

**FERPA & MANAGEMENT OF STUDENT RECORDS PROCEDURE – STUDENT  
DATA PRIVACY & SECURITY**

To ensure proper protection of confidential student information, each building will follow this procedure. Violation of the Idaho Data Accountability Act may result in civil penalties.

**ADMINISTRATIVE CONTROL & SECURITY**

- **School District Employees –**
  - ~ All school district employees are responsible for the security of student information, data, and files.
  - ~ All school district employees will ensure the security of student information and data by following all policies and procedures regarding student information.
  - ~ All school district administrators, teachers, and other employees must get permission from the IT director prior to uploading student information to any program or website or prior to signing any contracts, agreements, etc., for programs that use student data.
  - ~ All school district employees will ensure that student information and data is kept safe and secure and that only authorized users are given access to the students' data and/or records.
  - ~ All school district employees will ensure that all authorized users who access student files and/or data fill out the FERPA ACCESS LOG sheet that is kept in the front of all student files including cumulative, special education, IEP, etc.
  
- **Building Employees –**
  - ~ Each building principal, assistant principal(s), and employees are responsible for the safety of student information and data in their building.
  - ~ All special education employees and contracted services employees will familiarize themselves with the FERPA, PPRA, and Computer & Network Services Policy - Acceptable Internet Use Policies.
  - ~ All special education employees and contracted services employees will ensure that student information and data is kept in a safe and secure location and that only authorized users are given access to the students' data and/or records.
  - ~ All special education employees and contracted services employees will ensure that all authorized users who access student files and/or data fill out the FERPA ACCESS LOG sheet that is kept in the front of all student files including cumulative, special education, IEP, etc., files.
  - ~ Building principals will annually inform their staff of the importance of student data security and that they are required to sign the FERPA ACCESS LOG sheet before accessing a student's file/data.
  - ~ Building principals, assistant principals, and the student data security person(s) will immediately notify the school district superintendent and Director of Technology (IT) of any breach of data or unauthorized data disclosure.
  
- **IT Department –**
  - ~ The IT Department is responsible for the logical security of student data.

- ~ The IT Department will be vigilant about monitoring the safety of the electronic student data throughout the District. The IT Department will ensure that student data is kept safe and secure and that only authorized users are given access to the students' data and/or records. The IT Department will follow all policies relating to student data.
- \* The IT Department may create their own electronic version similar to the FERPA ACCESS LOG sheet.

### **RIGHT TO ACCESS STUDENT INFORMATION**

- The right to inspect and review the student's education records within 45-days of the day the school receives a request for access.
  - ~ Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school official will arrange for access and notify the parent or eligible student of the time and place where the records may be inspected.
- The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
  - ~ Parents or eligible students should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading, and why it should be changed.
  - ~ If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- The right of privacy of personally identifiable information (PII) contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
  - ~ Parents and eligible students have a right to inspect and review the record of disclosures.
- FERPA regulations authorizes disclosure of PII from the education records of a student without obtaining prior written consent of the parents or the eligible student and the disclosure meets certain conditions found in the FERPA regulations to other school officials.
  - ~ A school official is a person employed by the District as an administrator, supervisor, instructor, substitute, or support staff member (including health or medical staff and law enforcement unit personnel), with legitimate educational interests, including teachers, school board members, contractors, medical consultants, therapists, student and parent volunteers serving on a committee or assisting another school officials in performing his or her tasks, or other parties to whom the school has outsourced institutional services or functions (such as an attorney, auditor, medical consultant, or therapist), provided that the conditions are met in accordance with FERPA regulations.
  - ~ To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer; to authorized

- representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, to the Department of Education/State or local educational authorities in connection with an audit or evaluation of Federal/State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs and these entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf; in connection with financial aid for which the student has applied or for which the student has received.
- ~ To State/local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released in accordance with FERPA regulations.
  - ~ To organizations conducting studies for, or on behalf of, the school, in order to develop, validate, or administer predictive tests, or administer student aid programs; or improve instruction.
  - ~ To accrediting organizations to carry out their accrediting functions.
  - ~ To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement.
  - ~ to the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions.
  - ~ To parents of an eligible student if the student is a dependent for IRS tax purposes; to comply with a judicial order or lawfully issued subpoena; to appropriate officials in connection with a health or safety emergency; information the school has designated as "directory information" under §99.37. (§99.31(a)(11)). Federal law requires school districts to provide military recruiters, upon request, with three directory information categories, names, addresses, and telephone listings.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Mountain Home School District to comply with the requirements of FERPA. The name, address, and phone number of the office that administers FERPA is: Student Privacy Office, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, DC 20202-5901, 1-800-872-5327.
  - Any parent or eligible student may prohibit the release of any or all information designated as "directory information" by submitting a signed letter or a REQUEST OF NON-DISCLOSURE OF DIRECTORY INFORMATION FORM located in the school administration office and on the school district website to the building principal within thirty (30) days of the official school start date.
  - Directory Information: Student Name; Address; Telephone Listing; Electronic Mail Address; Photographs, Videos, and Electronic Images; Date and Place of Birth; Grade Level, Enrollment Status, and Dates of Attendance; Major Field of Study; Participation in Officially Recognized

Activities such as Sports and Clubs; Sports Activity Sheets, Weight and Height of Members of Athletic Teams; Degrees, Honors, Recognition Lists, and Awards Received, and GPA may be published; the Most Recent Previous School, School District, or Institution Attended; Playbills, School Yearbook, and Graduation Programs; Student ID number, User ID, or other unique personal identifier that is displayed on a student ID badge used by the student for purposes of accessing or to communicate in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user; A student ID number or other unique personal identifier. (20 U.S.C. 1232g(a)(5)(A))

**FERPA**

- The Family Educational Rights and Privacy Act (FERPA) has specified that student records are confidential, with some exceptions. Parents and eligible students (students over the age of eighteen (18)) will be notified through the annual publication of the FERPA Notice in the local newspaper and on the district website of their rights under FERPA.
  - ~ The annual notice, published on the school district website, will contain information regarding, and within 45-days of a written request, the right to inspect their children's records, the right to seek an amendment of a record, the right to privacy of personally identifiable information, with certain exceptions, and the right to file a complaint with the U. S. Department of Education.
- Educational Records are defined as those records directly related to a student and maintained by this District or by a party acting on behalf of this District.
  - ~ Educational records include, but are not limited to, the cumulative file, special education records, and disciplinary records. Records may also include, but are not limited to, any of the following: academic work completed (courses taken, transcript); level of achievement (grades, portfolios, performance assessments, scores on standardized achievement tests, etc.); attendance data; scores of standardized intelligence, aptitude, and psychological tests (and protocols of the same if they include PII); records of teachers, counselors, medical personnel, and psychologists working directly with a student if disclosed to others; interest inventory results; observations and verified reports of serious or recurring behavior patterns; videotapes and audiotapes; health data including medical assessments; family background information; transportation records; and student records maintained by agencies and individuals contracting with the District).
- Educational records do not include records of instructional, supervisory, and administrative personnel and education personnel ancillary to those persons that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
  - ~ The cumulative file of each student is maintained at the building level for this school district. The building principal, individual teachers and special education personnel may also have a file containing particular educational records.

- A non-custodial 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 unless a school is provided with evidence that there is a court order or State law that specifically provides to the contrary.
  - ~ However, information concerning a minor child’s address will be deleted from all records supplied to a non-custodial parent if the custodial parent has advised the school district in writing to do so. (IC 32-717A)
  
- It is the policy of Mountain Home School District to assure the provisions of FERPA are adhered to.
  - ~ The District will perpetually maintain a permanent record for each student including, the student’s name, address, phone number, grades, classes attended, immunization records, test scores, attendance records, grade level, and year completed. Additional information contained in the record may be destroyed or redacted after a period of at least five (5) years after the student dis-enrolls from the District if appropriate. The permanent record may be kept in any format and medium determined feasible by the board. (20 U.S.C. 1232g)

**TRAINING**

- Each building principal will inform their staff on the importance of securing student information and data at the beginning of the school year.
  
- Each building principal will direct their staff to read the FERPA, PPRA, and the Computer & Network Services Policy - Acceptable Internet Use Policy and Procedure.

**AREAS EXEMPT FROM SIGNING THE FERPA ACCESS LOG SHEET**

- The following does not require the signing of the FERPA Access Log Sheet
  - ~ The locally maintained cloud and hosted database, including all programs licensed and free, used by the MHSD and employees for the day-to-day instruction and management of classrooms and students.



**ADOPTED:** September 16, 2014  
Reviewed: March 16, 2021

Revised: October 6, 2014  
Revised: November 16, 2021

Reviewed: July 19, 2016