

STUDENTS

1 Student Records

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3 Maintenance of School Student Records

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5 The District maintains two (2) sets of school records for each student – a permanent record and a
6 cumulative record.

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8 The permanent record will include:

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10 Basic identifying information

11 Academic work completed (transcripts)

12 Level of achievement (grades, standardized achievement tests)

13 Immunization records (per § 20-5-506, MCA)

14 Attendance record

15 Statewide student identifier assigned by the Office of Public Instruction

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18 Each student’s permanent file, as defined by the board of public education, must be permanently
19 kept in a secure location.

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21 The cumulative record may include:

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23 Intelligence and aptitude scores

24 Psychological reports

25 Participation in extracurricular activities

26 Honors and awards

27 Teacher anecdotal records

28 Verified reports or information from non-educational persons

29 Verified information of clear relevance to the student’s education

30 Information pertaining to release of this record

31 Disciplinary information

32 Camera footage only for those students directly involved in the incident

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34 Information in the permanent record will indicate authorship and date and will be maintained in
35 perpetuity for every student who has been enrolled in the District. Cumulative records will be
36 maintained for eight (8) years after the student graduates or permanently leaves the District.

37 Cumulative records which may be of continued assistance to a student with disabilities, who
38 graduates or permanently withdraws from the District, may, after five (5) years, be transferred to
39 the parents or to the student if the student has succeeded to the rights of the parents.

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41 The building principal will be responsible for maintenance, retention, or destruction of a
42 student’s permanent or cumulative records, in accordance with District procedure established by
43 the Superintendent.

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Access to Student Records

The District will grant access to student records as follows:

1. The District or any District employee will not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document.
2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy information in the child’s school records. Such requests will be made in writing and directed to the records custodian. Access to the records will be granted within fifteen (15) days of the District’s receipt of such request. Parents are not entitled to records of other students. If a record contains information about two students, information related to the student of the non-requesting parent will be redacted from the record.

In situations involving a record containing video footage, a parent of a student whose record contains the footage is allowed to view the footage contained in the record but is not permitted to receive a copy unless of the parents of the other involved students provide consent. The footage is not a record of students in the background of the image or not otherwise involved in the underlying matter.

Where the parents are divorced or separated, both will be permitted to inspect and copy the student’s school records, unless a court order indicates otherwise. The District will send copies of the following to both parents at either one’s request, unless a court order indicates otherwise:

- a. Academic progress reports or records;
- b. Health reports;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses and other major school events, including pupil-parent interaction.

A student that attains the age of legal majority is an “eligible student” under FERPA. An eligible student has the right to access and inspect their student records. An eligible student may not prevent their parents from accessing and inspecting their student records if they are a dependent of their parents in accordance with internal Revenue Service regulations.

Access will not be granted to the parent or the student to confidential letters and recommendations concerning admission to a post-secondary educational institution, applications for employment, or receipt of an honor or award, if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

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- 2 3. The District may grant access to or release information from student records without
- 3 prior written consent to school officials with a legitimate education interest in the
- 4 information. A school official is a person employed by the district in an administrative,
- 5 supervisory, academic or support staff position (including but not limited to
- 6 administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers), and the
- 7 board of trustees. A school official may also include a volunteer or contractor not
- 8 employed by the district but who performs an educational service or function for which
- 9 the District would otherwise use its own employees and who is under the direct control of
- 10 the district with respect to the use and maintenance of personally identifying information
- 11 from education records, or such other third parties under contract with the District to
- 12 provide professional services related to the District’s educational mission, including, but
- 13 not limited to, attorneys and auditors. A school official has a legitimate educational
- 14 interest in student education information when the official needs the information in order
- 15 to fulfill his or her professional responsibilities for the District. Access by school
- 16 officials to student education information will be restricted to that portion of a student’s
- 17 records necessary for the school official to perform or accomplish their official or
- 18 professional duties.
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- 20 4. The District may grant access to or release information from student records without
- 21 parental consent or notification to any person, for the purpose of research, statistical
- 22 reporting, or planning, provided that no student or parent can be identified from the
- 23 information released, and the person to whom the information is released signs an
- 24 affidavit agreeing to comply with all applicable statutes and rules pertaining to school
- 25 student records.
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- 27 5. The District may grant release of a child’s education records to child welfare agencies
- 28 without prior written consent of the parents.
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- 30 6. The District will grant access to or release information from a student’s records pursuant
- 31 to a court order.
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- 34 7. The District will grant access to or release information from any student record, as
- 35 specifically required by federal or state statute.
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- 37 8. The District will grant access to or release information from student records to any person
- 38 possessing a written, dated consent, signed by the parent or eligible student, with
- 39 particularity as to whom the records may be released, the information or record to be
- 40 released, and reason for the release. One (1) copy of the consent form will be kept in the
- 41 records, and one (1) copy will be mailed to the parent or eligible student by the
- 42 Superintendent. Whenever the District requests consent to release certain records, the
- 43 records custodian will inform the parent or eligible student of the right to limit such
- 44 consent to specific portions of information in the records.

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- 2 9. The District may release student records to the superintendent or an official with similar
- 3 responsibilities in a school in which the student has enrolled or intends to enroll, upon
- 4 written request from such official.
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- 6 10. Prior to release of any records or information under items 5, 6, 7, and 8, and 9, above, the
- 7 District will provide prompt written notice to the parents or eligible student of this
- 8 intended action. This notification will include a statement concerning the nature and
- 9 substance of the records to be released and the right to inspect, copy, and challenge the
- 10 contents.
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- 12 11. The District may release student records or information in connection with an emergency,
- 13 without parental consent, if the knowledge of such information is necessary to protect the
- 14 health or safety of the student or other persons. The records custodian will make this
- 15 decision, taking into consideration the nature of the emergency, the seriousness of the
- 16 threat to the health and safety of the student or other persons, the need for such records to
- 17 meet the emergency, and whether the persons to whom such records are released are in a
- 18 position to deal with the emergency. The District will notify the parents or eligible
- 19 student, as soon as possible, of the information released, date of the release, the person,
- 20 agency, or organization to whom the release was made, and the purpose of the release.
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- 22 12. The District may disclose, without parental consent, student records or information to the
- 23 youth court and law enforcement authorities, pertaining to violations of the Montana
- 24 Youth Court Act or criminal laws by the student.
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- 26 13. The District will comply with an ex parte order requiring it to permit the U.S. Attorney
- 27 General or designee to have access to a student's school records without notice to or
- 28 consent of the student's parent(s)/guardian(s).
- 29
- 30 14. The District charges a nominal fee for copying information in the student's records. No
- 31 parent or student will be precluded from copying information because of financial
- 32 hardship.
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- 34 15. A record of all releases of information from student records (including all instances of
- 35 access granted, whether or not records were copied) will be kept and maintained as part
- 36 of such records. This record will be maintained for the life of the student record and will
- 37 be accessible only to the parent or eligible student, records custodian, or other person.
- 38 The record of release will include:
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- 40 a. Information released or made accessible.
- 41 b. Name and signature of the records custodian.
- 42 c. Name and position of the person obtaining the release or access.
- 43 d. Date of release or grant of access.
- 44 e. Copy of any consent to such release.

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Directory Information

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information will be limited to:

- Student’s name
- Address
- Telephone listing
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information. The School District will specifically include information about the missing children electronic directory photograph repository permitting parents or guardians to choose to have the student’s photograph included in the repository for that school year; information about the use of the directory photographs if a student is identified as a missing child; and information about how to request the student’s directory photograph be removed from the repository.

Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

The Montana Superintendent of Public Instruction may release student information to the Montana Commissioner of Higher Education and Montana Department of Labor and Industry for research purposes after entering into agreement with Commissioner and Department. If the Superintendent of Public Instruction offers a statewide assessment that serves as a college entrance exam, the student’s personally identifiable information may be released to colleges, state-contracted testing agencies, and scholarship organizations with student consent.

The notification to parents and students concerning school records will inform them of their right to object to the release of this information.

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Student Record Challenges

The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge content of the student’s education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.

The hearing required by 34 CFR 99.21 must meet, at a minimum, the following requirements:

- The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- The hearing may be conducted by any individual including an official of the District who does not have direct interest in the outcome of the hearing.
- The District shall make its decision in writing within a reasonable amount of time after the hearing.
- The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefore;
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The parents may insert a written statement of reasonable length describing their position on disputed information. The school will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

Legal Reference:	Family Education Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99
	§ 20-5-201, MCA Duties and sanctions
	§ 40-4-225, MCA Access to records by parent
	§ 41-5-215, MCA Youth court and department records – notification of school
	10.55.909, ARM Student records
	10.55.910, ARM Student Discipline Records

Procedure History:

Promulgated on: February 2007
Revised on: July 2013, January 2016, March 2020

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- 2 January 2016 revision note: added reference to parents retaining access to student records past
- 3 age of majority if the student is a dependent of the parent. Also compared our policy with the
- 4 full MTSBA recommended policy and added information we were missing.