

# STUDENT RECORDS

## The Permanent Student Record

### INTRODUCTION

Pursuant to **281—Iowa Administrative Code 12.3(4)**, the “permanent office record shall serve as a historical record of official information concerning the student’s education.” Education agencies (school districts, accredited non-public schools) are required to maintain sufficient proof of a student’s enrollment and his/her basic education information and to do so permanently.

### CONTENTS OF THE PERMANENT RECORD

The above administrative rule requires that the permanent record serve as the student’s official transcript. The permanent record should consist of the following information:

- Basic demographics (name, date of birth, gender, race/ethnicity, disability status, last known telephone number and address)
- Official transcript (may **not** indicate disability without parental/eligible student consent!)
  - Evidence of attendance
  - Grades/marks attained in all courses and all grade levels
    - Includes elementary school, as well as secondary
    - Includes post-secondary enrollment option and dual credit secondary courses
  - Dates of enrollment
  - Grade level completed
  - Year completed

While there is no requirement to do so, it is further suggested that, as a courtesy to and for the convenience of the student (and/or the student's family), the following information also be included in the permanent record:

- Immunization record
- Achievement data (e.g., ITBS/ITED)

### CREATION OF THE PERMANENT RECORD

Although the permanent office record does not have to be created until done so contemporaneously with the departure of the student (for whatever reason) from the school or school district, the creation of the permanent record may begin at any time. That means in most cases it will not be necessary to have a cumulative folder and permanent record at the same time.

The manner in which the permanent record is created and maintained is a local decision, as long as maintenance complies with rule 12.3(4) above.

### STORAGE OF PERMANENT RECORDS

“This record is to be permanently maintained and stored in a fire-resistant safe or vault or can be maintained and stored electronically with a secure back-up file.” 281—IAC 12.3(4). If storing electronically, it is recommended that the back-up file be stored in a different location than the primary electronic file.

## ACCESS TO AND DISSEMINATION OF PERMANENT RECORD

A student's permanent record will typically contain two categories of information (1) personally identifiable information, which generally may only be disseminated outside the school or school district with consent of the student (if 18 years of age or older) or the student's parent/guardian and (2) "directory information."

Directory information. The school or school district must look to its definition of directory information to determine what part, if any, of the permanent record of a student it may disseminate without affirmative consent of the adult student or the minor student's parent/guardian. Attention must also be given to whether the parent/guardian has "opted out" from having some or all directory information so disseminated.

Personally identifiable information. Non-directory information that is capable of personally identifying a specific student is confidential and generally shall only be disseminated with proper prior consent. Exceptions to this include the following non-exhaustive list of persons/entities who are entitled to access personally identifiable information without prior consent of the student or parent/guardian:

- Other school officials, including teachers, determined to have legitimate educational interests in the information;
- Another school where the student seeks or intends to enroll;
- Specified government officials for audit or evaluation purposes (e.g., DE or AEA officials, CPAs, state auditor);
- Appropriate parties in connection with financial aid to a student to enable the student to attend an educational institution;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- Juvenile justice authorities under the terms of Iowa Code section 280.25;
- Appropriate officials in case of health and safety emergencies;
- Parents of dependent students as defined in the IRS Code; or
- Pursuant to court order.

Once the determination has been made that information may be disseminated, the school or school district shall retain its original record, giving out only copies of the permanent record.

Citations:

- Family Educational Rights and Privacy Act (FERPA) – 20 U.S.C. § 1232g; 34 C.F.R. Part 99.
- Open Records Law – Iowa Code § 22.7(1)

## MISCELLANEOUS ADVICE

- If a district reorganizes, the sole successor district is responsible for maintenance of the permanent student records formerly maintained by the former district. If a district dissolves or reorganizes such that more than one district is involved, the dissolution or reorganization agreement shall address maintenance of existing permanent records.
- A school district must have a permanent record maintained for any student who has "been in attendance" at the district. This includes "home schooled" (competent private instruction) or nonpublic school students who are dually enrolled at the district or who are shared-time students.

- If a district has a whole grade sharing agreement with one or more districts involving 12<sup>th</sup> grade students, the receiving district is responsible for issuing a diploma to graduating seniors. [Iowa Code § 282.7(1).] The whole grade sharing agreement must specify which district is responsible for the creation and maintenance of the permanent record of any affected student.
- The name under which a student's permanent record is maintained must be the legal name of the student at the time the student attended the school or school district. If the student's name was changed legally (by court order or marriage, e.g.) during the student's enrollment, the record must be maintained under the surname of the student at the time the student left the school or district. To avoid any confusion, it is recommended that the permanent record indicate the date and fact of any legal change to the student's name.
- The permanent records are the property of the school or school district; COPIES (not originals) shall be given out when appropriate requests are made.
- The permanent records are to be maintained forever.
- FERPA requires that a sign-in log be maintained with the education records of each student to indicate all individuals, agencies, or organizations (except the parents, students, and teachers and school officials in the school maintaining the record) who have "requested or obtained access to a student's education records ... [and] indicate specifically the legitimate interest that each such person agency, or organization has in obtaining this information."
- Do NOT maintain free and reduced meal eligibility information in the permanent record.
- As with any education record, if a parent/guardian requests to amend the record of his or her child and the request is denied, the parent/guardian has the right to a hearing and to append his or her comments or documentation in the contested record.
- Districts and accredited nonpublic schools in Iowa may not withhold records for any reason, including fees owed, when a student transfers or when an appropriate request is made for a copy of the permanent record.