

1 **FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT (FERPA) OF 1974 – &**  
2 **MANAGEMENT OF STUDENT RECORDS POLICY**  
3

4 **DEFINITIONS** (§ 99.3, 20 U.S.C. 1232g)

5 For the purposes of this policy, the following definitions apply:

6 **Biometric Record:** is defined as a record of one or more measurable biological or behavioral  
7 characteristics that can be used for automated recognition of an individual. Examples include  
8 fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and  
9 handwriting.

10 **Directory Information:** Information contained in an education record of a student that would not  
11 generally be considered harmful or an invasion of privacy if disclosed, such as but not limited to  
12 Student Name; Address; Telephone Listing; Electronic Mail Address; Photographs, Videos, and  
13 Electronic Images; Date and Place of Birth; Grade Level, Enrollment Status, and Dates of  
14 Attendance; Major Field of Study; Participation in Officially Recognized Activities such as Sports  
15 and Clubs; **Sports Activity Sheets**, Weight and Height of Members of Athletic Teams; Degrees,  
16 Honors, **Recognition Lists**, and Awards Received, and GPA may be published; the Most Recent  
17 Previous School, School District, or Institution Attended; Playbills, School Yearbook, and  
18 Graduation Programs; Student ID number, User ID, or other unique personal identifier that is  
19 displayed on a student ID badge used by the student for purposes of accessing or to communicate  
20 in electronic systems, but only if the identifier cannot be used to gain access to education records  
21 except when used in conjunction with one or more factors that authenticate the user's identity,  
22 such as a PIN, password, or other factor known or possessed only by the authorized user; A student  
23 ID number or other unique personal identifier ~~that is displayed on a student ID badge.~~ (20 U.S.C.  
24 1232g(a)(5)(A))

25 **Eligible Student or Appropriate Student:** A student who has attained 18 years of age, or is  
26 married, or is attending an institution or post-secondary education.

27 **Educational Record:** Records directly related to a student and maintained by this school district  
28 or by a party acting on behalf of the District. (20 U.S.C. 1232g(a)(4))

29 **Electronic/Video/Images/Photographs Surveillance:** means video/digital components *or images*  
30 of multi-media surveillance systems, including but not limited to, cameras, recording units, tapes,  
31 CD/DVDs, camera phones, tablets, etc. All electronic surveillance shall be limited to video  
32 without recording sound so as to prevent any violation of Idaho wiretapping statutes.

33 **Law Enforcement Unit:** is an individual, office, department, division, or other component of this  
34 school district, such as a unit of commissioned police officers or noncommissioned security  
35 guards, that is officially authorized or designated by this school district to (1) enforce any federal,  
36 state or local law, or refer to appropriate authorities a matter for enforcement of any law against  
37 any individual or organization, other than the school district; or (2) maintain the physical security  
38 and safety of schools in the District.

39 **Legitimate Educational Interest:** is defined as the performance of education- or discipline-  
40 related tasks in connection with a student, providing educational services to a student or a student’s  
41 family, or performing administrative or other educational responsibilities prescribed by the school  
42 or the District. A school official has a legitimate educational interest if the official needs to review  
43 an education record in order to fulfill his or her professional duties.

44 **Parent, Noncustodial Parent, & Surrogate Parent:** Includes a natural parent, guardian, or an  
45 individual acting in the absence of a parent or a guardian, who is providing the student with food,  
46 clothing, discipline, and guidance on a day-to-day basis in the home environment.

47  
48 Mountain Home School District No. 193 (MHSD) shall give full rights under the Act to either  
49 parent including a noncustodial parent, unless the District has been provided with evidence that  
50 there is a court order, State Statute, or legally binding document relating to such matters as divorce,  
51 separation, or custody that specifically revokes these rights. (20 U.S.C. 1232g)

52 In addition to the definition of “parent” found in FERPA, surrogate parents are also defined as  
53 “parent” for purposes of reviewing education records. The IDEA further broadens the definition

54 of “parent” to individuals acting in the place of a parent or legal guardian, such as a grandparent  
55 or stepparent with whom the child lives.

56 **School Official:** Any person employed by the District in administrative, counseling, supervisory,  
57 academic/instruction, and the **instructional and** support staff to those positions (including health  
58 or medical staff, and law enforcement unit personnel); a person serving on the Board; a person or  
59 company with whom the District has outsourced services or functions it would otherwise use its  
60 own employees to perform (such as attorney, auditor, medical consultant, or therapist); or a  
61 parent(s)/guardian(s) or student serving on an official committee such as a disciplinary or  
62 grievance committee; or a parent, student, or other volunteer assisting another school official in  
63 performing his/her tasks. (20 U.S.C. 1232g(b)(1)(D))

64 **Student:** means any individual who is attending or who has attended any schools within the school  
65 district.

66  
67 **Personally Identifiable Information (PII):** Includes, but is not limited to the name of  
68 student/parent/other family member(s); the address of the student or his/her family; personal  
69 identifier such as social security number, student number, or biometric record; student's date of  
70 birth, place of birth, and mother's maiden name; list of personal characteristics, or other  
71 information that would make the student’s identity easily traceable. (20 U.S.C. 1232g)

72  
73 **Disclosure:** Permit access to or the release, transfer, or other communication of personally  
74 identifiable information contained in education records to any party by any means, including oral,  
75 written, or electronic. (20 U.S.C. 1232g(b)(1) and (b)(2))

### **IMPLEMENTATION OF FERPA**

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78  
79 ~~The Family Educational Rights and Privacy Act (FERPA) has specified that student records are~~  
80 ~~confidential, with some exceptions. Parents and eligible students (students over the age of eighteen~~  
81 ~~(18)) will be provided an annual notification of their rights under FERPA. The annual notice,~~  
82 ~~published on the school district website, will contain information regarding, and within 45 days of~~

83 ~~a written request, the right to inspect their children’s records, the right to seek an amendment of a~~  
84 ~~record, the right to consent to disclosures of personally identifiable information, with certain~~  
85 ~~exceptions, and the right to file a complaint with the U. S. Department of Education.~~

86

87 **ANNUAL NOTIFICATION REQUIREMENTS**

88 The District will provide parents and eligible students annual notification of their rights under  
89 Family Educational Rights and Privacy Act (FERPA). The annual notice will contain information  
90 regarding the right to inspect their children’s records, the right to seek an amendment of a record,  
91 the right to consent to disclosures of personally identifiable information (PII), with certain  
92 exceptions, and the right to file a complaint with the U.S. Department of Education.

93

94 **EDUCATIONAL RECORDS**

95

96 Educational records include, but are not limited to, the cumulative file, special education records,  
97 and disciplinary records. Records may also include, but are not limited to, any of the following:  
98 academic work completed (courses taken, transcript); level of achievement (grades, portfolios,  
99 performance assessments, scores on standardized achievement tests, etc.); attendance data; scores  
100 of standardized intelligence, aptitude, and psychological tests (and protocols of the same if they  
101 include PII); records of teachers, counselors, medical personnel, and psychologists working  
102 directly with a student if disclosed to others; interest inventory results; observations and verified  
103 reports of serious or recurring behavior patterns; videotapes and audiotapes; health data including  
104 medical assessments; family background information; transportation records; and student records  
105 maintained by agencies and individuals contracting with the District).

106

107 Educational records do not include records that are kept in the sole possession of the maker of the  
108 record, are used as a personal memory aid, and are not accessible or revealed to any other person  
109 except a temporary substitute for the maker of the record. Education records do not include emails,  
110 unless the emails have been printed off and are maintained in a student’s education record.

111

112 The cumulative file of each student is maintained at the building level for this school district. The  
113 building principal, individual teachers, and special education personnel may also have a file  
114 containing particular educational records.

115  
116 ~~A non-custodial parent's access to records and information pertaining to his or her minor child will  
117 not be denied solely because the parent is not the child's custodial parent unless a school is  
118 provided with evidence that there is a court order or State law that specifically provides to the  
119 contrary. However, information concerning a minor child's address will be deleted from all records  
120 supplied to a non-custodial parent if the custodial parent has advised the school district in writing  
121 to do so. (IC 32-717A)~~

122  
123 ~~Names, addresses, and telephone numbers of secondary school students will be provided to  
124 military recruiters, as required by Federal Law, or an institution of higher education upon request,  
125 unless the parent, or eligible student, denies access. (§ 544 National Defense Authorization, Oct  
126 2002; P.L. 107-107)~~

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128 **RETENTION AND DESTRUCTION OF EDUCATIONAL RECORDS**

129  
130 ~~It is the policy of Mountain Home School District to assure the provisions of FERPA are adhered  
131 to. FERPA permits the school to destroy such records without notice to the parent. To facilitate  
132 implementation of this policy, procedures for the management of student records have been  
133 established. These procedures are available to all patrons, students, and school district employees.~~

134  
135 The District will perpetually maintain a permanent record for each student including, ~~but not~~  
136 ~~limited to the following:~~ the student's basic identifying data, name, address, phone number, grades,  
137 classes attended, immunization records, test scores, attendance records, grade level, and year  
138 completed. ~~academic transcripts, intelligence and aptitude scores, psychological reports,  
139 achievement test results, participation in extracurricular activities, honors and awards, special  
140 education files, teacher anecdotal records, handwriting, print, computer media, video or audio tape,  
141 film, microfilm, and microfiche, verified reports or information from non-educational persons,  
142 verified information of clear relevance to the student's education, information pertaining to release~~

143 ~~of this record, disciplinary information, interest inventory results, health data, family background~~  
144 ~~information, teacher or counselor ratings and observations.~~ Additional information contained in  
145 the record may be destroyed or redacted after a period of at least five (5) years after the student  
146 dis-enrolls from the District if appropriate. The permanent record may be kept in any format and  
147 medium determined feasible by the board. (20 U.S.C. 1232g)

148  
149 Written records of individual students are confidential and will be shredded or destroyed as  
150 appropriate under supervision of the staff member responsible for the records. The records  
151 manager will maintain a log that documents the date of destruction of any educational records.

152  
153 **RIGHT TO INSPECT EDUCATIONAL RECORDS** (20 U.S.C. 1232g(b)(1) and (b)(4)(A))

154  
155 ~~Parents or eligible students may inspect and review educational records. This District will comply~~  
156 ~~with a request for access to records within a reasonable period of time, but in no case more than~~  
157 ~~forty-five (45) calendar days after it has received the request. This District will respond to~~  
158 ~~reasonable requests for explanations and interpretations of the records. The following parties may~~  
159 ~~inspect the record relating to each student, with the exception of parties seeking directory~~  
160 ~~information: the parent or eligible student; school officials or designees who are responsible for~~  
161 ~~the custody of the records; those parties authorized for the purposes of auditing the recordkeeping~~  
162 ~~procedures of the educational agency or institution. (20 U.S.C. 1232g(b)(1) and (b)(4)(A))~~

163  
164 ~~Parents or eligible students may inspect, review, or copy the student's educational records within~~  
165 ~~a reasonable time of the day the District/School receives a request for access. Parents/guardians or~~  
166 ~~students should submit to the school principal (or appropriate school official) a written request that~~  
167 ~~identifies the record(s) they wish to inspect. The principal will make arrangements for access and~~  
168 ~~notify the parent(s)/guardian(s) or eligible student of the time and place where the records may be~~  
169 ~~inspected. This School or District will comply with a request for access to records within a~~  
170 ~~reasonable period of time, but in no case more than forty five (45) calendar days after it has~~  
171 ~~received the request. The School or District will respond to reasonable requests for explanations~~  
172 ~~and interpretations of the records.~~

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174 If circumstances effectively prevent the parent or eligible student from exercising the right to  
175 inspect and review the student's education records, MHSD shall provide the parent or eligible  
176 student with a copy of the records requested; or make other arrangements for the parent or eligible  
177 student to inspect and review the requested records. The District may charge the parent or eligible  
178 student the actual costs for copying the records unless payment of such cost is determined to  
179 effectively preclude the parent or eligible student from having access to the educational  
180 records. (20 U.S.C. 1232g(a)(1))

181  
182 ~~The school district may disclose an education record of a student in attendance to another~~  
183 ~~educational agency or institution if the student is enrolled in or receives services from the other~~  
184 ~~agency or institution.~~ (20 U.S.C. 1232g(b)(1)(B))

185  
186 ~~Federal or State authorized representatives of the officials or agencies may have access to~~  
187 ~~education records in connection with an audit or evaluation of Federal or State supported education~~  
188 ~~programs, or for the enforcement of or compliance with Federal legal requirements that relate to~~  
189 ~~those programs. Information that is collected must be protected in a manner that does not permit~~  
190 ~~personal identification of individuals by anyone other than the officials or agencies; be destroyed~~  
191 ~~when no longer needed; this does not apply if the parent or eligible student has given written~~  
192 ~~consent for the disclosure or the collection of personally identifiable information is specifically~~  
193 ~~authorized by Federal law.~~ (20 U.S.C. 1232g(b)(3))

194  
195 ~~The District may charge a nominal fee for copying, but no one will be denied their right to copies~~  
196 ~~of their records for inability to pay this cost.~~ (20 U.S.C. 1232g(a)(1))

197  
198 The District will not destroy **requested** any educational records if there is an outstanding request  
199 to inspect and review the records. (20 U.S.C. 1232g(a)(1) (A) and (B))

200  
201 ~~Under FERPA, a school is not required to provide information that is not maintained or to create~~  
202 ~~education records in response to a parent's request. Accordingly, a school is not required to provide~~  
203 ~~a parent with updates on his or her child's progress in school unless such information already exists~~  
204 ~~in the form of an education record.~~

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**DISCLOSURE OF STUDENT RECORDS TO PARENTS & NONCUSTODIAL PARENT**

(20 U.S.C. 1232g)

Under FERPA and state law (I.C. 32-717A), both parents, including the non-custodial parent, are given full rights, unless the school district has been provided with evidence that there is a court order, State Statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student. (20 U.S.C. 1232g)

A noncustodial parent’s access to records and information pertaining to his or her minor child will not be denied solely because the parent is not the child’s custodial parent. However, information concerning a minor child’s home address will be deleted from all records supplied to a noncustodial parent if the custodial parent has advised the District in writing to do so.

**PERSONALLY IDENTIFIABLE INFORMATION (PII)** (34 CFR § 99.31)

**Personally identifiable information (PII) will not be released from an educational record without the prior written consent of the parent or eligible student, except under specific circumstances.** PII includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier such as the student’s social security number, student number, or biometric record;



- 236 5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s  
237 maiden name;  
238
- 239 6. A list of personal characteristics that would make the student’s identification easily  
240 traceable; ~~or~~  
241
- 242 7. **Health or medical information, including immunization records; or**  
243
- 244 8. Other information that would make the student’s identity easily traceable.  
245

246 **RELEASE OF PII INFORMATION WITHOUT PRIOR CONSENT** (34 CFR § 99.31)

247 **Personally identifiable information may be disclosed without prior written consent of the**  
248 **parent or eligible student under the following conditions:** ~~The school district will not disclose~~  
249 ~~personally identifiable information (PII) from an educational record without the prior written~~  
250 ~~consent of the parent or eligible student, except under specific circumstances and when the~~  
251 ~~disclosure is for the following purposes:~~

- 252 1. To teachers or other school officials who have a legitimate educational interest.
- 253 2. To officials of another school, school system, or institution of post-secondary education  
254 where the student seeks or intends to enroll or where the student is enrolled. ~~MHSD may~~  
255 ~~disclose an education record of a student in attendance to another educational agency or~~  
256 ~~institution if the student is enrolled in or receives services from the other agency or~~  
257 ~~institution.~~ (20 U.S.C. 1232g(b)(1)(B))
- 258 3. To authorized representatives of federal, state, and local educational authorities; ~~the~~  
259 ~~Comptroller General of the United States; the Attorney General of the United States; the~~  
260 ~~Secretary;~~ in connection with audit or evaluation of federal- or state-supported education  
261 programs, or for the enforcement of or compliance with federal legal requirements related  
262 to those programs.

- 263 4. In connection to the application for or receipt of financial aid. ~~with financial aid for which~~  
264 ~~the student has applied, or which the student has received.~~ (20 U.S.C. 1232a(b)(1)(D))
- 265 5. State and local officials or authorities to whom this information is specifically allowed to  
266 ~~be reported or disclosed if the allowed reporting or disclosure concerns the juvenile justice~~  
267 ~~systems or their officials. and the system's ability to effectively serve the student whose~~  
268 ~~records are released.~~
- 269 6. To an agency caseworker or other representative of a state or local child welfare agency,  
270 or tribal organization, when the state or tribal organization is legally responsible for the  
271 care and protection of the student.
- 272 7. To organizations conducting studies, for or on behalf, of the District to develop, validate,  
273 or administer predictive tests, administer student aid programs, or improve instruction.  
274 ~~developing tests, validating, or administering student aid programs, and improving~~  
275 ~~instruction; the study is conducted in a manner that does not permit personal identification~~  
276 ~~of parents and students by individuals other than representatives of the organization that~~  
277 ~~have legitimate interests in the information.~~
- 278 a. ~~The information is destroyed when no longer needed for the purposes for which the~~  
279 ~~study was conducted.~~
- 280 b. ~~The school district enters into a written agreement with the organization that specifies~~  
281 ~~the purpose, scope, and duration of the study or studies and the information to be~~  
282 ~~disclosed.~~
- 283 c. ~~Requires the organization to use personally identifiable information from education~~  
284 ~~records only to meet the purpose or purposes of the study as stated in the written~~  
285 ~~agreement.~~
- 286
- 287 d. ~~Requires the organization to conduct the study in a manner that does not permit~~  
288 ~~personal identification of parents and students, by anyone other than representatives of~~  
289 ~~the organization with legitimate interests.~~

- 290 e. ~~Requires the organization to destroy or return to the school district all personally~~  
291 ~~identifiable information when the information is no longer needed for the purposes for~~  
292 ~~which the study was conducted, and specifies the time period in which the information~~  
293 ~~must be returned or destroyed.~~
- 294 8. To accrediting organizations to carry out their accrediting functions.
- 295 9. To parents of an eligible student if the student is a dependent for Internal Revenue Service  
296 (IRS) tax purposes.
- 297 10. ~~To comply with a judicial order or lawfully issued subpoena, provided that the school~~  
298 ~~district makes a reasonable effort to notify the parent or eligible student of the order or~~  
299 ~~subpoena in advance of compliance so that the parent or eligible student may seek~~  
300 ~~protective action. However, the prior notification requirement does not apply where the~~  
301 ~~subpoena is issued by a federal grand jury or for any law enforcement purpose and the~~  
302 ~~issuing court or agency has ordered that the subpoena not be disclosed; if the school district~~  
303 ~~initiates legal action against a parent or student, the school district may disclose to the court,~~  
304 ~~without a court order or subpoena, the education records of the student that are relevant for~~  
305 ~~the school district to proceed with the legal action as plaintiff; if a parent or eligible student~~  
306 ~~initiates legal action against the school district, the school district may disclose to the court,~~  
307 ~~without a court order or subpoena, the student's education records that are relevant for the~~  
308 ~~school district to defend itself. (20 U.S.C. 1232g(b)(4)(B))~~
- 309 a. ~~A party that receives a court order or lawfully issued subpoena and re-discloses~~  
310 ~~personally identifiable information from education records on behalf of MHSD in~~  
311 ~~response to that order or subpoena under §99.31(a)(9) must provide the notification~~  
312 ~~required under §99.31(a)(9)(ii). (20 U.S.C. 1232g(b)(4)(B))~~
- 313 11. To appropriate officials in connection with a health or safety emergency.
- 314 12. **To a party seeking** information that this District has designated as “directory information.”
- 315 13. To the parent **or eligible** student ~~of a student under 18, or to the student, if 18 or older to~~  
316 ~~include a non-custodial parent.~~

317 14. ~~To a contractor, consultant, volunteer, or other party to whom the District has outsourced~~  
318 ~~institutional services or functions may be considered a school official under this paragraph~~  
319 ~~provided that the outside party performs an institutional service or function for which the~~  
320 ~~District would otherwise use employees; is under the direct control of the agency or~~  
321 ~~institution with respect to the use and maintenance of education records; and is subject to~~  
322 ~~the requirements of §99.33(a) governing the use and re-disclosure of personally identifiable~~  
323 ~~information from education records. (20 U.S.C. 1232g(b)(1)(D))~~

324 a. ~~An educational agency or institution must use reasonable methods to ensure that school~~  
325 ~~officials obtain access to only those education records in which they have legitimate~~  
326 ~~educational interests. An educational agency or institution that does not use physical or~~  
327 ~~technological access controls must ensure that its administrative policy for controlling~~  
328 ~~access to education records is effective and that it remains in compliance with the~~  
329 ~~legitimate educational interest requirement in paragraph (a)(1)(i)(A) of this section.~~

330 b. ~~This does not prevent the District from disclosing personally identifiable information~~  
331 ~~with the understanding that the party receiving the information may make further~~  
332 ~~disclosures of the information on behalf of the school district.~~

333 15. ~~The school district, having received education records or information from education~~  
334 ~~records, may release de-identified student level data from education records for the purpose~~  
335 ~~of education research by attaching a code to each record that may allow the recipient to~~  
336 ~~match information received from the same source, provided that if the school district~~  
337 ~~releases de-identified data does not disclose any information about how it generates and~~  
338 ~~assigns a record code, or that would allow a recipient to identify a student based on a record~~  
339 ~~code; the record code is used for no purpose other than identifying a de-identified record~~  
340 ~~for purposes of education research and cannot be used to ascertain personally identifiable~~  
341 ~~information about a student; and the record code is not based on a student's social security~~  
342 ~~number or other personal information. (20 U.S.C. 1232g(a)(5)(A), (b), (h), (i), (j))~~

343 a. ~~The disclosure concerns sex offenders and other individuals required to register under~~  
344 ~~section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42~~

345 U.S.C. 14071, and the information was provided to MHSD under 42 U.S.C. 14071 and  
346 applicable Federal guidelines.

347 ~~b. De-identified records and information—The school district, having received education~~  
348 ~~records or information from education records, may release the records or information~~  
349 ~~without the consent required by §99.30 after the removal of all personally identifiable~~  
350 ~~information provided that the school district has made a reasonable determination that~~  
351 ~~a student's identity is not personally identifiable, whether through single or multiple~~  
352 ~~releases, and taking into account other reasonably available information;~~

353 ~~\*\*\*Parents and eligible students may not, by opting out of directory information, prevent an LEA~~  
354 ~~or school from requiring a student to wear or present a student ID or badge.~~

### 355 ACCESS LOG

356 **This District will maintain** a record of each request for access to and each disclosure of PII from  
357 the educational record of each student. ~~will be maintained in the student's educational records~~  
358 ~~using the Access Log Form.~~ This access log will be maintained with the student's educational  
359 records as long as the records are maintained. The access log will specify the individuals who have  
360 requested or received **PII personally identifiable information** from the educational records and the  
361 legitimate educational interest the parties had in requesting or obtaining the information. If the  
362 information was released without prior parental consent, the specific exception for such consent  
363 will also be set forth.

364 A record will not be kept when a student's record is accessed by the parent or eligible student or a  
365 school official with legitimate educational interest, a written consent has been received from the  
366 parent or eligible student, a request is received for directory information only, or the District is  
367 ordered to not disclose the request for records.

### 368 DIRECTORY INFORMATION (20 U.S.C. 1232g(a)(5)(A))

369 Directory information includes, but is not limited to:

370 1. Student name;

- 371 2. Address;
- 372 3. Telephone listing;
- 373 4. Electronic mail address (e-mail);
- 374 5. ***Electronic Surveillance/Images including, but not limited to, video and photographs of***  
375 ***~~the~~ students used by the District for recognition of student achievement and community***  
376 ***relations, including, but not limited to, publication in the District's or school's***  
377 ***newsletters, in the school setting, and on the District's or school's website;***
- 378 a. Student *electronic surveillance/images photos* and names may ~~can~~ be considered  
379 directory information by themselves, but when combined they create the potential to  
380 violate FERPA and State Law.
- 381 b. Student *electronic surveillance/images photos* in combination with other PII, such as  
382 the student's name, class, subject, etc., MAY NOT be used by the school district for  
383 publication on the District or school's website if a reasonable person in the school  
384 community, who does not have a personal knowledge of the relevant circumstances, to  
385 identify the student with reasonable certainty.
- 386 • Avoid the use of any *electronic surveillance/images photos* that can identify  
387 individual students. A safe compromise is to only use *images photos* taken from  
388 behind students.
  - 389 • If a student(s) *electronic surveillance/image photos* must be used, don't use the  
390 student's name in the file name and don't refer to the student by name, even their  
391 first name, in the caption under the photo or in the post.
  - 392 • Names, especially full names, should not be used, and if they are, the names need  
393 to be kept separate from the images.
- 394 c. ***Electronic Surveillance/Images*** Video, recordings, photos of the students in common  
395 areas ~~by electronic surveillance~~, recorded for the purpose of maintaining the physical

396 security and safety of the school; to the extent electronic surveillance/~~images~~ ~~video~~  
397 ~~recordings~~ exist, they may be a public record or may become an education record  
398 pursuant the District’s Video Surveillance Policy. The District reserves the right to edit,  
399 including concealing identities, any electronic surveillance recordings to comply with  
400 applicable state and federal law prior to any release or disclosure.

401 6. ~~Video and Electronic Images: recordings of the student in common areas by electronic~~  
402 ~~surveillance, recorded for the purpose of maintaining the physical security and safety of the~~  
403 ~~school; to the extent electronic surveillance video recordings exist, they may be a public~~  
404 ~~record or may become an educational record pursuant the District’s Video Surveillance~~  
405 ~~Policy. The District reserves the right to edit, including concealing identities, any electronic~~  
406 ~~surveillance recordings to comply with applicable state and federal law prior to any release~~  
407 ~~or disclosure.~~

408 7. ~~Photographs, Videos, and Electronic Images:~~  
409 ~~a. Student photos and names may can be considered directory information by themselves,~~  
410 ~~but when combined they create the potential to violate FERPA and State Law.~~

411 ~~b. Student photos in combination with other PI, such as the student’s name, class, subject,~~  
412 ~~etc., MAY NOT be used by the school district for publication on the District or school’s~~  
413 ~~website if a reasonable person in the school community, who does not have a personal~~  
414 ~~knowledge of the relevant circumstances, to identify the student with reasonable~~  
415 ~~certainty.~~

416 ~~• Avoid the use of any photos that can identify individual students. A safe~~  
417 ~~compromise is to only use photos taken from behind students.~~

418 ~~• If a student(s) photo must be used, don’t use the student’s name in the file name~~  
419 ~~and don’t refer to the student by name, even their first name, in the caption under~~  
420 ~~the photo or in the post.~~

- 421                   • ~~Names, especially full names, should not be used, and if they are, the names need~~  
422                   ~~to be kept separate from the images.~~
- 423           e. ~~Student photos in combination with other PII MAY be used for school publications~~  
424           ~~such as the yearbook, awards pamphlets, student achievement and recognition, and~~  
425           ~~community relations, but not published on the website.~~
- 426           d. ~~Video recordings of the student in common areas by electronic surveillance, recorded~~  
427           ~~for the purpose of maintaining the physical security and safety of the school; to the~~  
428           ~~extent electronic surveillance video recordings exist, they may be a public record or~~  
429           ~~may become an education record pursuant the District’s Video Surveillance Policy.~~  
430           ~~The District reserves the right to edit, including concealing identities, any electronic~~  
431           ~~surveillance recordings to comply with applicable state and federal law prior to any~~  
432           ~~release or disclosure.~~
- 433           e. ~~None of the above apply to local newspaper agencies.~~
- 434   8.   Date and place of birth;
- 435   9.   Major field of study;
- 436   10.   Grade level;
- 437   11.   Enrollment status;
- 438   12.   Participation in officially recognized activities such as sports;
- 439   13.   Weight and height of members of athletic teams;
- 440   14.   Dates of attendance;
- 441   15.   Degrees, honors, and awards received;
- 442   16.   The most recent previous school, school district, or institution attended; and



443 17. A student identification number, user identification, or other unique personal identifier,  
444 used for purposes of accessing or communicating in electronic systems or displayed on a  
445 student ID badge, but only if the identifier cannot be used to access education records,  
446 except when used in conjunction with one or more factors that authenticate the user’s  
447 identity, such as a personal identification number (PIN), password or other factor known  
448 or possessed only by the authorized user, student ID number, user ID, or other unique  
449 personal identifier used by the student for purposes of accessing or communicating in  
450 electronic systems, but only if the identifier cannot be used to gain access to education  
451 records.

452 \*\*\*\*Parents and eligible students may not, by opting out of directory information, prevent an LEA  
453 or school from requiring a student to wear or present a student ID or badge.

454 **DISCLOSURE OF DIRECTORY INFORMATION** (20 U.S.C. 1232g(a)(5)(A)(B))

455 This District may disclose directory information without prior written consent after giving public  
456 notice annually to parents of students in attendance and eligible students in attendance that:

457 1. All information in the definition of directory information as set forth in this policy has been  
458 designated as directory information by this District.

459 2. A parent or eligible student has the right to refuse to allow this District to designate any or  
460 all of the types of information about the student as directory information, except that the  
461 District cannot be prevented from disclosing or requiring a student to disclose the student’s  
462 name, identifier, or email address in a class in which the student is enrolled, or prevent the  
463 District from requiring a student to wear, to display publicly, or to disclose a student  
464 identification card or badge that contains directory information.

465 3. A parent or eligible student must notify MHSB in writing, or use the REQUEST OF NON-  
466 DISCLOSURE OF DIRECTORY INFORMATION FORM that the parent or eligible  
467 student does not want any or all of those types of information about the student released  
468 within thirty (30) calendar days after receiving notice that directory information may be  
469 disclosed, which is published annually in the local newspaper in the month of July or

470 August and permanently published on the school district website ~~that directory information~~  
471 ~~may be disclosed.~~

472 4. Federal Law requires that the District will provide, on a request made by military recruiters  
473 or an institution of higher education, access to secondary school students' names,  
474 addresses, and telephone listings unless a parent or secondary school student requests, in  
475 writing, that the student's name, address, and telephone listing not be released without prior  
476 written parental consent.

477 ~~5. If reporting or disclosure allowed by State statute concerns the juvenile justice system and~~  
478 ~~the system's ability to effectively serve, prior to adjudication, the student whose records are~~  
479 ~~released, this school district may disclose education records under §99.31(a)(5)(i)(B).~~

480 ~~a. The officials and authorities to whom the records are disclosed shall certify in writing~~  
481 ~~to MHSD that the information will not be disclosed to any other party, except as~~  
482 ~~provided under State law, without the prior written consent of the parent of the student.~~  
483 ~~(20 U.S.C. 1232g(b)(1)(J))~~

484 ~~6. Disclosure is also permitted without consent to any person for research and statistical~~  
485 ~~reporting or planning provided that no student or parent(s)/guardian(s) can be identified; to~~  
486 ~~any person named in a court order; to appropriate persons if the knowledge of such~~  
487 ~~information is necessary to protect the health or safety of the student or other persons.~~

488 The District may disclose directory information about former students without notice. However,  
489 the District will continue to honor any valid request to opt-out of the disclosure of directory  
490 information made while a student was in attendance unless the student rescinds the opt-out request.

491 **~~NON-COMPLIANCE~~**

492  
493 ~~A parent or eligible student has the right to file a written complaint with the U.S. Department of~~  
494 ~~Education concerning alleged failures by the school district to comply with the requirements of~~  
495 ~~FERPA. The name and address of the office that administers FERPA is:~~  
496 \_\_\_\_\_

497 Family Policy Compliance Office  
498 U.S. Department of Education  
499 400 Maryland Avenue, S.W.  
500 Washington, DC 20202-5901  
501

502 **PROCEDURE TO AMEND RECORDS** (§ 99.20)(20 U.S.C. 1232g(a)(2))  
503

504 If a parent or eligible student believes that the educational records relating to the student contain  
505 information that is inaccurate, misleading, or in violation of the student's right of privacy, they  
506 may seek to amend the record in writing, by clearly identifying the part of the record they want  
507 changed and specify why it should be changed. The right to seek amendment or to challenge school  
508 student records does not apply to: (1) academic grades of their child, and (2) references to  
509 expulsions or out-of-school suspensions, if the challenge is made at the time the student's school  
510 student records are forwarded to another school to which the student is transferring, or(3) an  
511 individual's opinion (unless the grade or the opinion has been inaccurately recorded) or the school  
512 district's decision to create or maintain particular education records. When a request to amend  
513 educational records is received, it will be in writing and the following procedure will be followed:  
514

515 **Review Process**

- 516 1. Within thirty calendar (30) days of receiving the written request to amend the record,  
517 MHSD, through its designee, will determine whether the information contained in a record  
518 is inaccurate, misleading, or in violation of the student's right of privacy. If the District  
519 determines that the requested amendment is appropriate, it will correct the record and  
520 provide written notice of the changes to the parent or eligible student. (20 U.S.C.  
521 1232g(a)(2))
- 522 2. If the District determines that the information in the student's education record is not  
523 inaccurate, misleading, or in violation of the student's right of privacy, it will inform the  
524 parent or eligible student, in writing, of its decision and the reasons why it denied the  
525 request to amend the record, and the right to a hearing. (20 U.S.C. 1232g(a)(2))

526 **Hearing Process** (20 U.S.C. 1232g(a)(2))

- 527 1. The parent or eligible student, on request, has an opportunity for a hearing to challenge the  
528 contents of the student’s educational records on the grounds that the information contained  
529 in the educational records is inaccurate, misleading, or in violation of the privacy rights of  
530 the student.
- 531 2. The District will hold the requested hearing within thirty (30) school days after it receives  
532 a request for the hearing. Notice of the date, time, and place will be given to the parent or  
533 eligible student at least ten (10) school days prior to the hearing.
- 534 3. Any individual, including a district employee who does not have a direct interest in its  
535 outcome, may conduct the hearing. The parent or eligible student will be given a full and  
536 fair opportunity to present evidence relevant to the issues raised at the hearing. The parent  
537 or eligible student may, at their own expense, be assisted or represented by an individual  
538 of his or her own choice, including an attorney.
- 539 4. The individual conducting the hearing is not bound by common law or by the rules of  
540 evidence. Evidence will be admitted and given weight only if it is the kind of evidence  
541 which reasonable persons are accustomed to rely on in the conduct of serious affairs.
- 542 5. The hearing officer will make his/her decision in writing within fourteen (14) school days  
543 after the close of the hearing. The decision will be based solely on the evidence presented  
544 at the hearing and will include a summary of the evidence and the reasons for the decision.  
545 The hearing officer’s decision will be the final decision of the District.
- 546 6. If the hearing officer concludes that the information being contested is inaccurate,  
547 misleading, or otherwise in violation of the privacy rights of the student, the District will  
548 amend the records at issue and inform the parent or eligible student of the amendment in  
549 writing.
- 550 7. If the hearing officer concludes that the information in the educational record is not  
551 inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the  
552 District will inform the parent or the eligible student of the right to place a statement in the

553 record commenting on the contested information stating why he or she disagrees with the  
554 District’s decision. If such a statement is received by the District, it will remain as part of  
555 the record for as long as the student’s record is maintained and the statement will be  
556 disclosed whenever the District discloses the portion of the record to which the statement  
557 relates. (20 U.S.C. 1232g(a)(2))

558 **LAW ENFORCEMENT UNIT**

559 The District may designate one or more law enforcement units as provided under FERPA. A law  
560 enforcement unit may consist of a single individual and need not be a law enforcement officer. All  
561 school security records including, but not limited to, school security campus or school bus  
562 videotapes, records relating to weapons screening devices, visitor logs, and any records of  
563 interviews relating to potential violations of the law may be maintained by the law enforcement  
564 unit. These records are not deemed to be educational records.

565  
566 The District may disclose any law enforcement unit records, files, documents, and other materials  
567 pertaining to the investigation of a violation of the law to a law enforcement agency or the Idaho  
568 Department of Health and Welfare. The disclosure of such records to a law enforcement agency  
569 or the **Idaho** Department of Health and Welfare does not prohibit the use of those records for  
570 educational purposes such as student discipline.

571  
572 **SPECIAL EDUCATION RECORDS**

573 This District recognizes the right of parents of students with disabilities and eligible students with  
574 disabilities to inspect and review educational records relating to the student that are collected,  
575 maintained, or used by this District.

576 The District will also comply with a request to inspect and review such records without  
577 unnecessary delay, and:

- 578 1. In no event more than forty-five (45) calendar days after the request has been made;  
579 2. Before any meeting regarding the student’s individualized education program (IEP);

- 580 3. Before any hearing relating to the identification, evaluation, or educational placement of  
581 the student or the provision of a free appropriate public education (FAPE) to the student;  
582 or
- 583 4. Before a resolution session.

584 The right of parents of students with disabilities and eligible students with disabilities to inspect  
585 and review education records includes:

- 586 1. The right to a response to reasonable requests for explanations and interpretations of the  
587 records;
- 588 2. The right to request copies of the records if failure to provide copies would effectively  
589 prevent the parent from exercising the right to inspect and review records; and
- 590 3. The right to have a representative of the parent inspect and review the records.

591

592 When records of individual testing and/or psychological information are received by a school from  
593 another school, institution, individual, or agency, the information should be reviewed by  
594 appropriate personnel in the school. (IDEA and 34 CFR 300.560–300.577)

595

596 The individual test(s) and/or psychological information should then be filed in the Special  
597 Education room school office, or as per individual building policy. (IDEA and 34 CFR 300.560–  
598 300.577)

599

600 If the student required follow-up services or additional psychological testing, then a referral should  
601 be initiated and forwarded to appropriate school or district personnel. (IDEA and 34 CFR 300.560–  
602 300.577)

603

604 In dealing with the educational records of exceptional students with disabilities, the school district  
605 will inform parents when personally identifiable information collected, maintained, or used is no  
606 longer needed to provide educational services to the child. The information must be destroyed at  
607 the request of the parents. However, the school district may maintain a permanent record of the

608 student’s name, address, and phone number, his or her grades, attendance records, classes attended,  
609 grade level completed, and year completed without time limitation. (34 CFR 300.573)

610

611 **RETENTION AND DESTRUCTION OF SPECIAL EDUCATION RECORDS**

612

613 Educational records, including eligibility documentation and IEPs, will be maintained for at least  
614 five (5) years after disenrollment of a student with disabilities from the District.

615

616 Medicaid-related records, specifically expenditure documentation, cost allocation process, all  
617 student records related to the Medicaid billing and service delivery (e.g., data sheets, IEPs, health  
618 care plans, physician recommendations for assessments and IEP services, evaluation  
619 recommendations, documented supervision of paraprofessionals), and revenue documentation,  
620 will be maintained for a period of six (6) years.

621

622 The District will inform a parent and/or eligible student when PII collected, maintained, or used is  
623 to be destroyed because the information is no longer needed to provide educational services to the  
624 student. The parent and/or eligible student must be informed of PII that the District intends to  
625 destroy, and that the information will be destroyed no earlier than forty-five (45) calendar days  
626 from the date of the notice. The parent and/or eligible student must also be informed of the  
627 procedure to follow if he or she wishes to formally object to the destruction of the information and  
628 wants the records sent to him or her.

629

630 Written records of individual students are confidential and will be shredded, destroyed, or redacted  
631 as appropriate under supervision of the staff member responsible for the records, if not released to  
632 the parent and/or eligible student. The records manager will maintain a log that documents the date  
633 of destruction or release of the records.

634

635 A permanent record of the student’s name, address, phone number, grades, classes attended,  
636 immunization records, test scores, attendance records, grade level, and year completed may be  
637 maintained by the District without a time limitation. Any other PII will be destroyed at the request  
638 of the parent and/or eligible student if it is older than five (5) years and no longer needed to provide

639 special education. When informing the parent and/or eligible student of his or her rights, the  
640 District should remind the parent and/or eligible student that the records might be needed for  
641 Social Security benefits or other purposes in the future.

642

643 **SPECIFIC PROCEDURES FOR RELEASE AND RECEIPT OF SPECIAL EDUCATION**  
644 **RECORDS IN MOUNTAIN HOME SCHOOL DISTRICT**

645

646 In the case of special education records, psychological reports, permanent record cards, and test  
647 scorecards, only duplicate copies of these documents or their contents can be released (mailed,  
648 hand-carried, etc.). The originals must stay in the school district in accordance with District  
649 procedures.

650

651 **When a student leaves the Mountain Home School District:**

652

653 1. During the school year: The parent, guardian, or eligible student may hand-carry the  
654 cumulative file, duplicate of the permanent record card, duplicate of the test score card,  
655 and transfer sheet (if used).

656

657 2. When school is not in session: The parent, guardian, or eligible student may hand-carry the  
658 items listed above. If this is not possible or practical, then these items will need to be mailed  
659 upon receipt of a properly signed “request” or “authorization” to release information.

660

661 3. Special education/individual testing records: No records of individual testing and/or  
662 psychological information should be hand-carried by the parents, etc.

663

664 4. Upon receipt of a properly signed release form (theirs or ours), the school will send  
665 duplicate copies of the pertinent material to the requesting school district or agency. All  
666 originals of the test protocols, IEP/IIP’s, etc., must be kept in the District.

667

668 5. The signed release form and the student’s record of individual testing/special education  
669 records are then sent to the office of the Director of Student Services.



670  
671 ~~6. — Additional information concerning student files: If a student leaves the District during the~~  
672 ~~school year, special education/testing records should be retained in the building until copies~~  
673 ~~of the contents are sent. If a request for information is not received by at least the first~~  
674 ~~month of the following school year, then these records should then be sent to the office of~~  
675 ~~the Director of Student Services.~~

676  
677 **MAINTENANCE OF RECORDS** (§ 99.32) (20 U.S.C. 1232g(b)(1)(b)(4)(A))

- 678  
679 1. — ~~Permanent records should be kept in locked files at all times.~~
- 680  
681 2. — ~~The School will maintain a record, Access Log, of each request for or disclosure of the~~  
682 ~~education record or of personally identifiable information for each student as well as the~~  
683 ~~names of State and local educational authorities and Federal officials and agencies that may~~  
684 ~~make further disclosures of personally identifiable information from the student's education~~  
685 ~~records without consent under §99.33(b).~~
- 686  
687 a. — ~~This Access Log will be maintained with the educational records of each student as~~  
688 ~~long as the records are maintained. This list will be available for inspection and review~~  
689 ~~by the parent or eligible student upon request.~~
- 690  
691 b. — ~~The Access Log will specify the individuals who have requested or obtained~~  
692 ~~educational records or personally identifiable information and the legitimate interest~~  
693 ~~the parties had in requesting or obtaining the information including the parents or~~  
694 ~~eligible student.~~
- 695  
696 e. — ~~The names of the additional parties to which the receiving party may disclose the~~  
697 ~~information on behalf of the school district; and~~
- 698  
699 d. — ~~The legitimate interests in which each of the additional parties has in requesting or~~  
700 ~~obtaining the information.~~

- 701
- 702 e. ~~If the information was released without prior parental consent, the specific exception~~
- 703 ~~for such consent will also be set forth.~~
- 704
- 705 3. ~~MHSD will record the following information when it discloses personally identifiable~~
- 706 ~~information (PII) from education records under the health or safety emergency exception~~
- 707 ~~in §99.31(a)(10) and §99.36:~~
- 708
- 709 a. ~~The articulable and significant threat to the health or safety of a student or other~~
- 710 ~~individuals that formed the basis for the disclosure; and~~
- 711
- 712 b. ~~The parties to whom the agency or institution disclosed the information.~~
- 713
- 714 4. ~~A State, local school district, Federal official, or agency listed in §99.31(a)(3) that makes~~
- 715 ~~further disclosures of information from education records under §99.33(b) must record the~~
- 716 ~~names of the additional parties to which it discloses information on behalf of the school~~
- 717 ~~district or institution and their legitimate interests in the information under §99.31 if the~~
- 718 ~~information was received from:~~
- 719
- 720 a. ~~An educational agency or institution that has not recorded the further disclosures under~~
- 721 ~~paragraph (b)(1) of this section; or~~
- 722
- 723 b. ~~Another State or local educational authority or Federal official or agency listed in~~
- 724 ~~§99.31(a)(3);~~
- 725
- 726 c. ~~Upon request of an educational agency or institution, a State or local educational~~
- 727 ~~authority, or Federal official or agency listed in §99.31(a)(3) that maintains a record of~~
- 728 ~~further disclosures under paragraph (b)(2)(i) of this section must provide a copy of the~~
- 729 ~~record of further disclosures to the district within a reasonable period of time not to~~
- 730 ~~exceed 30 days.~~
- 731

732 5. ~~Confidential and personal working files of professionals (school psychologists, social~~  
733 ~~workers, counselors, teachers or substitute teachers, etc.) may be maintained. Personal and~~  
734 ~~confidential files containing working notes, transcripts of interviews, clinical observations~~  
735 ~~and memory aides for their own use in counseling pupils are permissible. Any and all data~~  
736 ~~that is considered to be the personal property of the professional should be in the possession~~  
737 ~~of the professional and used only by that individual. If the individual communicates~~  
738 ~~personal information to a second person, however, it is no longer considered a private~~  
739 ~~record. Evaluation data and/or test outcomes used to qualify students for placement in~~  
740 ~~particular programs shall be available in education records.~~

741  
742 6. ~~FERPA does not set forth any time requirements for maintaining educational records.~~  
743  
744 a. ~~The General Education Provisions Act Enforcement (34 C.F.R. part 81) and the federal~~  
745 ~~regulations for State Administered Programs (34 C.F.R. part 76) both require that~~  
746 ~~records be retained for at least five years to show compliance with federal requirements.~~  
747 ~~(The Idaho Special Education Manual also requires special education records be~~  
748 ~~retained at least five years.)~~

749  
750 **TRANSFER OF STUDENT RECORDS** (Idaho Code 33-209, 18-4511)

751  
752 1. ~~It is school district procedure to obtain parental or eligible student consent prior to releasing~~  
753 ~~student records, however, the District will honor requests for transfer of records to schools~~  
754 ~~in which the student seeks or intends to enroll.~~

755  
756 2. ~~In connection with the transfer of records to other schools, the District shall make a~~  
757 ~~reasonable effort to notify the parent or eligible student that the record is being transferred~~  
758 ~~unless the parent or eligible student initiated the request for records. Notice of the pending~~  
759 ~~transfer will be sent to the parent's or eligible student's last known address. A copy of~~  
760 ~~material to be transferred shall be made available to the parents or eligible student upon~~  
761 ~~request or within twenty-one (21) calendar days after a request for transfer of such records~~  
762 ~~is received from the other school.~~

763

764 ~~3. Whenever a student transfers from one school to another, within the district, within the~~  
765 ~~state, or elsewhere, and the sending school is requested to forward student records, the~~  
766 ~~sending school shall respond by forwarding a certified copy of the transferred student's~~  
767 ~~record within ten (10) days, except as provided in section 18-4511, Idaho Code.~~

768

769 ~~a. When the school record contains information concerning violent or disruptive behavior~~  
770 ~~or disciplinary action involving the student, this information shall be included in the~~  
771 ~~transfer of records but shall be contained in a sealed envelope, marked to indicate the~~  
772 ~~confidential nature of the contents, and addressed to the principal or other~~  
773 ~~administrative officer of the school.~~

774

775 ~~b. The parent or guardian of a student transferring from out of state to a school within the~~  
776 ~~state of Idaho is required, if requested, to furnish the school within the State of Idaho~~  
777 ~~accurate copies of the student's school records, including records containing~~  
778 ~~information concerning violent or disruptive behavior or disciplinary action involving~~  
779 ~~the student. This information shall be contained in a sealed envelope, marked to~~  
780 ~~indicate the confidential nature of the contents, and addressed to the principal or other~~  
781 ~~administrative officer of the school.~~

782

783 ~~4. The school district may grant access to student records in order to comply with a judicial~~  
784 ~~order lawfully issued subpoena, provided that the school district makes a reasonable effort~~  
785 ~~to notify the parent of the student or the eligible student of the order or subpoenas in~~  
786 ~~advance of compliance.~~

787

788 ~~5. The school district may grant access to student records in a health or safety emergency.~~

789

790 **SPECIAL EDUCATION INCLUDING GIFTED & TALENTED RECORDS**

791 ~~The District recognizes the right of parents of students with disabilities and eligible students with~~  
792 ~~disabilities to inspect and review educational records relating to the student that are collected,~~  
793 ~~maintained, or used by this district.~~

794 ~~The District will also comply with a request to inspect and review such records without~~  
795 ~~unnecessary delay, and:~~

796 1. ~~In no case more than forty five (45) calendar days after the request has been made;~~

797 2. ~~Before any meeting regarding the student's individualized education program (IEP);~~

798 3. ~~Before any hearing relating to the identification, evaluation, or educational placement of~~  
799 ~~the student or the provision of a free appropriate public education (FAPE) to the student;~~

800 ~~or~~

801 4. ~~Before a resolution session.~~

802 ~~The right of parents of students with disabilities and eligible students with disabilities to inspect~~  
803 ~~and review education records includes:~~

804 1. ~~The right to a response to reasonable requests for explanations and interpretations of the~~  
805 ~~records;~~

806 2. ~~The right to request copies of the records if failure to provide copies would effectively~~  
807 ~~prevent the parent from exercising the right to inspect and review records; and~~

808 3. ~~The right to have a representative of the parent inspect and review the records.~~

809 ~~When records of individual testing and/or psychological information are received by a school from~~  
810 ~~another school, institution, individual, or agency, the information should be reviewed by~~  
811 ~~appropriate personnel in the school. (IDEA and 34 CFR 300.560-300.577)~~

812

813 ~~The individual test(s) and/or psychological information should then be filed in the Special~~  
814 ~~Education room school office, or as per individual building policy. (IDEA and 34 CFR 300.560-~~  
815 ~~300.577)~~

816  
817 ~~If the student required follow-up services or additional psychological testing, then a referral should~~  
818 ~~be initiated and forwarded to appropriate school or district personnel. (IDEA and 34 CFR 300.560–~~  
819 ~~300.577)~~

820  
821 ~~In dealing with the educational records of exceptional students with disabilities, the school district~~  
822 ~~will inform parents when personally identifiable information collected, maintained, or used is no~~  
823 ~~longer needed to provide educational services to the child. The information must be destroyed at~~  
824 ~~the request of the parents. However, the school district may maintain a permanent record of the~~  
825 ~~student’s name, address, and phone number, his or her grades, attendance records, classes attended,~~  
826 ~~grade level completed, and year completed without time limitation. (34 CFR 300.573)~~

827

## 828 ~~RETENTION AND DESTRUCTION OF SPECIAL EDUCATION RECORDS~~

829

830 ~~Educational records will be maintained for at least five (5) years after disenrollment of a student~~  
831 ~~with disabilities from the District. Medicaid related records, specifically expenditure~~  
832 ~~documentation, cost allocation process, all student records related to the Medicaid billing and~~  
833 ~~service delivery (e.g., data sheets, IEPs, health care plans, physician recommendations for~~  
834 ~~assessments and IEP services, evaluation recommendations, documented supervision of~~  
835 ~~paraprofessionals), and revenue documentation, will be maintained for a period of six (6) years.~~

836

837 ~~The District will inform a parent and/or eligible student when PII collected, maintained, or used is~~  
838 ~~to be destroyed because the information is no longer needed to provide educational services to the~~  
839 ~~student. The parent and/or eligible student must be informed of PII that the district intends to~~  
840 ~~destroy and that the information will be destroyed no earlier than forty five (45) calendar days~~  
841 ~~from the date of the notice. The parent and/or eligible student must also be informed of the~~  
842 ~~procedure to follow if he or she wishes to formally object to the destruction of the information and~~  
843 ~~wants the records sent to him or her.~~

844

845 ~~Written records of individual students are confidential and will be shredded, destroyed, or redacted~~  
846 ~~as appropriate under supervision of the staff member responsible for the records, if not released to~~

847 the parent and/or eligible student. The records manager will maintain a log that documents the date  
848 of destruction or release of the records.

849  
850 A permanent record of the student's name, address, phone number, grades, classes attended,  
851 immunization records, test scores, attendance records, grade level, and year completed may be  
852 maintained by the district without a time limitation. Any other PII will be destroyed at the request  
853 of the parent and/or eligible student if it is older than five (5) years and no longer needed to provide  
854 special education. When informing the parent and/or eligible student of his or her rights, the district  
855 should remind the parent and/or eligible student that the records might be needed for Social  
856 Security benefits or other purposes in the future.

857  
858 **~~SPECIFIC PROCEDURES FOR RELEASE AND RECEIPT OF SPECIAL EDUCATION~~**  
859 **~~RECORDS IN MOUNTAIN HOME SCHOOL DISTRICT~~**

860  
861 In the case of special education records, psychological reports, permanent record cards, and test  
862 scorecards, only duplicate copies of these documents or their contents can be released (mailed,  
863 hand-carried, etc.). The originals must stay in the school district in accordance with District  
864 procedures.

865  
866 **~~When a student leaves the Mountain Home School District:~~**

867  
868 4. ~~During the school year: The parent, guardian, or eligible student may hand-carry the~~  
869 ~~cumulative file, duplicate of the permanent record card, duplicate of the test score card,~~  
870 ~~and transfer sheet (if used).~~

871  
872 5. ~~When school is not in session: The parent, guardian, or eligible student may hand-carry the~~  
873 ~~items listed above. If this is not possible or practical, then these items will need to be mailed~~  
874 ~~upon receipt of a properly signed "request" or "authorization" to release information.~~

875  
876 6. ~~Special education/individual testing records: No records of individual testing and/or~~  
877 ~~psychological information should be hand-carried by the parents, etc.~~

878  
879       ~~Upon receipt of a properly signed release form (theirs or ours), the school will send~~  
880       ~~duplicate copies of the pertinent material to the requesting school district or agency. All~~  
881       ~~originals of the test protocols, IEP/HP's, etc., must be kept in the District.~~

882  
883       ~~The signed release form and the student's record of individual testing/special education~~  
884       ~~records are then sent to the office of the Director of Student Services.~~

885  
886       ~~7. Additional information concerning student files: If a student leaves the District during the~~  
887       ~~school year, special education/testing records should be retained in the building until copies~~  
888       ~~of the contents are sent. If a request for information is not received by at least the first~~  
889       ~~month of the following school year, then these records should then be sent to the office of~~  
890       ~~the Director of Student Services~~

891  
892       **NON-COMPLIANCE**

893  
894       ~~A parent or eligible student has the right to file a written complaint with the U.S. Department of~~  
895       ~~Education concerning alleged failures by the school district to comply with the requirements of~~  
896       ~~FERPA. The name and address of the office that administers FERPA is:~~

897       ~~\_\_\_\_\_~~  
898                       ~~Family Policy Compliance Office~~  
899                       ~~U.S. Department of Education~~  
900                       ~~400 Maryland Avenue, S.W.~~  
901                       ~~Washington, DC 20202-5901~~

902  
903       **FORMS:**

904  
905       1. Request of Non-Disclosure of Directory Information Form – Form should be available upon  
906       request in the administrative office of each school.

907



- 908 a. If a parent or eligible student delivers a signed Request of Non-Disclosure of Directory  
909 Information Form to the school, a copy must be sent to the school building Web Master  
910 and to the District Web Master and to the Director of Technology.  
911
- 912 2. Request to Inspect School Records – Form should be available upon request in the  
913 administrative office of each school.  
914
- 915 3. Authorization to Release/Exchange Records/Information – Directions for use are on the form.  
916
- 917 4. Memorandum of Understanding Agreement – Disclosure of Data/Information to Other  
918 Agencies/Organizations – Form must be signed and submitted by any outside  
919 agency/organization/office/program that request student data/information.  
920
- 921 5. Access Log – Directions for use are on the form.  
922



923

924

925 **LEGAL REFERENCE:**

926 Idaho Code Section 32-717A – Parents’ Access to Records and Information

927 Family Educational Rights and Privacy Act of 1974 (FERPA)

928 20 USC §1232g

929 34 CFR Part 99

930 Uninterrupted Scholars Act, Pub.L112-278 (2013)

931 Individuals with Disabilities Education Improvement Act (2004)

932 20 USC §§1412(2)(D) and 1417

933 34 CFR §§300.610 through 300.626

934 Idaho Special Education Manual 2017

935 Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA)

936 and the Health Insurance Portability and Accountability Act of 1996 (HIPPA) to Student Health

937 Records

- 938 U.S. Department of Health and Human Services
- 939 U.S. Department of Education, December 2019 Update (First Issued November 2008)
- 940 <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap31->
- 941 [subchapIII-part4-sec1232g.pdf](http://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap31-subchapIII-part4-sec1232g.pdf)
- 942 <http://www2.ed.gov/policy/gen/guid/fpco/index.html>
- 943 <http://www.ecfr.gov/cgibin/textidx?c=ecfr&sid=11975031b82001bed902b3e73f33e604&rgn=di>
- 944 [v5&view=text&node=34:1.1.1.1.33&idno=34](http://www.ecfr.gov/cgibin/textidx?c=ecfr&sid=11975031b82001bed902b3e73f33e604&rgn=div5&view=text&node=34:1.1.1.1.33&idno=34)
- 945 <http://legislature.idaho.gov/legislation/2014/S1372E1.pdf>
- 946
- 947
- |     |                                 |                           |                            |
|-----|---------------------------------|---------------------------|----------------------------|
| 948 | <b>ADOPTED:</b> August 19, 1975 | Revised: June 21, 1988    | Revised: May 21, 2002      |
| 949 | Reviewed: February 21, 2006     | Revised: January 17, 2012 | Revised: November 15, 2016 |
| 950 | Revised:                        |                           |                            |