

General Education Provisions Act

Student Rights

Whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student. (45 CFR 99.4).

General Education Provisions Act

Notification Requirements

1. The District shall annually provide notice to parents, guardians and students of those records determined by the District to be "directory information." The notification shall include the District's compliance with federal law requiring access to student information by branches of the United States Armed Services. The notification shall include information regarding how to opt out of the release of said information.
2. Immediately upon receipt of a lawfully issued subpoena, each school principal or other official receiving such subpoena shall notify at least one of the parents (or guardians) and the affected student of receipt of such subpoena. Such notification shall be made by the most expeditious means available. It may be oral (including use of the telephone) or in writing, but in any event the person giving such notice shall keep a written record of the persons so notified and of the manner, date, and means utilized.

General Education Provisions Act

Access to Records

1. The principal of each school shall provide parent/guardian(s) or eligible students access to the education records of the students, except that there is no obligation to make available to students in institutions of post-secondary education of the following materials:
 - A. Financial records of the parent/guardian(s) of the student or any information contained therein.
 - B. Confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended.
 - C. If the student has signed a waiver of the student's right of access to confidential information:
 - (1) Respecting admission to any educational agency or institution;
 - (2) Respecting an application for employment; and
 - (3) Respecting the receipt of an honor or honorary recognition.
2. The right of access specified in this policy shall include:
 - A. The right to be provided a list of the types of education records which are maintained by the district and are directly related to students.
 - B. The right to inspect and review the content of those records, in the presence of a district official.
 - C. The right to obtain copies of those records, which may be at the expense of the parent/guardian(s) or the eligible student (but not to exceed the actual cost to the district of reproducing such copies).
 - D. The right to a response from the district to reasonable requests for explanations and interpretations of those records.
 - E. The right to an opportunity for a hearing to challenge the content of those records outlined in this policy.

General Education Provisions Act

Access to Records

- F. If any material or document in the educational record of a student includes information on more than one student, the right to inspect and review only such part of such material or document as relates to that student or to be informed of the specific information contained in such part of such material.
3. Computer Network Security: District access-to-information restrictions shall apply to electronic information.
- A. **Mechanical Locks**
- All computer network users must be approved by the project team and must obtain a log-in name and password to access the district's computer system. Users are restricted to information based upon an approved need to know basis as determined by the project team.
- B. **Integrity of Computer Information**
- (1) Board of Education members shall not have direct access to the district computer system. Board of Education members requesting computer-based information shall advance their request to the superintendent.
- (2) District administrators shall ensure the integrity of all district computer data accessed by their respective staff members. Administrators shall ensure the staff members do not violate the established system of mechanical locks (passwords, restrict access files, etc.) established by the project team.
- (3) Individuals who are collectors, processors, users, and disseminators of computer network information shall maintain and honor the security measures as established in the system of mechanical locks.

General Education Provisions Act

Destruction of Records

The principal/designee of each school shall review all educational records in his/her custody and destroy all such records which are deemed unworthy of retention, excepting that access shall be granted prior to such destruction if the parent or eligible student has previously requested such access and that any such access be recorded and kept as long as the file is maintained.

General Education Provisions Act

Amendments of Education Records

Informal Proceedings

The principal of each school may attempt to settle a dispute with the parent/guardian(s) of a student or the eligible student regarding the content of the student's education records through informal meetings and discussions with the parent/guardian(s) or eligible student.

Right to a Hearing

The principal of each school shall provide parent/guardian(s) of students, and eligible students, who are or have been in attendance at the school an opportunity for a hearing to challenge the content of the students' educational records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students. The district shall amend the educational records of the student in order to delete any inaccurate, misleading, or otherwise inappropriate data contained therein and will inform the parent/guardian(s) of the student or eligible student in writing of any amendment to the records and will maintain a record of any change or disagreement to be placed in the file as long as the file is kept.

Formal Proceedings

Upon the request of the principal of any school or the parent/guardian(s) or eligible student, the superintendent/designee shall conduct the hearing as described herein.

Hearing Proceedings

The procedures to be followed in conducting the hearing shall include at least the following:

1. The hearing shall be conducted and decided within a reasonable period of time following the request for the hearing.
2. The hearing shall be conducted, and the decision rendered, by a district official or other party who does not have a direct interest in the outcome of the hearing.

General Education Provisions Act

Amendments of Education Records

3. The parent/guardian(s) or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised, and shall have the right to be represented by a person of the parent/guardian(s)' or eligible student's choice, at the expense of same, including an attorney.
4. The decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.
5. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and a reasoning of the decision.

General Education Provisions Act

Consent

The district shall not permit access to or the release of education records or personally identifiable information contained therein other than directory information of students without the written consent of their parent/guardian(s) or the written consent of an eligible student, to any party other than the following:

1. Other school officials, including teachers within the district who have been determined to have legitimate educational interests.
2. Officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that a reasonable attempt has been made to notify the student's parent/guardian(s) or eligible student of the transfer, and that the parent/guardian(s) or eligible student receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.
3. Authorized representatives of the federal and state education officials.
4. In connection with a student's application for, or receipt of, financial aid, provided that the information is required to determine the eligibility of the student for the financial aid, or to enforce the terms of a financial aid award.
5. State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.

General Education Provisions Act

Consent

6. Organizations conducting studies for, or on behalf of, districts for the purpose of developing, validating, or administering student aid programs, and improving instruction. These may be conducted if done in a manner that will not permit the personal identification of students and their parent/guardian(s) by persons other than representatives of such organizations. Information will be destroyed when no longer needed for the purpose for which it is conducted.
7. Accrediting organizations in order to carry out their accrediting functions.
8. Parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
9. In compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that there has been a reasonable effort to notify the parent/guardian(s) and the students of all such orders or subpoenas in advance of the compliance therewith by the district.
10. Appropriate parties in a health or safety emergency if such information is necessary to protect the health or safety of the student or other individuals, fully understanding that a blanket exception here for "health and safety" could lead to unnecessary dissemination of personal information.

General Education Provisions Act

Content of Consent

Where the consent of a parent/guardian or eligible student is required for the release of education records, it shall be in writing, be signed and dated by the person giving such consent, and shall include (a) a specification of the records to be released, (b) the reasons for such release, and (c) the party or class of parties to whom such records will be released.

General Education Provisions Act

Copies of Student Information

1. Where the consent of a parent/guardian or eligible student is required for the release of educational records, a copy of the records to be released shall be provided on request to (a) the student's parent/guardian(s) or the eligible student, and (b) the student who is not an eligible student, if desired by the parents.
2. Non-custodial parents desiring copies of his/her child's records need only submit a written request to the building principal in order to have these produced and sent to the non-custodial parent.

General Education Provisions Act

Authority of Parent to Give Consent

1. Except as otherwise provided herein, any parent/guardian of a student may give a written parental consent required.
2. Where parents are separated or divorced, a written parental consent required may be obtained from either parent, subject to any agreement between such parents or court order governing the rights of such parents.
3. In the case of a student whose legal guardian is an institution, a party independent of the institution shall be appointed pursuant to state and local law to give a written parental consent required.

General Education Provisions Act

Transfer of Information by Third Parties

1. The district shall not release personal information on a student except on the condition that the party to which the information is being transferred will not permit any other party to have access to such information without the written consent of the parent/guardian(s) or of the eligible student.
2. The district shall include, with any information released to a party under this policy, a written statement which informs such party of the requirements set forth above.

General Education Provisions Act

Hatch Amendment

It is the intent of Hickman Mills C-1 School District to comply with Sections 439 (a) (b) of the General Education Provisions Act (GEPA), Section 439 (a) enacted in 1974 and Section 439 () enacted in 1978 in general use referred to as the "Hatch Amendment."

1. Section 439 (a)

All instructional material, including teachers' manuals, films, tapes, or other supplementary instructional material which will be used in connection with any research or experimentation program or project shall be available for inspection by the parents or guardians of the children engaged in such program or project. For the purpose of this section, "research or experimentation program or project" means any program or project in any applicable program designed to explore or develop new or unproved teaching methods or techniques.

2. Section 439 (b)

No student shall be required as part of any applicable program, to submit to psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to reveal information concerning:

- A. Political affiliations;
- B. Mental and psychological problems potentially embarrassing to the student or his family;
- C. Sexual behavior and attitudes;
- D. Illegal, antisocial, self-incriminating and demeaning behavior;
- E. Critical appraisals of other individuals with whom respondents have close family relationships;
- F. Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or

General Education Provisions Act

Hatch Amendment

- G. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of unemancipated minor, without the prior written consent of the parent/guardian.
3. The regulations also establish a procedure for the Department of Education to resolve disputes over areas covered by these sections. The right to file a complaint with the Department of Education is limited to students--or parents or guardians of students--who allege violations under section 439 and have been directly affected by such violations. A parent/guardian or student who believes that his statutory rights have been violated must contact the school and attempt to resolve the complaint at the local level (or at the state level if there is a state review procedure). If the parent/guardian or student is not satisfied, he may file a complaint with the U.S. Department of Education, Family Educational Rights and Privacy Act Office, 400 Maryland Avenue, S.W., Washington, DC 20202. The complaint must contain specific allegations, giving reasonable grounds for believing that a violation exists, and it must include evidence that an attempt was made to resolve the problem at the local level. Each complaint will be considered on a case-by-case basis, and the Department of Education will communicate directly with both the complainant and the school. If the Office of Family Education Rights and Privacy determines that an investigation is warranted, it will investigate and then provide written notice of its findings and the basis for those findings. If the school has violated the Act, the Office will provide a statement of the specific steps the Secretary recommends to bring the school into compliance. A reasonable time for voluntary compliance will be allowed.
4. A district Hearing Officer has been designated. That officer is Dr. Marge Williams, Superintendent, 9000 Old Santa Fe Road, Kansas City, MO 64138, telephone (816) 316-7000.

General Education Provisions Act

Complaint Procedures for Title One

The following steps are to be followed by parents/guardians or the public when questions or complaints arise regarding the operation of the school district or federal programs administered by the Department of Elementary and Secondary Education (DESE) that cannot be addressed through other established procedures.

1. Complaints on behalf of individual students should first be addressed to the teacher or employee involved.
2. Unsettled matters from (1) above or problems and questions concerning individual schools should be presented in writing to the principal of the school. The principal will provide a written response to the individual raising the concern within five (5) business days of receiving the complaint or concern.
3. Unsettled matters from (2) above or problems and questions concerning the school district should be presented in writing to the superintendent. The superintendent will provide a written response to the individual voicing the concern within five (5) business days of receiving the complaint or concern.
4. If the matter cannot be settled satisfactorily by the superintendent, it may be brought to the Board of Education. Written comments submitted to the superintendent or the secretary of the Board will be brought to the attention of the entire Board. The Board will address each concern or complaint in an appropriate and timely manner.

The decision of the Board shall be final except in the case of complaints concerning the administration of federal programs. In that case the complainant may go to the appropriate section of DESE and from there on to the United States Secretary of Education.

The Board considers it the obligation of the professional and support staff of the district to field the questions of

General Education Provisions Act

Complaint Procedures for Title One

parents/guardians or the public. Accordingly, the district will inform patrons of this complaint procedure and its availability.

Complaints regarding district compliance with nondiscrimination laws will be processed according to policy AC. Employee grievances will be processed in accordance with the established employee grievance procedure or as otherwise required by law. All other grievances for which there is a specific policy or procedure will be addressed pursuant to that policy or procedure.

General Education Provisions Act

Hatch Amendment

5. REF: 34 CFR Parts 75, 76, and 98, Students Rights in Research, Experimental Activities and Testing, Proposed Rule making; and 34 CFR Part 98, Student Rights in Research, Experimental Activities and testing; Hearings, Proposed Rule making.

PRIVACY OF MEDICAL INFORMATION

Policy 8070

All employees of the Hickman Mills C-1 School District must preserve the integrity and the confidentiality of medical and other sensitive information pertaining to the students and staff of the district.

The superintendent/designee will implement reasonable measures to protect the integrity of all medical data produced, received and/or maintained by the district. The Director of Special Services shall be the administrator responsible for compliance with this policy and related directives for student records. The Associate Superintendent-Business shall be the administrator responsible for compliance with this policy and related directives for employee records.

Failure to adhere to this policy and related directives may result in disciplinary action, up to and including termination. Further, disclosure of confidential medical information may violate State or federal law and may result in civil and/or criminal penalties.