

STUDENT 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 sole right to inspect and review their respective student records. Review and dissemination of any student information shall be conducted under strict statutory precautions. *Student records* are defined to be all official records, files, documents, and other materials directly related to children, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system. Such items include, but are not necessarily limited to, identifying data, academic work completed, grades, standardized test scores, attendance data, scores on standardized intelligence, aptitude, and psychological tests, and health data.

ANNUAL NOTIFICATION

All parents/guardians shall be notified annually of their rights under the [Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#). 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 Calcasieu Parish School Board.

DIRECTORY INFORMATION

Information classified as directory information may be disclosed from a student's record without the written consent of the parent or eligible student. *Directory information* has been designated by the School Board to include the student's name, address, telephone number, date and place of birth, grade level, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended and photograph or video. A parent or eligible student may refuse to allow the School Board to designate any or all of the types of information about the student as directory information thus prohibiting its release to the public. After proper notice, a parent or eligible student shall have thirty (30) days in which to notify the School Board as to which types of information about the student shall not be designated as directory information.

In accordance with the [No Child Left Behind Act of 2001](#), 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.

ACCESS TO RECORDS

1. 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 forty-five (45) days after the date of receipt of the request.

If the student is eighteen (18) years or older, only the student has the right to determine who, outside the school system, has access to his/her records.

The parent, legal guardian or student, if the student is eighteen (18) or over, will, 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 normal appeal procedures established by School Board policy will be followed.

2. School personnel having access to those data are defined as any person or persons under contract to the system and directly involved in working toward either the affective or cognitive goals of the system.

RELEASE OF INFORMATION OUTSIDE THE SCHOOL SYSTEM

1. To release student records to other schools or school systems in which the student intends to enroll, the parents, legal guardian or the student, if he/she is eighteen (18) years or over, must be notified of the transfer and the kinds of information being released. They shall receive a copy of such information if it is requested in writing and shall have the opportunity to challenge that record as described above.
2. Those data may be released to State Education and other governmental agencies only if the names and all identifying markings are removed to prevent the identification of individuals.
3. To release student records to other persons or agencies, written consent shall be given by the parent, legal guardian or the student if he/she is 18 or older. Such consent form shall state which records shall be released, to whom they shall be released and the reason for the release. A copy of the student record being sent shall be made available to the person signing the release forms if he/she so desires.
4. The District will not 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 District will not provide a parent a copy of standardized test questions.

5. 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.
6. 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.
7. All authorizations for release of information shall be filed in the student cumulative folder.
8. 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.

REVIEW OF STUDENT RECORDS BY THE PARENT

1. Schools shall provide for the review of student records by parents or guardians. Parents and students shall be given notification of their right to review the student records.
2. A parent or guardian who desires to review his/her child's record shall contact the school for an appointment. A conference shall be scheduled as soon as possible, not to exceed one month. The disclosure record shall be completed at the time of the conference.

Prior to the scheduled conference, the principal shall review the record for accuracy and completeness.

3. The record shall be examined by the parent in the presence of the principal or a designated professional person.

The principal or a designated professional person shall provide the parent an opportunity to raise questions regarding information on the records.

A record of the review shall be made on the disclosure record.

4. If the parent or guardian requests a hearing to challenge information contained in the student's folder, a written request for the hearing shall be made and a hearing scheduled for a date not less than three (3) working days or more than two (2) weeks from the date of the requests.
 - A. The hearing shall be held with the principal and the parent or guardian at the scheduled time.
 - B. If the parent or guardian is not satisfied with the hearing with the principal, he/she shall have the opportunity to appeal the decision to the Superintendent or designee(s).
 - C. The parent or guardian shall request the appeal in writing to the Superintendent. Upon receipt of said request, the Superintendent shall schedule a hearing within ten (10) working days following receipt of the parent's request. The date, time and place of the review hearing shall be sent to the parent or guardian by United States registered or certified mail, return receipt requested.
5. At the review hearing:
 - A. The Superintendent or designee shall preside;
 - B. The parent or guardian and the principal shall be present. The student shall be present if requested by the parent or guardian or school official;
 - C. The decision of the hearing shall be communicated to the school and parent or guardian in writing within ten (10) working days;

D. The parent shall have the right to file a dissenting statement concerning the hearing; such statement shall become part of the student's cumulative folder.

TYPES, LOCATIONS, AND CUSTODIANS OF EDUCATION RECORDS

The following is a list of the types of records that the District maintains, their location, and their custodians.

<u>TYPES</u>	<u>LOCATION</u>	<u>CUSTODIAN</u>
Cumulative School Records	School	School Principal
Cumulative School Records (former students)	School	School Principal
Health Records	School	School Principal
Speech Therapy Records	Office of Education for the Handicapped	Supervisor of Speech
Psychological Records	Office of Education for the Handicapped	Supervisor of Pupil Appraisal
School Transportation Records	Transportation Office	Director of Transportation
Special Test Records	School/District Administrative Office	School principal/District Administrative Office
*Occasional Records	School	School Principal

*Student education records not identified above, such as those in Superintendent's Office, in the school attorney's office, or in the possession of teachers

DEFINITIONS

Student - any person who attends or has attended a school in the District.

Eligible Student - a student or former student who has reached age 18 or is attending a post-secondary school.

Parent - either a natural parent of a student, a guardian, or an individual acting as a parent in the absence of the student's parent or guardian.

Education Records - any record (in handwriting, print, tapes, film, or other medium) maintained by the District or an agent of the District which is directly related to a student, except:

1. A personal record kept by a school staff member if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other persons except the maker's temporary substitute.
2. An employment record which is used only in relation to a student's employment by the District.
3. Alumni records which contain information about a student after he or she is no longer in attendance at the District and the records do not relate to the person as a student.

Revised: July, 1992

Revised: October, 1993

Revised: October, 2001

Revised: February, 2003

Revised: December, 2009

Revised: July 16, 2013

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](#), [44:4](#), [44:4.1](#), [44:31](#), [44:32](#)
La. Civil Code, [Art. 131](#), [134](#), [250](#)
Board minutes, [6-2-92](#), [10-5-93](#), [5-7-02](#), [6-3-03](#), [3-16-10](#), [7-16-13](#)

Calcasieu Parish School Board

PERSONNEL RECORDS

The Calcasieu Parish School Board shall require the maintenance of a uniform system of personnel records for all employees. It shall be the responsibility of the Superintendent or designee to keep the records updated and complete in accordance with statutory provisions.

A personnel file shall be accurately maintained in the central administrative office for each present and former employee. These files shall contain applications for employment, references, and records relative to compensation, payroll deductions, evaluations, and such other matters as may be considered pertinent to the proper maintenance of all personnel records. It is the duty of the employee to furnish the personnel office with certificates, transcripts, statements of degrees, and other educational experience related documentation.

The Superintendent shall be designated as custodian of all personnel files and shall have the overall responsibility for maintaining and preserving the confidentiality of the files. The Superintendent may, however, designate another official to perform the duties of records management on the understanding that this official is to be held responsible for granting or denying access to records on the basis of these guidelines.

GENERAL ACCESS TO AN EMPLOYEE'S PERSONNEL FILE

Any school employee requesting to see his/her personnel file shall be given access to his/her entire personnel file, including but not limited to all documents placed in the employee's file on or before September 1, 1987. The contents of a school employee's personnel file shall not be divulged to third parties without the express written consent of the school employee, except when ordered by a court or by subpoena, or in accordance with this policy. No school system employee other than the personnel file custodian or the Superintendent for the system, or the designee of either, who shall be a school system employee, shall be allowed access to a school employee's personnel file without the school employee's expressed written consent, unless that employee is charged with the duty of supervising that particular school employee's performance. A School Board member or any other person authorized pursuant to this policy shall be permitted to examine any and all records of the school system, except school employee records relative to evaluations, observations, formal complaints, and grievances. However, in accordance with La. Rev. Stat. Ann. §17:81, the Board, *upon a majority vote of the total Board membership*, shall have the right to examine any and all records of the school system, including personnel records.

In case a personnel file should be accessed by the Board or anyone else, the employee whose file was so accessed shall receive written notice of the fact and the name and title of the person who was permitted access. All persons permitted access shall maintain the confidentiality of those documents in the file that are not matters of public record.

If an employee wishes to review and/or obtain a copy of his/her personnel file, the employee must make a written request to the Superintendent or his/her designee not less than forty-eight (48) hours before the date the file will be reviewed.

REQUESTS FOR ACCESS AND INSPECTION

Additions to Personnel File

No complaint, commendation, suggestion, or evaluation may be placed in the evaluation file unless it meets the following requirements:

1. Each document concerning a school employee shall be placed in the employee's personnel file within a reasonable time and no document, except those resulting from routine recordkeeping, shall be placed in a school employee's personnel file by any school system employee, unless and until that school employee is presented with the original document and a copy thereof prior to its filing.
2. Upon receipt of the original document and copy of the same, the school employee shall sign the original document as an acknowledgement of the receipt of the copy of the document. Such signature shall not be construed as an agreement to the contents of the document.

Rebuttal and Response

Each school employee shall be given the opportunity to rebut and to respond to a document placed in his/her personnel file including but not limited to any document placed in such file on or before September 1, 1987.

1. The rebuttal and response must be in written form and once filed shall be attached to the document to which the response and rebuttal applies, and thus become a permanent part of the school employee's personnel file as long as the document remains a part of the personnel file.
2. No document or copy thereof, to which a response and rebuttal has been filed, shall be used for any purpose whatsoever unless the rebuttal and response or copy thereof is attached to the document or copy sought to be used.
3. A school employee shall have the right to receive proof of any allegations and statements contained in a document placed in his/her file that the school employee believes to be inaccurate, invalid, or misrepresented. If such proof is not presented, the document containing the allegations and statement shall be removed from the school employee's personnel file and destroyed.

If, at any time, the School Board takes any personnel action against an employee based upon any document that was placed in the employee's file on or before September 1, 1987, the employee shall be given the opportunity to rebut and respond to such document.

Procedure for Filing of Rebuttal and Response

1. Any rebuttal and response to a document placed in a school employee's personnel file shall be filed by the employee within fifteen (15) school days from the date on which the school employee signs the document acknowledging its receipt.
2. The school employee may be granted an additional ten (10) school days for the filing of the rebuttal and response, provided the school employee requests such an extension in writing addressed to the personnel file custodian within the original fifteen-day period. The personnel file custodian's consent to the ten-day extension of time shall not be unreasonably withheld.
3. The rebuttal and response shall be deemed filed by the delivery of the original and one copy of the rebuttal and response to the personnel file custodian. The personnel file custodian shall then sign and date the original rebuttal and response and file the same into the school employee's personnel file. The personnel file custodian shall also sign and date a copy of the rebuttal and response and return the same to the school employee.

CONFIDENTIAL INFORMATION

Certain items in the personnel records of School Board employees shall be confidential, including:

1. The home telephone number of the employee where such employee has chosen to have a private or unlisted home telephone number because of the nature of his/her occupation with such body.
2. The home telephone number of the employee where such employee has requested that the number be confidential.
3. The home address of the employee where such employee has requested that the address be confidential, except it shall be made available to recognized educational groups.
4. The social security number and financial institution direct deposit information as contained in the personnel records of an employee of the School Board. However, when the employee's social security number or financial institution direct deposit information is required to be disclosed pursuant to any other provision of law, including such purposes as child support enforcement, health insurance, retirement reporting, or to officials or employees of the school, School Board, Louisiana Department of Education, or Board of Elementary and Secondary Education (BESE), in the performance of duties or responsibilities of the official or employee, the social security number or financial institution direct deposit information of the employee shall be disclosed pursuant to such provision of law.

The above information shall not be divulged to third parties.

HEALTH AND MEDICAL RECORDS

An employee's health and medical records are deemed confidential and shall be maintained in a separate file apart from the employee's general personnel file. Such records will include:

1. Medical/health records, claim forms, life insurance application, requests for payment of benefits and all other health records of an employee and his/her dependents enrolled in the Calcasieu Parish School Board adopted insurance plan.
2. All medical records of an employee, all records of payment of compensation to an employee or his/her dependent and other records which would ascertain the identity of the injured employee or his/her dependent in a Worker's Compensation action.
3. Medical information obtained as a result of an employee's request for a reasonable work accommodation due to a disability.

There may be instances where an employee's medical information will need to be made available to certain supervisory personnel, such as where a request for a reasonable accommodation has been granted, to inform a supervisor of necessary work duties or restrictions due to an on-the-job injury, emergency treatment required by the employee, or if specific procedures are needed to aid the employee in case of fire or other evacuations. Supervisors, however, shall not have unlimited access to an employee's medical file or to information about an employee's medical condition which is unnecessary to the performance of the employee's job.

Medical information may also be made available to third parties as required by law or business necessity. For example, the School Board may be required to release such information to government officials investigating the School Board's compliance with the *Americans with Disabilities Act*, to state worker's compensation offices in accordance with Louisiana worker's compensation laws, or to insurance companies where the insurer requires a medical examination before providing health or life insurance to employees.

Confidentiality of Employee Group Health/Life Records

As part of successful internal health insurance administration, the Board shall require that employees' health/life eligibility and claim files be maintained in a confidential and uniform manner.

All eligibility and medical claim records of an employee or his/her dependent and all records of benefit payments to an employee, his/her dependent, or medical provider shall be confidential and privileged, shall not be public records and shall be used exclusively for the purpose of claims processing, eligibility determination or statistical record keeping.

Such confidentiality and privilege shall be strictly maintained by the Risk Manager and all Risk Management employees.

Nothing herein shall prohibit the communication of facts or documents that are part of an employee's claim file to that employee or his/her representative. When authorized in writing by the employee, such facts and documents contained in the employee's claim file shall be used exclusively for the purpose of claims administration and communication to third parties is strictly prohibited unless written authorization is received from the employee as indicated above.

Nothing herein shall prohibit the communication of facts, documents, or other information which are part of an employee's claim file to the System's health/life insurance carrier.

Nothing herein shall prevent the use of such records for compilation of statistical data wherein the identity, work site, and job classification of the individual are not disclosed.

As a condition of employment, Risk Management Department employees shall be required to indicate by signature, their knowledge of this confidentiality policy and their agreement to abide by same. Violation of this policy will subject the employee to discipline and upon review by the Superintendent, possibly termination. Further that any breach of confidentiality "post" employment may subject that employee to civil and/or criminal proceedings.

RELEASE OF PERSONNEL RECORDS PERMITTED

There are conditions under which personnel records of employees may be released. These conditions are:

1. Personnel records may be released to persons other than the affected employee with the written consent of the employee or as required by law or the courts.
2. Information relating to dependents and beneficiaries of deceased employees. Requests for such information may be required to be in writing.
3. In all cases, an employee shall have unlimited access to any and all information contained in or pertaining to his/her own health record.

DEFINITIONS

Document means any written or otherwise tangible material intended to be or actually used as a part of or any evidence of the work history of any employee including but not limited to any and all reports, comments, reprimands, correspondence, memoranda, evaluations, observations, and grievances relative to a particular employee.

Personnel file means those file(s) which contain the cumulative collection of any and all documents maintained by the school system with respect to each individual employee.

Personnel file custodians (file custodians) means those persons employed by the school system charged with the duty of maintaining and preserving the personnel files.

Third party means any person or entity not regularly employed, or employed under a contract by the school system in which the employee is employed.

Revised: November, 1993

Revised: January, 1997

Revised: November, 1999

Revised: October, 2001

Revised: November, 2003

Revised: November, 2006

Ref: [5 USCA 552](#) (*Privacy Act of 1974*)

La. Rev. Stat. Ann. §§[17:81](#), [17:440](#), [17:1231](#), [17:1232](#), [17:1233](#), [17:1234](#),
[17:1235](#), [17:1236](#), [17:1237](#), [17:1238](#), [23:1127](#), [23:1293](#), [44:1](#), [44:2](#), [44.4](#),
[44:11](#), [44:12](#)

Board minutes, [9-5-95](#), [5-7-02](#), [5-11-04](#), [2-6-07](#)

Calcasieu Parish School Board