

CONTENT AND CREDIT RECOVERY

Code **IKADD** Issued **MODEL/17**

Students who have been unsuccessful in mastering content or skills required to receive course credit may be offered the opportunity to participate in the district's content or credit recovery programs.

Content Recovery

Spartanburg School District Five's content recovery program consists of a course-specific, skill-based learning opportunity for students who are still enrolled in a course with the original teacher of record assigned by the school who have not achieved mastery of course content that has already been addressed. Content recovery allows a student to retake a subset of a course, including a single unit, more than one unit, or other supplemental assignments/activities assigned and approved by a certified teacher as needed for the student to achieve mastery of the course content.

Credit Recovery

Spartanburg School District Five's credit recovery program consists of a course-specific, skill-based learning opportunity for students who have previously failed to master content or skills required to receive credit in a given course. The program is designed for students who are no longer enrolled in a course but who have achieved sufficient mastery to benefit from a block of instruction, less than the entirety of the course, which targets specific components or a subset of standards to address the student's deficiencies.

There will be no increase in the GPA of a student who achieves credit for a credit recovery course. Should a student wish to modify his/her GPA, he/she should repeat the full course for credit and not seek participation in the credit recovery program.

Student Athletes

Student athletes and their parents/legal guardians should be aware that current National Collegiate Athletic Association (NCAA) rules place strict limitations on credits earned through content recovery and credit recovery programs. Participation in these programs **are likely to affect a student's eligibility for NCAA play** (i.e., VirtualSC credit recovery courses are not approved by the NCAA). Consult the district athletic director for more information.

Issued ^

CONTENT AND CREDIT RECOVERY

Code **IKADD-R** *Issued* **MODEL/17**

School administrators will coordinate with staff members to identify students appropriate for participation in content and credit recovery programs.

Content Recovery

Students must be currently enrolled in a course to participate in content recovery.

Eligibility

Students are eligible for participation in content recovery through the recommendation of their classroom teacher based upon a variety of factors including, but not limited to, documented student performance on formative and summative classroom assessments, student attendance patterns, and course content and curriculum pacing.

Students are generally not limited in the amount of courses for which they may participate in content recovery; however, school administrators may elect to limit participation based upon parent/legal guardian and/or teacher recommendation.

Grading

Content recovery assignments must be completed no later than the official course completion date. Seniors must complete any content recovery assignments no later than the official date teachers submit final senior grades. Upon satisfactory completion of all assigned work within the time allowed, the teacher will factor the content recovery grade by replacing individual classroom grades with the corresponding individual content recovery grades.

Credit Recovery

Students must have previously failed a course to be eligible for credit recovery. Participation in credit recovery will not affect a student's GPA. Should a student wish to modify his/her GPA, he/she should repeat the full course for credit and not seek participation in the credit recovery program.

Eligibility

Students are eligible for a credit recovery course if they have previously taken and failed an initial credit course. Students must have obtained a grade of 52 or higher in the initial credit course, or the student is not eligible for credit recovery and must retake the full course to receive credit. Students who have already received credit for a course are ineligible to participate in credit recovery to improve their final grade.

Students will be required to complete an application to request placement in a credit recovery course. Consent of the student's parent/legal guardian must be obtained prior to enrollment.

Students may take no more than four credit recovery courses per year.

District Five Schools of Spartanburg County

PAGE 2 - IKADD-R - CONTENT AND CREDIT RECOVERY

Instruction and curriculum

The method of instruction for credit recovery courses may vary based upon the district resources available, and includes, but is not limited to, use of an online or computer-based program, VirtualSC, direct instruction by a certified teacher either in person or via distance learning, or blended learning. Individuals charged with facilitating credit recovery courses will receive training in online instruction management and related technology, when applicable.

Each credit recovery course will be based upon state curriculum standards and objectives for the corresponding subject and will be aligned across courses within the district. The standards and concepts to be addressed in credit recovery courses will be determined by the teacher who assigned the student the failing grade in the initial credit course, through a diagnostic tool utilized by the credit recovery course facilitator or software program, or through another diagnostic assessment offered by the district.

Credit recovery course offerings may be limited by the availability of space, facilitators, and appropriate computer-based content and/or due to district budgetary constraints.

Grading

Students enrolled in a fall semester, credit recovery course are not permitted to remain in a credit recovery course past the official fall course completion date. Students enrolled in a spring semester credit recovery course must complete the credit recovery course within two weeks of the official last day of school. Students enrolled in a credit recovery course during summer school are not permitted to remain in the credit recovery course past the official summer school course completion date.

Credit recovery courses taken during the final semester of the school year must be completed no later than two weeks following the last day of the academic year. Graduating seniors must complete credit recovery courses no later than the day prior to graduation. Additionally, rising seniors enrolled in credit recovery courses during a summer session must complete those courses no later than August 15th to count for the current academic year. Other students enrolled in credit recovery courses during a summer session may extend past August 15th, but the course credit will be recorded in the next academic year.

When a student has shown mastery of the credit recovery material, the student will receive credit for the course. Because end-of-course examinations focus on assessing a student's mastery of an entire course, and credit recovery only focuses on a portion of the course's content, students will not be permitted to retake the exam.

Student grades in credit recovery courses are designed to be GPA-neutral, meaning that the student's GPA will not be affected by the student's grade in the course. The failing grade in the initial credit course will remain on the student's transcript but will be marked to not count in the GPA calculation if the student recovers the credit successfully. If the student passes the credit recovery course with a 60, the passing grade will be transcribed as the numeric grade equivalent to the GPA quality points of the student's cumulative GPA at the time they complete the credit recovery course, including the failing grade in the initial credit course. If the student's cumulative GPA is an "F," then the grade entered for passing the credit recovery course is the lowest passing grade, 60.

Cost

Credit recovery courses are typically provided to students without charge. However, a student's parent/legal guardian will be responsible for any and all costs associated with a district-approved request to utilize an alternative method of instruction in lieu of the no-cost option the district offers.

Issued ^

District Five Schools of Spartanburg County

Spartanburg School District Five
CREDIT RECOVERY APPLICATION

Student name: _____ Grade level: _____

Name of course(s) to be recovered: _____

To be completed by the student

I understand that Spartanburg School District Five's credit recovery program is designed to allow me the opportunity to earn credits towards graduation for courses I have previously taken and failed.

I understand that because this program is individualized to include only the course material I have not yet mastered and not the full course, a passing grade I receive for completion of the program will be transcribed as the numeric grade equivalent to the GPA quality points of my cumulative GPA at the time I complete the credit recovery course, including the failing grade in the initial credit course. If my cumulative GPA is an "F," then the grade entered for passing the credit recovery course will be a 60. This grade will be recorded on my transcript and denoted that it was completed in the form of credit recovery. My grade in the initial course will remain on my transcript as well.

I understand participation in the credit recovery program is likely to affect my eligibility for National Collegiate Athletic Association (NCAA) play.

I have read and understand district policy IKADD, and I, the undersigned, agree to the terms and conditions of the program contained therein.

Student's signature

Date of application

To be completed by the parent/legal guardian

I, the parent/legal guardian of the above named student, do hereby give my consent for my child to participate in Spartanburg School District Five's credit recovery program.

I have read and understand district policy IKADD, and I, the undersigned, agree to the terms and conditions of the program contained therein.

Parent/Legal guardian's name (please print)

Parent/Legal guardian's signature

CODE OF CONDUCT

Code **JICDA-R** Issued **MODEL/17**

Level I - Behavioral Misconduct

Behavioral misconduct includes any activity in which a student engages that tends to impede orderly classroom procedures or instructional activities, orderly operation of the school, or the frequency or seriousness of which disturb the classroom or school.

Acts of behavioral misconduct may include, but are not limited to, the following:

- classroom tardiness
- cheating on examinations or classroom assignments
- lying
- acting in a manner so as to interfere with the instructional process
- abusive language between or among students
- failure to complete assignments or carry out directions
- failure to comply with directives from school/district personnel or agents (to include volunteer aides or chaperones)
- use of forged notes or excuses
- cutting class
- school tardiness
- truancy (three consecutive unlawful absences from school or a total of five unlawful absences)
- possession of an electronic communications device as defined by and in conflict with district policy
- other acts of behavioral misconduct as determined and communicated by the administration

Staff will follow these basic enforcement procedures in instances of behavioral misconduct and will maintain a complete record of the procedures.

When a staff member observes, or is notified of and has verified acts of behavioral misconduct, the staff member will take immediate action to rectify the misconduct. Verification is defined as self admittance by the student, witnessed involvement of the student by staff, parental admission of student involvement, or evidence obtained through an investigation. The staff member will impose an appropriate consequence and maintain a record of the misconduct and the consequence.

If, either in the opinion of the staff member or according to policy, a certain misconduct is not immediately rectifiable, the staff member should refer the problem to the appropriate administrator for action specified by policy.

The administrator should meet with the reporting staff member, and, if necessary, the student and the parent/legal guardian, and impose the appropriate consequence and/or establish an intervention plan and/or behavioral contract.

Consequences that may be applied in cases of behavioral misconduct may include, but are not limited to, the following:

PAGE 2 - JICDA-R - CODE OF CONDUCT

- verbal reprimand
- parental contact
- withdrawal of privileges
- demerits
- detention (silent lunch, after school, weekends, or another time that does not interfere with the instructional day)
- other consequences as approved and communicated by the administration

Level II - Disruptive Conduct

Disruptive conduct includes those activities in which students engage that are directed against persons or property and the consequences of which tend to endanger the health or safety of themselves or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative consequences and court proceedings.

The administration may reclassify behavioral misconduct (Level I) as disruptive conduct (Level II) if the student engages in the activity three or more times.

Acts of disruptive conduct may include, but are not limited to, the following:

- violation of a Level I intervention plan and/or behavioral contract
- use of an intoxicant
- fighting
- harassment, intimidation, or bullying
- vandalism (minor)
- stealing
- threats against others
- trespassing
- abusive language to staff
- repeated refusal to comply with directives from school personnel or agents (such as volunteer aides or chaperones)
- possession or use of unauthorized substances, as defined by law and/or local school board policy
- illegally occupying or blocking school property in any way with the intent to deprive others of its use
- unlawful assembly
- disrupting lawful assembly
- hazing
- inappropriate use of technology (e.g., bullying, harassing, or intimidating other students or district employees; plagiarizing copyrighted materials; and accessing inappropriate websites)
- other acts as determined and communicated by the administration

Staff will follow these basic enforcement procedures in instances of disruptive conduct and will maintain a complete record of the procedures.

When an administrator observes, or is notified of and has verified an offense, the administrator will investigate the circumstances of the misconduct and confer with staff on the extent of the consequences.

PAGE 3 - JICDA-R - CODE OF CONDUCT

The administrator will notify the parent/legal guardian of the student's misconduct and related proceedings. The administrator will meet with the student and, if necessary, the parent/legal guardian, confer with them about the student's misconduct, and impose the appropriate disciplinary action.

The administrator may refer the student to the appropriate intervention team to establish behavioral management strategies (e.g., restorative justice, counseling, service learning projects) and propose the appropriate disciplinary action.

The administrator or school official may refer Level II misconduct to the school resource officer or other law enforcement authorities only when the conduct rises to the level of criminality and the conduct presents an immediate safety risk to one or more people or it is the third or subsequent act which rises to the level of criminality during the school year.

The administration may apply consequences in cases of disruptive conduct which may include, but are not limited to, the following:

- temporary removal from class
- alternative education program
- in-school suspension
- out-of-school suspension
- transfer
- referral to outside agency, including law enforcement when involving possible criminal conduct
- expulsion
- restitution of property and damages, where appropriate
- other consequences as approved and communicated by the administration

Level III - Criminal Conduct

Criminal conduct includes those activities in which students engage that result in violence to themselves or to another's person or property or which pose a direct and serious threat to the safety of the students themselves or others in the school. These activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of the school resource officer or other law enforcement authorities, and/or action by the board.

Acts of criminal conduct may include, but are not limited to, the following:

- assault and battery
- extortion
- threat of the use of a destructive device (bomb, grenade, pipe bomb, or similar device)
- possession, use, or transfer of dangerous weapons
- sexual offenses
- vandalism (major)
- theft, possession, or sale of stolen property
- arson
- furnishing or selling unauthorized substances, as defined by law and/or board policy
- furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons)

PAGE 4 - JICDA-R - CODE OF CONDUCT

- illegal use of technology (e.g., communicating a threat of a destructive device, weapon, or event with the intent of intimidating, threatening, or interfering with school activities; maliciously transmitting sexual images of minors other than images of the student or images transmitted with the uncoerced consent of the individual in the images)
- threatening to take the life of or inflict bodily harm upon a teacher, principal, or members of their immediate family

Staff will follow these basic enforcement procedures in instances of criminal conduct and will maintain a complete record of the procedures.

When an administrator observes, or is notified of and has verified a criminal offense, the administrator must contact the school resource officer or local law enforcement authorities immediately.

An administrator will notify the student's parent/legal guardian as soon as possible.

An administrator will impose the appropriate disciplinary action. If warranted, the administrator should immediately remove the student from the school environment.

Staff will follow established due process procedures when applicable.

The administration may apply consequences in cases of criminal conduct which may include, but are not limited to, the following:

- out-of-school suspension
- assignment to alternative schools
- [referral to an outside agency](#)
- expulsion
- restitution of property and damages, where appropriate (should be sought by school authorities)
- other consequences as approved and communicated by the administration

Extenuating or Mitigating Circumstances

The board may confer upon the appropriate administrator the authority to consider extenuating or mitigating circumstances which may exist in a particular case of misconduct, excluding criminal conduct. The administrator should consider such circumstances in determining the most appropriate sanction.

The board may also confer upon the appropriate administrator the authority to consider aggravating circumstances which may exist in a particular case of misconduct or criminal conduct. Such circumstances should be considered in determining the most appropriate sanction.

Discipline of Students with Disabilities

Students with disabilities are not exempt from school disciplinary processes, nor are they entitled to remain in a particular educational program when their conduct substantially impairs the education of other students in the program. However, federal and state laws and regulations require schools to meet the individual educational needs of such students to the extent possible.

District Five Schools of Spartanburg County

PAGE 5 - JICDA-R - CODE OF CONDUCT

The process of disciplining a student who receives special education services involves both administrative authorities who are responsible for discipline and the special education department, including teachers and administrators who have been assigned specific responsibilities in the implementation of the student's Individualized Education Program (IEP).

Program prescriptions

An IEP team may prescribe or prohibit specified disciplinary measures for an individual student by including appropriate provisions in the student's IEP. The committee must take into consideration the student's disabling condition when deciding whether or not staff may use a particular form of discipline. Administrative authorities will observe any such provisions contained in a student's IEP.

Suspensions

The administration may suspend a student with a disability unless a suspension is prohibited by the student's IEP. At the end of the suspension, the school will return the student to the same educational placement, if appropriate.

The school may suspend a student for not more than 10 consecutive school days, and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change in placement under the law).

However, students who bring weapons to school or a school function, knowingly possess or use illegal drugs or solicit the sale of controlled substances, or inflict serious bodily injury upon another person while at school or a school function may be removed for up to 45 days at a time. If school officials believe that a student with a disability is substantially likely to injure him/herself or others in the student's regular placement, they may ask an impartial hearing officer to order that the student be removed to an interim alternative educational setting for a period up to 45 days.

Expulsions

Expulsion of a student with a disability is equivalent to a change in educational placement and, therefore, requires special procedures. Before such a student may be expelled, a multi-disciplinary team must determine whether or not there is a connection or causal relationship between the disabling condition and the misconduct. If so, then expulsion resulting in cessation of educational services for the student is not the appropriate discipline.

The district will continue to provide a free and appropriate education as set forth in a student's IEP to expelled students with disabilities.

Immediate removal

Nothing contained in this administrative rule will be construed as limiting an administrator's ability to remove a student with a disability from school immediately under emergency conditions.

Issued 6/24/85; Revised 9/23/91, 2/7/02, 3/25/13,

STUDENT RECORDS

Code **JRA** Issued **MODEL/17**

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

Students and parents/legal guardians will have access to their school records. The schools will notify parents/legal guardians and adult students of the following:

- type of records kept
- procedure for inspecting and copying these records
- right for interpretation
- right to challenge data thought to be erroneous, the procedures for expunging such data, or inserting a rebuttal statement
- right to lodge a complaint with the U.S. Department of Education if mandates are not adequately implemented

Cumulative record folders for all students will be kept in each school office. The educational records or school 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 school district employees who have legitimate interests in viewing the records, officials in other schools in which the student seeks to enroll, and military recruiters who seek student contact information. At the time of transfer, parents/legal guardians may review the materials.

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.

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 Family Educational Rights and Privacy Act 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.

The principal will destroy such juvenile criminal records upon the juvenile's completion of secondary school, or when the juvenile reaches 21 years of age, whichever occurs earlier.

Adopted 9/22/97; Revised 4/22/13, 8/22/16

PAGE 2 - JRA - STUDENT RECORDS

Legal references:

A. Federal Law:

1. The Family Education Rights and Privacy Act of 1974, 20 U.S.C.A. Section 1232(g).

B. S.C. Code, 1976, as amended:

1. Section 44-29-135 - Confidentiality of sexually transmitted disease records.
2. Section 59-1-490 - South Carolina Department of Education Data Use and Governance Policy.
3. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
4. Section 59-63-50 - Provides for students to be fingerprinted.
5. Section 59-63-370 - Student's conviction or delinquency adjudication for certain offenses; notification of senior administrator at student's school; placement of information in permanent school records.
6. Section 63-5-30 - Rights and duties of parents regarding minor children.
7. Section 63-19-2020 - Juvenile records confidentiality.
8. Section 63-19-2030 - Law enforcement records.

STUDENT RECORDS

Code **JRA-R** Issued **MODEL**

General Provisions

A student's "education records" are those records directly related to a student and maintained by the school district or a party acting for the school district.

"Parent" refers to a parent, a legal guardian, a person acting as a parent, a surrogate appointed in accordance with laws regulating programs for disabled students, or a student who is 18 years of age or over, or a student who is attending an institution of postsecondary education on a full-time basis.

"Written consent" as used in this policy and administrative rule includes signed and dated written consent in electronic format that does the following:

- identifies and then indicates a particular person as the source of the electronic consent
- indicates the person's approval of the information in the electronic consent

Whenever a student is 18 or is attending an institution of postsecondary education, the rights accorded to and the consent required of the parent of the student will thereafter only be accorded to and required of the eligible student unless the school district has received notice that a court has awarded legal guardianship beyond the age of majority or the student is dependent on the parent/legal guardian for support and is claimed as dependent for tax purposes under the Internal Revenue Code. The school will document such notice.

In maintaining student records, the schools will follow applicable state and federal laws and regulations.

Location of the Student Records

The school or the district records office (if a student is no longer enrolled) will maintain a cumulative record folder that contains directory information, scholastic information, standardized test data, health records, discipline records, and other information. This cumulative record will include, but not be limited to, the following information:

- name (last, first, and middle), also the preferred name (nickname)
- date of birth (verified) along with the sex and ethnic background
- address and telephone number
- names of parents and/or legal guardians
- health record, including surveys for vision, speech, and hearing
- standardized test scores
- end of year assessment scores
- attendance and scholarship record card

PAGE 2 - JRA-R - STUDENT RECORDS

- special services contact report
- reading and mathematics continual record
- appropriate correspondence with parents
- discipline records
- criminal record (if convicted of certain crimes)
- incident reports relating to charges for certain offenses outlined in the Juvenile Justice Code, and relating to other offenses if requested by the principal
- other information in the form of notice by a law enforcement agency that a child has been charged with an offense as outlined in the Juvenile Justice Code or upon final disposition of a case as outlined in the code

Except as provided in paragraph four of this section, the district maintains copies of psychological reports and related records if the district has given psychological evaluations to the student as follows:

- in the office of special services
- in the student's school in a file especially for psychological reports

The appropriate personnel in the district office and/or the appropriate school will keep records concerning students who have had administrative hearings.

Once a student graduates, the district files the student's records in the high school. If a student drops out of school before graduation, the school will file his/her records for five years and then transfer the records to the district's central location for record storage.

Directory Information

Schools will treat each student's education records as confidential and primarily for local school use. The exception to this rule is for directory information, which includes the following information about a student:

- name
- address
- telephone number
- date and place of birth
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- dates of attendance
- diploma or certificate and awards received
- electronic mail address
- photographs, digital images, images on videotape, and other electronic images (as related to school-sponsored or district-sponsored events, activities, and special recognitions)

PAGE 3 - JRA-R - STUDENT RECORDS

- grade level
- most recent previous educational agency or institution attended by the student
- other similar information which may appear in newspaper articles, on television, in radio broadcasts, on displays, on the world wide web, or in district or school promotional pieces

The district will not release directory information to any person or agency for commercial use. The district expects its employees to use good judgment in releasing directory information so it serves the best interests of the student.

Within 15 days after the annual distribution of notification of privacy rights, the parent of the student or the eligible and currently enrolled student has the right to refuse to permit the designation of any or all of the categories of personally identifiable information as directory information. The parent/eligible student's notification must be in writing. The written notification will become part of the student's education record. The principal of the school the student is attending is responsible for notifying appropriate personnel of the request, filing the request in the student's cumulative folder and marking the folder as specified by the superintendent or his/her designee.

This notification of privacy will include notice to parents that military recruiters are entitled to some student directory information and that parents have the right to deny this access.

Release of School Records

The Family Education and Privacy Act of 1974 requires the following procedures in the release of school records:

- The district cannot release school records to any person or agency (employer, government agency, etc.) without the written consent of a student's parent. If the student is 18 years of age, he/she may sign for the release of his/her records.
- The district will release school records, without prior written consent of parent or eligible student, to officials of other educational institutions in which the student seeks or intends to enroll. The school will notify the student's parent of the transfer only if he/she has requested this exception to the district's policy.

Records Made by an Employee

A school district employee's personal records on a student are not part of the student's education record as long as that person keeps the notes solely for his/her own use and maintains them separately from the school files.

A substitute who performs the employee's duties on a temporary basis may use these personal records. However, the employee may not pass the records on to a successor.

Management of Records

The district will protect the confidentiality of personally identifiable data on children during collection, storage, disclosure, and destruction.

School district personnel, school psychologists under contract with the school district, and other eligible state and federal employees who need the records to carry out their assigned duties and who have a legitimate educational interest will have access to or may receive information from

PAGE 4 - JRA-R - STUDENT RECORDS

the education records. The superintendent will maintain a current list of such individuals. The district will also give access to parents and eligible students as provided below.

The appropriate administrative head of each group collecting or using personally identifiable information will give instruction regarding these regulations to the group.

Students Transferring to another School

When a student transfers to another public or private school, the school will send the student's permanent school records, including incident reports relating to charges for certain offenses outlined in law and the discipline record of suspensions and expulsions, to the receiving school and notify the parent of the transfer.

Schools must transfer these records as soon as possible, but no later than 10 business days, upon receiving the written request from the school to which the student is transferring. Schools may not withhold the transfer of records to a school for fees owed by the student.

Disclosure (Except for Directory Information)

The school district has the right to disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency, if knowledge of the information is immediately necessary to protect the health or safety of the student or other individuals.

The school will require a written request or consent from a parent or eligible student for each act of release of information. Blanket authorization for release of information is not permissible. Written requests or consent will include the types of information to be released, the purpose(s) for the disclosure, the parties or class of parties to whom the disclosure may be made, the date signed, and the signature of the parent or eligible student.

The district will not require prior consent for disclosure when state and federal officials request the information as authorized by statutes or regulations implementing statutes.

The district will not require prior consent to disclose information to organizations conducting studies for, or on behalf of, the district for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instruction as long as students and/or their parents are not personally identified and the records are destroyed when no longer needed for the prescribed purpose.

The district will not require prior consent when disclosing information to accrediting organizations in order for them to carry out their accrediting functions.

The district will not require prior consent when disclosing information in order for the school district to comply with a request from a judicial order, a lawfully issued subpoena, or a family court judge or his/her duly authorized representative acting in an official capacity.

Except as provided elsewhere in this administrative rule, the school district will keep a record of disclosures not authorized by the parent, eligible student, or this administrative rule.

The student's cumulative folder will provide the following information:

- name of the party receiving the information
- data released
- legitimate purpose for which the data was requested

PAGE 5 - JRA-R - STUDENT RECORDS

On the same day, the person releasing the information must mail written notification of the above to the parent or eligible student at the last known address if there is no evidence that the parent or eligible student is aware of the release of information.

Students in Foster Care

Upon enrollment of a child in foster care, the Department of Social Services (DSS) will provide a copy of the court order to the school district for inclusion in the student's records.

The district will request school records of a student in foster care within two days of placement into a school and will transfer records within two days of receiving a request for school records of a student in foster care.

The district may permit an authorized representative of DSS to have access to the records of a child in foster care for the purpose of fulfilling educational case management responsibilities required by law and to assist with the school transfer or placement of the child.

Annual Notification of Rights

Each school will distribute annual notice of privacy rights to parents and eligible students in attendance at the time of notification.

Request for Inspection

Anyone who wants to inspect the records must make the request for inspection (or an explanation or interpretation) of a student's record to the principal of the school in which the student is enrolled or where the record is housed.

Principals or designated district office administrators will set a time and place for the inspection of such records within a reasonable period of time, but in no case more than 45 days after the request has been made. If a hearing concerning the student is pending, the employee will honor the request for inspection of the student's record prior to the hearing.

At the inspection, the principal will have appropriate personnel available to interpret information on the records.

The school district is responsible for the maintenance of each student's record. Therefore, school personnel are not to turn the original record or microfilmed copy of a record over to any person or organization unless they have a specific, written judicial order for such action.

If the parent or eligible student believes that the information in the education record is inaccurate, misleading, or violates the privacy or other rights of the student, he/she can request an amendment to the record. The school official receiving the request will either amend the record, if appropriate, or notify the parent or eligible student within 15 working days in writing that the request is denied and that he/she has the right to request a hearing as provided below.

Each parent of a child has the right to inspect and review the child's record unless the school district has written evidence that there is a legally binding instrument or a court order governing such matters as divorce, separation or custody which provides to the contrary. The same applies to parental requests for disclosure to other individuals and to organizations.

A parent or an eligible student has the right to give written authorization for a representative to inspect and review the education records of the student.

PAGE 6 - JRA-R - STUDENT RECORDS

Hearings to Challenge Information in Students' Records

Parents or eligible students will make requests for hearings to the principal where the record is housed. The principal or his/her designee may conduct the hearing.

Principals or administrators will set a date, time, and place for the hearing and notify the requester in writing of the date, time, and place. The principal will establish the hearing date within five working days of receipt of the request. The principal must mail written notice of the hearing to the parent or eligible student at least 10 days prior to the hearing.

A school district official who does not have a direct interest in the outcome will conduct the hearing.

At the hearing, the principal or administrator will try to have present the person who has entered the information in question if the person is known and reasonably available. The parent or student who requested the hearing will have the right to question that person if present and be able to show evidence that would correct inaccurate, misleading, or otherwise inappropriate information. Such evidence will become a permanent part of the student's record.

The parent of the student or the eligible student will have a full and fair opportunity to present relevant evidence and may be assisted or represented at their expense by legal counsel.

If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it will inform the parent or eligible student in writing that he/she has the right to place in the education record a statement commenting upon the information in the record and/or setting forth any reasons for disagreeing with the decision. Any such statement must remain with the record as long as the contested portion remains in the record. Disclosure of the contested portion must include the statement of the parent or eligible student.

The school district will send its decision (including a summary of the evidence), the reasons for the decision, and the right to a judicial appeal in writing to the parent or eligible student within five working days after the conclusion of the hearing. The school district will base its decision solely on evidence.

Destruction of Education Records

The school district may destroy data that are no longer needed for providing direct educational services as long as the following conditions apply:

- There is no outstanding request to inspect and review the education record.
- The district keeps the record of disclosures as long as it maintains the education record to which it relates.
- The data do not concern the referral, evaluation, staffing, and placement of a disabled student or a student suspected at one time of having a disability. Such data will be sent to the office of programs for the disabled when no longer needed for providing direct educational services to a student.

No one may remove the following items from a student's cumulative record at any time:

- name (last, first, and middle), also the preferred name (nickname)
- date of birth (verified), along with the sex and ethnic background
- address and telephone number
- names of parents

PAGE 7 - JRA-R - STUDENT RECORDS

- health record, including surveys for vision, speech, and hearing
- standardized test scores
- end of year assessment scores
- attendance and scholarship record card

Special service contact report is to be removed from a student's cumulative record at the end of five years if the student is not enrolled in a special program. The curriculum coordinator or guidance counselor will remove this record. The continual reading and mathematics records K through eight are to be removed and made a part of the record keeping system to be in force for grades nine through 12. Correspondence with parents should be reevaluated and thrown away after five years. Any materials relating to a child's preschool and kindergarten experiences should be discarded after second grade.

Record Provided by the Department of Juvenile Justice

A person's juvenile criminal record must be provided by the department of juvenile justice to the principal of the school which the juvenile is eligible to attend immediately upon the person's release from the department of juvenile justice.

The principal will ensure that the student's juvenile criminal record is maintained in the school disciplinary file or other such confidential location. Access to the record will be restricted to school personnel having need for such information in order to adequately address the educational needs of the student.

These records must be destroyed upon the student's completion of secondary school or upon reaching 21 years of age.

Fingerprint Records

In accordance with law, the county will provide each school in the county with the forms and ink pads necessary to record each student's fingerprints in kindergarten through grade 12.

The district schools with the assistance of the State Law Enforcement Division and/or local law enforcement agencies will fingerprint school children in kindergarten and grades one through 12 when the parent of a child requests in writing that his/her child be fingerprinted for identification purposes for the child's protection.

The school will give the fingerprints to the student's parents.

The Family Educational Rights and Privacy Act Office

Parents/Legal guardians and eligible students have the right to file written complaints concerning alleged violations of the Family Educational Rights and Privacy Act. Written complaints should be sent to the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

This office has the responsibility for investigating, processing, and reviewing alleged violations. This office will refer appropriate cases to a review board for adjudication.

Issued 8/28/75; Revised 8/27/84, 4/25/94, 10/23/95, 9/22/08, 4/22/13, 9/23/13, 8/22/16