

STUDENT EDUCATIONAL RECORDS

Student Records

A. GENERAL

Effective November 19, 1974, Congress enacted the Family Educational Rights and Privacy Act of 1974 which provides certain requirements governing the protection of the privacy of parents and students under Section 444 of the General Education Provisions Act, as amended.

The District has in the past and continues to receive federal financial assistance. In order to continue receiving such federal financial assistance, the District must comply with the statutes and the regulations promulgated by the U.S. Department of Education. If any program or activity of this District fails to comply with the statutes or regulations, a public hearing will be held by the federal government which could result in the termination of federal funds.

Accordingly, employees of this District are required by this policy to comply with the provisions of:

1. This policy and administrative regulation, as in the case of any rule or regulation adopted by the Board of Trustees of this District;
2. The Family Educational Rights and Privacy Act of 1974, 20 U.S.C.S. § 1232g ("FERPA") and the regulations promulgated there under by the U. S. Department of Education at 34 C.F.R., Part 99 as amended and as such laws and regulations are applicable to this District; and
3. 3. Statutes and regulations of the state of Montana which may apply to student records and information, including but not limited to Montana Code Annotated § 50-16-501, et seq., (the Montana Uniform Health Care Information Act), Montana Code Annotated § 26-1-809 (non-disclosure of privileged communications between student and school counselor, psychologist, nurse or teacher), and Montana Code Annotated § 41-3-201 (mandatory reporting of child abuse).

B. DEFINITIONS

1. Directory Information:

Directory information means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, photographs used in yearbooks and all school related activities, participation in officially recognized activities and sports, weights and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.

2. Disciplinary Action or Proceeding means:

The investigation, adjudication, or imposition of sanctions by the District with respect to an infraction or violation of the internal rules of conduct applicable to students of the District.

3. Disclosure means:

To permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.

4. Education Records

A. Education Records means those records which are:

1. Directly related to a student; and
2. Maintained by the District, or by a party acting for the District.

B. The term educational records does not include:

1. Records of instructional, supervisory and administrative personnel and educational personnel ancillary to those persons which:
 - a) Are in the sole possession of the maker of the record; and
 - b) Are not accessible or revealed to any other individual except a temporary substitute for the maker of the record.

For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record and does not refer to an individual who permanently succeeds the maker of the record in his or her position.

2. Records relating to an individual who is employed by the District which:

- a) Are made and maintained in a normal course of business;
- b) Relate exclusively to the individual in that individual's capacity as an employee; and
- c) Are not available for use for any other purpose.

Records relating to an individual in attendance in the school district who is employed as a result of his or her status as a student are education records and not accepted under this definition of education records.

3. Records relating to an eligible student which are:
 - a) Created, made or maintained by a physician, psychiatrist, psychologist or other recognized professional or para-professional acting in his or her professional or para-professional capacity or assisting in a para-professional capacity;
 - b) Created, made, maintained, or used only in connection with the provision of treatment to the student; and
 - c) Not disclosed to anyone other than individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. *For the purpose of this definition, "treatment" does not include remedial education activities, or activities which are part of the program of instruction in the school district.*
 - d) Records that only contain information about an individual after he or she is no longer a student.

5. Eligible Student

Eligible student means a student who has attained 18 years of age.

6. Parent

Parent includes a parent, guardian, or an individual acting as a parent of a student.

7. Personally Identifiable

Personally identifiable means that the data or information includes:

- A. Name of student, the student's parent or other family member;
- B. Address of the student;
- C. A personal identifier, such as the student's social security number, or student number;
- D. A list of personal characteristics which would make the student's identity easily traceable, or
- E. Other information which would make the student's identity easily traceable.

8. Record Information:

For the purposes of the Section, record means any information recorded in any way, including but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

1. Student:

Student except as otherwise specifically provided in this part, means any individual who is or has been in attendance in the District and regarding whom the District maintains education records.

2. Legitimate Education Interest:

Legitimate Education Interest requires an interest in the education welfare of the student within the context of the school's parental responsibility for the development and well-being of the child. This term is to be construed in light of the stated purpose of the policy to prevent abuse and improper disclosure of education records (Source: Section 12.04(7)(b) Educational Law Reporter, Page 14-74).

C. TYPE OF RECORDS

Student records shall be divided into two categories, the cumulative folder and supplementary records.

The cumulative folder may contain all information about a student which is collected and maintained on a routine basis, such as identifying information (name, birth date, sex, year in school, address, telephone number, parent's name, ethnic classification, emergency information [parent's place of employment, family doctor, babysitter, siblings]) attendance records; grades and other student progress reports; results of tests of school achievement; immunization status reports; records of school accomplishments and participation in school activities; verified reports of misconduct, including a record of disciplinary action taken; such other information as shall enable staff to counsel with students and plan appropriate activities; and progress reports related to a student's handicapping condition.

Supplementary records about a student may be collected and maintained in connection with special school concerns about the student, such as current referral form, permission for evaluation, child study team report with accompanying data, individualized education program, and permission for program placement. All such reports included in records shall be dated and signed.

For the purpose of these regulations, working notes of staff are defined as those records about students which are maintained in the sole possession of the writer and are not accessible or revealed to any other person except a substitute

for that staff member. Working notes are not considered student records within the purview of these regulations and procedures.

D. PARENT RIGHTS

The District shall give full rights under the Act to either parent, unless the 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.

E. STUDENT RIGHTS

1. Whenever a student has attained 18 years of age, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student.
2. The Act and this part do not prevent the District from giving students rights in addition to those given to parents.
3. If an individual is or has been in attendance at one component of the District, that attendance does not give the individual rights as a student in other components of the District to which the individual has applied for admission, but has never been in attendance.

F. ANNUAL NOTIFICATION

1. The District shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under FERPA and the regulations.
2. The notice must inform parents or eligible students that they have the right to:
 - A. Inspect and review the student's education records;
 - B. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
 - C. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and portions of Section L herein authorize disclosure without consent; and
 - D. File with the Department a complaint under Section U herein concerning alleged failures by the District to comply with the requirements of the Act and the regulations.
3. The notice must include all of the following:
 - A. The procedure for exercising the right to inspect and review education records.
 - B. The procedure for requesting amendment of records under Section I herein.
 - C. A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.
4. The District may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights. (This notification shall be included in each school's parent student handbook.)
 - A. The District shall effectively notify parents or eligible students who are disabled.
 - B. The District shall effectively notify parents who have a primary or home language other than English.

G. INSPECTION OF RECORDS

1. Rights of Inspection and Review of Education Record
 - A. Except as limited under paragraph three of this section, a parent or eligible student must be given the opportunity to inspect and review the student's educational records.
 - B. The District shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.
 - C. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the District shall:
 - i. Provide the parent or eligible student with a copy of the records requested; or
 - ii. Make other arrangements for the parent or eligible student to inspect and review the requested records.
 - D. The District shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.
 - E. While the District is not required to give an eligible student access to treatment records under the definition of Education records, the student may have those records reviewed by a physician or other appropriate professional of the student's choice.
2. Fee for Copies of Education Records
 - A. Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspection and review the student's education records, the District may charge a fee for a copy of an education

record which is made for the parent or eligible student. The District may not charge a fee to search for or to retrieve the education records of a student.

- B. Fees charged for copies of the records are as follows:
 - i. \$.04 per single sheet 8 ½ x 11 or smaller;
 - ii. \$.10 per copy cumulative folder;
 - iii. Actual charges for postage, secretarial time for preparation of records for copying.
3. Limitation on the Right to Inspect and Review Records if the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

H. A LIST OF TYPES AND LOCATIONS OF RECORDS, INSPECTION AND REVIEW, AND RESPONSIBLE OFFICIALS

A list of all educational records and their location shall be maintained by the following District officials for their areas of responsibility. (See Section C for type of records maintained by the educational institution.) Parents and eligible students who wish to inspect and review the student's educational records shall request an appointment with the responsible principal/supervisor. The responsible official shall schedule an interview within fifteen (15) days after receiving the request.

Director, Adult Education Building, 310 Curtis
Principal, Big Sky High School, 3100 South Avenue W.
Principal, Chief Charlo School, 5600 Longview
Principal, Cold Springs School, 2625 Briggs
Principal, Franklin School, 1901 S. 10th St. W.
Principal, Hawthorne School, 2835 S. 3rd St. W.
Principal, Hellgate High School, 900 S. Higgins
Principal, Lewis & Clark School, 2901 Park
Principal, Lowell School, 1200 Sherwood
Principal, Meadow Hill School, 4210 Reserve
Principal, Paxson School, 101 Evans
Principal Porter School, 2510 Central
Principal, Rattlesnake School, 1220 Pineview
Principal, Russell School, 3216 Russell
Principal, Seeley Swan High School, Seeley Lake, MT
Principal, Sentinel High School, 901 South Avenue W.
Principal, Washington School, 645 W. Central

I. REQUEST TO AMEND EDUCATION RECORDS

1. The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate or misleading, or violates the privacy or rights of the student, may request in writing that the school district amends them.
2. The school district shall decide whether to amend the Education records of the student in accordance with the request within a reasonable period of time of receipt of the request.
3. If the school district decides to refuse to amend the education records of the student in accordance with the request, it shall so inform the parent of the student or the eligible student of the refusal and advise the parent or the eligible student of the right to a hearing under Section J herein.

J. RIGHT TO A HEARING

1. The school district shall on request provide an opportunity for a hearing in order to challenge the content of a student education record to ensure that information in the education record of the student is not inaccurate, misleading, or otherwise in violation of the privacy or the rights of the student. The hearing shall be conducted in accordance with the next section.
2. If, as a result of the hearing, the school district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or the rights of the student, it shall amend the education records of the student accordingly, and so inform the parent of the student or the eligible student in writing.
3. If, as a result of the hearing, the school decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or rights of the student, it shall inform the parent or eligible student of the right to place in the education records of the student the statement commenting upon the contested information in the education records and/or setting forth any reasons for disagreement with the decision of the school district.
4. Any explanation placed in the educational records of the student under paragraph "3" of this section shall:

- A. Be maintained by the school district as part of the education records of the student as long as the record or contested portion thereof is maintained by the school district.
- B. If the education record of the student or the contested portion thereof is disclosed by the education agency or institution to any party, the explanation shall also be disclosed to that party.

K. CONDUCT OF THE HEARING

The hearing required to be held shall be conducted according to procedures which shall include at least the following elements:

1. The hearing shall be held in a reasonable period of time after the school district has received the request, and the parent of the student or the eligible student shall be given notice of the date, place, and time reasonably in advance of the hearing.
2. The hearing may be conducted by any party including an official of the school district appointed by the Superintendent. This official shall not have a direct interest in the outcome of the hearing.
3. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under Section J herein, and may be assisted or represented, by individuals of his/her choice at his/her own expense, including an attorney.
4. The school shall make its decision in writing within a reasonable period of time after the conclusion of the hearing
5. The decision of the school district shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

L. DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATION RECORDS

1. Prior Consent for Disclosure Required
 - A. The school district shall obtain the written consent of the parent of the student or eligible student before disclosing personally identifiable information from the education records of a student other than directory information except as provided in this section.
 1. The written consent must:
 - a) Specify the records that may be disclosed;
 - b) State the purpose of the disclosure; and
 - c) Identify the party or class of parties to whom the disclosure may be made.
 - B. When a disclosure is made under paragraph 1 of this section:
 1. If a parent or eligible student so requests, the District shall provide him or her with a copy of the records disclosed; and
 2. If the parent of a student who is not an eligible student so requests, the District shall provide the student with a copy of the records disclosed.
 - C. Consent is not required under this section where the disclosure is to:
 1. The parent of a student who is not an eligible student, or
 2. The student himself or herself.
 - D. The written consent required by paragraphs "1" and "2" of this section must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 1. Specification of the records to be disclosed,
 2. The purpose or purposes of the disclosure, and
 3. The party or class or parties to whom the disclosure may be made.
 4. disclosure may be made.
 - E. When a disclosure is made pursuant to paragraphs "1" and "2" of this section, the school district upon request shall provide a copy of the record which is disclosed to the parent of the student or the eligible student and student and to the student who is not an eligible student if so requested by the student's parent.
2. Prior Consent for Disclosure Not Required
 - A. The school district may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student if the disclosure meets one or more of the following conditions
 1. The disclosure is to other school officials including teachers within the District who have been determined by their supervisor to have legitimate educational interests;
 2. The disclosure is, subject to Section O below, to the officials of another school or school system in which the student seeks or intends to enroll;
 3. The disclosure is, subject to the conditions set forth in Section P below, to authorized representatives of:
 - a) The Comptroller General of the United States;
 - b) The Secretary of the U. S. Department of Education; or

- c) State and local educational authorities.
- 4. The disclosure is in connection with financial aid for which the student has applied for which the student has received, if the information is necessary for such purposes as to:
 - a) Determine eligibility for the aid;
 - b) Determine the amount of the aid;
 - c) Determine the conditions for the aid; or
 - d) Enforce the terms and conditions of the aid.

As used in paragraph 4 of this section, financial aid means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution;

- 5. The disclosure is to state and local officials or authorities to whom information is specifically:
 - a) Allowed to be reported or disclosed pursuant to state statutes adopted prior to November 19, 1974 if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or
 - b) Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of Section 99.38 of FERPA.
- 6. The disclosure is to organizations conducting studies for or on behalf of educational agencies or institutions to:
 - a) Develop, validate, or administer predictive tests;
 - b) Administer student aid programs; or
 - c) Improve instruction.

The District may disclose information under this paragraph only if:

- a) The study is conducted in a manner that does not permit the personal identification of students and their parents by individuals other than representatives of the organization; and
- b) The information is destroyed when no longer needed for the purposes for which the study was conducted.

If the Department of Education determines that a third party outside the District to whom information is disclosed under this paragraph violates the requirement to destroy the information, the District may not allow that third party access to personally identifiable information from education records for at least five years.

For purposes of this paragraph, the term "organizations" includes but is not limited to federal, state, and local agencies and independent organizations.

- 7. The disclosure is to accrediting organizations in order to carry out their accrediting functions.
- 8. The disclosure is to parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1954.
- 9. The disclosure is to comply with the judicial order or lawfully issued subpoena.

The District may disclose information under this paragraph only if the District makes a reasonable effort to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with—

- a) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not to be disclosed;
- b) Any other subpoena issued for a law enforcement purpose and the court of other issuing agency has ordered that the existence or the contents of the subpoena not be disclosed.

If the District initiates legal action against a parent or student and has complied with this paragraph regarding notice to the parents or eligible student, it may disclose the student's education records that are relevant to the action to the court without a court order or subpoena.

- 10. The disclosure is in connection with a health or safety emergency, subject to the conditions set forth in Section Q.
- 11. The disclosure is information the District has designated as "director information", under the conditions described in Section R below.
- 12. The disclosure is disclosure is to the parent of a student who is not an eligible student or to the student.
 - A. This section does not forbid the District to disclose, nor does it require the District to disclose, any personally identifiable information from the education records of a student to a party set forth in paragraphs 1 through 11.

M. RECORD OF DISCLOSURES REQUIRED TO BE MAINTAINED

- 1. The District shall, for each request and for each disclosure of personally identifiable information from the education records of a student, maintain a record kept with the education records of the student as long as the records are maintained which must include:

- A. The parties who have requested or obtained personally identifiable information from the education records of a student; and
 - B. The legitimate interests the parties had in requesting or obtaining the information.
2. If the District discloses personally identifiable information from an education record with the understanding described in Section N, paragraph 3, the record of the disclosure required under this section must include:
 - A. The names of the additional parties to which the receiving party may disclose the information on behalf of the District; and
 - B. The legitimate interests under Section L above which each of the additional parties has in requesting or obtaining the information.
 3. The record of disclosures may be inspected:
 - A. By the parent of the student or the eligible student;
 - B. The school official and his or her assistants who are responsible for the custody of the records; and
 - C. For the purpose of auditing the record keeping procedures of the District by the parties authorized by Section L, paragraphs 2 A 1 and 2 A 3, above.
 4. Paragraph "1" of this section does not apply if the request was from or the disclosure was to:
 - A. A parent of a student or an eligible student;
 - B. A school official under Section L above;
 - C. A party with the written consent of a parent of a student or an eligible student, when the consent is specific with respect to the party or parties to whom the disclosure is to be made;
 - D. A party seeking directory information; or
 - E. A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

N. LIMITATION ON REDISCLOSURE

1. The District may disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without consent of the parent of the student or the eligible student.
2. The officers, employees, and agents of a party that receives the information under paragraph 1 above may use the information, but only for the purposes for which the disclosure was made.
3. Paragraph 1 of this section does not prevent the District from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the District if:
 - A. The disclosure meets the requirements of Section L above; and
 - B. The District has met the requirements of Section M, paragraph 2 above.
4. Paragraph 1 of this section does not apply to disclosures made pursuant to court orders, or lawfully issued subpoenas under Section L, paragraph 2 A 9 above, to disclosures of directory information under Section L, paragraph 2 A 11 above, or to disclosures to a parent or student under Section L, paragraph 2 A 12 above.
5. Except for the disclosure of directory information under Section L, paragraphs 2 A 9, 2 A 11 and 2 A 12 above, the District shall inform the party to whom disclosure is made of the requirements set forth in this section.
6. If the Department of Education determines that a third party improperly re-disclosed personally identifiable information from education records in violation of FERPA and the regulations there under, the District may not allow that third party access to personally identifiable information from education records for at least five years.

O. CONDITIONS FOR DISCLOSURE TO OFFICIALS OR OTHER SCHOOLS AND SCHOOL SYSTEMS

1. If the District discloses an education record under Section L, paragraph 2 A 2 above, the District shall:
 - A. Make a reasonable attempt to notify the parent of the student or the eligible student of the transfer of the records at the last known address of the parent or eligible student, unless:
 - i. The disclosure is initiated by the parent or eligible student; or
 - ii. The annual notification of the District under Section F above includes a notice that the District forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll.
 - B. Give the parent or eligible student, upon request, a copy of the record that was disclosed; and
 - C. Give the parent or eligible student, upon request, an opportunity for a hearing under Section J above.
2. The District may disclose an education record of a student in attendance at the District to another educational agency or institution if:
 - A. The student is enrolled in or receives services from the other agency or institution; and
 - B. The disclosure meets the requirements of Paragraph 1 of this Section.-

P. DISCLOSURE TO CERTAIN FEDERAL AND STATE OFFICIALS FOR FEDERAL PROGRAM PURPOSES

1. The officials listed in Section L, paragraph 2 A 3 above may have access to education records in connection with the audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs.
2. Information that is collected under Paragraph 1 of this Section must:
 - A. Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in Paragraph 1 above; and
 - B. Be destroyed when no longer needed for the purposes listed in Paragraph 1 of this section.
3. Paragraph 2 of this section does not apply if:
 - A. The parent or eligible student has given written consent for the disclosure under Section L, paragraphs 1 A-F; or
 - B. The collection of personally identifiable information is specifically authorized by Federal law.

Q. CONDITIONS FOR DISCLOSURE IN HEALTH AND SAFETY EMERGENCIES

1. The District may disclose personally identifiable information from an education record of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
2. Neither FERPA, its regulations nor this administrative regulation prevents the District from:
 - A. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;
 - B. Disclosing appropriate information maintained under Paragraph 2(A) of this section to teachers and school officials within the District who the District has determined have legitimate educational interests in the behavior of the student; or
 - C. Disclosing appropriate information maintained under Paragraph 2(A) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.
3. Paragraphs 1 and 2 of this section shall be strictly construed.

R. CONDITIONS FOR DISCLOSURE OF DIRECTORY INFORMATION

1. The District may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the District of:
 - A. The types of personally identifiable information that the District has designated as Directory Information in Section 2 above;
 - B. A parent's or eligible student's right to refuse to permit the District to designate any or all of those types of personally identifiable information about the student as directory information; and
 - C. The period of time within which the parent or eligible student has to notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.
2. The District may disclose directory information about former students without meeting the conditions of Paragraph 1 of this section.

S. DISCLOSURE OF INFORMATION TO THE JUVENILE JUSTICE SYSTEM

1. If reporting or disclosure allowed by state statute (adopted after November 19, 1974) concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, the District may disclose education records under Section L, paragraph 2 A 5 (b) above.
2. The officials and authorities to whom the records are disclosed shall certify in writing to the District that the information will not be disclosed to any other party, except as provided by state law, without the prior written consent of the parent of the student.

T. CONTENTS OF MCPS EDUCATION RECORDS

1. Education records may contain the following information:
 - A. Subject grades
 - B. Immunization record
 - C. Standardized test scores
 - D. Medical evaluations

- E. Behavior record
 - F. Student description and photograph
 - G. Copy of the I.E.P.
 - H. Speech and language assessments
2. Contents of Special Education Records:
A separate records file is maintained for every handicapped special education student receiving service. Minimum contents of the special education records will be:
 - A. A current referral form
 - B. Permission for evaluation
 - C. Child study team report with accompanying evaluation data
 - D. Individualized education program (I.E.P.)
 - E. Permission for program placement
 - F. Other special education records as required
 3. Destruction of Special Education Records:
Five years after termination of all special education services, or after the student has completed his or her entire education program, the District will initiate procedures to destroy these records. Notification will be sent to the parents 60 days in advance of the destruction. Parents will be given the record for personal safekeeping if they so elect. An enrollment card will be maintained in perpetuity on which shall be recorded:
 - A. Initiation and termination date
 - B. Type of service provided
 - C. Category of handicap
 - D. Date of destruction or release to parent
 4. Contents of 504 Records
A separate records file is maintained for every 504 identified student receiving service. Minimum contents of the 504 records will be:
 - A. A current referral form
 - B. Optional permission for evaluation
 - C. Section 504 evaluation report
 - D. Intervention and accommodation plan
 - E. Other 504 records as required
 5. Destruction of 504 Records
Five years after termination of all 504 services, or after student has completed his entire education program, the District will initiate procedures to destroy these records. Notification will be sent to the parents 60 days in advance of the destruction. Parents will be given the record for personal safekeeping if they so elect. An enrollment card will be maintained in perpetuity on which shall be recorded:
 - A. Initiation and termination date
 - B. Type of service provided
 - C. Category of handicap
 - D. Date of destruction or release to parent
 For destruction of school records generally, see Montana Code Annotated § 20 1 212:

20-1-212. Destruction of records by school officer. (1) Upon the order of the board of trustees, a school officer may destroy records that have met the retention period, as contained in the local government records retention and disposition schedules, and, with written approval of the local government records destruction subcommittee provided for in 2 6 403, any records not referenced in the retention and disposition schedule that are no longer needed by the office.

*Student records must be permanently kept, and employment records must be kept for 10 years after termination.

U. COMPLAINT PROCEDURE

A parent or student may file a written complaint with the Family Policy Compliance Office regarding an alleged violation under FERPA and the regulations there under at the following address:

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

V. DISTRICT'S RESPONSIBILITY TO REPORT CONFLICTS WITH STATE LAW

If the District determines that it cannot comply with FERPA or the regulations there under due to a conflict with state or local law, it will notify the Family Policy Compliance Office within 45 days, giving the text and citation of the conflicting law.

W. TRANSFERS OF STUDENT RECORDS

As required by Montana law, the District adopts the following statutory provisions as its policy on the transfer of student records:

1. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C.S. § 1232g, as amended, and its implementing regulations at 34 C.F.R., Part 99, and to the provisions of the Individuals With Disabilities Education Act, 20 U.S.C.S. §§ 1411 through 1420 and its implementing regulations at 34 C.F.R., Part 300, the District adopts a policy that a certified copy of the permanent file, as defined by the board of public education and the file containing special education records of a student will be forwarded by mail or electronically to a local educational agency or accredited school in which the student seeks or intends to enroll within 5 working days after a receipt of a written or electronic request.
2. If records cannot be forwarded within 5 days, the District shall notify the requestor in writing or electronically, providing the reasons why the local educational agency or accredited school is unable to comply, within the 5 day time frame and the District shall provide the date by which the requested records will be transferred.
3. The District may not refuse to transfer files because a student owes fees or fines.
4. The files that are forwarded must include education records in the permanent file, special education records, and any disciplinary actions taken against the student that are educationally related.
5. The District may release student information to the juvenile justice system to assist the system's ability to effectively serve, prior to adjudication, the student whose records are released under provisions of 20 U.S.C.S. § 1232g(B)(1) (E) of the Family Educational Rights and Privacy Act of 1974, as amended. The official to whom the records are disclosed shall certify in writing to the sending official that the information will not, except as provided by law, be disclosed to any other party without prior written consent of the parent of the student.
6. Upon request, the District shall transfer by mail or electronically a copy of the permanent file to a nonpublic school or facility provided that such release of records is in compliance with FERPA and this policy.

X. WITHHOLDING TRANSFER OF STUDENT RECORDS

Transfer of education records to another public school district cannot be withheld for nonpayment of education fees, i.e., fees charged for lab, library books, shop, etc. Montana law specifies the following procedure to recover the obligation which is adopted as the policy of the District:

1. The District may withhold the grades, diploma, or transcripts of a pupil who is responsible for the cost of school materials or the loss or damage of school property until the pupil or the pupil's parent or guardian satisfies the obligation.
2. If the District decides to withhold a pupil's grades, diploma or transcripts from the pupil and the pupil's parent or guardian pursuant to subsection 1 above, the District shall:
 - A. Upon receiving notice that the pupil has transferred to another school district in the state, notify the pupil's parent or guardian in writing that the school district to which the pupil has transferred will be requested to withhold the pupil's grades diploma, or transcripts until any obligation has been satisfied;
 - B. Forward appropriate grades or transcripts to the school to which the pupil has transferred;
 - C. At the same time, notify the school district of any financial obligation of the pupil and request the withholding of the pupil's grades, diploma, or transcripts until any obligations are met;
 - D. When the pupil or the pupil's parent or guardian satisfies the obligation, inform the school district to which the pupil has transferred; and
3. Upon receiving notice that a school district has requested the withholding of the grades, diploma, or transcripts of a pupil under this subsection (1), a school district to which the pupil has transferred shall withhold the grades, diploma, or transcripts of the pupil until it receives notice, from the district that initiated the decision, that the decision has been rescinded under the terms of subsection

The Montana Legislature has the authority to enact legislation affecting Montana schools. This act does not apply to school districts outside of the state of Montana.

As required by Montana Code Annotated § 20-5-201(4)(a)(v), the District adopts the following process to appeal the District's decision to request that another school district withhold records:

- A. The student (if age 18 or older) or the student's parent or guardian shall file a written appeal with the Superintendent stating the specific reasons for the appeal.
- B. Within fifteen (15) days after receipt of the written appeal, the Superintendent shall issue a written decision.

- C. If the student or the student's parent or guardian are dissatisfied with the Superintendent's decision, they may file a written appeal to the Board of Trustees. The student or the student's parent or guardian shall be allowed to present their arguments against the District's position at the next regularly scheduled meeting of the Board of Trustees that is at least fifteen (15) days after the date of the written appeal to the Trustees. The decision of the Board of Trustees shall be final.