

STUDENT RECORDS1. Definition

Any document relating to a student which is actually used by the school district in any manner becomes a student record subject to the policy outlined in subsequent sections of this statement and subject to the Family Educational Rights and Privacy Act of 1974, as amended. (Specifically included, but not necessarily limited to, are identifying data, academic work completed, level of achievement, grades, standardized achievement test scores, attendance data, scores on standardized intelligence, aptitude and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.) (Preliminary notes from which the actual record is prepared are not considered student records.)

2. Purposes

A continuous record (K-12) shall be established and maintained for each student in the school district, subject to specified administrative procedures in order to assist in the following activities essential to the educational progress of students:

- a. Student identification and accounting
- b. Staff understanding of student needs in order to be of assistance to the student and to foster instructional improvements
- c. Student self-understanding and planning
- d. Student self-understanding of and assistance to the student
- e. Staff study and interpretation of data on groups of students.

3. Privileged Communicationsa. Counseling Relationship

To insure the relationship necessary to effective counseling, students shall have the right to enter into privileged communication with their counselor, school psychologist, school physician, nurse-teacher, nurses or other persons certified to counsel, by whatever title known, who have been duly employed or designated by the Board of Education to counsel with students. Such communications will not be placed in the student's record nor will the counselor, school psychologist, school physician, nurse-teacher, nurses, or other designated personnel be allowed to violate this privilege with any other person without the permission of the student, except as noted in Section 3 (b) hereof.

b. Exceptions1. Crimes

No such privilege can be claimed in relation to any communication or information concerning the commission of a crime.

2. Physical Safety of the Student or Other Students

Where a professional staff member, in his/her professional judgment, has reason to believe that a student's safety or the safety of other students is in jeopardy, said professional shall notify appropriate school officials and/or the person(s) in parental authority to the student(s).

3. New York State Law or Commissioner of Education's Regulations

No such privileges can be claimed which are found to be contradictory to New York State Law or to rulings of the Commissioner of Education.

4. Maintenancea. Objectivity

Information considered for inclusion in student records shall be objective and factual in nature insofar as possible. Expressions of opinion shall be indicated as such and subjective statements based on hearsay shall not be written into the record as fact.

b. Usefulness

Information considered for inclusion in student records shall be tested for its usefulness in relation to the purpose of such records as defined in Section 2 hereof.

Care shall be taken to see that the test of usefulness is applied at least at, but not limited to, transitional points (e.g. elementary to middle school, middle school to high school, high school to post-high school) in the student's educational career in order to ensure that data are removed and destroyed which are no longer necessary to the school or required by New York State Law or Regulations of the Commissioner of Education.

c. Security

Physical custody of every student record or file shall remain with the school at all times, except when such record or file shall come under court subpoena. Every reasonable precaution shall be taken to preserve such records against loss or damage. Every student's record of scholastic achievement and of other essential information pertinent to his/her school attendance and graduation shall be kept permanently under the jurisdiction of the school district. After the student graduates or leaves school, those non-essential portions of the student record on file shall be destroyed as authorized for the North Colonie Central School District in accordance with the Records Retention and Disposition Schedule **ED-1** as may be amended, or such superseding schedule thereto.

5. Accessibility

a. Board of Education

Although the ultimate jurisdiction of all school files and records is reserved to the Board of Education, it will be normal practice of the Board, whenever it shall require information from an individual student record or file, to accept a professional interpretation of the pertinent material therein, transmitted as a confidential communication by the Superintendent or his/her designated subordinate. In a specific instance where an individual Board member, or individual Board members, requests access to student records or files for the purpose of exercising his/her responsibility as a Board member, such access shall be granted by the Superintendent of Schools.

b. Staff Members

Those professional and clerical staff members within the district who have direct or indirect educational responsibility for the students and those professional and clerical staff members who have responsibility for the establishment and maintenance of student records shall have access to all student records .

c. Parents

Parents, legal guardians, or persons legally authorized shall be entitled by appointment to inspect the student records of their child. At the time of inspection of such records, appropriate school personnel shall be present to prevent any misinterpretation as to the meaning of the record. Administrative procedures will make provision for the annual notification to parents/guardians of their rights regarding student records.

d. Students

Students shall be entitled by appointment to request and receive from appropriate school personnel an interpretation of information contained in their student record. Consideration will be given in such interpretation to the educational and maturational level of the student. (A student 18 years of age or who is married will be considered an "eligible" student for purposes of this policy and will replace the parents as the responsible party in making decisions regarding the access to and transfer of records to third parties.)

e. Representatives of Federal and State Agencies

Representatives of federal and state agencies, including state educational authorities, may have access to student records for the purpose of the audit and evaluation of federally supported programs.

f. Third Parties

No third party, including peace officers, lawyers, or other officials or agents shall be permitted to examine directly any student record or file without the expressed written permission of the person(s) in parental relationship to the student or from an eligible student. This written consent shall specify the record to be released, the

reasons for such release, and the person or persons to whom they are to be released. Exception: When a school official is presented with a court order or subpoena, the third party shall be granted access to the record subsequent to parent/guardian or student notification that such access is being granted.

All third parties gaining access to a student's record shall be required to sign a written form to be kept with the student's file for inspection by the student's parents/guardians or by the student. The form shall indicate the legitimate educational interest that each person has in inspecting the record. Third parties must specify that they will not further release the records without written consent. At the time of inspection of such records, appropriate school personnel shall be present to prevent any misinterpretation as to the meaning of the record.

6. Directory Information
Officials of the school district may release to the media for public relations purposes the following information relating to students: the student's name, address, academic interest, participation in officially recognized activities and sports, dates of school attendance and graduation, awards received and the student's future educational plans. Annual public notice describing directory information must be given to each parent/guardian or eligible student, and a reasonable time must be allowed for the parent or student to notify school officials that any or all such information should not be released.
7. Transfer of Student Records
Original student records of any kind shall not be transferred from the jurisdiction of the school district. However, with the implied consent or expressed written consent of the person in parental relationship to the student and at no cost to parent/guardian or the student, a transcript, photostatic copy or abstract of requested portions of the student record will be transmitted to any outside person or agency designated. Consent may be reasonably implied when the student transfers or applies for transfer to another school, where application is made for admission to an institution of higher learning, or where formal application is made for employment. Parents/Guardians and students, however, must be notified of the transfer of records and must be given a copy of the record being transferred if they so desire. (See Board Policy 1120 regarding charges for copying of record.)
8. Mailing Lists
The release of student or parental mailing addresses is hereby prohibited, except as may be required by legal authority or for school district-related activities.
9. Unauthorized Release of Student Records
The release of any portion of a student's record or file to any third person, official or private, or to any outside agency, official or private, by an employee of the North Colonie Central School District, under conditions except as provided for in Section 5 (e) and Section 6 hereof, may be cause for disciplinary action.
10. Challenge to Student Records
Formal administrative procedures shall be established whereby a person in parental authority to the student or a professional member of the school district staff may challenge the validity of any of the information contained in the student record. This right of question does not, per se, imply an obligation upon responsible school personnel to make changes in the records. Parents/Guardians or students may, at their discretion, insert into the record a written explanation concerning the content of such records.

Cross-ref: 1120, School District Records
4321, Programs for Students with Disabilities
4322, Programs for Gifted Students
5314, Corporal Punishment

**5460, Suspected Child Abuse and Maltreatment
5470, Reporting of Missing Children**

**Ref: Family Educational Rights & Privacy Act 20 U.S.C. 1232g; 34 CFR Part 99
Education Law §§2(13); 225; 301
Public Officers Law §87(2)(a)**

**Arts and Cultural Affairs Law, Article 57-A
Civil Practice Law and Rules §§2303; 2307
Matter of Board of Education of City of New York v. Regan 131 Misc. 2d514 (1986)
8 NYCRR Part 185
Records Retention and Disposition Schedules for Use by School District, Schedule ED-1
(1991)**

Note: Prior policy, Student Records-Confidential, 5125 (a)-(d)

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