

REGULATION JRA

Las Cruces Public Schools

Related Entries: [JRA](#), JFA, JFAB, JFAC

Responsible Office: Associate Superintendent for Instruction

STUDENT RECORDS

I. PURPOSE

To provide procedures and establish responsibility for collecting, maintaining, and releasing information about students that is contained in student records and to ensure schools make every effort to comply with the Family Educational Rights and Privacy Act (FERPA) to keep student records confidential

II. CLASSIFICATION AND MAINTENANCE OF RECORDS

A. The schools shall maintain a cumulative record folder for each student. The cumulative record folder shall contain all the written records directly related to a student that are kept by the school, except:

1. Records kept by teachers, counselors, supervisory or administrative personnel that are in the sole possession of the maker and are not revealed to any other person except as needed to a substitute teacher;
2. Employment records of student employees if those records relate exclusively to the student in the capacity as an employee and are not made available for any other use; and
3. Records kept by a law enforcement unit of the school if they are maintained solely for law enforcement purposes and are not disclosed to anyone other than law enforcement officials of the same jurisdiction, and if the law enforcement officers do not have access to the student's cumulative record folder.

B. The following types of records are kept in cumulative record folders:

1. identification information including name, address, gender, race, birthplace, and birth date;
2. family data;
3. emergency medical information and medical health records;
4. attendance records;
5. scholastic records;
6. standardized test scores;

7. records of interest, activities, and honors;
 8. records of educational and vocational plans or academic performance notes (i.e., academic improvement plan);
 9. teacher evaluations if shared with anyone else;
 10. counselor evaluations if shared with anyone else;
 11. information pertaining to special services provided for students;
 12. records of incidents of unsatisfactory behavior; and
 13. other education records kept by an individual school.
- C. Cumulative record folders shall be under the custodial supervision of the school principal. If the student no longer attends a school within the district, the cumulative record folder shall be under the custodial supervision of staff members in the Department of Student Records.
- D. The principal of each school is responsible for maintaining the cumulative record folders of students attending that school.
- E. The student's record shall be reviewed for unnecessary and outdated information when the student completes elementary school, middle school and high school. Unnecessary and outdated material may be destroyed and disposed of at any time except when a request for a review by a parent/legal guardian or student is pending.

III. RIGHTS OF PARENTS/LEGAL GUARDIANS TO REVIEW AND INSPECT RECORDS

- A. Those who have the right to inspect and review the cumulative record folder kept about the student include:
1. parents/legal guardians of students who are under 18 years of age;
 2. parents/legal guardians who claim students, who are at least 18 years of age, as dependents under the Internal Revenue Code; and
 3. students who are at least 18 years of age.
- B. It is presumed that parents/legal guardians of students who have not yet reached the age of 21, who are currently attending school, claim the student as a dependent for tax purposes.
1. Any student (between the ages of 18 and 21 years of age or at least 18 years of age attending a school within the district) who does not want his/her parents/legal guardians to have access to the cumulative record

folder must inform the principal of the school where the records are kept and prove that the student is not a tax dependent of the parents/legal guardians.

2. If a parent/legal guardian of a student (who is at least 21 years of age or who is at least 18 years of age and no longer attending a school within the district) wishes to inspect and review the student's cumulative record file folder, the parents/legal guardians must prove to the principal that the student is claimed as a dependent for federal income tax purposes.
- C. Parents/legal guardians or eligible students who wish to inspect and review the cumulative record folder shall submit a request in writing to the principal of the student's school.
1. When the principal receives a written request for review of the records from a parent/legal guardian or student who has a right to inspect the records, the principal shall schedule the review.
 2. The appointment date should be as early as possible but no later than 45 days after the request was made. The inspection and review shall be made in the office of the principal or at another designated place.
 3. A counselor, principal/assistant principal or other school official competent in interpreting student records shall be present to explain the purpose of the records that are examined.
- D. Parents/legal guardians or eligible students who wish to inspect records and live within 50 miles of the place where the records are kept, must examine the records at the place designated by the school.
1. After the inspection, they may request copies of the records they inspected.
 2. Prior to the release of records, parents/guardians or students will pay for duplication at a rate of 50 cents per page.
- E. Parents/legal guardians or students who live farther than 50 miles from the place where the records are kept may request copies of the records without first inspecting them at the school or central office.
1. The copies shall be sent by registered mail, return receipt requested.
 2. Prior to the release of records, parents/guardians or students will pay for duplication at a rate of 50 cents per page and the cost of mailing the documents.

- F. Additionally, all students of any age, when accompanied by a parent/guardian, have the right to inspect the contents of their cumulative record folder, but only in the presence of a building administrator or counselor.

IV. HEARING TO CORRECT INACCURACIES

Parents/legal guardians of a student who has not yet reached the age of 18 and eligible students have the right to challenge the content of records in the student's cumulative record folder.

- A. A parent/legal guardian or student who believes that information contained in the student's cumulative record folder is inaccurate or misleading or otherwise violates the student's rights, may request in writing that the records be amended by the principal of the school where the records are kept.

1. By five school days after receipt of a request to amend, the principal shall decide whether to amend the records in accordance with the request.
2. If the principal finds that the challenge is not justified, the principal shall inform the person who made the request of the finding and shall also inform that person of the right to request in writing, a hearing before the superintendent or designee.

B. Hearing to Correct Inaccuracies

1. The superintendent or designee serving as the hearing officer shall set a date for the hearing as soon as possible but not more than 10 school days after the request for the hearing.
2. The hearing officer shall give the parent/legal guardian or the student at least two school days advance written notice of where and when the hearing will be held.
3. At the expense of the parents/legal guardians or student, an attorney or anyone else of their choice may assist at the hearing.
4. The hearing officer shall render a written decision as soon as possible but within five school days after the hearing.
5. The decision shall be based only on evidence presented at the hearing and shall include a summary of this evidence and the reasons for the decisions.
 - a. If the hearing officer decides that the information in the cumulative record folder is not inaccurate or misleading or does not otherwise violate the student's rights, the parents/legal guardians or student shall be notified in writing of the decision.

- b. At the same time, the parent or student shall be informed of the right to submit to the principal of the school where the records are kept, a statement of objection (of reasonable length) to the information contained in the records.
 - c. Any explanation submitted by the parent/guardian or student shall be placed in the student's cumulative record folder.
 - d. It shall be disclosed by the school whenever the contested portion of the cumulative record is disclosed, and shall be kept unless the contested portion of the cumulative record is destroyed.
6. A parent/guardian or student who is dissatisfied with the decision of the hearing officer may appeal to the board of education within 15 days of the hearing date. The review shall be put to record and shall not be construed as a de novo hearing.

V. **DISCLOSURE TO PERSONS OTHER THAN PARENTS/LEGAL GUARDIANS OR STUDENTS**

A. Persons Authorized to Have Access.

Schools within the district may, without the consent of either the student or the parents/legal guardians, disclose information kept in the student's cumulative record folder to the following persons:

1. School officials who have a legitimate educational interest in examining the information. The term "school official" includes any teacher, assigned student teacher, intern, instructional assistant, administrator, or any other professional employee of the district and members of the school board. The principal of the school where the records are kept determines whether a school official is seeking the information to carry out an official duty and whether the specific information sought will help in carrying out that duty.
2. Authorized representatives of the U.S. Comptroller General, U.S. Department of Education, U.S. Department of Health and Human Services, or officials of the New Mexico Public Education Department, if they seek the information in connection with either the audit and evaluation of state or federally funded programs or the enforcement of state or federal legal requirements that relate to these programs.
3. Accrediting organizations that seek the information to carry out their accrediting functions.
4. Persons or organizations conducting studies for or on behalf of the school district or another educational agency to develop or validate predictive tests, administer student aid programs, or improve instruction. Any report

released on the basis of data collected under this paragraph may not include information that personally identifies students or their parents/legal guardians.

5. Persons who seek the information in connection with a student's application for or receipt of financial aid.
6. Officials of another school in which the student applies to enroll. The district shall forward the cumulative record folder without notifying the parents/legal guardians or student of the transfer or seeking their consent. If the parents or the eligible student so request, the principal shall furnish them an unofficial copy of the records to be transferred and give them an opportunity to correct any inaccuracies in accordance with the procedure set forth in this regulation as the Rights of Parents/Legal Guardians to Inspect Records.
7. Persons who seek information in connection with a health or safety emergency that threatens the health or safety of the student or other persons.

B. Directory Information.

1. FERPA requires that LCPS, with certain exceptions, obtain a parent's written consent prior to the disclosure of personally identifiable information from a child's education records. However, LCPS may disclose "directory information" without written consent unless the school district has been advised by the parent, in writing, to the contrary by the completion and submission of [LCPS Form JRA-E1: Request to Restrict Release of Child's Directory Information](#).
2. The following information is designated as directory information:
 - a. student's name and age;
 - b. student's school and grade level;
 - c. address and telephone listing;
 - d. participation in officially recognized activities and sports;
 - e. weight and height of members of athletic teams;
 - f. photographing and/or videotaping of child for publicity or promotions;
 - g. degrees, honors, and awards received; and
 - h. dates of attendance.

3. The sale or release of directory listings to be utilized for marketing purposes is prohibited except to educational and military institutions.

C. Parent/Legal Guardian or Student Consent.

No one else may have access to personally identifiable information from the cumulative record folder, other than directory information, except under one of the following circumstances:

1. When proper written consent for the release of such records has been obtained.
 - a. If the student is not yet 18 years of age, his/her parent/legal guardian must consent to the release.
 - b. If the student is 18 years of age or older, the student must consent to the release.
 - c. The consent must be signed and dated and must specify the records to be disclosed, the purpose for disclosure, and the persons or class of persons to whom the disclosure may be made.
 - d. Upon request, the school shall supply a copy of the records released to the parent/legal guardian or the student who gave the consent.
 - e. If the parents/legal guardians give consent for a student, the parents/legal guardians may request that a copy of the records released be given to the student even though the student is not yet 18 years of age.
2. To comply with a court order or lawfully issued subpoena.
 - a. Upon receipt of a court order or subpoena, the principal of the school where the records are kept shall immediately send written notice to the student's parents/legal guardians or to the eligible student at their last known address that a court order or subpoena has been received.
 - b. When a school official discloses information from the student's cumulative record folder, other than directory information, to anyone other than the parent(s), the student himself, or other school officials, the office shall inform the person who receives the information that it may not be transferred to any other party without the written consent of the parent/guardian or eligible student.

D. Inspection Log.

1. The principal shall maintain, in each cumulative record folder for which the principal is responsible, a cumulative inspection log.

2. The inspection log shall include the name and reason for inspection of each person who requests access to the cumulative record folder.
3. Those persons who are not required to utilize this log are local school officials, including teachers, nurses, counselors, or other staff who have a legitimate educational interest in obtaining this information.
4. The log may be reviewed by the parents/legal guardians or student.

VI. WAIVER OF RIGHTS

Parents/legal guardians of a student or an eligible student may waive any of their rights under this policy. A waiver of rights must be in writing, must be by the parents/legal guardians or the student, and must specify the rights to be waived. A waiver is effective until revoked in writing. If a parent/legal guardian executes a waiver, the student may revoke it upon reaching 18 years of age.

VII. NOTICE TO PARENTS/LEGAL GUARDIANS OR STUDENTS

In compliance with the Family Educational Rights and Privacy Act (FERPA)

- A. Annual notice of this declaration of compliance with FERPA shall be published in a newspaper of daily circulation.
- B. The notice shall be addressed to all parents/legal guardians of students currently attending the Las Cruces Public Schools and all students currently attending who have reached the age of 18.
- C. The notice shall specifically state the rights with respect to the student's education record that FERPA affords parents and students who are 18 years of age or older ("eligible students").
- D. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-4605.

VIII. SPECIAL EDUCATION STUDENT RECORDS

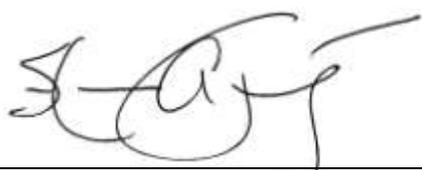
- A. In addition to the policies and regulations pertaining to confidentiality of student records, additional regulations apply to student special education records which are tentative, highly personal, but critical to programming. The school district will follow the state and federal regulations governing the collection, storage, disclosure, and destruction of:
 1. Reports of professionals who have screened, assessed, and/or evaluated the student;

2. Reports from outside agencies or specialists;
3. Anecdotal records; and
4. Individualized Education Plan (IEP) documentation.

B. The New Mexico Administrative Code (NMAC 1.20.2.102) requires the district to maintain records for special education students for five years after services have been provided.

Legal Ref: NMAC 1.20.2.102, 10 U.S.C. 503, 20 U.S.C. 1232 and 1400 et seq and 7908

Regulation History: Formerly Procedure 330 and Policy 331; revised 01.09.06, 08.03.10



Associate Superintendent for Instruction

August 12, 2010

Date