

## **TITLE 60: BOARD OF EDUCATION © 2019**

By: **The Commonwealth Law Revision Commission (May 28, 2019)**

Page 49. With the student's education records 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.

### (h) Record Keeping Procedures

(1) The PSS will maintain a record of each request for access to and each disclosure of personally identifiable information from the educational records of each student. The building administrator or designee will be responsible for keeping such records of requests and disclosures.

(2) The PSS will maintain the record of each request and disclosure with the educational records of the student as long as the records are maintained by the PSS.

(3) For each request or disclosure, the PSS's record will include the parties who have requested or received personally identifiable information from educational records and the legitimate interests the parties had in requesting or obtaining the information.

(4) If the PSS discloses personally identifiable information from an educational record under the exceptions enumerated in the earlier sections, the PSS will record the names of those persons to whom that party may disclose the information on behalf of the PSS and the legitimate interests which each of the additional parties has in requesting or obtaining the information.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Amdts Adopted 24 Com. Reg. 19413 (July 29, 2002); Amdts Proposed 24 Com. Reg. 18852 (Jan. 29, 2002); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Proposed 20 Com. Reg. 16083 (Aug. 15, 1998); Amdts Adopted 13 Com. Reg. 7541 (Jan. 15, 1991); Amdts Adopted 12 Com. Reg. 7438 (Oct. 15, 1990) (reserving proposed amendment for further consideration); Amdts Proposed 12 Com. Reg. 7205 (Aug. 15, 1990); Proposed 3 Com. Reg. 1254 (June 30, 1981).

Commission Comment: The original paragraphs of subsection (b)(3) were not designated. The Commission designated subsections (b)(3)(i) and (b)(3)(ii).

A notice of adoption for the August 1998 amendments was never published. The 2001 amendments repealed former Board of Education policy 606, entitled "Student Records," and replaced it with this section. The 2002 amendments amended subsection (c)(2) and readopted and republished this section in its entirety. See also the commission comment to § 60-20-001.

In subsections (e)(4) and (e)(6), the references to "policy 2673" are in error. The Board of Education has not published a "policy 2673" in the Commonwealth Register.

The following forms appeared after "Regulation 2420," codified at § 60-20-424:

Form 2420 FERPA Educational Rights Annual Notification

To All PSS Parents: The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (eligible students) certain rights with respect to the student's education records.

They are:

1. The right to inspect and review the student's education records within 5 days of the day the PSS receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangement for access and notify the parents or eligible students of the time and place where the records may be inspected. TITLE 60: BOARD OF EDUCATION © 2019 by The Commonwealth Law Revision Commission (May 28, 2019) Page 50 of 152

2. The right to request the amendment of the student's education records that the parents or eligible students believe are inaccurate or misleading. Parents or eligible students may ask the Public School System to amend a record that they believe is inaccurate or misleading.

They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the PSS decides not to amend the record as requested by the parent or eligible student, the PSS will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the PSS as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the PSS has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the PSS may disclose education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. Upon request, parents are entitled to a copy of the complete Board policies and regulations regarding student records. Please contact the principal for a copy.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the PSS to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue S.W. Washington, D.C. 20202-4605 \*\*\*\*\* RETURN TO BUILDING PRINCIPAL I have received and read the annual notice of my rights and those of my child under the Family Educational Rights and Privacy Act (FERPA). Those rights are the: Right to inspect. Right to request amendment. Right to prevent disclosures. Right to complain to FERPA office. Right to obtain a copy of the policy from the PSS. \_\_\_\_\_ Parent/Guardian

Signature Date History: Amdts Adopted 24 Com. Reg. 19413 (July 29, 2002); Amdts Proposed 24 Com. Reg. 18852 (Jan. 29, 2002); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Adopted 20 Com. Reg. 15965 (June 15, 1998); Amdts Proposed 19 Com. Reg. 15423 (