

## STUDENTS

Maintenance of Student Records

School student records are confidential, and information from them will not be released other than as provided by law. State and federal laws grant students and parents certain rights, including the right to inspect, copy, and challenge school records.

*Content of Records and Maintenance*

The District maintains two (2) sets of school records for each student: a permanent record and a cumulative record.

The permanent record will include:

- Basic identifying information including date of birth
- Academic work completed (transcripts)
- Level of achievement (e.g. grades, standardized achievement tests, grade level completed)
- Immunization records
- Attendance record
- Record of any disciplinary action taken against the student, which is educationally related
- The statewide student identifier assigned by the Office of Public Instruction

The cumulative record may include, but is not limited to:

- Intelligence and aptitude scores
- Psychological reports
- Participation in extracurricular activities
- Honors and awards
- Teacher anecdotal records
- Verified reports or information from non-educational persons
- Verified information of clear relevance to the student's education
- Information pertaining to release of this record
- Disciplinary information

Information in the permanent record will indicate authorship and date and will be maintained in a secure location in perpetuity for every student who enrolled in the District. Cumulative records will be maintained for eight (8) years after the student graduates or permanently leaves the District. Cumulative records which may be of continued assistance to a student with disabilities, who graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.

The building principal will be responsible for maintenance, retention, or destruction of a student's permanent or cumulative records, in accordance with 20-1-212, MCA and District procedure established by the Superintendent.

### ***Access to Student Records***

The District will not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document. The parents of a student under 18 years of age will be entitled to inspect and copy information in the child's school records. Such requests will be made in writing and directed to the Principal. Access to the records will be granted as provided by law. Where the parents are divorced or separated, both will be permitted to inspect and copy the student's school records, unless the school is made aware of a court order indicating otherwise. When the student reaches 18 years of age, graduates from high school, marries, or enters military service, all rights and privileges accorded to the parent become exclusively those of the student, except as provided below.

Access will not be granted to the parent or the student to confidential letters and recommendations concerning admission to a post-secondary educational institution, applications for employment, or receipt of an honor or award, if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

Other individuals or entities may access student records as follows:

- The District may grant access to or release information from student records to employees or officials of the District, including contractors or consultants to whom the District has outsourced institutional services or functions, or the Montana State Board of Education, provided a current, legitimate educational interest is shown, without parental consent or notification. Access in such cases will be limited to the satisfaction of that need.
- The District may grant access to or release information from student records without parental consent or notification where it is necessary in connection with the audit, evaluation, compliance, or enforcement of federal legal requirements to state and local educational authorities, entities or individuals designated by a state or local educational authority, or an agency headed by the Secretary of the United States Department of Education, the Attorney General of the United States, or Comptroller General of the United States.
- The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
- The District will grant access to or release information from a student's records pursuant to a court order in an action where a parent is not a party without parental consent, provided that

the parent will be given prompt written notice of the order, its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent. When a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, parental consent or notification is not required to release information from a student's record upon receipt of an order requiring disclosure in such case.

- The District may grant access to or release information from any student record, without parental consent or notification, to a caseworker or other representative of a child welfare agency when that agency is legally responsible for the care and protection of the student. The caseworker or other child welfare agency representative shall present documentation evidencing legal responsibility for a student.
- The District will grant access to or release information from any student record, as specifically required by federal or state statute. The parent will be given prompt written notice of its intended action, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
- The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student, with particularity as to whom the records may be released, the information or record to be released, and reason for the release. One copy of the consent form will be kept in the records, and 1 copy will be mailed to the parent or eligible student. The parent will be given prompt written notice of its intended action, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
- The District may release student records to the Superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official. The parent will be given prompt written notice of its intended action, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
- The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The Superintendent or Principal will make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.
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- The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities or a child interdisciplinary team or school safety team involved in the proceedings, pertaining to that student's violations of the Montana Youth Court Act or criminal laws by the student prior to the adjudication of that student.
- The District may release student records or information, without parental consent or notification, to the U.S. Secretary of Agriculture or authorized Food and Nutrition Service representative, including contractors, for the purposes of monitoring, evaluations, and performance with regard to funding received for federal school lunch programs. The authorized representative or contract is not permitted to disclose personal identification of students and their parents aside from reporting results in an aggregate form. Any personally identifiable data will be destroyed once it is no longer necessary for program monitoring, evaluations, and performance measurements.

The District charges a nominal fee for copying information in the student's records. No parent or student will be precluded from copying information because of financial hardship. A record of all releases of information from student records will be kept and maintained as part of such records. This record will be maintained for the life of the student record and will be accessible only to the parent or eligible student, records custodian, or other person.

### ***Directory Information***

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information will be limited to:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date of birth
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Honors and awards received

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information.

### ***Military Recruiters/Colleges***

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education

upon request. The notification to parents and students concerning school records will inform them of their right to object to the release of this information.

### ***Student Record Challenges***

Parents and eligible students may challenge the accuracy, relevancy, or propriety of the records, except (1) grades, and (2) references to expulsions or out-of-school suspensions, if the challenge is made when the student's school records are being forwarded to another school. They have the right to request a hearing before the Board and, if necessary, to insert a written statement of reasonable length describing their position on disputed information. The school will include the statement in any release of the information in dispute.

Legal References:	20 U.S.C. § 1232g	Family Educational Rights and Privacy Act,
	§ 20-1-212, MCA	Destruction of Records by School Officer
	§ 20-1-213, MCA	Transfer of School Records
	§ 20-5-201, MCA	Duties and sanctions
	§ 40-4-225, MCA	Access to records by parent
	§ 40-6-701, MCA	Interference with fundamental parental rights restricted ( <i>revised by House Bill 676</i> )
	§ 52-2-211, MCA	County or regional interdisciplinary child information and school safety team ( <i>revised by Senate Bill 213</i> )
	§ 41-5-215, MCA	Youth Court and Department Records
	10.55.909, ARM	Student Records
	10.16.3560, ARM	Special Education Records
	20 USC 6301	No Child Left Behind Act

Cross References:

### **Policy History:**

Adopted on: 10.08.2013  
 Revised on: 03.12.2024  
 Reviewed on: