



STUDENT RECORDS PRIVACY PROCEDURE

(REC-P007)

Clarksville-Montgomery County School System

1.0 SCOPE:

- 1.1 This procedure outlines the process for ensuring security of student records in accordance with Family Educational Rights and Privacy Act (FERPA).

The online version of this procedure is official. Therefore, all printed versions of this document are unofficial copies.

2.0 RESPONSIBILITY:

- 2.1 Lead Records Specialist
- 2.2 Principals
- 2.3 CMCSS Employees with access to student records

3.0 APPROVAL AUTHORITY:

- 3.1 Chief of Staff

4.0 DEFINITIONS:

- 4.1 CMCSS: Clarksville Montgomery County School System
- 4.2 Directory Information: For CMCSS, directory information includes: name, grade level, name of the most recent school attended and the date (years) of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, recognitions and awards received, and other such information that would not generally be considered harmful or an invasion of privacy if disclosed, such as a photograph.
- 4.3 Education Records: Records that contain information directly related to a student and maintained by CMCSS. Education records are further defined as set forth in 34 CFR §99.3.
- 4.4 Eligible students: students who are eighteen (18) years of age or older.
- 4.5 FERPA: Family Educational Rights and Privacy Act, a federal law that protects the privacy of student education records. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when they reach the age of eighteen (18) or attend school beyond the high school level.
- 4.6 Personally Identifiable Information (PII) includes but is not limited to: student's name, name of student's parent or other family member, address of student or student's family, a personal identifier; such as, student number, or biometric record, other indirect identifiers, such as student's date of birth, place of birth, and mother's maiden name. It also includes other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student



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with reasonable certainty or information requested by a person who CMCSS reasonably believes knows the identity of the student to whom the education record relates.

4.7 Record means any information recorded in any way, including, but not limited to, handwriting, print, computer media, and video or audio tape/film.

5.0 PROCEDURE:

5.1 CMCSS will provide the following information every year through the Student Code of Conduct Handbook:

5.1.1 Notice for Directory Information: CMCSS must, with certain exceptions, obtain a parent's written consent prior to the disclosure of personally identifiable information from a student's education records. However, CMCSS may disclose appropriately designated directory information without written consent, unless a parent has advised CMCSS to the contrary in writing. The Student Code of Conduct acknowledgement form offers the parent a chance to opt out. The primary purpose of directory information is to allow CMCSS to include this type of information in certain school publications. Examples include, but are not limited to: playbills, annual yearbook, honor roll or other recognition lists, graduation programs and sports activity sheets. Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings, publish yearbooks, or photograph class pictures.

5.1.2 Notice of Parental Rights Concerning Education Records: Parents rights include: The right to inspect and review the student's education records within forty-five (45) calendar days after the day CMCSS receives a request for access. Additionally, CMCSS shall produce copies of the student's education records within forty-five (45) calendar days after the day CMCSS receives a request for copies per the Student Records Inquiry Procedure (REC-P002).

5.1.3 Right to request amendment: if a parent or student believes records are inaccurate, misleading, or otherwise in violation of the student's privacy rights. Parents or students who wish to ask CMCSS to amend a record should write the school principal or designated CMCSS official, clearly identify the part of the record they want changed, and specify why it should be changed. If CMCSS decides not to amend the record as requested by the parent or student, CMCSS will notify the parent or student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or student when notified of the right to a hearing.

5.1.4 The right to provide written consent: CMCSS must obtain a parent's written consent before CMCSS discloses personally identifiable information (PII) from a student's education records except to the extent FERPA and/or T.C.A. §49-1-701,



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et. seq., authorize disclosure without consent. One exception, which permits disclosure without consent, is disclosure to CMCSS officials with legitimate educational interests. A CMCSS official is a person employed by CMCSS as an administrator, supervisor, instructor, or support staff member. A CMCSS official also may include a contractor outside of CMCSS who performs an institutional service or function for which CMCSS would otherwise use its own employees and who is under the direct control of CMCSS with respect to the use and maintenance of PII from education records, such as: an attorney, auditor, medical consultant, therapist or School Resource Officer; or other contractor or volunteer assisting another CMCSS official in performing his or her tasks. A CMCSS 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, CMCSS discloses education records without consent to officials of another public school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

- 5.1.5 **The right to file a complaint:** parents or students may contact the U.S. Department of Education concerning alleged failures by CMCSS to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202
<http://familypolicy.ed.gov/>

- 5.2 **CMCSS shall not collect:** individual student data on a student's political affiliation, religion, voting history, firearms ownership, biometrics, analysis of facial expression, EEG brain wave patterns, skin conductance, galvanic skin response, heart rate variability, pulse, blood volume, posture, and eye tracking, without written consent of the parent or student.

- 5.3 **Restrictions on Disclosure of Education Records:** FERPA and Tennessee law permit the disclosure of PII from students' education records, without consent of the parent or student, if the disclosure meets certain conditions found in FERPA and Tennessee law. Except for disclosures to CMCSS officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or student, FERPA regulations require CMCSS to record the disclosure. Parents and students have a right to inspect and review the record of disclosures. CMCSS may disclose PII from the education records of a student without obtaining prior written consent of the parents or the student under the circumstances as set forth in 34 CFR §99.31.

- 5.3.1 To other CMCSS officials, including teachers, within the CMCSS whom CMCSS has determined to have legitimate educational interests. This includes contractors,



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consultants, or other parties to whom the school has outsourced institutional services or functions.

- 5.3.2 To officials of another school district or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer.
- 5.3.3 To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State department of education. Disclosures under this provision may be made in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII 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.
- 5.3.4 In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
- 5.3.5 To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.
- 5.3.6 To organizations conducting studies for, or on behalf of, the school, in order to: develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- 5.3.7 To accrediting organizations to carry out their accrediting functions.
- 5.3.8 To parents of a student if the student is a dependent for IRS tax purposes.
- 5.3.9 To comply with a judicial order or lawfully issued subpoena.
- 5.3.10 To appropriate officials in connection with a health or safety emergency.
- 5.3.11 Information CMCSS has designated as directory information.
- 5.3.12 In addition, federal law requires CMCSS, due to receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA), to provide military recruiters, upon request, with the following information - names, addresses and telephone listings – unless parents have advised CMCSS that they do not want their student's information disclosed without their prior written consent.



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6.0 ASSOCIATED DOCUMENTS:

- 6.1 Administrative Policy, Student Records (REC-A001)
- 6.2 Confidential Records Exceptions, T.C.A. §10-7-504
- 6.3 Elementary and Secondary Education Act of 1965 (ESEA)
- 6.4 Data, Accessibility, Transparency and Accountability Act, T.C.A. §49-1-701, et seq.
- 6.5 Family Educational Rights and Privacy Act (FERPA) codified at 20 U.S.C. §1232g and Title 34, Part 99 of the CFR.
- 6.6 Guidance Department Creation/ Maintenance of Student Records ([GUI-P001](#))
- 6.7 Records Inquiry Procedure ([REC-P002](#))
- 6.8 Request for Transcript/ Immunization Record ([REC-F003](#))
- 6.9 Student records; review; copies; model student records policy, T.C.A. § 49-1-704

7.0 RECORD RETENTION TABLE:

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
Student Records & request for	File Room Room records or transcripts	Indefinitely	Permanent	Secured File

8.0 REVISION HISTORY:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
6/1/15		Initial Release
8/8/19	A	Records department moved under Director's Office. Reassigned document number REC-P007. Updated 2.1 and 3.1 updated. Hyperlinks updated.

***** End of Procedure *****