

FILE: JR

Cf: [IFDA](#)

STUDENT PRIVACY AND EDUCATION RECORDS

Parents and guardians have the right to inspect and review any school records dealing with their children. Students eighteen (18) years of age or older have the right to inspect and review their respective student records. Limited access to student records may also be granted certain school officials and others as outlined in this policy. Any access to, or disclosure and release of student information shall in accordance with federal and state law and regulations.

DEFINITIONS

1. *Aggregate data* shall be defined as, for purposes of this policy, statistics and other information that relate to broad classes, groups, or categories from which it is not possible to distinguish the identities of individuals.
2. *Custodian of student records* shall be defined as the person who has physical custody and control of books, records, or documents. Generally, this person is the Superintendent or such person designated as custodian of student records by the Superintendent.
3. *Disclosure* shall mean the release, transfer, provision of, access to, or divulging in any manner, of information outside the person or entity holding the information.
4. *Educational records* shall be defined as records which are directly related to a student and are maintained by the School Board or school by a person acting for the School Board or school. Excluded from the term *educational records* are records of instructional, supervisory or administrative personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute.
5. *Legitimate educational interest* shall be defined as the interest that requires regular access for purposes of adding material, periodic review, filing new student data and/or removing inadequate, ambiguous, no longer relevant data; the interest having the educational wellbeing of the student in mind for purposes of continuing, improving or changing the education program of the student and the interest in which the person has a legitimate need to know.
6. *Parent or legal guardian* shall mean a student's parent, legal guardian, or other person or entity responsible for the student.
7. *Personally identifiable information* shall be defined as information about an individual that may be used on its own or with other information to identify, contact, or locate a single individual, including but not limited to the following:

- A. Any information that can be used to distinguish or trace an individual's identity such as social security number, date and place of birth, mother's maiden name, biometric records, or race and ethnicity data.
 - B. Any other information that is linked or linkable to an individual such as medical, educational, financial, and employment information.
 - C. Two (2) or more pieces of information that separately or when linked together can be used to reasonably ascertain the identity of the person.
8. *School official* shall be defined as an administrator, supervisor, principal, support staff, or any person employed by or under contract to the School Board, or authorized volunteer, to perform a function or service on behalf of the School Board.

ANNUAL NOTIFICATION

All parents/guardians shall be notified annually of their rights under the [Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#) and applicable state law. Such notification shall be made annually by publication in student handbooks, newsletters, notification to student's home by students, by mail, or publication in the official journal or in such manner as deemed appropriate by the Jefferson Davis Parish School Board.

ACCESS TO RECORDS

1. A person employed in a public school or other person authorized by the Superintendent may be provided or have access to a student's records.
2. Any person who is authorized by state law or the Superintendent to access a student's records on a public school computer system, except a parent or legal guardian, shall maintain the confidentiality of any student information to which he/she has access. Failure to maintain the confidentiality of such information shall be punishable as provided in La. Rev. Stat. Ann. §[17:3914](#).
3. Except as provided below, no person or public or private entity shall access a public school computer system on which student information is stored. No official or employee of the School Board shall authorize access to such a computer system to any person or public or private entity except as authorized below.
4. The following persons may access a public school computer system on which student information for students at a particular school is stored:

- A. A student who has reached the age of eighteen (18) or is judicially emancipated or emancipated by marriage and the parent or legal guardian of a student who is under the age of eighteen (18) and not emancipated. Such access shall be limited to information about the student. A student who has reached the age of eighteen (18) or is emancipated and the parent or legal guardian of a student who has not reached the age of eighteen and is not emancipated may authorize, in writing, another person to access such information.
 - B. A teacher of record. Such access shall be limited to information about his/her current students.
 - C. The school principal and school registrar.
 - D. A School Board employee employed at the school and designated by the principal. Such access shall be limited to student information necessary to perform his/her duties.
 - E. A person authorized by the Superintendent to maintain or repair the computer system or to provide services that the School Board would otherwise provide.
 - F. A person authorized by the state to audit student records.
5. The following persons may access a computer system of the School Board on which student information for students from throughout the system is stored:
- A. The Superintendent.
 - B. A School Board employee designated by the Superintendent. Such access shall be limited to student information necessary to perform his/her duties.
 - C. A person authorized by the Superintendent to maintain or repair the computer system or to provide services that the school system would otherwise provide.
 - D. A person authorized by the state to audit student records.
6. Persons permitted access to a student's records shall only have access to those education records in which they have a *legitimate educational interest*. Proper administrative regulations and procedures shall be maintained to ensure compliance with this provision.
7. The School Board shall maintain a record of each request for access to the records of each student. The School Board shall maintain a record of all requests for access with the education records of the student, as long as the records are maintained.

DISCLOSURE OF STUDENT INFORMATION

No official or employee of the School Board shall provide personally identifiable student information to any member of the School Board or to any other person or public or private entity, except such an official or employee may, in accordance with applicable state and federal law:

1. Provide a student's identification number and aggregate data to the School Board, the Louisiana Department of Education, or BESE solely for the purpose of satisfying state and federal reporting requirements.
2. Provide to the Louisiana Department of Education, for the purpose of satisfying state and federal assessment, auditing, funding, monitoring, program administration, and state accountability requirements, information from which enough personally identifiable information has been removed such that the remaining information does not identify a student and there is no basis to believe that the information alone can be used to identify a student. The Louisiana Department of Education may make further disclosures of personally identifiable information to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, or as expressly authorized by statute, if applicable requirements are met.
3. Provide to the Louisiana Board of Regents, and the office of student financial assistance, as a program under its jurisdiction, to be used by staff for required grant program reporting, for the purposes of providing reports to each public school governing authority on the postsecondary remediation needs, retention rates, and graduation rates for each high school under its jurisdiction and for the purpose of evaluating comparative postsecondary performance outcomes based upon student transcript data in order to develop policies designed to improve student academic achievement.
4. Provide personally identifiable information regarding a particular student to any person or public or private entity if the sharing of the particular information with the particular recipient of the information has been authorized in writing by the parent or legal guardian of the student, or by a student who has reached the age of legal majority, or if the information is provided to a person authorized by the state, including the legislative auditor, to audit processes including student enrollment counts. Except as permitted by said authorization, any recipient of such information shall maintain the confidentiality of such information. Any person who knowingly and willingly fails to maintain the confidentiality of such information shall be subject to the penalties provided in La. Rev. Stat Ann. [§17:3914](#).
5. Provide for the transfer of student information pursuant to the provisions of La. Rev. Stat Ann. [§17:112](#).

A statement shall be provided notifying the student's parent or legal guardian of exactly what items of student information will be collected and that disclosure of the student information collected shall be restricted to Louisiana postsecondary education institutions to be used for the purposes of processing applications for admission and for compliance with state and federal reporting requirements to the Board of Regents and to the office of student financial assistance, as a program under the board's jurisdiction, to be used for the purposes of processing applications for admission and for state and federal financial aid, for required grant program reporting, for providing reports to the school governing authority on the postsecondary education remediation needs, retention rates, and graduation rates for each high school under its jurisdiction, and for evaluating comparative postsecondary education performance outcomes

based on student transcript data in order to develop policies designed to improve student academic achievement. Annual notification shall be provided to the student's parent or legal guardian as to the right and process used to withdraw consent.

With limited exception as allowed by state or federal law or regulation, by policy of the School Board authorized by state or federal law or regulation, or by authorization of the parent or student who is eighteen (18) years of age or older, any redisclosure and/or release of personally identifiable information shall require a *legitimate educational interest* of the recipient.

Release of Student Information

1. In accordance with federal statutory provisions, schools shall honor the requests of military recruiters for names, addresses and phone numbers of high school students, unless parents have specified that such information not be released to such recruiters.
2. In accordance with La. Rev. Stat. Ann. §[17:112](#), the principal of a public elementary or secondary school shall provide for the transfer of the education records, including special education records, if applicable, of any current or former student at his/her school upon the written request of any authorized person on behalf of a public or nonpublic elementary or secondary school, or an educational facility operated within any correctional or health facility, whether within or outside the state of Louisiana, where such student has become enrolled or is seeking enrollment. Under no circumstances may a school or school district refuse to promptly transfer the records of any child withdrawing or transferring from the school. Transfer of records, whether by mail or otherwise, shall occur no later than ten (10) business days from the date of receipt of a written request.
3. Student records shall be furnished in compliance with judicial orders or pursuant to any lawfully issued subpoena if the parents, legal guardian and students are notified in advance.
4. A record of all authorizations for release of information shall be maintained by the School Board and all such authorizations shall be included in the student's records.
5. Once the parent, guardian, or student of majority age has granted permission for collection of certain data in accordance with La. Rev. Stat. Ann. §[17:3914](#), such data shall be disclosed solely for purposes of processing a student's application to a Louisiana postsecondary education institution or to the Louisiana Office of Student Financial Assistance for receipt of financial aid, and for compliance with state and federal reporting requirements.
6. The School Board may disclose personally identifiable information from student records to appropriate parties, including the parents of a student 18 years old or older, in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
7. The School Board and employees may disclose education records or information from education records, *without the consent* of the parent or guardian of the student who is the subject of the records, to certain law enforcement officials. Disclosure of such records or information shall be in accordance with the following provisions:

- A. Disclosure of education records or information from education records shall *only* be made to state or local law enforcement officials or to other officials within the juvenile justice system. Verification of the official's position may need to be made before the disclosure of records or information.
 - B. The disclosure of the education record or information must relate to the ability of the juvenile justice system to serve, prior to adjudication, the student whose records or information is to be disclosed.
 - C. The officials to whom the records or the information are disclosed shall certify in writing that that person, and any agency or organization with which that person is affiliated, shall keep the personally identifiable portions of the records or the information confidential and shall not disclose the personally identifiable portions of the records or the information to any person, agency, or organization except a person, agency, or organization within the juvenile justice system having an independent right to the information.
 - D. Any other provisions necessary to comply with federal law or rules.
8. Access to and disclosure of educational records and personally identifiable student information may be authorized by the Superintendent in accordance with School Board policy and procedures.

INSPECTION OF STUDENT RECORDS BY THE PARENT

1. Schools shall provide for the review of student records by parents or guardians, or any student eighteen (18) years of age or older. Parents and students shall be given notification of their right to review the student records.

Access to school records shall not be denied to a parent solely because he/she is not the child's custodial or domiciliary parent.

2. The parent or legal guardian of a student shall be provided access to student records upon written request to the principal maintaining those records within the school system no more than ten (10) days after the date of receipt of the request. There shall be no charge for a parent or legal guardian to receive student records electronically. If the parent or legal guardian requests hard copies of the records, a charge for copies as approved by the School Board shall be assessed per page of records.

The parent, legal guardian or student, if the student is eighteen (18) or over, shall, upon written request to the principal maintaining those records, have the opportunity to receive an interpretation of those records, have the right to question those data, and if a difference of opinion is noted, shall be permitted to file a letter in said cumulative folder stating their position. If further challenge is made to the record, the parent, legal guardian, or student if 18 or older, may request a hearing.

3. If, as a result of the hearing, the School Board decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall:

- A. Amend the record accordingly; and
- B. Inform the parent or eligible student in writing.

If, as a result of the hearing, the School Board decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the School Board or both.

- 4. The hearing shall be held within a reasonable time after receipt of the request for the hearing from the parent or eligible student.

The hearing shall be conducted by the Superintendent or his/her designee. At the hearing the parent or student eighteen (18) or over shall be given a full and fair opportunity to present evidence relevant to issues raised. The parent or student may, at his/her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

The Superintendent or his/her designee shall make his/her decision in writing within a reasonable period 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 decision shall be communicated to the school and parent in writing within ten (10) working days following the date of the hearing.

- 5. The School Board shall not be required to provide a parent or eligible student a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student the right to inspect and review the records.

If the record involves answers to a standardized test, the School Board shall not provide a parent a copy of standardized test questions.

COMPLIANCE WITH FERPA

Nothing herein shall be intended to supersede the provisions of the *Family Educational Rights and Privacy Act* (FERPA) and to the extent any provisions of this policy conflict with FERPA or federal regulations issued pursuant thereto, the provision of FERPA or its regulations which limit or prohibit disclosure of educational records shall prevail.

Revised: March, 2001
Revised: October, 2001
Revised: February, 2003
Revised: January 21, 2010
Revised: June 20, 2013

Revised: August 20, 2015
Revised: January 18, 2018
Revised: November 15, 2018
Revised: October 21, 2021

Ref: [20 USC 1232](#)(g-i) (*Family Educational Rights and Privacy Act*)

[20 USC 7908](#) (*Armed Forces Recruiter Access to Students and Student Recruiting Information*)

[34 CFR 99.1-99.67](#) (*Family Educational Rights and Privacy - Federal Regulations*)

La. Rev. Stat. Ann. §§[9:351](#), [17:81](#), [17:112](#), [17:221.3](#), [17:3914](#), [44:4](#), [44:4.1](#), [44:31](#), [44:32](#)

La. Civil Code, [Art. 131](#), [Art. 134](#), [Art. 250](#)

Louisiana Attorney General Opinion No. 15-0103

Board minutes, 2-15-00, [1-21-10](#), [6-20-13](#), [8-20-15](#), [1-18-18](#), [11-15-18](#), [10-21-21](#)

Jefferson Davis Parish School Board