

Policy JO-1: STUDENT RECORDS

Status: DRAFT

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**24B UPDATE EXPLANATION
(VERSION 1)**

Senate Bill 106 (2023) requires that districts retain student individualized education programs (IEPs), individualized family service plans (IFSPs), and Section 504 plans as permanent records. The statute goes on to state that the district "cannot destroy the most recent" record, so it is currently unclear whether all these records must be kept permanently or just the most current version. Until this is clarified, MSBA recommends this language that requires records retention "as required by law."

(K-12 Districts)

In order to provide students with appropriate instruction and educational services, it is necessary for the district to maintain extensive and sometimes personal information about students and families. These records must be kept confidential in accordance with law, but must also be readily available to district personnel who need the records to effectively serve district students.

The superintendent or designee will provide for the proper administration of student records in accordance with law, develop appropriate procedures for maintaining student records, and standardize procedures for the collection and transmittal of necessary information about individual students throughout the district. The superintendent and building principals will develop a student records system that includes protocols for releasing student education records. Principals are responsible for maintaining and protecting student education records in each school. The superintendent or designee will make arrangements so that all district employees are trained annually on the confidentiality of student education records, as applicable for each employee classification.

Definitions

Eligible Student – A student or former student who has reached age 18 or is attending a postsecondary school.

Parent – A biological or adoptive parent of a student, a guardian of a student, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Student – Any person who attends or has attended a school in the school district and for whom the district maintains education records.

Health Information

Student health information is a type of student record that is particularly sensitive and protected by numerous state and federal laws. Student health information shall be protected from unauthorized, illegal, or inappropriate disclosure by adherence to the principles of confidentiality and privacy. The information shall be protected regardless of whether the information is received orally, in writing, or electronically and regardless of the type of record or method of storage.

Parent and Eligible Student Access

All parents may inspect and review their student's education records, seek amendments, consent to disclosures, and file complaints regarding the records as allowed by law unless a court order, statute, or legally binding document prohibits such access. These rights transfer from the parent to the student once the student becomes an eligible student; however, under the Missouri Sunshine Law, parents maintain some rights to inspect student records even after a student turns 18. The district will extend the same access to records to either parent, regardless of divorce, custody, or visitation rights, unless the district is provided with evidence that the parent's rights to inspect records have been legally modified.

If a parent or eligible student believes an education record related to the student contains information that is inaccurate, misleading, or in violation of the student's privacy, the parent or eligible student may use the appeals procedures created by the superintendent or designee to request that the district amend the record.

The district will annually notify parents and eligible students of their rights in accordance with law.

Directory Information

Directory information is information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed without the consent of a parent or eligible student. The district will designate the types of information included in directory information and release this information without first obtaining consent from a parent or eligible student unless a parent or eligible student notifies the district in writing as directed **or unless disclosure is otherwise prohibited by law**. Parents and eligible students will be notified annually of the information the district has designated as directory information and the process for notifying the district if they do not want the information released.

Even if parents or eligible students notify the district in writing that they do not want directory information disclosed, the district may still disclose the information if required or allowed to do so by law. For example, the district may require students to disclose their names, identifiers, or district email addresses in classes in which they are enrolled, or students may be required to wear, publicly display, or disclose a student identification card or badge that exhibits information that is designated as directory information.

The school district designates the following items as directory information.

General Directory Information – The following information the district maintains about a personally identifiable student may be disclosed by the district to the school community through, for example, district publications, or to any person without first obtaining written consent from a parent or eligible student:

Student's name; date of birth; parents' names; grade level; enrollment status (e.g., full-time or part-time); student identification number; user identification or other unique personal identifier used by the student for the purposes of accessing or communicating in electronic systems as long as that information alone cannot be used to access protected educational records; participation in district-sponsored or district-recognized activities and sports; weight and height of members of athletic teams; athletic performance data; dates of attendance; degrees, honors, and awards received; artwork or coursework displayed by the district; schools or school districts previously attended; and photographs, videotapes, digital images, and recorded sound unless such records would be considered harmful or an invasion of privacy.

Limited Directory Information – In addition to general directory information, the following information the district maintains about a personally identifiable student may be disclosed to parent groups or booster clubs that are recognized by the board and are created solely to work with the district, its staff, students, and parents and to raise funds for district activities for the purposes of encouraging membership or participation in the group or club; parents of other students enrolled in the same school as the student whose information is released when the release is for the purpose of facilitating communication between parents; governmental entities including, but not limited to, law enforcement, the juvenile office, and the Children's Division (CD) of the Department of Social Services for official governmental purposes:

The student's address, telephone number, and email address and the parents' addresses, telephone numbers, and email addresses.

The district may require a person or entity that requests limited directory information to certify in writing that the information will not be redisclosed without the prior written consent of the parent or eligible student.

Law Enforcement Access

The district may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in federal law.

If the district reports a crime committed by a student with a disability as defined in the Individuals with Disabilities Education Act (IDEA), the district will transmit copies of the special education and disciplinary records to the authorities to whom the district reported the crime as allowed by law.

Law enforcement officials also have access to directory information and may obtain access to student education records in emergency situations as allowed by law. Otherwise, law enforcement officials must obtain a subpoena or

State References

MO COURT

Description

[Oregon County R-VI Sch. Dist. v. LeMon, 739 S.W.2d 533 \(Mo. Ct. App. 1987\)](#)

Federal References

20 U.S.C. § 1232g
20 U.S.C. § 1232h
20 U.S.C. § 1400-1417
20 U.S.C. § 7908
29 U.S.C. § 794
34 C.F.R Part 104
42 U.S.C. §§ 12101-12213

Description

[Family Educational Rights and Privacy Act](#)
[Protection of Pupil Rights Amendment](#)
[Individuals with Disabilities Education Act](#)
[Elementary and Secondary Education Act](#)
[Section 504 of the Rehabilitation Act of 1973](#)
[Section 504 of the Rehabilitation Act of 1973](#)
[Americans with Disabilities Act](#)

Cross References

BBFA-1

BDC

EFB

EHB

EHB-AP(1)

EHB-AP(2)

EHBC

EHBC-AP(1)

EHBC-AP(2)

EHBC-AP(3)

GBAD

GBAD-AP(1)

GBCB

GBCBB

IGAB

IGB

IGB-AP(1)

IGBA-1

IGBA-1-AP(1)

IGBA-1-AP(2)

IGBCB

IGBCB-AP(1)

IGBE-1

IGBE-1-AP(1)

IGDB

IIAC

Description

[BOARD MEMBER CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE](#)

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[SPECIAL EDUCATION](#)

[SPECIAL EDUCATION - \(Services for Incarcerated Youth\)](#)

[SPECIAL EDUCATION - \(Evaluation Criteria for District and Independent Evaluations\)](#)

[PROGRAMS FOR MIGRATORY STUDENTS](#)

[PROGRAMS FOR MIGRATORY STUDENTS - \(K-12 Districts\)](#)

[STUDENTS IN FOSTER CARE](#)

[STUDENTS IN FOSTER CARE - \(Dispute Resolution Process\)](#)

[STUDENT PUBLICATIONS](#)

[INSTRUCTIONAL MEDIA CENTERS/SCHOOL LIBRARIES](#)

Cross References

IL-AP(1)

IL-1

KB

KB-AP(1)

KDA

KI

KKB

KNAJ

Description[ASSESSMENT PROGRAM - \(State-Mandated Reading Assessment Program\)](#)[ASSESSMENT PROGRAM](#)[PUBLIC INFORMATION PROGRAM](#)[PUBLIC INFORMATION PROGRAM](#)[CUSTODIAL AND NONCUSTODIAL PARENTS](#)[PUBLIC SOLICITATIONS/ADVERTISING IN DISTRICT FACILITIES](#)[AUDIO AND VISUAL RECORDING](#)[RELATIONS WITH LAW ENFORCEMENT AUTHORITIES](#)

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