

Records Policy

Student Records - Definition/Types

- A. For the purposes of this policy, the term “education records” means records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.
- B. The term “education records” does not include:
- Records that contain only information about a student after he or she is no longer a student in the school.
 - Records made by school personnel that are kept in the sole possession of the maker and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
- C. A cumulative record shall be maintained for each student from entrance into Promontory School until withdrawal or graduation from the school
- D. Student records may include:
- Admissions data, personal and family data, including certification of date of birth.
 - Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
 - All achievement records, as determined by tests, recorded grades, and teacher evaluation.
 - Health services record, including:
 - The findings of screening of health appraisal programs the school conducts or provides.*
 - Information and follow-up to ensure that parents have been notified of identified problems and of how they can obtain needed services for the students.*
 - Immunization records.*
 - Personal health information (i.e., medications, allergies, special health concerns)*
 - Attendance records.
 - Student questionnaires.
 - Records of teacher, counselors or administrative conferences with the student or pertaining to the student.
 - Verified reports of serious or recurrent behavior patterns.
 - Copies of correspondence with parents and others concerned with the student.
 - Records transferred from other schools the student has been enrolled in.
 - Records pertaining to participation in extracurricular activities.
 - Information relating to student participation in special programs.
 - Records of fees assessed and paid.
 - Electronic records that may contribute to an understanding of the student.
 - Other records that may contribute to an understanding of the student.

Student Records - Access

- A. Access to the education records of a student who is or has been in attendance at Promontory School shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes. "Parent" includes a parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
- B. The school shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. The custodian of records shall delete all references in educational records to the residence of the managing conservator (custodial parent) prior to their release to the possessor conservator (non-custodial parent).
- C. Whenever a student has attained 18 years of age or is attending an institution of post-secondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.
- D. If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed.
- E. Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. The school shall respond to reasonable requests for explanations and interpretations of the records.
- F. Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following:
 - a. School officials of Promontory School, including teachers, who have legitimate educational interests.
 - b. Officials of other schools or school systems in which the student seeks or intends to enroll.
 - c. Authorized representatives of the Comptroller General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal or state-supported education programs or in connection with the enforcement of or in compliance with federal legal requirements that relate to such programs.
 - d. Personnel involved with a student's application for, or receipt of, financial aid.
 - e. State and local officials to whom such information is specifically required to be reported or disclosed by state statute.
 - f. Organizations conducting studies for educational agencies or for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies.
 - g. Accrediting organizations that require the information for purposes of accreditation.
 - h. Parents of a student who is a dependent for tax purposes.

- i. Appropriate persons who, in an emergency, must have such information in order to protect the health or safety of the student or other person.
 - j. Any person requesting directory information, as defined in local policy, after the school has given public notice of that definition.
 - k. authorized recruiters of the Armed Forces of the United States of America.
- G. In order for personally identifiable information in education records to be released to those other than to the student and those listed above, written consent must be obtained from the student's parents. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released. Such information may also be released in compliance with a judicial order or subpoena provided that the school makes a reasonable effort to notify the parent and student of the order or subpoena in advance of compliance.
- H. Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent.
- I. For the purposes of this policy, "school officials" shall mean any employees, trustees, or agents of the school, or cooperatives of which the school is a member, or of facilities with which the school contracts for placement of special needs students. The term also includes attorneys, consultants, and independent contractors who are retained by the school, by cooperatives of which the school is a member, or by facilities with which the school contracts for placement of special needs students. School officials have a "legitimate educational interest" in a student's records when they are working with the student, considering disciplinary or academic actions, or developing a special needs student's individual education plan; compiling statistical data; or investigating or evaluating programs.
- J. Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records. The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information.
 - a. The record will be maintained as long as the school maintains the student's education record.
 - b. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the school.
 - c. The record shall not include requests for access by or access granted to,
 - i. *parents of the student or school officials,*
 - ii. *requests accompanied by prior written consent of the parent, or*
 - iii. *requests for directory information.*

Student Records - Annual Notification of Rights

- A. The school shall give parents of eligible students in attendance annual notification of their rights under the Family Educational Rights and Privacy Act of 1974 and of the places where copies of this policy may be located, including notice of the right to file complaints concerning alleged failures by the district to comply with the provisions of the act.
- B. Parents of students at Promontory will receive an annual notification of their rights either via email, as a letter that will be sent home with students, and/or via the online family handbook.

Student Records - Directory Information

- A. Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, may be released at the discretion of school officials, without consent from parents or guardians to individuals or outside organizations for appropriate reasons.
- B. Parents/guardians may choose to withhold any item considered to be directory information by submitting a written notification to the school their child attends within thirty (30) days from the district's public notice of the provisions of this policy each school year.
- C. Directory information shall include a student's name, grade level, telephone listings, address, participation in officially recognized activities and sports, awards, honors, and degrees received, photograph and video images, parent's e-mail address, date of birth, and dates of attendance.
- D. Directory information to be released to recruiters representing the United States Military includes the name, address, and telephone listings of students.
- E. The primary purpose of directory information is to release information from a student's education records for certain school publications such as:
 - a. Drama and musical production programs
 - b. Yearbooks
 - c. School honor rolls or other types of recognition lists
 - d. Celebrations of Learning programs
 - e. Information may also be released to certain organizations such as:
 - f. Companies dealing with such things as school yearbooks and student pictures
 - g. Parent volunteer organizations
 - h. State, county, and city agencies such as DCFS, courts, law enforcement
- F. Directory information may be released to any individual or organization not mentioned above that files a written request with the director and is approved by the governing board.

- G. Public notice shall be given annually of the school's intent to release the above information. The notice shall include parent/guardian right to notify the school, in writing within 30 days, that he/she does not want certain elements or all of the information about the student released. The written notice may be delivered in person, through the mail system, or electronically. The school reserves the right to require additional identification and/or documentation to verify the individual submitting the written notice is who they claim to be and/or they have the legal authority to restrict directory information.

Student Records - Fee for Copy

- A. No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy.
- B. The fee shall be set on an annual basis and shall not exceed the actual cost to the district of copying the records. Hardship cases shall be dealt with on an individual basis.

Student Records - Transfer of Records

- A. The school may request transcripts from previously attended schools for students transferring into the school; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.
- B. The school shall promptly forward education records upon request to officials of other schools or school systems in which the student intends to enroll.

Employment - Personnel Records

- C. Personnel records of the school are designated as private.
- D. All information contained in the personnel file of an employee shall be made available to that employee upon reasonable written request by the employee, except for documents which are classified as protected by the school. Photocopies of non-protected documents in an employee's file may be made at the employee's expense.
- E. With regard to public access to information in personnel records, the school has determined that personnel files are private and of such a nature that it is in the public interest to prevent disclosure. Consequently, the school shall not make available to the public, employee personnel files. If the school denies access to a file under this section, the person requesting access shall

be informed within five days of the denial as to why the data is exempt from disclosure. The notice need not be in writing unless the request was in writing.

Access and Management

- A. This policy is adopted pursuant to the Government Records Access and Management Act Utah Code Ann. (1992) § 63-2-701 (GRAMA) and applies to school records relating to information practices, including classification, access, appeals, management, and retention of documents.
- B. Records are scheduled for retention, transfer, or disposition according to the procedures contained in Utah Code 63-2-901 through 909.
- C. A person may request access to the school's records if that person meets the requirements set forth in this policy.
- D. The business administrator is hereby designated as Records Administrator for all business (non-personnel) records. The school head secretary is hereby designated as Records Administrator for all personnel records.
- E. Public records shall include official minutes and actions and decisions of the governing board unless the record involves information, which is classified as private, controlled, or protected. Public records also include official school policies, contracts, minutes, accounts, employment records to the extent they disclose only names, gender, job titles, job descriptions, business addresses, business telephone numbers, gross salaries, working hours and dates of employment. Public records shall also include formal criminal charges against an employee unless in the judgment of the governing board the charges are without foundation and fact.
- F. Public records shall be open for public inspection during regular office hours.
- G. Private documents shall include personnel files including but not limited to applications, nominations, recommendations, evaluations, proposals for advancement or appointment, all documents related to eligibility for unemployment benefits, social services, welfare benefits, personal finances, individual medical conditions, and military status.
- H. All student records, including electronic student information, are designated as "education records" and the disclosure of such education records is not governed under GRAMA but under 20 U.S.C. §12-32(g) and 34 C.F.R. §99 et seq. and 34 C.F.R. §300 et seq. The school may not release information related to educational records without parental consent, except as provided in the Family Educational Rights and Privacy Act (FERPA).

- I. Private records shall be open only to the subject of the record and other authorized individuals or agencies. Access to student records shall be provided in accordance with FERPA (See Policy regarding Student Records).
- J. Controlled records shall include medical, psychiatric, or physiological data of an individual which, if disclosed, could be detrimental to the individual's mental health or safety.
- K. Protected records include any information that, if disclosed, would jeopardize the life or safety of an individual or security of school property or programs; documents that, if disclosed, would place the school at a disadvantage in contract negotiations, property transactions, or bargaining positions or could enable circumvention of an audit; records related to potential litigation or personnel or hearing; records generated in meetings which are closed in accordance with the Utah Open Public Meetings Law; and test questions.
- L. Protected records shall only be open to authorized individuals and agencies or in response to court order.
- M. Exempt records include student records which are protected by the Family Educational Rights and Privacy Act.
- N. Any document which is copyrighted, either by formal filing under federal copyright laws or by informal claim of copyright, or which is covered by a patent, trademark, or other protected designation, shall not be copied or provided to any person without an order of a court of competent jurisdiction ordering such disclosure or written permission from the author of the record.
- O. Access to school records may be obtained under the following procedures:
 - a. Request to view school records should be addressed to the appropriate records administrator during the regular business hours.
 - b. Individuals requesting to view records classified as "Private, Controlled and Protected" shall be required to submit their request in writing. Requestors must prove their right to access to the records through personal identification, written release from the subject of the record, power of attorney, court order or other appropriate means.
 - c. The records officer shall determine whether access to the requested records is to be granted or denied.
 - i. *If the request is approved, the record shall be provided as soon as possible and not more than ten (10) working days from the date the request is received.*
 - ii. *If the request is denied, the records officer must specify the reason in writing and the requestor shall be informed of the right to appeal.*
 - d. A fee shall be charged for the school's actual cost of duplicating a requested record and also for the personnel time in compiling and obtaining the record. A fee schedule for this service shall be adopted by the board.
 - e. The school shall require all fees of the requestor to be paid before copying if fees are expected to exceed \$50.00, or if the requestor has not paid fees from a previous request.

- f. Each requestor shall submit a written request specifically identifying those documents requested. This request shall specifically state whether the documents sought are: (1) to be copied; or (2) identified to determine whether they are subject to disclosure; or (3) to be allowed to inspect a specific record. In the event that a document is specifically identified and designated for copying, the requestor shall submit sufficient funds with the written request to pay for all copies requested to be copied.
 - g. The school shall respond to the request to copy within fifteen (15) days. The school hereby finds that it does not have adequate resources to respond to document requests and appeals in the time period set forth in §63-2-204 of GRAMA and therefore it opts these alternative time periods.
 - h. The school shall respond to an appropriate request by:
 - i. *Approving the request and providing the records,*
 - ii. *Denying the request,*
 - iii. *Notifying the requestor that it does not maintain the records, or*
 - iv. *Notifying the requestor that extraordinary circumstances exist which make it impractical to approve or deny the request and specifying the earliest time when the records will be available.*
 - i. If access is denied, the requestor may appeal to the Director. The requestor shall file a written request for a hearing with the director at least ten (10) working days prior to the desired hearing date.
 - i. *Upon receiving the request, the director shall schedule a mutually convenient time, date and location for the hearing and notify all parties.*
 - ii. *The requestor has the right to be represented by legal counsel at the hearing. If the requestor is to be represented by legal counsel, the director must be notified at least ten (10) working days in advance of the hearing and a list of all persons to be called and documents to be submitted into evidence shall be given to the school. If the requestor has legal counsel present at the hearing, the director may also be represented by legal counsel.*
 - iii. *Within ten (10) working days after the hearing, the director shall notify the requestor in writing of the action recommended.*
 - iv. *If the requestor is not satisfied with the action recommended an appeal may be filed with the governing board.*
 - v. *Appeals to the governing board shall follow the same procedures and timelines outlined above.*
 - vi. *If the board upholds the action recommended in the hearing with the director, the requestor has the right to appeal the board's decision to a court of competent jurisdiction.*
- P. The school shall adhere to the general schedule for records retention approved by the State Records Committee.
- Q. Records which are not covered by the general schedule shall be submitted to the State Records Committee for scheduling.
- R. If an appropriate requestor requests to have copies of more than fifty (50) pages of records, the school may in its sole discretion provide the requestor with facilities to make copies and require the requestor to make copies him or herself at his or her own expense.

- S. An individual may contest the accuracy or completeness of any public, or private, or protected record concerning him/her by requesting the school to amend the record. However, this provision does not affect the right of access to private or protected records. This provision does not apply to records relating to title of real property, medical records, judicial case files, or any other records that the school determines must be maintained in their original form to protect the public interest or preserve the integrity of the record keeping system.
- a. The request to amend shall contain the requester's name, mailing address, daytime telephone number and a brief description explaining why the specific record should be amended.
 - b. The school shall issue an order either approving or disapproving the request to amend no later than thirty (30) days after the request is made. The order shall state reasons for the decision. If the request is denied, the requester may submit a written statement contesting the information in the record. The school shall place the statement with the record, if possible, and disclose the statement whenever the contested record is disclosed.