

ACCESS TO STUDENT RECORDS AND DISCLOSURE OF SCHOOL DIRECTORY INFORMATION

Collection, Maintenance, Accessibility, Dissemination, Retention, and Confidentiality

Student records are an essential part of the educational process. To serve this end, information about students as may be required by law, and considered necessary to achieve the educational goals and objectives as stated in the philosophy of the Spearfish School District, will be collected and maintained under the supervision of the certified staff. This collection, maintenance, accessibility, dissemination, retention, and confidentiality of such information will be controlled by procedures designed to enhance the primary task of the school while protecting individual student rights and preserving the confidential nature of the various types of records.

It is the responsibility of the School Board to annually, through public notice in student handbooks, inform parents/guardians of students and eligible students (i.e. students at least 18 years of age or emancipated minors) of their right to inspect and review educational records. Requests for review must be directed to the student's home attendance center.

Parents/Guardians and eligible students are entitled:

1. To know the records that are kept;
2. To inspect and review the records or material that pertains to them or their offspring;
3. To receive a response to a reasonable request for explanation and interpretation within 45 days of the request;
4. To challenge a record claimed to be inaccurate, false or misleading or otherwise in violation of the privacy or other rights of students, and to a hearing if, after review, no change is made;
5. To place a statement of rebuttal in the challenged record if no change is made;
6. To file a written complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 S. Maryland Ave. S. W., Washington, DC 20202-5920, if they believe any of these rights are violated.

The District classifies and identifies directory information, as follows:

A. Primary Directory Information -- Use in School Publications:

The District designates the following as primary directory information for use by the District in school publications without prior parental written consent:

1. Student's name;
2. Grade level;
3. Student's participation in officially recognized activities or sports;
4. Weight and height of athletes;
5. Honors, awards, and degrees;
6. Information which denotes accomplishments and achievements;
7. Individual and group photographs;
8. Dates of attendance;
9. School attending; and
10. Parent/Guardian name.

Examples of the use of the above information in school publications by the District include, but are not limited to: class rosters posted inside school buildings; a program showing a student's role in a music program or drama production; the annual yearbook; school newspaper; honor roll or other recognition lists; graduation programs; and sports activity programs, such as for wrestling, showing weight and height of team members.

B. Directory Information -- Student Contact Lists and Public Requests (Outside Organizations):

The District designates the following as directory information that may be disclosed by the District without prior written parental consent:

1. Student's name;
2. Street address;
3. Telephone number;
4. School attending; and
5. Grade level.

Examples of the use of this outside organization directory information include, but are not limited to: use in a parent/student contact list (e.g. buzz book, school telephone directory, school contact list); providing information, upon request, to individuals, groups or organizations outside of school (e.g. parent groups [booster groups, PTA], outside organizations serving youth, companies that manufacture class rings or supply graduation items, photographers).

Upon directory information from either category A or B being made public by the District (e.g. a program distributed at school event or information provided to manufacturer of class rings), unless excluded by law, that information may fall within the definition of a public record and be accessible to the citizens of South Dakota in accordance with South Dakota's open record laws.

Right of Parent/Guardian or Eligible Student to Opt-Out of Disclosure of Directory Information

The District will disclose either Primary Directory Information and/or Additional Directory Information without written consent unless a parent/legal guardian of a student or an eligible student "opts-out." Parents/legal guardians of a student or an eligible student may elect to "opt-out" of one or both categories of directory. Any such "opt-out" must be made, in writing or through an electronic signature, to the building principal/program administrator within fifteen (15) days after notice is given.

Board of Regents

Each November, school districts are required by South Dakota statute to provide the Board of Regents with the names and addresses of all students in grades seven through twelve. The Board of Regents shall use this information to provide information to parents/guardians about the courses needed to prepare for postsecondary-level work and about the benefits of this preparation. The Board of Regents is required to keep this information confidential and subject to the same restrictions that apply to personally identifiable information.

The District will release this information to the Board of Regents, unless a parent/legal guardian of a student or an eligible student has advised the District, in writing or through electronic signature, that they do not want this information disclosed to the Board of Regents without their prior written consent. This written notice must be given to the student's building principal/program administrator within fifteen (15) days after notice is given.

Military Recruiters

School districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) are required to provide military recruiters, upon request, with three categories of information:

1. Student name;
2. Address; and
3. Telephone Number.

The District will release this information to military recruiters upon request, unless a parent/legal guardian of a student or an eligible student has advised the District, in writing or through electronic signature, that they do not want this information disclosed to military recruiters without their prior written consent. This written notice must be given to the student's building principal within fifteen (15) days after notice is given.

Cost Recovery/Reimbursement

The District will charge a reasonable amount, as allowed by law to recover costs, for all requests for copies of directory information and educational records.

Legal References:

Family Educational Rights and Privacy Act 20 U.S.C. §1232g; 34 C.F. R. Part 99

Protection of Pupil Rights Amendment 20 U.S.C. §1232h; 34 C.F.R. Part 98

Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act 20 U.S.C. §7908

National Defense Authorization Act for Fiscal year 2002 10 U.S.C. §503

SDCL 13-28-50 - School districts to provide student mailing lists to Board of Regents

SDCL 13-53-45.- Confidentiality of information--Restrictions

SDCL Ch. 1-27 – Public Records and Files

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