

**Series 4000 Students**

**Section 4300 Student Administration**

**Policy 4304 Student Records and Parental Rights**

**4304.1**

**GENERAL PROVISIONS**

- 4304.1.1 No one but authorized school personnel, parents, and legal guardians shall have access to the student educational record without a subpoena or the written permission of the student and/or the parent or the legal guardian.
- 4304.1.2 Written parental objection to the accuracy or authenticity of data recorded shall become part of the record upon request of the parent.
- 4304.1.3 All children may be enrolled provisionally without records but parents are responsible for providing required data within a timetable consistent with state code.
- 4304.1.4 Official transcripts of student grades are available through the WVEIS network. (GRD.551 report) The transcript shall reflect the student's grades, courses, attendance, and the GPA and class ranking, if appropriate.
- 4304.1.5 A hard copy of each student transcript shall be filed at the end of each school year in individual student educational record folders.
- 5403.1.6 Health records including individual health cards may be kept separate from student educational record folder. (Immunization data may be located on the student's individual WVEIS record where available.)
- 4304.1.6 Student educational record folders are to be housed in secure fireproof filing cabinets.
- 4304.1.7 Whenever Harrison County Schools administers to students a survey, analysis or evaluation that concerns one or more of the following eight protected areas, parents and students have certain rights:

1. Political affiliations or beliefs of the student or the student's parents;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships such as those of lawyers, physicians and ministers;
7. Religious practices, affiliations or beliefs of the student or student's parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.)

4304.1.9 Parents have the right to inspect, upon request, a protected information survey before the survey is administered or distributed by a school to students.

4304.1.10 Harrison County Schools will protect student privacy by keeping confidential the individual results of protected information surveys.

4304.1.11 Harrison County Schools will also protect student's privacy by keeping confidential any personal information collected from students for the purpose of marketing, selling or otherwise providing this information to others for that purpose.

4304.1.12 Parents have the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to a student. This request may be made to the student's school principal or appropriate school official.

4304.1.13 Parents have the right to opt their child out of participating in the following activities:

1. Activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
2. The administration of any survey containing one or more of the eight protected areas of information listed above that is

not funded in whole or in part by the United States Department of Education.

- 4304.1.14 Parents also have the right to inspect, upon request, any instructional material used as part of the educational curriculum for students by contacting the student's principal or appropriate school official.

**4304.2 STUDENT TRANSFERS**

- 4304.2.1 It is the responsibility of the principal, or his/her designee, to request a student's educational records within fourteen (14) days from the date of a new student's initial enrollment.
- 4304.2.2 Prior parental consent is not required for a county school district to disclose personally identifiable information from an educational record of a student to another county school district or educational agency, if the other school district or agency has a legitimate educational interest in the record.
- 4304.2.3 School officials shall rapidly transfer school records to ensure that the receiving agency may timely assess, plan, and implement a program for a student.
- 4304.2.4 County school districts shall transfer student records relating to students being served in the State's Correctional Institutions to the Department of Education staff in such facilities in a forthwith manner. School officials have no legal authority to place a lien upon student records.
- 4304.2.5 School officials may not withhold any student's grades, refuse to promote any student, withhold a diploma or transcript or deny any student an education for failure to pay moneys owed to the school or the school system. However, the school system may take such collection procedures as are provided by law to collect moneys owed to the school or the school system.

**4304.3 TRANSFERS OUT OF HARRISON COUNTY**

- 4304.3.1 Copies of all pertinent student records shall be sent to a student's new school upon written request. These records may include, but are not limited to, copies of current transcript, standardized test results, birth certificate, immunization records.

4304.3.2 Student educational record folders for any student who withdraws or transfers out of the Harrison County School system shall be filed and maintained for five (5) years at the school.

4304.3.3 The student's current WVEIS transcript shall be printed and filed in the educational record folder.

4304.3.4 The student's individual health card is to be returned to the appropriate school nurse.

**4304.4 TRANSFERS WITHIN HARRISON COUNTY**

4304.4.1 Student folder should be forwarded to the appropriate school.

4304.4.2 Individual student health card is to be forwarded by the school nurse.

**4304.5 STUDENT RECORD PROCEDURES FOR ELEMENTARY SCHOOLS**

4304.5.1 Appropriate data shall be entered into the WVEIS system for all incoming students. Updates shall be made as necessary.

4304.5.2 Creation of a student educational record folder to house educational record shall begin upon a student's initial registration or enrollment in school.

4304.5.3 Kindergarten records shall be filed in the student educational record folder since they are not yet on the WVEIS system.

4304.5.4 Educational record folders shall be purged (except for the following documents) at the end of the fifth grade by the respective elementary school prior to being forwarded to the appropriate middle school.

4304.5.5 Folders to be forwarded to middle school shall include the following: birth certificate, copy of DIAL screening instrument, copy of immunization records and appropriate personal health records, copies of standardized test results, appropriate special education records including psychoeducational evaluations, eligibility meeting reports, 504 plans and appropriate documentation, appropriate legal documents related to the student, the student's WVEIS transcript (GRD.511) for grades 1-5, the student's kindergarten transcript or grade report. (Student IEPs are not included in general educational record file. A separate special

education file shall house the student's Individual Education Plans),

**4304.6                   STUDENT RECORD PROCEDURES FOR MIDDLE SCHOOLS**

- 4304.6.1           Appropriate data shall be entered into the WVEIS system for all incoming students. Updates shall be made as necessary.
- 4304.6.2           Middle schools shall continue to use the student educational record folder as provided by the respective elementary school.
- 4304.6.3           A student educational record folder shall be created for any new student upon registration.

**4304.7                   STUDENT RECORD PROCEDURES FOR HIGH SCHOOLS**

- 4304.7.1           Appropriate data shall be entered into the WVEIS system for all incoming students. Updates shall be made as necessary.
- 4304.7.2           A student educational record folder shall be created for any new student upon registration.
- 4304.7.3           High schools shall continue use of the student educational record folder as provided by the middle school.
- 4304.7.4           A student educational record folder shall be created for any new student upon registration.
- 4304.7.5           WVEIS information shall be updated as necessary.
- 4304.7.6           Student folders shall be given to all graduating seniors with a copy of their WVEIS transcript and health card. The WVEIS transcript shall also serve as the "Certificate of Proficiency".

**4304.8                   ANNUAL NOTIFICATION OF RIGHTS**

- 4304.8.1           Harrison County Schools shall notify, during the first grading period of each school year, parents of students currently in attendance, or eligible students currently in attendance, of their rights by placing an announcement in the appropriate newspaper of a "Notification of Rights Under FERPA for Elementary and Secondary Schools" and a "Notification of Rights Under the Protection of Pupil Rights Amendment ('PPRA')."

**4304.9**                    **RIGHT TO INSPECT AND REVIEW  
EDUCATIONAL RECORDS**

4304.9.1                Harrison County Schools shall provide parents, upon request, a chart listing the types and locations of educational records that are collected, maintained or used by the schools.

**4304.10**                **FEES**

4304.10.1             Harrison County may charge a reasonable fee to be established by the Superintendent of Schools to be charged for copies of educational records made upon the request of a parent, legal guardian or eligible student, provided that the fee does not effectively prevent the parent, legal guardian or eligible student from exercising the right to inspect and review those records.

4304.10.2             No fee may be charged to search or retrieve the education records of a student.

4304.10.3             Any person otherwise entitled shall be allotted two free transcripts. In addition, any transcript mailed from a school to a post high school institution shall be free. Additional transcripts shall be provided only after payment of \$1.00, plus postage if mailed.

**4304.11**                **REQUEST TO AMEND EDUCATION RECORDS**

4304.11.1             Upon receipt of a completed Request to Amend Education Records form, the administration of the school system shall determine whether to amend the educational records of the student in accordance with the request. This determination shall be made within a reasonable period of time. If the determination is made to decline to amend records as requested, the school system shall inform the parent or legal guardian or the eligible student of the determination and of the right to a hearing under this policy

**4304.12**                **CONSENT FOR DISCLOSURE**

4304.12.1             Prior Consent for Disclosure– Harrison County Schools shall obtain an “Authorization to Release Records and Information” form from the parent or legal guardian of a student or the eligible student before disclosing personally identifiable information from the education records of a student, excluding the exceptions as provided within West Virginia State Board of Education Policy 4350.

- 4304.12.2      **Prior Consent for Disclosure Not Required** -For records of special education students, Harrison County Schools shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may access personally identifiable information.
- 4304.12.3      **Record of Disclosure Required to be Maintained** – Harrison County Schools shall, for each request for access to and each disclosure of personally identifiable information from the education records of a student, maintain a record kept with the educational records of the student. This section does not apply to: disclosure to a parent of a student or an eligible student; disclosure pursuant to written consent when the consent is specific; disclosure to school officials; disclosures of directory information; or disclosure to a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena, pursuant to conditions specified in Policy 4350.
- 4304.12.4      **Disclosure of Directory Information** – Harrison County Schools may disclose personally identifiable information from the education records of a student who is in attendance if it has given notice that information has been designated as directory information. The parent of the student or the eligible student has the right to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information by completing a Directory Information Refusal Form and forwarding it to the school principal or appropriate school official within ten (10) calendar days of the publication date of this notice.

Approved by Harrison County Board of Education

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