

STUDENT EDUCATION RECORDS

ADMINISTRATIVE REGULATION

5130

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Procedures for Change of Name After Court Order

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5130

Definitions

The following definitions supplement the Definition Section included in Board Policy 5130:

1. "Regional Service Center Offices" are those offices which house support personnel who are assigned to schools within the administrative geographical areas of the District, termed Regions.
2. "District employees" are defined as persons hired and employed by the School District in any capacity, full or part time.
3. "Health Card" is a document on which all pertinent health information concerning the student is recorded.
4. "Home School" is the school which maintains daily attendance records pertaining to the student and has custody of the student's cumulative education folder.
5. "Permanent Record Card" is an original document permanently retained by the District which shows a student's courses/subject areas taken, grades, days of attendance, and information pertaining to the student's parents.
6. "School Official" is a person who is employed by the District in an administrative, supervisory, teaching or research, or support staff position (including the School Safety and Security Unit and Health Services); a person or company with whom the District has contracted (such as an attorney); the Governing Board, when it prepares for, or meets in regular or special meetings to consider identified individual student matters prescribed by law.
7. "Eligible student" means a student who has attained eighteen (18) years of age, or who is attending an institution of post-secondary education. In accordance with the Family Educational Rights and Privacy Act, the rights of parents regarding education records are transferred to the student at age eighteen.
8. "Confidentiality Officer" is the Custodian of Student Records who is required to maintain a particular category of student records, or other designee of the Superintendent.

Right To Inspect And Review Education Records

The parent of a given student, or an eligible student personally, who is or has been in attendance at a District school, has the right to inspect and review the education records of the student. The school shall comply with a request within a reasonable period of time, (this includes requests made before Individual Education Plan meetings and hearings), but in no case more than 45 days after the request has been made. School officials shall require a school official or District employee to be present during the inspection and review of any records. The right to inspect and review includes the following provisions:

1. The right to inspect and review education records by making an appointment with the school principal, Director for Regional Service Center, and/or their designee(s). Parents/eligible students shall be asked to sign a copy of TUSD Form 508 "The Right of Parent/Guardian/Student to Inspect School Records" after each inspection of education records.
2. The right to have a representative inspect and review the records, provided the school official has received written authorization from the parent/eligible student.
3. The right to have a response from the District to reasonable requests for explanations and interpretations of records.
4. The right to obtain copies of records where failure of the school to provide copies would effectively prevent a parent/eligible student from exercising the right to inspect and review education records. The District may charge for providing copies of records, provided that the fee does not effectively prevent the parent/eligible student from exercising the right to inspect and review.
5. It is presumed that either parent of the student has the authority to inspect and review the education records of the student, unless the District has been provided with evidence that there is a legally binding instrument, or a state law or court order governing such matters as dissolution, divorce, separation, or custody, which provides to the contrary.
6. If the education records contain information pertaining to more than one student, the parent of one of such students/eligible student may inspect and review or be informed of only the specific information which pertains to the given student personally.

Right To Request That Education Records Be Amended

1. The parent/eligible student who believes that information contained in the education records of the student is inaccurate or misleading, or violates the privacy or other rights of the student, may request in writing to the school official that the records be amended. The school official shall decide whether to amend the education records. This decision shall be made within a reasonable period of time following receipt of the written request. Amendments to, or destruction of, inaccurate records may be made immediately at the discretion of the school official.
2. Such a request and the school official's response to the request shall be placed in the student's cumulative education folder and/or exceptional education folder.
3. If the school official should refuse to amend the records in accordance with the request, a school official shall inform the parent/eligible student, in writing, of the refusal and inform of the right to submit a written request for a hearing. A copy of all correspondence regarding the request for amendment shall be attached to the original request and placed in the student cumulative education folder and/or exceptional education folder.

Right To A Hearing

1. The school official shall, on written request from the parent/eligible student, provide an opportunity for a hearing in order to challenge the content of the given student's education records to ensure that the information in the education records of the student is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students.
2. If, as a result of the hearing, the school official decides the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, a school official shall amend the records accordingly and so inform the parent/eligible student in writing. A copy of the letter shall be placed in the student's cumulative education folder and/or exceptional education folder along with all other related correspondence.
3. If, as a result of the hearing, the school official decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, a school official shall inform the parent/eligible student, in writing, of the right to place in the student's cumulative education folder and/or exceptional education folder a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the given school official.
4. Any explanation placed in the folder(s) of the student, under paragraph 3 above, shall remain there as long as the record or contested portion thereof is maintained by the District.
5. If the education records of the student or the contested portion thereof is disclosed by the school official to any other party, the explanation shall also be disclosed to that party.

Conduct Of The Hearing

1. The hearing shall be held within 10 school days of the school official's receipt of the request, and the parent/eligible student shall be given written notice of the date, place, and time of the hearing reasonably in advance of the hearing.
2. The parent/eligible student shall have a full and fair opportunity to present evidence relevant to the issues raised in the written request for a hearing and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney. If an attorney will be present, the school official must be notified, in writing, no later than five days prior to the hearing, in order that the school official may also elect to have an attorney present.
3. The hearing shall be conducted by a person appointed by the Superintendent or designee after a written request for such an appointment has been received from a school official. The person appointed shall be one who does not have a direct interest in the outcome of the hearing but who may be a school official or District employee.

4. The person conducting the hearing shall render a written decision and notify the parent/eligible student by letter within ten (10) school days after the conclusion of the hearing. This decision shall be based solely upon the evidence presented at the hearing. The letter shall include a summary of the evidence and the reason for the decision. A copy of the letter will be sent to the Superintendent or designee and a copy will be included in the student's cumulative education folder and/or exceptional education folder.

Disclosure Of Personally Identifiable Information From Education Records

1. Procedures to be followed in transmitting records:
 - a) School officials at the home school of a student shall have the responsibility of transmitting all personally identifiable information from a cumulative education folder to a requesting institution, agency, or individual. A copy of the written request shall be forwarded to the Regional Service Center Office when exceptional education records are involved.
 - b) School officials in the Regional Service Center Office shall have the responsibility of transmitting all personally identifiable documents contained in their exceptional education folders to any requesting institution, agency, or individual. A copy of the written request shall be forwarded to the home school when cumulative education records are involved.
 - c) Upon transfer of a student to another school district, school officials may transmit, only upon written request by that school district, the student's cumulative education folder containing all original documents therein EXCEPT the permanent record card. Copies of records may be sent at the discretion of the principal. A copy of the permanent record shall be made and included in the folder.
 - d) Upon written request by another school district to which a student has transferred for information contained within the exceptional education folder, a copy of such information shall be transmitted by school officials in the Regional Service Center Offices to the requesting school district. The District shall retain the original exceptional education folder until such time as the District destroys it pursuant to legal regulations.
 - e) Whenever a student's cumulative folder is released, TUSD Form 202, Transfer Card K-12 must be completed. This form should be retained permanently in the school office.

Prior consent for disclosure required:

- a) The school official shall obtain the written consent of the parent/eligible student before disclosing personally identifiable information from the education records of a student, other than directory information, with specific exceptions, as outlined in subsection 3, which follows, entitled "Prior Consent Not Required". This requirement applies to all personally identifiable information disclosed to the parent/legal guardian/eligible student.
- b) The written consent shall be signed and dated by the parent/eligible student and shall include:
 - 1) A specification of the records to be disclosed;
 - 2) The purpose or purposes of the disclosure; and
 - 3) The party or class of parties to whom the disclosure may be made.
- c) The consent document shall be placed in the cumulative education folder and/or exceptional education folder of the student.
- d) Whenever a disclosure is made from the cumulative education folder and/or exceptional education folder, the school official, upon request, shall provide a copy of the disclosed records to the parent/eligible student.
- e) It is presumed that either parent of the student or an eligible student has the authority to give written permission for the release of records, unless the school official has been provided with evidence that there is a legally binding instrument, or a state law or court order governing such matters as dissolution, divorce, separation, conservatorship, or custody, which provides to the contrary.

3. Prior consent NOT required.

The District may disclose personally identifiable information from the education records of a student without written consent of the parent/eligible student when the disclosure is:

- a) To school officials within the District who have been determined by this District to have legitimate educational interests. A school official is a person who is employed by the District in an administrative, supervisory, teaching or research, or support staff position (including the School Safety and Security Unit and Health Services); a person or company with whom the District has contracted (such as an attorney); the Governing Board, when it prepares for, or meets in regular or special meetings to consider identified individual student matters prescribed by law. A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill the school official's professional responsibility. "Legitimate educational interests" will be found to exist when the use of the information obtained, processed, or reviewed by school officials will assist the school official in providing the student with needed or suggested educational services or programs, or in assisting the District in evaluating, adjudicating or resolving an administrative or legal claim involving the student's educational services or programs.

- 1) The parent/eligible student, upon request, will be provided with a copy of the records prior to their transfer.
 - 2) If a student is enrolled in more than one District school, or receives services from more than one school, these schools have the right to disclose information from the education records to each other without obtaining written consent of the parent/eligible student.
- b) Upon written request, to a school or school system in which the student seeks or intends to enroll, or in which the student has enrolled.
 - c) To comply with a judicial order or lawfully issued subpoena, provided the District makes a reasonable effort to notify the parent/eligible student on TUSD Form 403 of the order or subpoena in advance of compliance therewith. School officials shall submit to the Director of Administrative Services a copy of any such judicial order or subpoena relating to release of student records and may request the assistance of the Director of Administrative Services in complying therewith.
 - d) To authorized representatives of federal and state governments as required by law, except that any data collected by said authorized representatives shall be protected as required by law and shall be destroyed when no longer needed as required by law.
 - e) In connection with financial aid for which a student has applied or which a student has received, as required by law.
 - f) To state and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.

Officials with the necessary authority to request records include officials of the Juvenile Court (including probation officers) and Child Protective Services employees. When responding to a request for such records from the Juvenile Court, all other applicable procedures should be followed, such as entering the disclosure in the Record of Disclosure for the student's records. Such requests for records should be in writing on appropriate letterhead, or the identity of the requesting party should be fully documented in the Record of Disclosure.

- g) To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, provided the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organizations, and the information is destroyed when no longer needed for the purposes for which the study was conducted. The term "organizations" include, but is not limited to, federal, state and local agencies, and independent organizations. All requests for such studies shall be submitted, in writing, to the Director of Administrative Services.
- h) To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.
- i) To appropriate parties in a health or safety emergency, subject to the following condition: If the knowledge of the information is necessary to protect the health or safety of the student or other individuals. The factors to be taken into account in determining whether personally identifiable information may be disclosed are:
 - 1) The seriousness of the threat to the health or safety of the student or other individuals;
 - 2) The need for the information to meet the emergency;
 - 3) Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and
 - 4) The extent to which time is of the essence in dealing with the emergency.
- j) To proper authorities in reporting child abuse or child neglect, pursuant to A.R.S. 13-3620.
- k) "Directory Information" includes the following information relating to a student: The student's name, address*, telephone listing*, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees (diplomas) and awards received, the most recent previous educational agency or institution attended by the student, personally identifiable photographs, video tapes, films and other visual media, personally identifiable interviews, either audio only or audio and visual, and other similar information.

*Student's address and telephone listing may only be disclosed as "Directory Information" to U.S. Military Recruiters and local law enforcement agencies (excluding INS) for a legitimate purpose.

Directory information may not be released for a commercial purpose. There will be no commercialization of student education record information.

Records Of Requests For Disclosures

1. The procedure of maintaining a Record of Disclosure, as outlined below in paragraph 2, **SHALL NOT APPLY** to disclosures to District officials, or to disclosures of directory information.
2. The District shall maintain on TUSD Form 506 within the student cumulative education folder and/or the exceptional education folder a record of disclosure of each request for and each disclosure of personally identifiable information from the education records of a student.
3. The Record of Disclosure (TUSD Form 506) shall include:
 - a) The parties who have requested or obtained personally identifiable information from the education records;
 - b) The legitimate interests of these parties in requesting or obtaining the information, as determined by the school official; and
 - c) The date of such request.
4. The Record of Disclosure may be inspected by the parent/eligible student, by District officials responsible for the custody of the records, and by state and federal officials for the purpose of auditing the record-keeping procedures of the District, as prescribed by law.
5. **Maintaining Log of Student Education Record Transfers Within District**

A detailed log should be kept of all student education records that are transferred out of the building to other schools or buildings within the District, and of all student records received. If it is necessary for a staff member to hand-carry a cumulative student education records folder to a staffing in another building, the staff member should obtain permission of the site administrator and should be required to sign out for it with a designated secretary or clerk. It is preferred that original records not be hand-carried to staffings.

Limitations On Redislosures To A Third Party

A school official shall inform all third parties, other than other school district officials, on TUSD Form 509, to whom personally identifiable information from the education records of a student is disclosed that the third party may not disclose any information to any other institution, agency, or individual without the prior written consent of the parent/eligible student and that the information which is disclosed to an institution, agency or organization may be used by its officers, employees, and agents, but only for the purposes for which the disclosure was made.

Subsequent disclosure of any records District officials have received from an institution, agency, or individual, other than school education records, requires written consent of the parent/eligible student.

Types And Locations Of Required Education Records

TYPES OF STUDENT RECORDS	LOCATION	RESPONSIBLE PERSON
Cumulative Education Records	School	Principal, Assistant Principal
Discipline Reports	School, Regional Assistant Superintendents	Principal, Assistant Principal
Health Records	School	Principal, Nurse
Historical Student Records	Office of Historical Student Records	Director of Administrative Services
Exceptional Education Records	Regional Service Center Offices	Principal, Directors of Regional Service Center Offices

Regulations On Maintaining Required Education Records

1. The following regulations govern the use of cumulative education record folders:
 - a) Cumulative education record folders shall be maintained at each school in the District.
 - b) Upon initial enrollment of a student, the District shall initiate and maintain only one cumulative education record folder for the given student from Kindergarten through 12th grade. The information required to be placed on the cumulative education folder consists of the student's legal name, matriculation number, birthdate, sex, and ethnic code.

- c) "Working papers" generated by District employees shall not be included in the cumulative education record folders or exceptional education folders. This type of information is initiated and maintained for use by the originator only and shall not be distributed to any other individual, other than the originator's substitute, and shall be destroyed when no longer needed. These working papers records are not student records as defined under federal and state law.
 - d) The District shall retain all required cumulative education records when a student drops out of school or graduates. The cumulative education record folder shall be retained at the school of last attendance until such time as the records can be transferred to another school, or destroyed, as directed by federal or state law and/or District retention regulations (see "Destruction of Education Records", paragraph 1).
 - e) The Associate Superintendent of Education or designee shall, when the need arises, supply each school with a list of education records required to be filed in the cumulative education record folders to comply with federal or state laws and/or District policy.
 - f) Upon transfer of a student to another school district, the cumulative education record folder shall be transferred as described in "Disclosure of Personally Identifiable Information from Education Records", paragraph 1(c).
2. The following regulations govern the use of discipline reports:
- a) Suspension and Expulsion Reports
 - 1) School officials shall submit reports of suspensions and expulsions to District personnel as provided in the Administrative Regulation of Board Policy 5060, Student Discipline. The report of suspensions is the TUSD Form 270, Suspension/Arrest.
 - 2) School officials shall file the TUSD Form 270, Suspension/Arrest in the student's cumulative student education records folder. All reports submitted to the Regional Assistant Superintendents shall be maintained for a period of five (5) school years. These records shall ultimately be destroyed in accordance with "Destruction of Student Records", paragraph 2.
 - b) Individual discipline reports shall be transferred with the cumulative education records.

- c) Copies of discipline reports may be transmitted to persons other than school officials only upon receipt of a court order, lawfully issued subpoena, or upon a written request authorized by the parent/eligible student, or to state and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974 [see page 6 (3)(f)].
3. The following policies govern the use of Health Records:
 - a) Student health record folders shall be maintained at each school in the District.
 - b) Upon initial enrollment of a student, a school official shall initiate and maintain a health records folder for the student. The information required to be contained in the folder shall be regulated by state statute and/or District policies.
 - c) The Associate Superintendent of Education or designee shall, when the need arises, supply each school nurse with a list of records required to be maintained in the health records folder.
 - d) Upon transfer of a student to another school, the health card and other documents required by law shall be transferred as outlined above in "Disclosure of Personally Identifiable Information from Education Records", paragraph 1(c).
 - e) COPIES ONLY of student health records at Exceptional Education schools may be transferred out of District. All original health records shall be maintained by appropriate District personnel. They may be destroyed in accordance with District procedures, "Destruction of Student Records", paragraph 3.
 4. The following rules govern the use of Historical Records - Permanent Record Card:
 - a) Upon initial enrollment of a student, a school official shall initiate and maintain a permanent record for each student.
 - b) The Director of Administrative Services shall, as needed, implement procedures necessary to provide an efficient storage and retrieval system for historical records.
 5. The following rules govern the use of Exceptional Education Records folders which contain all records pertaining to exceptional education programs in which a particular student has been placed:

- a) Exceptional education records shall be maintained by the Directors for Regional Service Centers in the Regional Service Center Offices. The records in the Regional Service Center Offices shall be maintained for use by instructional support personnel and for audit purposes.
- b) An exceptional education records folder will be initiated for each student upon receipt of a referral and shall be maintained in the Regional Service Center. All contents shall be made available to parents/eligible students upon request. The required information to be maintained on the folder will be the legal name, birthdate, matriculation number, sex, and ethnic code.
- c) The Executive Director of Exceptional Education or designee shall, as required, supply each school or Regional Service Center Office with a list of education records needed to comply with federal/state/ District laws and regulations.
- d) Upon transfer of a student to another school district, copies of education records from the exceptional education folder shall be transferred as described above in the "Disclosure of Personally Identifiable Information from Education Records", paragraph 1(b) and (d).
- e) For regulations and procedures regarding parent requests for destruction of exceptional education records, see Administrative Regulation 6800 under Procedural Safeguards, (Confidentiality).
- f) Regional Service Center Exceptional Education Records:
 - a) If the student is transferring out of District, copies of the records may be transmitted to the new school of enrollment by school officials in the Regional Service Center Offices as described above in "Disclosure of Personally Identifiable Information from Education Records", paragraph 1(d).
 - b) If a given student is mainstreamed, drops out, is dismissed from Exceptional Education, or graduates, that student's records shall be maintained in the Regional Service Center Offices for only five (5) school years after the presumed date of high school graduation or five (5) years after 22nd birthday. The records will then be destroyed according to current state/District regulations.

6. The following regulations govern the retention of school records:

<u>SCHOOL RECORDS</u>	<u>RETENTION PERIOD</u>	<u>OTHER CONSIDERATIONS</u>
Teacher's Grade Book	Elementary, junior high, high school: 5 years after the presumed graduation of the student from high school.	File in manner most suited to the needs of the local school.
Attendance Card	Elementary, junior high: Permanently. High School: Retain cards only 5 years after fiscal year prepared.	File in manner most suited to the needs of the local school.
Cumulative Folder/Records	Elementary, junior high, high school: 5 years after presumed graduation of student from high school.	File in manner most suited to the needs of the local school.
Permanent Record Card	<u>Permanently</u>	Elementary and junior high school: file in manner most suited to the needs of the school. High school: in manner most suited to the needs of the school.
Registration Card	Elementary: <u>Permanently</u> High school: <u>Permanently</u>	File in manner most suited to needs. File in same manner as permanent record card.

Destruction Of Education Records

1. Cumulative education records folders are maintained for five (5) school years beyond the student's presumed date of graduation from high school or five (5) years after 22nd birthday for Exceptional Education students. At that time, school officials may request that the folders be destroyed by submitting a "Records Disposal Request" on TUSD Form 44 to the Office of Historical Student Records. **PERMANENT RECORD CARDS, HOWEVER, ARE NEVER DESTROYED.**

2. Discipline Reports:
 - a) Suspension and expulsion reports are maintained in the student's cumulative student education record folder and subject to the record retention guidelines for the destruction of the student's cumulative student education record folder.
3. Health records remaining in the District shall be maintained for five (5) school years beyond the student's presumed date of high school graduation. At that time school officials may request that the record folders be destroyed by submitting a "Records Disposal Request" on TUSD Form 44.

Health record folders from Exceptional Education Schools shall be maintained until such time as the parent of a student requests they be destroyed.
4. Historical records (Permanent Record Cards and/or microfilm/microfiche copies) are never to be destroyed.
5. Student exceptional education records folders may be destroyed in the same manner as outlined for cumulative education records folders in paragraph 1, above.

Releasing Student Telephone Numbers

Student telephone numbers shall not be released to any agency, institution, or individual except to U.S. Military Recruiters and local law enforcement agencies (excluding INS) as otherwise provided by law. When such a request is received by any District employee, the caller will be asked to leave a return phone number. School officials shall notify the parent/guardian or eligible student, if possible, of such a request. The decision to reply is the obligation of the parent/guardian or eligible student.

Custodian Of Student Records

The principal of each school and the head of each department, who are required to maintain student records, are agents of the Superintendent for purposes of student records, and are the Custodian of Student Records for the school's or department's student records.

The District Custodian of Student Records is the Director of Administrative Services in the Department of Administrative Services, or such other Custodian of Student Records as designated by the Superintendent.

Maintaining Security Of Student Education Records

Cumulative student records are confidential and should be maintained in a secure area. They should not be available to unauthorized individuals, nor kept in an area where student office help, other members of the student body, or other unauthorized persons, would have access to them. A list should be kept of those members of the staff, by name and title, who are authorized access to student education records. All sites should publish this list in a public place.

Inservice About Confidentiality

All District staff who create, collect, or use personally identifiable student education record information must receive annual inservice about student education record regulations. This inservice must permit each person to know the requirements of the Family Educational Rights and Privacy Act, other federal laws and regulations, state law, and Board Policy 5130, Student Education Records, and its Administrative Regulation.

Each school, and appropriate offices, must conduct such inservice.

Legal Name On Records

A student's full legal name, as it appears on the Birth Certificate, should be used on all student cumulative education records, and District computer records. Only an adoption, or other Court Order, would permit use of a name other than the Birth Certificate, full legal name on all official cumulative student education records.

Notification Of Privacy Rights Of Parents And Students

Each principal, or designee, must annually notice all parents/legal guardians/eligible students (18 years of age or older) about their educational rights and privacy protections for their student education records. Their rights derive from the Family Educational Rights and Privacy Act, other federal laws and regulations, state law, and Board Policy 5130, Student Education Records, and its Administrative Regulation.

The principal, or designee, will need to order sufficient copies of TUSD Form 544, Notification of Privacy Rights of Parents and Students (English and Spanish, back-to-back format) for each parent/legal guardian/eligible student. This annual Notification is listed in the Warehouse Catalog, Stock #18260.

The Office of Historical Student Records will send each school two 12" x 15" posters about this Notice of Privacy Rights of Parents and Students. A poster in Spanish and a poster in English will be sent to you. These two posters should be permanently posted in a very public and heavily traveled area near the principal's office in your school. These posters indicate that the annual Notification is available in each principal's office. All students and their families should receive a copy of this annual Notification, regardless of the time in the school year when they may enroll in school.

If parent/legal guardian/eligible student (18 years of age or older) objects to release of directory information (name, photographs, and interviews, etc.), the parent/legal guardian/eligible student should notify the principal or designee of the school by filling out a TUSD Form 274, Request For Withholding Student Directory Information, prior to October 1st.

If a student registers on/after October 1st, the principal should make available to the parent/legal guardian/eligible student a copy of TUSD Form 544, Notification of Privacy Rights of Parents and Students to read, and a copy of TUSD Form 274, Request For Withholding Student Directory Information to fill out if the parent/legal guardian/eligible student has objections to directory information being released. TUSD Form 274, Request For Withholding Student Directory Information can be ordered from the Warehouse.

TUCSON UNIFIED SCHOOL DISTRICT

NOTIFICATION OF PRIVACY RIGHTS OF PARENTS AND STUDENTS

Tucson Unified School District will provide the parent(s) of a student and/or an eligible student with an opportunity to inspect and review the education records of the student. (An eligible student is one who has reached 18 years of age or who is attending an institution of post-secondary education.) This may be done according to the provisions of District Board Policy 5130 and the administrative regulation pertaining to Board Policy 5130.

The parent(s) and/or an eligible student may inspect and review the student's education records, and the District policies and administrative regulations governing use of those records, by making an appointment with the student's school principal or Director for Regional Service Center. A copy of state and federal statutes and regulations concerning student records is available for reasonable inspection in the Office of the Superintendent or designee, 1010 East Tenth Street, Tucson, Arizona. A list of the types of records maintained, and an explanation of any record, will be provided by appropriate District personnel upon request.

The parent or eligible student who believes that information contained in the education records is inaccurate, misleading, or violates the privacy rights of the student may request in writing that the records be amended, and may further request a hearing to challenge the content of the records, as provided by federal and state statutes, rules and regulations.

The District must obtain the written consent of the parent or eligible student prior to releasing personally identifiable information from the education records of a student, except in circumstances where federal and state law authorize limited exceptions to the requirement of prior written consent before disclosure. This requirement applies to all personally identifiable information disclosed to the parent/legal guardian/eligible student.

NOTE:

In accordance with federal law, Tucson Unified School District **may** make available, **upon request only**, to various persons, agencies, and institutions the following categories of information regarding students, since such information is considered directory information and does not require the written consent of a parent/eligible student to release such information as:

Name, address, telephone listing*, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees (diplomas) and awards received, the most recent previous educational agency or institution attended by the student, personally identifiable photographs, video tapes, films and other visual media, personally identifiable interviews, either audio only or audio and visual, and other similar information.*

*A student's address and telephone listing may only be disclosed as "Directory Information" to U.S. Military Recruiters and local law enforcement agencies (excluding INS) for a legitimate purpose.

You may object to the release of personally identifiable directory information (name, photographs, interviews, etc.) by notifying the principal or designee of the school, in writing on TUSD Form 274, prior to October 1st. If you object, then such information will not be released except in compliance with specific provisions of the federal law. If no response has been received by that time, it will be assumed that there is no objection to releasing such information. This procedure shall be done annually.

Any complaints arising from an alleged violation of these rights accorded parents and eligible students may be submitted to the Superior Court of Pima County, Arizona, or to the Family Policy Compliance Office, Department of Education, FOB6, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605. [(202) 260-3887].

For further information contact the Director of Administrative Services, Tucson Unified School District, P.O. Box 40400, 1010 East Tenth Street, Tucson, Arizona 85717. [(520) 225-6046].

TYPES AND LOCATION OF REQUIRED EDUCATION RECORDS

TUCSON UNIFIED SCHOOL DISTRICT Tucson, Arizona

<u>TYPES OF STUDENT RECORDS</u>	<u>LOCATION</u>	<u>RESPONSIBLE PERSON</u>
Cumulative Education Records	School	Principal, Assistant Principal
Discipline Reports	School, Office of Regional Assistant Superintendents	Principal, Assistant Principal, Regional Assistant Superintendents
Health Records	School	Principal, Nurse
Historical Student Records	Office of Historical Student Records	Director of Administrative Services
Exceptional Education Records	Regional Service Center Offices	Principal, Directors of Regional Service Centers

"PERSONALLY IDENTIFIABLE" means that the data or information includes (a) the name of a student, the student's parents, or other family members, (b) address of the student, (c) a personal identifier, such as the student's social security number or student number (matriculation), (d) a list of personal characteristics which would make the student's identity easily traceable, or (e) other information which would make the student's identity easily traceable.

"DIRECTORY INFORMATION" includes the following information relating to a student. The student's name, address*, telephone listing*, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees (diplomas) and awards received, the most recent previous educational agency or institution attended by the student, personally identifiable photographs, video tapes, films and other visual media, personally identifiable interviews, either audio only or audio and visual, and other similar information.

*Student's address and telephone listing may only be disclosed as "Directory Information" to U.S. Military Recruiters and local law enforcement agencies (excluding INS) for a legitimate purpose.

Directory information may not be released for a commercial purpose. There will be no commercialization of student education record information.

Procedures For Change Of Name After Adoption

1. The procedures apply only in cases of adoption. They do not apply in cases of legal guardianship or powers of attorney.
2. The new adoptive parents *MUST* provide the District with a certified copy of the Order of Adoption issued by the Court. A certified copy is an original which usually has an embossed court seal on it. Photocopies of certified copies are not sufficient. A non-certified Order of Adoption is also not sufficient.

The school will make a photocopy of the certified document, and return the certified document to the parent.

If you have questions about the certification of an Order of Adoption, call the District's Custodian of Student Records.

The District *CANNOT* proceed with student name change procedures unless the new adoptive parents provide the District with a certified copy of the Order of Adoption.

3. The new adoptive parents should submit a written request to the principal stating their desire to have the name on the student records amended via a name change. The certified copy of the Order of Adoption should accompany this request.
4. A certified copy of the Order of Adoption is sufficient proof for changing a child's name on all school records.
5. No cross referencing is allowable by teachers, schools or the District, except that a note *MUST* be made on the Permanent Record Card (or transcript) that the District's Custodian of Student Records has additional records on the student:

"Additional records on this student are in the office of the District's Custodian of Student Records."

6. The Order of Adoption, the parents' written request, the prior name, and any deleted information it is felt necessary to preserve shall be given to the District's Custodian of Student Records to be kept for seventy-five years in a sealed file.
7. The *only* permanent record available under the old name shall merely state that the records are held by the District's Custodian of Student Records.
8. The District's Custodian of Student Records shall not reveal the contents of the sealed file except in compliance with Arizona Revised Statutes 8-120, 8-121, 8-128 and such other laws that are applicable at the time of the request.
9. District student records are protected under the federal Family Educational Rights and Privacy Act of 1974 (Title 20 U.S.C. 1232g and 1232h); other federal laws; pertinent federal regulations; Arizona Revised Statutes 15-141, et seq., and, Board Policy 5130, Student Records, and its Administrative Regulation.
10. The schools which receive a request for amendment of student records due to an Order of Adoption should find out the student's prior schools of attendance in the District as well as participation in District programs, e.g., Exceptional Education, Gifted and Talented Education. These schools and programs will also need to be notified by the school receiving the request to effect the desired amendments on the student's records.
11. When questions arise about the *PROCEDURES FOR CHANGE OF NAME AFTER ADOPTION*, please contact the District's Custodian of Student Records or the Student Records Specialist.

Procedures For Change Of Name After Court Order (not to be used for adoptions)

1. These procedures apply only in cases of Court Orders. They do not apply in cases of adoption, legal guardianship or powers of attorney.
2. The parents *MUST* provide the District with a certified copy of the Court Order issued by the Court. A certified copy is an original which usually has an embossed court seal on it. Photocopies of certified copies are not sufficient. A non-certified Court Order is also not sufficient.

The school will make a photocopy of the certified document, and return the certified document to the parent.

If you have questions about the certification of a Court Order, call the District's Custodian of Student Records.

The District *CANNOT* proceed with student name change procedures unless the parents provide the District with a certified copy of the Court Order.

3. The parents should submit a written request to the principal stating their desire to have the name on the student records amended via a name change. The certified copy of the Court Order should accompany this request.
4. A certified copy of the Court Order is sufficient proof for changing a child's name on ALL school records.
5. The parent's/legal guardian's request and the copy of the Court Order should be filed in the student's cumulative student education record folder.
6. District student records are protected under the federal Family Educational Rights and Privacy Act of 1974 (Title 20 U.S.C. 1232g and 1232h); other federal laws; pertinent federal regulations; Arizona Revised Statutes 15-141 et seq.; and Governing Board Policy 5130, Student Records, and its Administrative Regulation.
7. The schools which receive a request for amendment of student records due to a Court Order should change the student's name on all student records, and find out the student's prior schools of attendance in the District as well as participation in District programs, e.g., Exceptional Education, Gifted and Talented Education. These schools and programs will also need to be notified by the school receiving the request to effect the desired amendments on the student's records.
8. When questions arise about the *PROCEDURES FOR CHANGE OF NAME AFTER COURT ORDER*, please contact the District's Custodian of Student Records or the Student Records Specialist.

**TRANSMITTAL OF STUDENT RECORDS IN COMPLIANCE WITH A
JUDICIAL ORDER OR A LAWFULLY ISSUED SUBPOENA**

**TUCSON UNIFIED SCHOOL DISTRICT
1010 East Tenth Street Tucson, Arizona**

Student education records may be furnished by the school district without written consent of the parent, guardian, or eligible student if "such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency."

"(The Family Educational Rights and Privacy Act; Title 20, United States Code, Sections 1232g and 1232h; and the Federal Regulations (45 CFR, Part 99); Tucson Unified School District Board Policy 5130, Student Education Records.)"

Date _____

School _____

Mailing Address _____

You are hereby notified that the records of _____

have been requested as of _____, and will be released
month day year

to _____
name address

after two (2) working days from the date of this notice for the following reason(s):

- _____ In compliance with a judicial order
- _____ A lawfully issued subpoena

You may wish to consult an attorney concerning your right to protest the release of these records.

Signature of School Official

Title

TUSD 403
9/75
Revised: 07/77
Revised: 06/80
Revised: 04/81
Revised: 12/09/97

RECORD OF DISCLOSURE
TUCSON UNIFIED SCHOOL DISTRICT

STUDENT _____

SCHOOL/AREA _____

Date of Request	Party Making Request	Reason for Request	Disposition	
			Parent/Guardian/Student Approved	Denied

TUSD 506

Use this form each time an agency, individual, or institution has requested, seen or obtained personally identifiable information from the educational records. This does not apply to disclosure to our own school officials.

Place this form in the cumulative folder of the student. It becomes a part of his/her records until such records are destroyed.

Each school shall use this form as a "log" during the school year. Keep a running record throughout the year.

Use this form for recording each request for and each disclosure of personally identifiable information from the education records of a student EXCEPT when disclosures are requested by SCHOOL OFFICIALS.

TUSD 506
 9/75
 Rev. 6/78
 Revised: August 14, 2001

TRANSFER OF INFORMATION BY THIRD PARTY

TUCSON UNIFIED SCHOOL DISTRICT

Tucson, Arizona

Under PL 93-380, Sec. 438, 99.33, The Family Educational Rights and Privacy Act, "an educational agency or institution may disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made."

You are hereby notified that the information you are receiving on the following student(s) is not to be released to any other party unless written consent is obtained by the parent/guardian/student, if the student has attained 18 years of age.

TUSD 509

The law requires us to inform each third party, other than school districts to whom information from the education records of a student is disclosed, that the third party may not disclose any information without the written consent of the parent/guardian/eligible student.

Therefore, each time information is sent to any agency, individual, or institution outside TUSD, this form shall be sent along with the records.

TUSD 509

9/75

Rev. 3/78

Rev. 6/80

TUCSON UNIFIED SCHOOL DISTRICT
RECORDS DISPOSAL REQUEST

TO: _____

Date: _____

FROM: _____
Principal or Department Head Name

_____ School or Department

Principal or Department Head Signature

Authorization is hereby requested for the disposal of the following record or records prescribed by law or District policy.

ITEM NO.	DESCRIPTION OF ITEM	QUANTITY	SCHOOL YEAR		MICROFILMING REQUIRED	
			FROM	TO	YES	NO

Record each item separately by year. On student records, the year listed on this form should be the year the student graduated from high school or the student's presumed date of graduation from high school. Refer to sample on the reverse side.

Type in duplicate. Retain a copy for your files. For student records, send to Custodian of Student Records at the Department of Administrative Services. If non-student records, send to Risk Management and Environmental Services.

Approved

Date

TUSD 44

Revised: 06/13/86
Revised: 12/09/97

SAMPLE

ITEM NO.	DESCRIPTION OF ITEM	QUANTITY	SCHOOL YEAR		MICROFILMING REQUIRED	
			FROM	TO	YES	NO
1.	Cumulative Record Folders	150	1963	1964		X
2.	Cumulative Record Folders	97	1964	1965		X
3.	Teacher Grade Books	8	1963	1964		X
4.	Teacher Grade Books	8	1964	1965		X
5.	Health Record	150	1963	1964		X

Record each item separately by year. On student records, the year listed on this form would be the year the student graduated from high school or the student's presumed date of graduation from high school.

TUSD 44
 Revised: 6/13/86
 Revised: 12/09/97

THE RIGHT OF PARENT/GUARDIAN/STUDENT TO INSPECT SCHOOL RECORDS

TUCSON UNIFIED SCHOOL DISTRICT NUMBER ONE

PL 93-380, Sec. 438, "Protection of the Rights and Privacy of Parents and Students".

The parent/guardian/student has the right to inspect and review any and all official records, files, and data directly related to their children.

School _____ Date _____

I have inspected the school records of my son/daughter _____

_____ and I (do _____ do not _____) challenge the contents of those records.

Signature of parent/guardian/student

Reasons for challenging the records:

TUSD 508

The parent/guardian/eligible student must sign this form each time they inspect and/or receive copies of the educational records. It is then placed in the student's cumulative folder.

If they challenge any of the records, the parent/guardian/eligible student are to use the bottom portion of this form to write specific reasons for challenging any record.

Contact the principal immediately if and when such a circumstance occurs.

			Matriculation Number _____	
			Birthdate _____	
			Ethnic Code _____	
Legal Surname	First	Middle	Language Code _____	
			Sex _____	
			Grade _____	
Name of Parent/Guardian _____				
Name of New School				
Address		City	State	Zip Code
Student Cumulative Folder	_____			
Health Folder	_____			
Permanent Record Card (copy)	_____			
Transfer Certificate	_____			
School Official Issuing Transfer			Date	

School Name				
TUCSON UNIFIED SCHOOL DISTRICT				
Transfer Card K-12				
TUSD 202				
<i>Revised: 12/09/97</i>				

TUSD 202

Whenever a student's cumulative folder is released to another school district, TUSD 202, Transfer Card K-12 must be completed.

This card should be retained permanently in the school office.

REQUEST FOR WITHHOLDING STUDENT DIRECTORY INFORMATION

**TUCSON UNIFIED SCHOOL DISTRICT
Tucson, Arizona**

Legal Name of Student (Please Print) _____
Last First M.I.

School _____ Grade _____ Birthdate _____ Sex _____ Ethnic Code _____

Home Address _____ Tucson, AZ _____
Zip Code

Home Phone Number _____

In compliance with the provisions of Section 99.37 of Public Law 93-380 and Administrative Regulations of Board Policy 5130, Student Education Records, I hereby request that the Directory Information of the student named above not be disclosed to any agency, institution, or individual, except as otherwise required by law, without my written consent.

I understand that this request must be made each school year.

Signature of Parent/Guardian/Eligible Student

Signature of School Official

Date

This document is a request to withhold all directory information. This document shall be maintained by the school principal or designee for a period of one school year and then be destroyed. It shall be made available to any District school official, and shall be transferred with the cumulative records within or out of District.

TUSD 274
Revised 12/09/97
Revised 12/08/00

STUDENT RECORD TRANSMITTAL REQUEST

TUCSON UNIFIED SCHOOL DISTRICT

Tucson, Arizona

INFORMATION TO BE RELEASED FROM:

INFORMATION TO BE RELEASED TO:

Name Title

Name Title

School, Agency, or Individual

School, Agency, or Individual

Street Address

Street Address

City State Zip Code

City State Zip Code

We are requesting the release of medical, educational, or special program information for use in providing appropriate educational services, programs, or updating previous reports, for the following:

Student's Name _____ Birthdate _____ Grade _____

Student's Name _____ Birthdate _____ Grade _____

Student's Name _____ Birthdate _____ Grade _____

PLEASE NOTE: The student information requested will be made available for inspection to parents/guardians/eligible students since it will be considered an education record as defined in Public Law 93-380, Section 99:3.

PL 93-380, The Federal Family Educational Rights and Privacy Act, Arizona Law, ARS 15-141, District Board Policy 5130, and Administrative Regulations provide that the written consent of the parent/guardian/eligible student IS NOT REQUIRED to release educational records to officials of other schools or school systems in which the student seeks or intends to enroll.

Written consent IS REQUIRED of a parent/guardian/eligible student when a request for student records involves NON-SCHOOL individuals, agencies, or institutions.

Signature of: [] School Official
[] Parent/Guardian/Eligible Student
[] Parent does not grant permission

Date _____

TUSD 278
Rev. 05/77
07/77
05/78
09/80
12/97

TUSD 278
Written consent IS NOT REQUIRED of the parent/guardian/eligible student when requesting educational records from other school systems.
Written consent IS REQUIRED of the parent/guardian/eligible student when a request for school records involves NON-SCHOOL individuals, agencies, or institutions.

School Year _____ - _____