons for such disclosure;
- c. The specific identity of any person, agency or organization requesting such information and the intended uses of the information;
- d. The method or manner by which the records will be disclosed; and
- e. The right to review or receive a copy of the records to be disclosed.

The parent's or eligible student's consent shall only be valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity, special education program or in any other school program shall not constitute the specific written consent required by this policy.

All signed consent forms shall be retained by the school district.

Disclosure without written consent

The district may disclose student education records or personally identifiable information contained therein without written consent of the parent or eligible student if the disclosure meets one of the following conditions:

1. The disclosure is to a school official having a legitimate educational interest in the student education record or the personally identifiable information contained therein. In accordance with law, only those school officials who have a legitimate educational interest as described in this policy shall be permitted access to specific student education records.
 - a. For purposes of this policy, a "school official" is a person employed by the district as an administrator, supervisor, teacher or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom

the district has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, consultant or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.

- b. A school official has a "legitimate educational interest" if disclosure to the school official is: (1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (2) used within the context of official district business and not for purposes extraneous to the official's areas of responsibility; (3) relevant to the accomplishment of some task or to a determination about the student; and (4) consistent with the purposes for which the data are maintained.
2. The disclosure is to officials of another school, school system or postsecondary institution that has requested the records and in which the student seeks or intends to enroll, or has enrolled. Any records sent during the student's application or transfer period may be supplemented, updated or corrected as necessary.
3. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities.
4. The disclosure is in connection with a student's application for, or receipt of, financial aid.
5. The disclosure is to state and local officials and concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children's Code. Such records and personally identifiable information shall only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent or eligible student.
6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction.
7. The disclosure is to accrediting organizations for accrediting functions.
8. The disclosure is to the parent of an eligible student and the student is a dependent for IRS tax purposes.
9. The disclosure is in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or others.
10. The disclosure is to comply with a judicial order or lawful subpoena. The district shall make a reasonable effort to notify the parent or eligible student prior to complying with the order or subpoena unless:

- a. The court order or subpoena prohibits such notification; or
 - b. The parent is a party to a court proceeding involving child abuse and neglect or dependency matters and the court order is issued in the context of that proceeding.
11. The disclosure is to the Secretary of Agriculture, or authorized representative from the USDA Food and Nutrition Service or contractors acting on behalf of the USDA Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations and performance measurements of state and local educational agencies receiving funding or providing benefits of program(s) authorized under the National School Lunch Act or Child Nutrition Act.
 12. The disclosure is to an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access the student's case plan because such agency or organization is legally responsible, in accordance with applicable state or tribal law, for the care and protection of the student.
 13. The disclosure is of "directory information" as defined by this policy.

Disclosure of directory information

Directory information may also be disclosed without written consent of the parent or eligible student. "Directory information" means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information which may be released includes but is not limited to the student's name, email address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors and awards received, the most recent previous education agency or institution attended by the student, and other similar information. Directory information also includes a student identification number or other unique personal identifier displayed on a student ID badge or used by the student to access or communicate in electronic systems, but only if the identifier cannot be used to gain access to student education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a password known only by the authorized user.

Student telephone numbers and addresses shall not be disclosed pursuant to this section.

The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 1 or the following Monday if September 1 is a Saturday or Sunday.

Disclosure of disciplinary information to school personnel

In accordance with state law, the principal or designee shall communicate disciplinary information concerning any student enrolled in the school to any teacher

who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person.

State law requires the principal or designee to inform the student and the student's parent when disciplinary information is communicated and to provide a copy of the shared disciplinary information. The student and/or the student's parent may challenge the accuracy of such disciplinary information through the process outlined in this policy and accompanying regulation.

Disclosure to military recruiting officers

Names, addresses and home telephone numbers, as well as directory information, of secondary school students shall be released to military recruiting officers within 90 days of the request, unless a parent or eligible student submits a written request that such information not be released. Reasonable and customary actual expenses directly incurred by the district in furnishing this information will be paid by the requesting service.

Disclosure to Medicaid

In all cases in which a student is enrolled in the Colorado Medicaid program, the district shall release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The district shall obtain written consent annually from a parent before the release of any non-directory information required for billing. To accomplish this, the district shall include a consent form with IEP packet materials.

Disclosure to the Colorado Commission on Higher Education (CCHE)

On or before December 31 of each school year, the school district shall disclose to the CCHE the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

Annual notification of rights

The district shall notify parents and eligible students of their rights pursuant to this policy at the beginning of each academic year. For notice to parents or eligible students who are disabled or whose primary or home language is other than English, the format or method of notice will be modified so it is reasonably likely to inform them of their rights.

A copy of the Family Educational Rights and Privacy Act, and this policy and accompanying regulation and exhibit may be obtained from the office of the superintendent during normal business hours.

Governing law

The district shall comply with the Family Educational Rights and Privacy Act (FERPA) and its regulations as well as state law governing the confidentiality of student education records. The district shall be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

Adopted: November 13, 2013

Revised and recoded by the Board: July 17, 2019

LEGAL REFS.: 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act*)
20 U.S.C. 7908 (*military recruiter access to student records*)
34 C.F.R. 99.1 *et seq.* (*FERPA regulations*)
34 C.F.R. 300.610 *et seq.* (*IDEIA regulations concerning confidentiality of student education records*)
C.R.S. 19-1-303 and 304 (*records and information sharing under Colorado Children's Code*)
C.R.S. 22-1-123 (*district shall comply with FERPA*)
C.R.S. 22-32-109 (1)(ff) (*duty to establish policy on disclosing eighth grade students names and mailing addresses to the Colorado Commission on Higher Education*)
C.R.S. 22-32-109.1 (6) (*duty to establish policy on sharing information consistent with state and federal law in the interest of making schools safe*)
C.R.S. 22-32-109.3 (2) (*duty to share disciplinary and attendance information with criminal justice agencies*)
C.R.S. 22-33-106.5 (*court to notify of conviction of crime of violence and unlawful sexual behavior*)
C.R.S. 22-33-107.5 (*school district to notify of failure to attend school*)
C.R.S. 24-72-204 (2)(e) (*denial of inspection of materials received, made or kept by Safe2Tell Program*)
C.R.S. 24-72-204 (3)(a)(VI) (*schools cannot disclose address and phone number without consent*)
C.R.S. 24-72-204 (3)(d) (*information to military recruiters*)
C.R.S. 24-72-204 (3)(e)(I) (*certain FERPA provisions enacted into Colorado Law*)
C.R.S. 24-72-204 (3)(e)(II) (*disclosure by staff of information gained through personal knowledge or observation*)
C.R.S. 24-72-205 (5) (*fee for copying public record*)
C.R.S. 25.5-1-116 (*confidentiality of HCPF records*)

CROSS REFS.:

Board policies:

EL-9, Treatment of Students Parents and Community

EL-11, School Safety

Administrative policies:

JK, Student Discipline

JLC, Student Health Services and Records

File: J-60 (JRA/JRC)

JRCA*, Sharing of Student Records/Information between School District and
State Agencies

KLMA, Relations with Military Recruiters, Postsecondary Institutions and
Prospective Employers

Student Records/Release of Information on Students

(Review, Amendment and Hearing Procedures)

In accordance with policy JRA/JRC, this regulation contains the procedures to follow when a parent or eligible student seeks to review or challenge the content of student education records.

Request to review student education records

1. The parent or eligible student shall submit a written request to the principal of the school attended by the student, asking to review the student's education records.
2. Upon receipt of the written request, the principal or designee shall set a date and time for inspection and review of the records (usually within three working days after the request has been made).
3. The parent or eligible student shall examine the student's education records in the presence of the principal and/or other person(s) designated by the principal. The record itself shall not be taken from the school building.
4. During inspection and review of student education records by a parent or eligible student and when requested by them, the principal will provide personnel necessary to give explanations and interpretations of the records.
5. Upon request, one copy of the record shall be provided within a reasonable time to the parent or eligible student at a cost of \$0.25 per page. However, such fee may be reduced or eliminated when the custodian determines there is reasonable cause to do so.

Request to amend student education records

1. The parent or eligible student shall submit a written request to the principal or appropriate school official, clearly identifying the part of the record to be amended and specifying why the record is inaccurate, misleading or otherwise violates the student's privacy rights.
2. The request to amend the student's education records must be made in writing within 10 school days of the date the records were first examined by the parent or eligible student, unless additional time is granted by the district for good cause shown.
3. If the principal or school official denies the request to amend the student education record, the principal/school official shall notify the parent or eligible student of the decision and advise him or her of the right to a hearing to appeal the denial.

Request for a formal hearing

A request for a formal hearing must be made in writing and addressed to the superintendent of schools. The district's response to the request shall be mailed within 10 school days.

The hearing shall be held in accordance with the following:

1. The hearing will be held within 25 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent or eligible student by certified mail.
2. The hearing will be conducted by a principal or higher administrative official as designated in writing by the superintendent. The official conducting the hearing shall not be the principal who made the initial decision nor shall it be anyone with a direct interest in the outcome of the hearing.
3. Parents or eligible students shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
4. The official designated above shall make a decision in writing within 20 school days following the conclusion of the hearing and shall notify the parent or eligible student of that decision by certified mail.
5. The decision of the official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
6. The decision shall include a statement informing the parents or eligible student of the right to place in the student education record a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained by the district. If the student education record is disclosed by the district to any other party, the explanation shall also be disclosed to that party.

Adopted: November 13, 2013

Revised and recoded by the superintendent: July 17, 2019

Student Records/Release of Information on Students

(Notification to Parents and Students of Rights Concerning
Student Education Records)

The Weld County School District Re-3J ("District") hereby gives notice that The Family Educational Rights and Privacy Act (FERPA) and Colorado law afford parents/guardians (parents) and students over 18 years of age (eligible students) certain rights with respect to the student's education records, as follows:

1. The right to inspect and review the student's education records within a reasonable time period after the request for access is made (not to exceed 45 days). See JRA/JRC-R.

Parents or eligible students who wish to inspect their child's or their education records should submit to the appropriate school official a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Generally, the building principal is the appropriate school official for records held at the building level, and the district superintendent is the appropriate school official for records held at the district level. The director of special education is the appropriate school official for special education records.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading or otherwise in violation of the student's privacy rights. See JRA/JRC-R.

Parents or eligible students who wish to ask the district to amend their child's or their education record should write the appropriate school official, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA and state law authorize disclosure without consent. See JRA/JRC.

4. **Exception to Consent Requirement for Directory Information:** FERPA permits the district to disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;

- Honor roll or other recognition lists;
 - Graduation programs; and
 - Sports activity sheets, such as for wrestling, showing weight and height of team members.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office, U.S. Department of Education, 400
Maryland Avenue, SW, Washington, DC 20202-8520.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. [Note: These laws are Section 9528 of the ESEA (20 U.S.C. 7908) and 10 U.S.C. 503(c).]

If you do not want the district to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must notify the district in writing by August 31. The district has designated the following information as directory information:

- Student's name
 - Photograph
 - Date and place of birth
 - Major field of study
 - Dates of attendance
 - Grade level
 - Participation in officially recognized activities and sports
 - Weight and height of members of athletic teams
 - Degrees, honors, and awards received the most recent educational agency or institution attended
 - Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user
 - A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
6. **Other Exceptions to Consent Requirement:** FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible

student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the district to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. The district may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student – the right to refuse to permit the designation of any or all of the categories of directory information. See JRA/JRC.

7. The right to request that information not be provided to military recruiting officers. See JRA/JRC and JRA/JRC-E-2.
 - To other school officials, including teachers, within the district whom the district has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the district has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))

Issued: November 13, 2013

Revised and recoded by the superintendent: July 17, 2019

Revised: August 17, 2020

**Opt-Out Form
for Disclosure of Information to Military Recruiters**

- [] As a parent, I request that my child's name, address, telephone number and any other directory information not be released to any United States military recruiter.

Signature of parent/guardian _____

Student's name _____

Date _____

- [] As a student who is 18 years of age or older, I request that my name, address, telephone number and any other directory information not be released to any United States military recruiter.

Signature of student _____

Student's name _____

Date _____

Issued: July 17, 2019

Opt-Out Form for Student Image Publishing

Classroom activities and school events are sometimes photographed or videotaped by the school or media groups (newspaper, television, university, district public relations, etc.). In addition, the district or school may want to post articles, video or photography on district or school websites.

This form applies to classroom activities and school events that are not open to the public. Public events such as sporting events, theatre productions, etc. are open to the public and are not covered by this form.

If you DO NOT want your child's photograph, video and/or electronic image to be published for news media or school publicity purposes, please complete this form and return it to your child's school by [insert specific date] .

☐ I do not wish to have my child photographed or videotaped for purposes of news coverage or school district publicity.

Signature of parent/guardian _____

Student's name _____

School _____

Student's current grade level _____

Date _____

This form applies for the current school year.

Issued: July 17, 2019