

## Policy JRA Student Records

Last Issued 5/05

Purpose: To establish the basic structure for maintenance of and access to student 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 of 1974.

The principal of each school is the legal custodian of all student records for that school.

The schools will notify the parent/legal guardian of students and/or eligible students (those 18 years of age or older) annually of the following.

- the type of records kept
- the procedure for inspecting and copying these records
- the right for interpretation of data contained in student records
- the 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 determines 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

The superintendent or his/her designee will ensure that schools are aware of and following district procedures regarding student records. Cumulative record folders for all students will be kept in each school office. The educational records include all materials directly related to a student that a school maintains. Records and notes maintained by a teacher, administrator, school physician, or school psychologist for his/her own use, and which are not available to others, are exempted from this definition.

The school will require prior written consent before information may be divulged to third parties.

Exceptions to this rule exist for district employees who have legitimate educational interests in viewing the records, officials in other schools in which the student seeks to enroll, and military recruiters who seek student contact information.

State and national educational organizations that require student data for confidential research and statistical purposes are also exempted from the parental consent prerequisite. An exemption also exists for material under court order, although parents/legal guardians must be notified of the order, and for personally identifiable information if, taking into account the totality of the circumstances, it is determined that there is an articulable and significant threat to the health or safety of the student or other individuals and knowledge of the information is necessary to protect the health or safety of the student or other individuals.

The district, with certain exceptions, may disclose directory information, which may include names, addresses, telephone listings, and dates of birth, without first obtaining written parental permission. However, the district must define directory information to the public before disclosures.

The superintendent will establish administrative regulations for compliance with the FERPA and other applicable acts and regulations.

The principal will maintain juvenile criminal records and information provided by the Department of Juvenile Justice in accordance with this policy and applicable district procedures.

The principal will notify classroom teachers when their students are convicted of certain crimes.

Adopted 7/29/86; Revised 8/28/86, 1/27/00, 1/30/03, 5/26/05, 1/12/23

Legal references:

United States Code, Annotated:

Section 438 of the General Education Provisions Act, as amended - The Family Education Rights and Privacy Act [[20 U.S.C. 1232g](#)].

[10 USC Section 503](#) - National Defense Authorization Act of 1999, as amended by the Hutchinson Act.

[P.L. 107.56](#) - The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act.

[20 U.S.C. Section 7165](#) (2001) - No Child Left Behind Act.

South Carolina Code of Laws, 1976 as amended:

[Section 44-29-135](#) - Confidentiality of sexually transmitted disease records.

[Section 63-19-2020](#) - Confidentiality.

[Section 63-19-2030](#) - Law enforcement.

[Section 59-63-50](#) - Provides for students to be fingerprinted.

South Carolina School Safety Act of 1997 - [Sections 16-3-612](#), [63-19-820](#), [22-3-560](#), [59-63-370](#) through 390.

[Section 63-5-30](#) - Rights and duties of parents regarding minor children.

[Section 59-38-10](#) - South Carolina Education Bill of Rights for Children in Foster Care.

State Board of Education Regulations:

[R-43-273](#) - Transfers and withdrawals.

Court order:

*Alexander S. by and through Bowers v Flora Brooks Boyd* 876 F.Supp 773 (1995).

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## **Barnwell School District**