

## CLARK COUNTY SCHOOL DISTRICT REGULATION

R-5125.1

### RELEASE OF INFORMATION

- I. All school records of students are confidential. All records containing personal student information will be governed by the following principles:
  - A. Parents/legal guardians have the right, upon written request, to inspect and review any and all educational records relating directly to their dependent and legal wards. Each parent has full rights regarding access to educational records unless the District is provided with evidence that there is a court order, or legally binding document that specifically revokes these rights. The right accorded to parents/legal guardians transfers to the students upon attainment of their eighteenth birthday. As defined in 34 CFR 99.3, parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
  - B. The Clark County School District maintains students' education records that (1) contain information which is directly related to a student and (2) are maintained by an education agency. The following are examples of educational records: student academic permanent record, achievement and scholastic aptitude test results, attendance and discipline file, class record books, grade books, health inventory, and student support services folder (if any). These educational records are at the school of enrollment or the Student Records Office. Questions regarding educational records at the schools should be directed to the principal in writing. Questions regarding other records should be directed to the associate superintendent or designee in writing. District personnel must be present to interpret records being reviewed.
  - C. Any request from parents/legal guardians, or students eighteen years of age or older must be complied within a reasonable length of time not to exceed ten (10) school days from the date of receipt of the request.
  - D. Parents/legal guardians or eligible students may, by written request to the principal of the school, challenge the content of student records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students. Additionally, parents/legal guardians or eligible students have the right to seek to amend education records. Such requests may become a part of the record at the discretion of the parent/legal guardian or eligible student.

Within ten (10) school days after receiving such a notice from a parent/legal guardian or eligible student, the principal shall notify the parent/legal

guardian or eligible student in writing of the principal's decision and the reasons for the decision. The parent/legal guardian or eligible student shall have the right to appeal this decision to the associate superintendent or designee, within ten (10) school days after receipt of the principal's letter. The associate superintendent or designee, within fifteen (15) working days of receipt of such an appeal, shall hold a hearing with the parents/legal guardians and/or eligible student.

The parent/legal guardian or eligible student shall be informed in writing of the date and time of the hearing. Such notification shall be well in advance of the hearing date to allow time for the parent/legal guardian or eligible student to engage legal counsel and prepare and assemble any evidence the parent/legal guardian or eligible student wishes to present.

The associate superintendent or designee shall make his/her decision in writing within five (5) working days after conclusion of the hearing. The parent/legal guardian or eligible student shall be notified of the decision by certified mail.

- E. Directory information is information not generally considered harmful or an invasion of privacy if disclosed. This includes student's name, address, grade level, date and place of birth, photographs, participation in officially recognized activities and sports, weight and height if a member of an athletic team, years of attendance, degrees and awards received, and school attended by the student. Photographs will only be considered directory information when used in printed school publications including the annual yearbook, playbills, honor roll or other recognition lists, graduation programs, newsletters, and sports activity programs/sheets. Directory information may be made available without consent of parents/legal guardians or eligible students, provided that public notice has been made. A reasonable period of time must elapse between issuance of public notice and release of information to allow parents/legal guardians or eligible students to request that directory information not be released. Registration materials will inform parents of the right to restrict the distribution of directory information. This request may be rescinded in writing by a parent/legal guardian or eligible student at any time.
- F. Information other than directory information is inaccessible without the written consent of the parent/legal guardian or eligible student. Exempt from this ruling are the following agencies and persons:
  - 1. School officials who have a "legitimate educational interest" which may include:
    - a. Board of School Trustees;
    - b. Administrators;

- c. Licensed employees;
- d. Support staff; and
- e. Contractors, consultants, volunteers, and other outside parties performing outsourced institutional services or functions.

“Legitimate educational interest” is defined as any activity having a direct effect on advancing a student’s educational level, coupled with a concern for the student’s social, emotional, and/or physical welfare.

- 2. Officials of other schools or school systems in which a student intends to enroll or where the student is already enrolled so long as disclosure is for the purposes related to the student’s enrollment or transfer.
  - 3. Authorized representatives of the Comptroller General of the United States and of the Secretary of Education; heads of certain educational agencies and state educational authorities; provided that access to student records is necessary in connection with the audit and evaluation of a federally supported program or for the enforcement of federal legal requirements in connection with such a program, and that unless specifically authorized by federal law, no information is included which would permit the personal identification of students or parents/legal guardians after the data has been collected.
  - 4. Representatives of accrediting organizations in order to carry out their accrediting functions.
  - 5. Contracted organizations conducting studies and/or test-related services for the District.
  - 6. Federal and state agencies in connection with student applications for, or receipt of, financial aid.
- G. Any authorized persons receiving directory information or who request or obtain access to a student record must indicate in writing the date and specific reason for the request. These persons must verify in writing that they will not use directory information for any other purpose than indicated in the submitted request and that they will not sell said information to other parties.

Student directory information may not be released to commercial businesses for the purpose of advertising or marketing.

Pursuant to the No Child Left Behind Act of 2001, the CCSD shall provide access to secondary school students' names, addresses, and telephone listings per the request of military recruiters or institutions of higher education. A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released without prior written parental consent.

The following organizations may receive directory information if the submitted written request is deemed by the superintendent's designee to have an educational benefit to the students:

1. Contracted organizations providing a service/product to the school.
2. Nonprofit postsecondary institutions requesting directory information, high school students' ranking and/or cumulative grade point averages.

H. Information may be released to others only:

1. With the written consent of the parent/legal guardian or eligible student specifying the records to be released, the reasons for such release, to whom and use to be made of the information; and with a copy of the records to be released transmitted to the parent/legal guardian or eligible student upon request.
2. When such information is furnished in compliance with judicial order or pursuant to any lawfully issued subpoena, upon the condition that the parent/legal guardian or eligible student is notified in advance of the compliance by the school with the subpoena or court order.

If after reasonable effort, the parent/legal guardian or eligible student cannot be reached, the court order or subpoena must be honored. Questions regarding judicial orders and subpoenas may be resolved in consultation with the Office of the General Counsel.

3. In cases where there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances.
- I. Periodic review procedures shall be established for students' educational records in order to ensure accuracy and relevancy.
  - J. The District shall give parents/legal guardians of students in attendance or eligible students in attendance annual notice of their rights under the Family Educational Rights and Privacy Act. The notice shall also inform

parents/legal guardians or eligible students that copies of this District administrative regulation are available, upon request, in the principal's office.

- K. Through this annual notice, parents/legal guardians, or eligible students will be informed that they have the right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605, if the District fails to comply.
- L. Any questions or unusual requests should be referred to the associate superintendent or designee.

#### Protection of Pupil Rights Amendment (PPRA)

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98) applies to programs that receive funding from the U.S. Department of Education (ED). The Protection of Pupil Rights Amendment is intended to protect the rights of parents and students in two ways:

- A. It seeks to ensure that schools and contractors make instructional materials available for inspection by parents if those materials will be used in connection with a U. S. Department of Education funded survey, analysis, or evaluation in which their children participate; and
- B. It seeks to ensure that schools and contractors obtain written parental consent before minor students are required to participate in any U. S. Department of Education funded survey, analysis, or evaluation that reveals information concerning:
  - 1. Political affiliations;
  - 2. Mental and psychological problems potentially embarrassing to the student and his/her family;
  - 3. Sex behavior and attitudes;
  - 4. Illegal, antisocial, self-incriminating and demeaning behavior;
  - 5. Critical appraisals of other individuals with whom respondents have close family relationships;
  - 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - 7. Religious practices, affiliations, or beliefs of the students or parents; or

8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents or students who believe their rights under the Protection of Pupil Rights Amendment may have been violated may file a complaint with the U. S. Department of Education by writing the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of the Protection of Pupil Rights Amendments occurred.

For additional information or technical assistance, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339.

Review Responsibility:	Instruction Unit
Adopted:	[5124.1: 6/24/65]
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