

# KIPP: Nashville Board of Directors

Monitoring:	Descriptor Term:	Policy:	Issued:
Annually	<b>Student Records</b>	6600	12/6/2019

1 A cumulative record shall be kept for each student enrolled in school. The folder shall contain a  
2 health record, attendance record, and scholarship record; shall be kept current; and shall  
3 accompany the student through his/her school career.<sup>1</sup>

4 The name used on the record of the entering student must be the same as that shown on the  
5 birth certificate, unless evidence is presented that such name has been legally changed. If the  
6 parent does not have, or cannot obtain a birth certificate, then the name used on the records of  
7 such student shall be as shown on documents which are acceptable as proof of date of birth.

8 When a student transfers to another school, copies of the student's records, including the  
9 student's disciplinary records, shall be sent to the transfer school.<sup>2</sup>

10 All records shall be remitted in accordance with the Family Education Rights and Privacy Act  
11 (FERPA).<sup>18</sup>

## 12 ACCESS TO STUDENT RECORDS

13 Student records shall be confidential. Authorized school officials shall have access to and permit  
14 access to student education records for legitimate educational purposes.<sup>3</sup> A "legitimate  
15 educational interest" is the official's need to know information in order to:

- 16 1. Perform required administrative tasks;
- 17 2. Perform a supervisory or instructional task directly related to the student's education;  
18 and
- 19 3. Perform a service or benefit for the student or the student's family such as health care,  
20 counseling, student job placement, or student financial aid.

21 Authorized school officials may release information from or permit access to a student's  
22 education record without the parent(s) or eligible student's\* prior written consent in the  
23 following instances:

- 24 1. To comply with a judicial order or lawfully issued subpoena. KIPP Nashville will make a  
25 reasonable effort to notify the student's parent(s) or the eligible student before making  
26 a disclosure;<sup>4</sup>

- 27 2. If the disclosure is an item of “directory information” as defined on page 8 of this  
28 policy;<sup>5</sup>
- 29 3. To comply with the requirements of child abuse reports to the extent known by the  
30 school officials including the name, address, and age of the child; the name and address  
31 of the person responsible for the care of the child, and the facts requiring the report;<sup>6</sup>
- 32 4. When certain federal and state officials need information in order to audit or enforce  
33 legal conditions related to federally-supported education programs at KIPP Nashville;<sup>7</sup>
- 34 5. When KIPP Nashville has entered into a contract or written agreement for an  
35 organization to conduct scientific research on KIPP Nashville’s behalf to develop tests or  
36 improve instruction, provided that the studies are conducted in a manner which will not  
37 permit the personal identification of students and their parents by individuals other  
38 than representatives of the organization and the information will be destroyed when no  
39 longer needed for the purpose for which the study was conducted;<sup>8</sup>
- 40 6. To appropriate officials if the parent(s) claim the student as a dependent as defined by  
41 the Internal Revenue Code;<sup>9</sup>
- 42 7. To accrediting organizations to carry out their accrediting functions;<sup>10</sup>
- 43 8. When a student seeks or intends to enroll in another school district or a post-secondary  
44 school. Parent(s) of students or eligible students have a right to obtain copies of records  
45 transferred under this provision;<sup>11</sup>
- 46 9. To financial institutions or government agencies that provide or may provide financial  
47 aid to a student in order to establish eligibility, to determine the amount of financial aid,  
48 to establish conditions for the receipt of financial aid, and to enforce financial aid  
49 agreements;<sup>12</sup>
- 50 10. To make the needed disclosure in a health or safety emergency when warranted by the  
51 seriousness of the threat to the student or other persons, when the information is  
52 necessary and needed to meet the emergency, when time is an important and limiting  
53 factor, and when the persons to whom the information is to be disclosed are qualified  
54 and in a position to deal with the emergency;<sup>13</sup>
- 55 11. To the Attorney General or his designee for official purposes related to the investigation  
56 or prosecution of an act of domestic or international terrorism. An educational agency  
57 that, in good faith, produces education records in accordance with an order issued  
58 under this Act shall not be liable to any person for that production;<sup>14</sup>
- 59 12. To any agency caseworker or other representative of a state or local child welfare  
60 agency or tribal organization authorized to access the student's educational records  
61 when such agencies or organizations are legally responsible for the care and protection  
62 of the student;<sup>15</sup>

Authorized school officials may release information from a student's education record if the student's parent(s) or the eligible student gives written consent for the disclosure. The written consent must include:<sup>16</sup>

1. A specification of the records to be released;
2. The reasons for the disclosure;
3. The person, organization, or class of persons or organizations to whom the disclosure is to be made;
4. The signature of the parent(s) or eligible student;
5. The date of the consent and, if appropriate, a date when the consent is to be terminated. The student's parent(s) or the eligible student\* may obtain a copy of any records disclosed under this provision.

KIPP Nashville will maintain an accurate record of all requests to disclose information from or to permit access to a student's education records. KIPP Nashville will maintain an accurate record of information it discloses and access it permits. KIPP Nashville will maintain this record as long as it maintains the student's education record.<sup>17</sup>

The record will include at least:<sup>17</sup>

1. The name of the person or agency that makes the request;
2. The interest the person or agency has in the information;
3. The date the person or agency makes the request; and
4. Whether the request is granted and, if it is, the date access is permitted or the disclosure is made.

*\* The student becomes an "eligible student" when he/she reaches age 18 or enrolls in a post-secondary school, at which time all of the above rights become the student's right.*

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#### 64 **Notification of Rights under FERPA for Elementary and Secondary Schools**

65 The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18  
66 years of age or older ("eligible students") certain rights with respect to the student's education  
67 records. These rights are:

68

- 69 (1) The right to inspect and review the student's education records within 45 days after  
70 the day the school receives a request for access.

71

72 Parents or eligible students who wish to inspect their child's or their education  
73 records should submit to the school principal [or appropriate school official] a  
74 written request that identifies the records they wish to inspect. The school official  
75 will make arrangements for access and notify the parent or eligible student of the  
76 time and place where the records may be inspected.

77

- 78 (2) The right to request the amendment of the student's education records that the  
79 parent or eligible student believes are inaccurate, misleading, or otherwise in  
80 violation of the student's privacy rights under FERPA.

81  
82 Parents or eligible students who wish to ask the school to amend their child's or  
83 their education record should write the school principal [or appropriate school  
84 official], clearly identify the part of the record they want changed and specify why it  
85 should be changed. If the school decides not to amend the record as requested by  
86 the parent or eligible student, the school will notify the parent or eligible student of  
87 the decision and of their right to a hearing regarding the request for amendment.  
88 Additional information regarding the hearing procedures will be provided to the  
89 parent or eligible student when notified of the right to a hearing.  
90

- 91 (3) The right to provide written consent before the school discloses personally  
92 identifiable information (PII) from the student's education records, except to the  
93 extent that FERPA authorizes disclosure without consent.

94  
95 One exception, which permits disclosure without consent, is disclosure to school  
96 officials with legitimate educational interests. The criteria for determining who  
97 constitutes a school official and what constitutes a legitimate educational interest  
98 must be set forth in the school's or school district's annual notification for FERPA  
99 rights. A school official typically includes a person employed by the school or school  
100 district as an administrator, supervisor, instructor, or support staff member  
101 (including health or medical staff and law enforcement unit personnel) or a person  
102 serving on the school board. A school official also may include a volunteer,  
103 contractor, or consultant who, while not employed by the school, performs an  
104 institutional service or function for which the school would otherwise use its own  
105 employees and who is under the direct control of the school with respect to the use  
106 and maintenance of PII from education records, such as an attorney, auditor,  
107 medical consultant, or therapist; a parent or student volunteering to serve on an  
108 official committee, such as a disciplinary or grievance committee; or a parent,  
109 student, or other volunteer assisting another school official in performing his or her  
110 tasks. A school official typically has a legitimate educational interest if the official  
111 needs to review an education record in order to fulfill his or her professional  
112 responsibility.  
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- 114 (4) The right to file a complaint with the U.S. Department of Education concerning  
115 alleged failures by the school to comply with the requirements of FERPA. The name  
116 and address of the Office that administers FERPA are:

117  
118 Family Policy Compliance Office  
119 U.S. Department of Education  
120 400 Maryland Avenue, SW  
121 Washington, DC 20202

122  
123 FERPA permits the disclosure of PII from students' education records, without consent of the  
124 parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the  
125 FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial  
126 orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the  
127 parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the  
128 disclosure. Parents and eligible students have a right to inspect and review the record of  
129 disclosures. A school may disclose PII from the education records of a student without  
130 obtaining prior written consent of the parents or the eligible student –

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- 132 • To other school officials, including teachers, within the educational agency or  
133 institution whom the school has determined to have legitimate educational  
134 interests. This includes contractors, consultants, volunteers, or other parties to  
135 whom the school has outsourced institutional services or functions, provided that  
136 the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
  - 137 • To officials of another school, school system, or institution of postsecondary  
138 education where the student seeks or intends to enroll, or where the student is  
139 already enrolled if the disclosure is for purposes related to the student's enrollment  
140 or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
  - 141 • To authorized representatives of the U. S. Comptroller General, the U.S. Attorney  
142 General, the U.S. Secretary of Education, or State and local educational authorities,  
143 such as the State educational agency (SEA) in the parent or eligible student's State.  
144 Disclosures under this provision may be made, subject to the requirements of §  
145 99.35, in connection with an audit or evaluation of Federal- or State-supported  
146 education programs, or for the enforcement of or compliance with Federal legal  
147 requirements that relate to those programs. These entities may make further  
148 disclosures of PII to outside entities that are designated by them as their authorized  
149 representatives to conduct any audit, evaluation, or enforcement or compliance  
150 activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and  
151 99.35)
  - 152 • In connection with financial aid for which the student has applied or which the  
153 student has received, if the information is necessary for such purposes as to  
154 determine eligibility for the aid, determine the amount of the aid, determine the  
155 conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
  - 156 • To State and local officials or authorities to whom information is specifically allowed  
157 to be reported or disclosed by a State statute that concerns the juvenile justice  
158 system and the system's ability to effectively serve, prior to adjudication, the  
159 student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
  - 160 • To organizations conducting studies for, or on behalf of, the school, in order to: (a)  
161 develop, validate, or administer predictive tests; (b) administer student aid  
162 programs; or (c) improve instruction, if applicable requirements are met. (§  
163 99.31(a)(6))
  - 164 • To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))

- 165 • To parents of an eligible student if the student is a dependent for IRS tax purposes.  
166 (§ 99.31(a)(8))
- 167 • To comply with a judicial order or lawfully issued subpoena if applicable  
168 requirements are met. (§ 99.31(a)(9))
- 169 • To appropriate officials in connection with a health or safety emergency, subject to §  
170 99.36. (§ 99.31(a)(10))
- 171 • Information the school has designated as “directory information” if applicable  
172 requirements under § 99.37 are met. (§ 99.31(a)(11))
- 173 • To an agency caseworker or other representative of a State or local child welfare  
174 agency or tribal organization who is authorized to access a student’s case plan when  
175 such agency or organization is legally responsible, in accordance with State or tribal  
176 law, for the care and protection of the student in foster care placement. (20 U.S.C. §  
177 1232g(b)(1)(L))
- 178 • To the Secretary of Agriculture or authorized representatives of the Food and  
179 Nutrition Service for purposes of conducting program monitoring, evaluations, and  
180 performance measurements of programs authorized under the Richard B. Russell  
181 National School Lunch Act or the Child Nutrition Act of 1966, under certain  
182 conditions. (20 U.S.C. § 1232g(b)(1)(K))

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184 All media releases issued by KIPP Nashville shall comply with FERPA regulations and protect the  
185 confidentiality of student information. As part of each student’s enrollment documentation, the  
186 student’s parent/guardian shall either provide consent or opt out of media releases containing  
187 the student’s name, photograph, or work.

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#### 189 **Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)**

190 PPRA affords parents of elementary and secondary students certain rights regarding the  
191 conduct of surveys, collection and use of information for marketing purposes, and certain  
192 physical exams. These include, but are not limited to, the right to:

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- 194 • *Consent* before students are required to submit to a survey that concerns one or more  
195 of the following protected areas (“protected information survey”) if the survey is funded  
196 in whole or in part by a program of the U.S. Department of Education (ED)–
  - 197 ○ Political affiliations or beliefs of the student or student’s parent;
  - 198 ○ Mental or psychological problems of the student or student’s family;
  - 199 ○ Sex behavior or attitudes;
  - 200 ○ Illegal, anti-social, self-incriminating, or demeaning behavior;
  - 201 ○ Critical appraisals of others with whom respondents have close family  
202 relationships;
  - 203 ○ Legally recognized privileged relationships, such as with lawyers, doctors, or  
204 ministers;
  - 205 ○ Religious practices, affiliations, or beliefs of the student or student’s parent; or
  - 206 ○ Income, other than as required by law to determine program eligibility.

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- 208
- *Receive notice and an opportunity to opt a student out of –*
    - Any other protected information survey, regardless of funding;
    - Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
    - Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)
  - *Inspect, upon request and before administration or use –*
    - Protected information surveys of students and surveys created by a third party;
    - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
    - Instructional material used as part of the educational curriculum.
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228 These rights transfer from the parents to a student who is 18 years old or an emancipated

229 minor under State law.

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231 KIPP Nashville has developed policies, in consultation with parents, regarding these rights, as

232 well as arrangements to protect student privacy in the administration of protected information

233 surveys and the collection, disclosure, or use of personal information for marketing, sales, or

234 other distribution purposes. KIPP Nashville will directly notify parents of these policies at least

235 annually at the start of each school year and after any substantive changes. KIPP Nashville will

236 also directly notify, such as through U.S. Mail or email, parents of students who are scheduled

237 to participate in the specific activities or surveys noted below and will provide an opportunity

238 for the parent to opt his or her child out of participation of the specific activity or survey. KIPP

239 Nashville will make this notification to parents at the beginning of the school year if the District

240 has identified the specific or approximate dates of the activities or surveys at that time. For

241 surveys and activities scheduled after the school year starts, parents will be provided

242 reasonable notification of the planned activities and surveys listed below and be provided an

243 opportunity to opt their child out of such activities and surveys. Parents will also be provided an

244 opportunity to review any pertinent surveys. Following is a list of the specific activities and

245 surveys covered under this direct notification requirement:

246

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
  - Administration of any protected information survey not funded in whole or in part by ED.
  - Any non-emergency, invasive physical examination or screening as described above.
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253 Parents who believe their rights have been violated may file a complaint with:

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255 Family Policy Compliance Office  
256 U.S. Department of Education  
257 400 Maryland Avenue, SW  
258 Washington, D.C. 20202

259  
260 **DIRECTORY INFORMATION**

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262 “Directory information” means information contained in an education record of a student  
263 which would not generally be considered harmful or an invasion of privacy if disclosed. It  
264 includes, but is not limited to the student's name, address, telephone number, e-mail address,  
265 photograph, date and place of birth, dates of attendance, grade level, enrollment status,  
266 participation in officially recognized activities and sports, weight and height of members of  
267 athletic teams, degrees, honors and awards received, and the most recent educational agency  
268 or institution attended.

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270 Student directory information for 11th and 12th graders shall be made available upon request  
271 to persons or groups which make students aware of occupational and educational options,  
272 including official recruiting representatives of the military forces of the State and the United  
273 States.

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275 \*The student becomes an “eligible student” when he/she reaches age 18 or enrolls in a post-  
276 secondary school, at which time all of the above rights become the student’s rights.

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Legal References

1. 20 USCS 1232g; TCA 10-7-503, 504; TRR/MS 0520-01-03-.03(13)
2. TCA 49-6-3001(c)(1)
3. TCA 10-7-504(a)(4); 20 USCS 1232g
4. 20 USCS 1232g(b)(2)(B)
5. 20 USCS 1232g(b)(2); TCA 10-7-504(a)(4)(A)
6. TCA 37-1-403
7. 20 USCS 1232g(b)(3)
8. 20 USCS 1232g(b)(1)(F)
9. 20 USCS 1232g(b)(1)(H)
10. 20 USCS 1232g(b)(1)(G)
11. TRR/MS 0520-01-03-.03(11)(e)
12. 20 USCS 1232g(b)(1)(D)
13. 20 USCS 1232g(b)(1)(I)
14. 20 USCS 1232g(j); USA Patriot Act of 2001 § 507
15. 20 USCS 1232g
16. 34 CFR 99.30
17. 34 CFR 99.32(a)

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Cross References

- SBE LEA Policy 6600  
TSBA 6.600

18. TCA 49-1-701, et seq.