



November 11, 1997

ADMINISTRATIVE MEMORANDUM NUMBER FORTY-FIVE
PRIVACY OF STUDENT EDUCATION RECORDS

PURPOSE

The following memorandum outlines Granite School District procedures concerning the protection of student and family privacy rights.

DEFINITIONS

- A. “Custodial parent” means a natural parent or guardian of a student with the right to make legal decisions for the student.
- B. “Directory information” includes but is not limited to (1) a student’s name, (2) address, (3) telephone number, (4) birth date, (5) participation in activities or sports, (6) weight and height of athletic team members, or (7) photographs. Release of directory information is limited, see Disclosure of Education Records, C.3. below.
- C. “Disclosure” means to permit access to or the release, transfer, or other communication of education records, or personally identifiable information contained in those records, to any party by any means.
- D. “District” means the Granite School District, any of its departments or schools, and any individual or organization employed or affiliated with the District.
- E. “Education records” means records which (1) relate directly to a student and (2) are maintained by the District or a party acting for the District. Education records are *not* records made by instructional, supervisory, and administrative personnel kept in the sole possession of the maker and not accessible or released to any other person except a temporary substitute for the maker.
- F. “Eligible student” means a student who has reached 18 years of age.
- G. "Judicial order" means a document issued and signed by a judge.
- H. "Lawfully issued subpoenas" means a subpoena issued by a court official or an attorney representing one party in a suit.

- I. “Legitimate educational interest” exists when a school official needs to review an education record in order to fulfill a professional responsibility.
- J. “Non-custodial parent” means a natural parent who does not have the right to make legal decisions for a student.
- K. “Personally identifiable information” includes but is not limited to (1) a student’s directory information, (2) directory information of a student’s family member, (3) a personal identifier such as a social security number, or (4) characteristics or information that would make a student’s identity easily traceable.
- L. “Record” means any information recorded in any way. This includes files, tape recordings, video tapes, and other notes whether or not these are included with or a part of a student’s cumulative folder.
- M. “School official” means (1) a person employed by the District such as an administrator, supervisor, instructor, or support staff member; (2) a School Board member; (3) a person or company with whom the District has contracted to perform a special task; or (4) a person serving on an official committee, such as a disciplinary committee, or assisting another school official in performing a responsibility.
- N. “Student” means an individual who is or has been enrolled in a District school.

ACCESS TO EDUCATION RECORDS

- A. **Requests to Inspect Records**
 Schools shall provide custodial parents, non-custodial parents, and eligible students access to student education records. Upon a custodial parent’s, non-custodial parent’s, or eligible student’s written request to inspect the student’s records, arrangements shall be made for an administrator to meet with the requesting person within a reasonable period, not to exceed 45 days. If a requesting person lives at such a distance that a meeting would be impractical, the school may make copies of requested records and mail them to the requesting person. Written arrangements may be made with the person requesting copies of records to copy large requests at a cost of \$.05 per page.
- B. **Non-Custodial Parent Rights**
*Note: The following discussion refers to access to records and **not** access to students themselves. Non-custodial parents do not have rights to access students. However, it is the custodial parent’s obligation to notify the school of the other parent’s non-custodial status.*

 Absent a court order or other legal document prohibiting a natural parent from access to a student’s records, non-custodial parents shall have the same right to inspect a student’s records as a custodial parent:
 1. The District does not need custodial parent permission prior to allowing a non-custodial parent to inspect records,
 2. A custodial parent may not prevent a non-custodial parent from inspecting student records without legal documentation such as a court order, and

3. The District does not honor private agreements between custodial and non-custodial parents.
4. The District or schools shall respond to specific requests for records from non-custodial parents. Standing requests do not need to be granted, nor do general information notices (e.g. lunch menus, PTA information, announcement of teacher conferences, school pictures, etc.) need to be provided.

CORRECTION OF EDUCATION RECORDS

Custodial parents, non-custodial parents, or eligible students may seek to correct education records on the grounds that the information is inaccurate, misleading, or in violation of the student's privacy rights as follows:

- A. The custodial parent, non-custodial parent, or eligible student writes the school principal clearly identifying the challenged record and giving reasons for the amendment,
- B. Within a reasonable time not to exceed 45 days, the principal shall meet with the requesting person to discuss the requested amendment, and
- C. The request shall be either granted or denied. In either case the requesting party shall be notified in writing within 10 days of the meeting.
- D. If the request is to be denied, the requesting person shall be informed in writing of their right to place a statement with the record commenting on the contested information and to file a written appeal of the denial with the Division of School Services within 10 days of receiving notice.

DISCLOSURE OF EDUCATION RECORDS

- A. **General Rule**
The District may not disclose a student's personally identifiable information without a custodial parent's or eligible student's written consent which includes:
 1. a specification of the records that may be disclosed,
 2. a statement of the purpose for the disclosure, and
 3. the parties or class of parties to whom the disclosure may be made.
- B. **Department of Information Systems**
Schools often request that the Department of Information Systems generate lists of students based on certain parameters. The Department of Information Systems does not screen school requests for lists to ensure compliance with this memorandum. Schools are responsible to manage information received from the Department of Information Services in a manner consistent with this memorandum.
- C. **Exceptions to the General Rule**
The District may disclose personally identifiable information without consent from a custodial parent or an eligible student in the following circumstances:

1. **Internal Disclosure**
The District may disclose information to school officials within the District who have a legitimate educational interest. Granite Police Officers are school officials for the purposes of this exception.
2. **Disclosure to Districts where a Student Intends or Seeks to Enroll**
If a student seeks or intends to enroll in another school district, the District will forward education records to the receiving district upon the receiving district's request.
3. **Directory Information**
Directory information may be disclosed without prior consent *if* the custodial parent or eligible student has:
 - a. been notified of the information considered "directory information,"
 - b. notice of the right to refuse to have any or all of the information disclosed, and
 - c. notice of the period of time within which the right to refuse must be exercised or considered waived.
4. **Judicial Orders and Lawfully Issued Subpoenas**
 - a. The District shall disclose records without consent in compliance with judicial orders or lawfully issued subpoenas. *However*, the District shall make reasonable effort to notify the custodial parent or eligible student prior to disclosure so that the custodial parent or eligible student may seek protective action.
 - b. If a court orders that the existence or contents of a judicial order or subpoena requesting records not be disclosed, the District shall comply with the request without attempt to notify the custodial parent or eligible student.
 - c. A student's *special education* records are subject to heightened protection (34 C.F.R. 300.571). These may only be released with:
 1. written parental consent, or
 2. a judicial order.
5. **Health or Safety Emergency**
The District may disclose information to appropriate parties, such as police or medical personnel, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
6. **District Studies**
The District may disclose information to organizations contracted by the District to:
 - a. develop, validate, or administer predictive tests; or

- b. improve instruction.

Information disclosed for use in a study shall be allowed only if:

- a. personal identification of parents and students is permitted only to representatives of the organization, and
 - b. the information is destroyed when no longer needed for the purposes of the study.
7. **Accrediting Organizations**
The District may disclose information to accrediting organizations to carry out their accrediting functions.
 8. **Federal or State Audits**
Specific Federal or State authorities may have access to education records in connection with an audit or evaluation of compliance with a Federal or State regulated program.

C. **Police Officers and Public Agencies**

Police Officers (from departments other than the Granite Police Department) and officials from other public agencies (e.g. DCFS, Juvenile Court) are *not* school officials with automatic access to personally identifiable student information. Public agency representatives must present either waivers from parents, legal guardians, or eligible students or court orders granting access to personally identifiable student information.

Note: This does not preclude public agency representatives from access to students for investigations or interviews. This provision does not eliminate the emergency exception or the responsibility to notify police or DCFS of suspected abuse.

D. **Record Keeping**

The District shall maintain a record of requests for access to and disclosure of information from education records from people other than school officials with a legitimate educational interest. The request record shall contain:

1. the person, agency, or organization requesting access or disclosure of the information;
2. the legitimate interests the person, agency, or organization had in requesting or obtaining the information; and
3. the date and time of such a request.

NOTICE OF RIGHTS

Annually the District shall notify custodial parents and eligible students currently in attendance of rights and procedures protected under this memorandum. The notice shall include statements of custodial parent or eligible student rights and procedures involved to:

- A. Inspect and review the student's records;

- B. Seek amendment of the student's records believed to be inaccurate, misleading, or otherwise in violation of a student's privacy rights;
- C. Consent to disclosures of personally identifiable information, subject to the exceptions of Disclosure of Education Records, C above; and

- D. File a complaint with:

Compliance Officer
Granite School District
2500 South State Street
Salt Lake City, Utah 84115

- E. File a complaint with:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

/s/

Stephen F. Ronnenkamp
Superintendent

GRANITE SCHOOL DISTRICT NOTICE OF INVESTIGATION

Date _____ Time _____ School _____

Name of Agency Representative: _____

Agency representative is associated with: DCFS ___ Police ___ JJS ___ Guardian ad Litem ___ Other _____

Position of agency representative and contact information: Copy of agency I.D. attached? Yes ___ No ___
Position _____ Phone _____

Student information: (as found on school records)

Name _____ Birth Date _____ Age _____ Grade _____

Student records requested: _____

Interview:

Is the interview for purpose of investigating child abuse/neglect? Yes ___ No ___

Is the interview for purpose of a criminal investigation? Yes ___ No ___

If YES: (Check appropriate spaces)

The student is a suspect _____

The student is a witness _____

The student is a victim _____

Interview is to obtain information only _____

Notification:

Has the parent/guardian been notified of this investigation? Yes ___ No ___

If No, will the investigating agency notify the guardian of the investigation (and student's whereabouts) by the end of the school day? Yes ___ No ___

Please be advised, according to agency policy and procedure the representative of the investigating agency has the responsibility to notify the parent/guardian regarding this investigation. School personnel are advised not to contact parent or guardian regarding the investigation.

Investigating Representative's Signature

School Representative's Signature

TO BE COMPLETED BY INVESTIGATING REPRESENTATIVE UPON COMPLETION OF INTERVIEW

It has been determined by investigation agency: (Check appropriate spaces)

The student will be taken into custody _____

The student will remain at school/will be allowed to return home _____

CONFIDENTIAL INFORMATION

**This form contains confidential information shall maintained by designated personnel only
DO NOT place this form in a student's cumulative file**