

1 **Bainville K-12 Schools**

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 § 20-5-506, MCA)
- 16 Attendance record
- 17 Statewide student identifier assigned by the Office of Public Instruction

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

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24 The cumulative record may include:

- 25 Intelligence and aptitude scores
- 26 Psychological reports
- 27 Participation in extracurricular activities
- 28 Honors and awards
- 29 Teacher anecdotal records
- 30 Verified reports or information from non-educational persons
- 31 Verified information of clear relevance to the student’s education
- 32 Information pertaining to release of this record
- 33 Disciplinary information
- 34 Camera footage only for those students directly involved in the incident

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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 Superintendent will be responsible for maintenance, retention, or destruction of a student’s
45 permanent or cumulative records, in accordance with District procedure established by the
46 Superintendent.

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4 Access to Student Records
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6 The District will grant access to student records as follows:
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- 8 1. The District or any District employee will not release, disclose, or grant access to information
9 found in any student record except under the conditions set forth in this document.
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11 2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy
12 information in the child's school records. Such requests will be made in writing and directed
13 to the records custodian. A parent of any student is allowed to view the footage but is not
14 permitted to receive a copy unless the parents of the other involved students provide consent.
15 Consent from parents of students in the background is not required. Access to the records
16 will be granted within fifteen (15) days of the District's receipt of such request.
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18 Where the parents are divorced or separated, both will be permitted to inspect and copy the
19 student's school records, unless a court order indicates otherwise. The District will send
20 copies of the following to both parents at either one's request, unless a court order indicates
21 otherwise:
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- 23 a. Academic progress reports or records;
24 b. Health reports;
25 c. Notices of parent-teacher conferences;
26 d. School calendars distributed to parents/guardians; and
27 e. Notices about open houses and other major school events, including student-parent
28 interaction.
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30 A student that attains the age of legal majority is an "eligible student" under FERPA. An eligible
31 student has the right to access and inspect their student records. An eligible student may not
32 prevent their parents from accessing and inspecting their student records if they are a dependent
33 of their parents in accordance with Internal Revenue Service regulations.
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35 Access will not be granted to the parent or the student to confidential letters and
36 recommendations concerning admission to a post-secondary educational institution,
37 applications for employment, or receipt of an honor or award, if the student has waived his or
38 her right of access after being advised of his or her right to obtain the names of all persons
39 making such confidential letters or statements.
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- 41 3. The District may grant access to or release information from student records without prior
42 written consent to school officials with a legitimate educational interest in the information. A
43 school official is a person employed by the District in an administrative, supervisory,
44 academic, or support staff position (including, but not limited to administrators, teachers,
45 counselors, paraprofessionals, coaches, and bus drivers), and the board of trustees. A school
46 official may also include a volunteer or contractor not employed by the District but who
47 performs an educational service or function for which the District would otherwise use its
48 own employees and who is under the direct control of the District with respect to the use and
49 maintenance of personally identifying information from education records, or such other third

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4 parties under contract with the District to provide professional services related to the
5 District's educational mission, including, but not limited to, attorneys and auditors. A school
6 official has a legitimate educational interest in student education information when the
7 official needs the information in order to fulfill his or her professional responsibilities for the
8 District. Access by school officials to student education information will be restricted to that
9 portion of a student's records necessary for the school official to perform or accomplish their
10 official or professional duties.

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- 12 4. The District may grant access to or release information from student records without parental
13 consent or notification to any person, for the purpose of research, statistical reporting, or
14 planning, provided that no student or parent can be identified from the information released,
15 and the person to whom the information is released signs an affidavit agreeing to comply
16 with all applicable statutes and rules pertaining to school student records.
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 - 18 5. The District may grant release of a child's education records to child welfare agencies
19 without the prior written consent of the parents.
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 - 21 6. The District will grant access to or release information from a student's records pursuant to a
22 court order, ~~provided that the parent will be given prompt written notice~~, upon receipt of such
23 order, of its terms, the nature and substance of the information proposed to be released, and
24 an opportunity to inspect and copy such records and to challenge their contents.
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 - 26 7. The District will grant access to or release information from any student record, as
27 specifically required by federal or state statute.
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 - 29 8. The District will grant access to or release information from student records to any person
30 possessing a written, dated consent, signed by the parent or eligible student, with particularity
31 as to whom the records may be released, the information or record to be released, and reason
32 for the release. One (1) copy of the consent form will be kept in the records, and one (1)
33 copy will be mailed to the parent or eligible student by the Superintendent. Whenever the
34 District requests consent to release certain records, the records custodian will inform the
35 parent or eligible student of the right to limit such consent to specific portions of information
36 in the records.
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 - 38 8. The District may release student records to the superintendent or an official with similar
39 responsibilities in a school in which the student has enrolled or intends to enroll, upon written
40 request from such official. School officials may also include those listed in #3 above.
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 - 42 10. Prior to release of any records or information under items 5, 6, 7, and 8, above, the District
43 will provide prompt written notice to the parents or eligible student of this intended action.
44 This notification will include a statement concerning the nature and substance of the records
45 to be released and the right to inspect, copy, and challenge the contents.
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 - 47 11. The District may release student records or information in connection with an emergency,
48 without parental consent, if the knowledge of such information is necessary to protect the
49 health or safety of the student or other persons. The records custodian will make this

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4 decision, taking into consideration the nature of the emergency, the seriousness of the threat
5 to the health and safety of the student or other persons, the need for such records to meet the
6 emergency, and whether the persons to whom such records are released are in a position to
7 deal with the emergency. The District will notify the parents or eligible student, as soon as
8 possible, of the information released, date of the release, the person, agency, or organization
9 to whom the release was made, and the purpose of the release.

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11 12. The District may disclose, without parental consent, student records or information to the
12 youth court and law enforcement authorities, pertaining to violations of the Montana Youth
13 Court Act or criminal laws by the student.
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15 13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney
16 General or designee to have access to a student's school records without notice to or consent
17 of the student's parent(s)/guardian(s).
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19 14. The District charges a nominal fee for copying information in the student's records. No
20 parent or student will be precluded from copying information because of financial hardship.
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22 15. A record of all releases of information from student records (including all instances of access
23 granted, whether or not records were copied) will be kept and maintained as part of such
24 records. This record will be maintained for the life of the student record and will be
25 accessible only to the parent or eligible student, records custodian, or other person. The
26 record of release will include:
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28 a. Information released or made accessible.
29 b. Name and signature of the records custodian.
30 c. Name and position of the person obtaining the release or access.
31 d. Date of release or grant of access.
32 e. Copy of any consent to such release.

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34 Directory Information

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36 The District may release certain directory information regarding students, except that parents may
37 prohibit such a release. Directory information will be limited to:

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39 Student's name
40 Address
41 Telephone listing
42 Electronic mail address
43 Photograph (including electronic version)
44 Date and place of birth
45 Major field of study
46 Dates of attendance
47 Grade level
48 Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
49 Participation in officially recognized activities and sports

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- 4 Weight and height of members of athletic teams
- 5 Degrees
- 6 Honors and awards received
- 7 Most recent educational agency or institution attended

8 The notification to parents and students concerning school records will inform them of their right to
9 object to the release of directory information.

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11 Military Recruiters/Institutions of Higher Education

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13 Pursuant to federal law, the District is required to release the names, addresses, and telephone
14 numbers of all high school students to military recruiters and institutions of higher education upon
15 request. The notification to parents and students concerning school records will inform them of their
16 right to object to the release of this information.

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18 Student Record Challenges

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20 The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge
21 content of the student's education records on the grounds that the information contained in the education
22 records is inaccurate, misleading, or in violation of the privacy rights of the student.

23 The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:

- 24 • The District shall hold the hearing within a reasonable time after it has received the request for
25 the hearing from the parent or eligible student.
 - 26 • The District shall give the parent or eligible student notice of the date, time, and place, reasonably
27 in advance of the hearing.
 - 28 • The hearing may be conducted by any individual including an official of the District who does
29 not have direct interest in the outcome of the hearing.
 - 30 • The District shall make its decision in writing within a reasonable amount of time after the
31 hearing.
 - 32 • The decision must be based solely on the evidence presented at the hearing, and must include a
33 summary of the evidence and the reasons for the decision.
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35 The parent or eligible student has:

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- 37 • The right to present evidence and to call witnesses;
 - 38 • The right to cross-examine witnesses;
 - 39 • The right to counsel;
 - 40 • The right to a written statement of any decision and the reasons therefor;
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42 The parents may insert a written statement of reasonable length describing their position on disputed
43 information. The school will maintain the statement with the contested part of the record for as long as
44 the record is maintained and will disclose the statement whenever it discloses the portion of the record to
45 which the statement relates.

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47 Legal Reference: Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2011); 34
48 C.F.R. 99 (2011)
49 § 20-5-201, MCA Duties and sanctions

