

**STUDENT RECORDS AND ACCESS**

In order to serve the needs of individual students, extensive records of their school performance, progress in testing and scheduling requests are maintained. However, the school respects students' and parents' right to know, and follow these guidelines consistent with federal, state, and local laws and recommendations.

1. Parents and eligible students wishing to inspect student records must file a written request to do so with the Principal or Designee. Such inspection shall take place during regular school hours or at reasonable times during vacation periods but not during weekends or holidays.
2. Single copies of appropriate records will be made available to parents. Records of all copies made, date copies made and who was provided the copies will be kept in the student's file.
3. Records are maintained for each student in the following categories: directory information, academic records, standardized and individual testing, individual education plans and pupil placement team recommendations, attendance and enrollment data and health records.
4. Information of any kind other than directory information will not be disclosed without prior written consent of the parent or eligible student, except as permitted by law.
5. The school shall make a written record of the disclosure of all student information, except directory information, and such record will be kept in the student's file. This record of disclosure is also available for inspection by the parent or eligible student. A record of inspections will also be kept.
6. Amendment of Records – The parent or eligible student may request that the records be amended in respect to information alleged to be inaccurate, misleading or in violation of the privacy rights of the student. Such request shall be in writing, dated, and addressed to the Principal.

In the event that the School District decides to refuse the request to amend, the Principal shall inform the parent or eligible student, and shall advise said person of his/her rights to a hearing, in compliance with the law.

See PL 93-380

**Student Records**

This policy is adopted pursuant to the federal "Family Educational and Privacy Act of 1974", and other applicable statutes governing student records so as to ensure a uniform policy of access to student records.

This policy is not intended to determine what information shall be included in student records, or to govern the periodic destruction of irrelevant unnecessary or dated information.

**STUDENT RECORDS AND ACCESS**  
**(Continued)**

However, student records are intended to include factual information and care should be taken to ensure that material placed therein shall meet those requirements.

**1. Access to said records shall be furnished to the following persons:**

- a. Authorized School District personnel, counselors, teachers of that student, and administrators.
- b. The student's parent or legal guardian.
- c. The student, if over 18 or attending an institution of higher learning and not enrolled in the local School District.
- d. The Comptroller General of the United States, the administrative head of a state or federal educational agency and authorities of New Hampshire State Educational Agencies and the authorized representatives of the above.

**2. Other Third Parties**

Access to such records shall be furnished to others only upon the written consent of the parents of the student, the student himself if over 18, or in response to a judicial subpoena upon notice to the student or his/her parents or guardians.

**3. Review of Records**

To ensure proper interpretation and understanding of information contained in student records or personally identifiable records, a counselor or building administrator must be present to provide assistance at the time of the inspection of such records including psychological tests. If psychological studies or background information is sought, the counselor or administrator shall arrange for the presence of the school psychologist at the time of inspection to interpret, explain or assist in the understanding of such information.

**4. Confidential Records**

- a. Records pertaining to child abuse, law enforcement activities, medical records, and investigation of criminal acts, shall be maintained in separate files by the building Principal or a designated representative. Such records shall be deemed confidential information under the provisions of New Hampshire Revised Status Annotated Education Laws RSA 91-A:5. Access to Public Records which pertain to personal privacy and law enforcement investigatory files and shall not be released to any person or agency except upon the instruction of the Superintendent. In no event shall such records be used as the basis for the preparation of reports or recommendations on an individual basis.

Such records, when kept, shall only be used to ensure compliance with the statute governing child abuse, to protect the property and persons of the students and personnel of the School District, to make necessary investigations of actual or suspected criminal activities and to render assistance as necessary to law enforcement officers and agencies.

**STUDENT RECORDS AND ACCESS**  
**(continued)**

- b. Unverified data of serious or recurrent behavior patterns will not be included in records to which access will be given nor shall such data be used in reports or recommendations made to any individual or agency outside the school system.
- c. The term “educational records” does not include records of institutional, supervisory and administrative personnel ancillary thereto which are in sole possession of the maker thereof and which are not accessible or revealed to any other person.
- d. At the beginning of each school year, parents will be given written notification through student handbooks or other means of publication of the categories of information which have been designated as “directory information” with respect to each student attending the local School District. By the third Monday following the opening of school in September, a parent or student over 18 years of age shall notify the appropriate Principal of their desire that any or all of the information designated should not be released without the parent or student’s prior consent.

**“Directory Information” relating to a student includes the following:**

- (1) The student’s name, address, date of birth
- (2) Major field of study
- (3) Participation in officially recognized activities and sports
- (4) Weight and height of members of athletic teams
- (5) Dates of attendance
- (6) Awards and honors received

**5. Procedures Governing Access**

- a. The parent, student or guardian shall sign a request form
- b. Permissible third parties shall sign a request form
- c. In cases involving a third party, the student over 18, parent or guardian shall sign a consent form. Forms used will identify the records to which access is sought and will be placed in the student’s file as a record of the request.
- d. Access will be refused or granted depending upon the propriety of the request and validity of the forms furnished by the counselors and/or building Principal.
- e. If the request for access is refused, and the party who requested access objects to said refusal, said request will be referred to the Superintendent for final decision.
- f. Custodians of student records:
  - Elementary – possession by elementary Principal
  - Secondary – possession by Administrators who supervise the Director of Guidance

**STUDENT RECORDS AND ACCESS**  
**(continued)**

- Special Education – SPED Facilitator in each building – possession by Director of Special Education
- Handicapped – possession by Director of Special Education

**6. Challenges to Records**

The parent(s), guardian(s) and/or student 18 years of age or older shall have an opportunity for a hearing to challenge the content of the school record, to ensure the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein.

- a. The parent(s)/guardian(s) and/or student 18 years of age or older shall have an opportunity to identify in writing, addressed to the building Principal, the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, together with a statement of the reasons for the challenge to the record.
- b. A response by the building Principal shall be made within fourteen days indicating he/she finds the challenged records to be inaccurate, misleading or otherwise inappropriate and that it will be corrected or deleted; or that he/she finds no basis for correcting or deleting the records in question, but that the parent or student will be given an opportunity for a hearing upon receipt of written request by the parent(s) or guardian(s) or student over 18.
- c. A hearing, if requested, shall be held within a reasonable period of time, but in no case more than 45 days after receipt of such a request by the Superintendent of Schools. The parent(s), guardian(s) or student 18 years or older, should be given the right to present evidence in support of his/her belief that the record is erroneous and to rebut any evidence submitted in support of the record. A written decision should be rendered stating the disposition of the challenge to the record and the reasons for the determination. Although the hearing may be informal in nature, the processes used shall ensure fairness and impartiality.  
In cases involving a constitutionally protected right, the School District Attorney should be consulted with respect to the hearing procedure and the degree of formality required.
- d. A fee shall be charged for copies made of records authorized to be disclosed at a rate of twenty-five cents per page or fraction thereof.

**NEW BOSTON SCHOOL DISTRICT**

**JRA-R**

**LOCAL SCHOOL DISTRICT**

Date \_\_\_\_\_

**Third-Party Requests**

I, (We), request the following information from the school records of:

\_\_\_\_\_

My authority for making this request is:

\_\_\_\_\_

I am authorized by law to have access to said records or I attach the consent of the student and/or his/her parent or legal guardian.

I agree not to release said information to any other person or party except as said release may be authorized by law.

(X out inapplicable material)

\_\_\_\_\_  
Signature and Title

Name of Agency \_\_\_\_\_

Address \_\_\_\_\_

**First-Party Request**

Date \_\_\_\_\_

I, \_\_\_\_\_, (am over 18) (am attending an institution of higher learning) (am the parent or legal guardian of) \_\_\_\_\_

\_\_\_\_\_

The specific records I should like to inspect are: (please indicate specific areas, i.e., student folder, athletic, scholastic, reading scores, test results, attendance, etc.)

(X out inapplicable material)

\_\_\_\_\_  
Signature

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**SCHOOL DISTRICT**

**First-Party Consent**

I, \_\_\_\_\_, consent to the inspection of the school records of \_\_\_\_\_ by \_\_\_\_\_ or consent that the following information be mailed to them. I am the student involved and am over 18, or his/her parent or legal guardian. The records may be personally inspected or mailed to them as they request. This consent pertains to all records usually furnished in the best judgment of the School District authorities or limited as stated in the School Policy on Student Records. (X-out inapplicable material)

\_\_\_\_\_

Signature

**ACCESS TO STUDENT RECORDS**

**NOTICE CONCERNING STUDENT RECORDS**

Parents or guardians of local students and students 18 years of age and older who desire such "Directory Information" not be released for publication shall notify the appropriate Principal in writing by the third Monday in September.

All other information contained in educational records cannot be released without the written consent of the parents or eligible students with certain exceptions.

- a. Release to intra-institutional officials such as teachers, counselors, and administrators.
- b. Release to other schools where the student is seeking to enroll.
- c. Release to federal and state officials for the purpose of evaluating or auditing a program receiving federal or state support.
- d. Release of information in connection with a student's application for financial aid.
- e. Release to official accrediting organizations in conjunction with the accreditation process.
- f. Release of necessary information in cases of health or safety emergencies.
- g. Release to state and local officials if statutes or regulations requiring release were adopted prior to November 19, 1974.
- h. Release to organizations or persons developing validation information or conducting predictive testes.

## NEW BOSTON SCHOOL DISTRICT

JRA-R

**SCHOOL DISTRICT  
(continued)**

- i. Release of such information as tuition bills and grades to parents of dependent students.
- j. Release of information pursuant to judicial order or subpoena.

Parents or guardians wishing to have access to the records of their children should contact either the school Principal or school counselors. Records pertaining to individual students may include standardized test scores, permanent record card, achievement and health records.

**Objective**

The objective of the student record policy/regulation is to protect the rights and privacy of students and parents and to assure the welfare of the child.

1. An accurate cumulative record shall be maintained on each student including "... but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized, intelligence, aptitude and psychological tests, interest inventory results, health data, family background information, teacher or counselor observations and verified reports of serious or recurrent behavior patterns."
2. The Principal shall be the record manager for the school and shall assume responsibility for maintaining and preserving confidentiality of school records. He/she may, however, designate another school official to perform the duties of records manager. The record manager shall be responsible for reviewing and deleting information in each cumulative folder in accordance with District guidelines.
3. Records shall be made available in a reasonable length of time, but in no case more than 45 days after request has been made in writing to the record manager. The records may be inspected by the parents, guardians, and all students once they reach eighteen in the presence of the record manager or his/her designate.
4. Parents, guardians or students, if over 18, have the right to "a hearing to challenge the content of their child's school records, to ensure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein."
5. Broad, comparative results of standardized tests may be reported in general terms to the public.
6. Records, not including identification, may be released for statistical studies by the record manager with the knowledge of the principal and the consent of the Superintendent of Schools.

**NEW BOSTON SCHOOL DISTRICT**

**JRA-R**

**SCHOOL DISTRICT  
(continued)**

7. Information from records of individual students will be available to juvenile court when requested in writing by proper officials with the parent, guardian, and/or student over 18 years being informed in writing.
8. After a student leaves the School District, records shall be kept on file for 3 years; except that records for students who have been enrolled in special education programs shall be maintained until the individual is 28 years old.
9. Notify parents of the adult student at the time that the student graduates, ages out, or moves that the school district will retain the records until some specified future date and that the district reserves the right to destroy the student's records at any time after the specified date.

*General Education Provision Act, Section 438-1974*

Reference: JRA

Proposed: 12/12/02  
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Proposed: 01/28/15  
Adopted: 03/18/15

NHSBA Review: 01/23/14