

## **PROCEDURES FOR ACCESS TO STUDENT RECORDS**

- A. Parents/guardians of students or eligible students are permitted to inspect and review the educational records of the student, as maintained and as provided herein.
- B. Eligible students and parents/guardians may inspect and review the educational records of the student upon request to the building principal of the school the student is attending or the superintendent of schools, at their respective offices.
- C. Although the school district may not deny access to an educational record to proper persons, the district feels it has legitimate cause to deny a request for a copy of such records as follows:
  - 1. If the record has not yet been placed in the student's file.
  - 2. If the record has not yet been evaluated.
  - 3. If there is no means of making the copy when requested, this shall not be cause when the means becomes available.
  - 4. If the request is made at an unreasonable time, place or manner.
- D. Three types of student records and information are kept by the School District:
  - 1. Official school records that constitute the minimum personal data necessary for the operation of the educational system.
  - 2. Professionally evaluated and interpreted information of importance, while the student is enrolled in the school district, in helping the student and in protecting others.
  - 3. Potentially useful information but not yet evaluated or clearly needed beyond the immediate present.
- E. Student records are maintained under the direction and supervision of the building principal.
- F. All school personnel having responsibilities for working with students have an obligation to update the students records and provide a continuous evaluation of the content of the records.
- G. Persons having access to students' records:
  - 1. Parent/guardian of students under 18 years of age.

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2. Eligible students, defined as students or former students 18 years of age or older or who are enrolled in a postsecondary educational institution.
  3. Other school district personnel who are employed by the school district and who are responsible for working with students or student records, when necessary to help any student, to further school purposes or develop educational opportunity.
- H. Except, as provided herein and by law, student record information will not be released to individuals, agencies or institutions unless the request for the release of such information is accompanied by:
1. A written consent dated and signed, stating the specific records to be disclosed, the purpose of the disclosure and the party to whom the disclosure may be made, from the parent/guardian of a student under 18 years of age, or an eligible student. A copy of the records so disclosed will be provided to the parent/guardian of a student under 18 years of age, or the eligible student, if requested; or
  2. Pursuant to a judicial order or a lawfully issued subpoena, with a student, parent/guardian of a student under 18 years of age or an eligible student being notified in advance of compliance; provided such notification does not violate the terms of the judicial order or subpoena.
- I. The school district shall maintain a record, kept with the records of the student, of each request and disclosure it makes, which indicates:
1. Parties names who requested information.
  2. Their reason for requesting and obtaining the information.
- J. Right of a hearing to challenge the content of a student's records:
1. Within one calendar year from the date material is inserted in the students' records, parents/guardian of students under 18 years of age or eligible students have an opportunity for a hearing to challenge the content of the students' records.
  2. Parents/guardians of students under 18 years of age or eligible students shall have an opportunity for the correction or deletion of any inaccurate misleading or otherwise inappropriate data contained in the students' records and the right to include a statement concerning the content.
  3. Building principals may conduct informal meetings or discussions with parents/guardian of students under 18 years of age or eligible students to settle a dispute over the content of a student's records. If this procedure does not satisfy the parents/guardian or eligible student, a formal hearing may be necessary.

4. If the building principal receives a request for a formal hearing from a parent/guardian of a student under 18 years of age or eligible student, the procedures shall include at least the following elements:
  - a. Hearings shall be conducted within five school days from the receipt of the request for a formal hearing and notice shall be given of the date, time and place of the hearing.
  - b. A school official who does not have a direct interest in the outcome of the hearing shall conduct the hearing and render the decision.
  - c. Parent/guardian of a student under 18 years of age or an eligible student shall be afforded a full and fair opportunity to present evidence.
  - d. The decision shall be rendered in writing, by certified mail, within five school days after the hearing and shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
5. If the school district, after the hearing, decides the information will not remain in the student's records, the district will amend the records and so inform the parent/guardian or eligible student.
6. If the school district after the hearing decides the information will remain in the student's records, it shall inform the parent/guardian or eligible student of the right to place in the student's records a statement commenting upon the information in the student's records setting forth the reasons for disagreeing with the decision of the district. This statement shall remain a part of the student's records.

K. Transfer and disposal of confidential information:

1. All disciplinary material, psychological reports, records of disciplinary matters and other confidential material shall be kept separate from a student's academic and other school records. This may be done by keeping two sets of files on each student or try placing all disciplinary materials in a special envelope within the student's general file. It shall be discretionary upon each principal to determine which method best suits his or her circumstance.
2. In the event a student transfers outside the school district, disciplinary and confidential material will not be sent to the receiving school district except upon a written, parent-signed request which will be filed and kept in the Superintendent's office.
3. Within three months after a student's graduation or after a student's continuous absence from school for three years, all disciplinary and confidential material will be sent to the Superintendent's office for disposal. The Superintendent shall

make application for, and maintain on file in his or her office, continuing authority for disposal of student disciplinary, and confidential material from the Records Management Division of the Nebraska Secretary of State's office. Disposal of the disciplinary and confidential records shall be in the manner deemed most feasible by the Superintendent.

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