

Section J:

Knox County Board of Education Policy

Students

Descriptor Term:

**Student Educational
Records**

Descriptor Code:

J-552

Issued:

7/95

Reviewed:

11/21

Revised:

1/22

PURPOSE

The purpose of this policy is to implement the provisions of the Family Educational Rights and Privacy Act (FERPA)¹ and Tennessee Code² to afford parents, guardians, and students who are eighteen (18) years of age or older certain rights with respect to the student's education records maintained by The Knox County Schools (KCS) and the Tennessee Department of Education (TDOE).

Definitions

1. **Education Records** - The term education records means records, files, documents, and other materials which:
 - A. Contain information directly related to a student, including: state and national assessment results, including information on untested public school students; course taking and completion, credits earned and other transcript information; course grades and grade point average; date of birth, grade level and expected graduation date or graduation cohort; degree, diploma, credential attainment and other school exit information such as receipt of the GED® and drop-out data; attendance and mobility; data required to calculate the federal four-year adjusted cohort graduation rate, including sufficient exit and drop-out information; discipline reports limited to objective information sufficient to produce the federal Title IV annual incident report; remediation; special education data; demographic data and program participation information; and
 - B. Are maintained by the KCS or a person acting for the KCS.
2. **Personally Identifiable Information (PII)** - Personally identifiable information (PII) includes, but is not limited to:
 - A. Student's name;
 - B. Name of student's parent or other family member;
 - C. Address of student or student's family;
 - D. A personal identifier, such as student's social security number, student number, or biometric record;
 - E. Other indirect identifiers, such as student's date of birth, place of birth, race, disability status, and mother's maiden name;

- 1 F. Other information that, alone or in combination, is linked or linkable to a specific student that
- 2 would allow a reasonable person in the school community, who does not have personal
- 3 knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- 4
- 5 G. Information requested by a person who the LEA reasonably believes knows the identity of the
- 6 student to whom the education record relates.
- 7
- 8 3. **Directory Information** - Directory information is information that is generally not considered
- 9 harmful or an invasion of privacy if released and may be disclosed to outside organizations
- 10 without a parent’s prior written consent. Outside organizations include, but are not limited to,
- 11 companies that manufacture class rings or publish yearbooks. Since the Knox County Schools
- 12 receives federal funding, the KCS must provide military recruiters, upon request, with student
- 13 names, addresses and telephone listings, unless parents have advised in writing that they do not
- 14 want their student’s information disclosed. The term directory information relating to a student
- 15 includes, but is not limited to:
- 16
- 17 A. Name;
- 18
- 19 B. Physical and electronic mail address;
- 20
- 21 C. Telephone listing;
- 22
- 23 D. Basic photograph (i.e., yearbook portrait);
- 24
- 25 E. Date and place of birth;
- 26
- 27 F. Major field of study;
- 28
- 29 G. Participation in officially recognized activities and sports;
- 30
- 31 H. Weight and height of members of athletic teams;
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- 33 I. Dates of attendance;
- 34
- 35 J. Degrees and awards received; and
- 36
- 37 K. The most recent previous LEA or institution attended by the student.
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39 **RESPONSIBILITIES**

40 The Knox County schools shall:

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- 43 1. Annually notify parents and guardians of their rights to request student information;
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- 45 2. Annually notify parents and guardians of its definition of personally identifiable information;
- 46
- 47 3. Annually notify parents and guardians of its definition of directory information;
- 48
- 49 4. Adopt procedures to ensure security when providing student records to parents or guardians;
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- 1 5. Adopt procedures to ensure student records and data are provided only to authorized individuals;
2 and
3
- 4 6. Provide student records and data within forty-five (45) calendar days of a request.
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6 The Knox County Schools shall not collect individual student data on a student's:

- 7
- 8 1. Political affiliation;
9
- 10 2. Religion;
11
- 12 3. Voting history;
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- 14 4. Firearms ownership; and
15
- 16 5. On a student's biometrics, analysis of facial expression, EEG brain wave patterns, skin
17 conductance, galvanic skin response, heart rate variability, pulse, blood volume, posture, and eye-
18 tracking, without written consent of the parent or student.
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20 NOTICE OF PARENTAL RIGHTS CONCERNING EDUCATION RECORDS

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22 The following notice of parental rights concerning education records shall be sent to all parents annually
23 as part of the information package provided to students and parents at the beginning of the school year:
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25 Parents' rights include:

- 26
- 27 1. The right to inspect and review the student's education records within forty-five (45) calendar days
28 after the day the KCS receives a request for access. Parents or students should submit to the school
29 principal a written request that identifies the records they wish to inspect. The principal will make
30 arrangements for access and notify the parent or student of the time and place where the records
31 may be inspected.
32
- 33 2. The right to request amendment of the student's education records that the parent or student
34 believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under
35 the Family Education Rights and Privacy Act (FERPA) and Tennessee Code. Parents or students
36 who seek to amend a record should write the school principal or records custodian, clearly identify
37 the part of the record they want changed and specify why it should be changed. If the principal or
38 records custodian determines not to amend the record as requested, the principal or records
39 custodian will notify the parent or student of the decision and of their right to a hearing regarding
40 the request for amendment. Additional information regarding the hearing procedures will be
41 provided to the parent or student when notified of the right to a hearing.
42
- 43 3. The right to provide written consent before the KCS discloses personally identifiable information
44 (PII) from the student's education records, except to the extent that FERPA and Tennessee Code
45 authorize disclosure without consent. One exception, which permits disclosure without consent,
46 is disclosure to KCS officials with legitimate educational interests. A KCS official is a person
47 employed by the KCS as an administrator, supervisor, instructor, or support staff member. A KCS
48 official also may include a contractor who performs an institutional service or function for which
49 the KCS would otherwise use its own employees and who is under the direct control of the Knox
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County Schools with respect to the use and maintenance of PII from education records, such as: an attorney, auditor, medical consultant, or therapist; or other contractor or volunteer assisting another LEA official in performing his or her tasks. A KCS official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the LEA discloses education records without consent to officials of another public school district in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the LEA to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, DC 20202
<http://familypolicy.ed.gov/>

INSPECTION PROCEDURE

Parent of students and eligible students [Eligible student is defined as a student who has reached the age of 18.] may inspect and review the student’s education records upon written request to the custodian of the education record.³ The written request must specify the record(s) he/she wishes to inspect as precisely as possible in order to avoid any confusion as to the record(s) requested. The custodian of the record (generally the principal in the student's school) shall, within 30 days of the written request, inform the parent or eligible student of the time and place where the records may be inspected. Unless the parent or eligible student agrees to a longer time frame in writing, the custodian of records shall arrange the time and place so that it is within 45 calendar days of the written request.

In the event that a child's educational record contains information about another child, then that portion of the record may not be reviewed and inspected by the parent or eligible student.

FEEES FOR COPIES

The fee for copies of records shall be set annually by the Superintendent. If the fee represents an unusual hardship, it may be modified by the custodian of the record.⁴ The Knox County School District has no obligation to make copies of records in the following circumstances:

1. The parent or eligible student has an unpaid financial obligation to the school or school district; and
2. The parent or eligible student lives within commuting distance of Knox County Schools; and
3. The record requested consists of an examination or set of standardized test questions. (In this instance, there will be no copies made or access to the individual test or questions.)

DISCLOSURE OF EDUCATION RECORDS

FERPA permits the disclosure of Personally Identifiable Information from students’ education records, without consent of the parent or student, if the disclosure meets certain conditions stated in the FERPA

1 regulations and Tennessee Code. Except for disclosures to KCS officials, disclosures related to some
 2 judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the
 3 parent or student FERPA regulations require the KCS to record the disclosure. Parents and students have
 4 a right to inspect and review the record of disclosures. The Knox County School System shall disclose
 5 information regarding the student's educational record only with the written consent of the parent or
 6 eligible student, except when the disclosure is:

- 7
- 8 1. To school officials deemed by Knox County Schools as having a legitimate interest in the record,
 9 thereby creating a need to know. For the purpose of this policy, a school official is defined as one
 10 or more of the following:
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 - 12 a. A person employed by the Knox County School System as an administrator, supervisor,
 13 instructor, or support staff personnel inclusive of but not limited to health or medical staff;
 - 14 b. An elected School Board member;
 - 15 c. A person employed by Knox County Schools or Knox County to perform certain specific
 16 duties such as but not limited to an attorney, auditor, consultant, therapist, security officer or
 17 any other position approved by the Board of Education or the general government of Knox
 18 County; and
 - 19 d. Persons who serve on committees that are appointed by supervisory employees of the school
 20 system in an effort to assist them in completing their tasks.
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22 A school official has a legitimate educational interest if the official is:

- 23 a. Performing a task that is included in the position description or by agreement with their
 24 supervisor;
 - 25 b. Performing a task related to the student's education;
 - 26 c. Performing a task related to the discipline of a student;
 - 27 d. Performing a service or benefit relating to the child or child's family included but not limited
 28 to health care, counseling, job placement or any other related services to the child's education;
 29 and
 - 30 e. Performing services that maintain the safety and security of the child or campus.
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- 32 2. To officials of another school, upon request, in which the student seeks or intends to enroll.
 33 Records may be forwarded to a requesting school district unless the parent has specifically
 34 requested in writing that the records not be sent; however, the school system reserves the right to
 35 send educational records to requesting school districts, without parent or eligible student request.
 36 In such case, the school system will notify the parent or eligible student that records have been
 37 sent.
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 - 39 3. To comply with a judicial order or lawfully issued subpoena, provided the school system makes
 40 a reasonable effort to notify parent or eligible student of the judicial order or subpoena in advance
 41 of compliance so parent or eligible student may seek protective action.⁵
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4. To federal and/or state officials that need information in order to audit or enforce legal conditions related to federally supported education programs in the school system.
5. To entities that have entered into a written agreement with the school system to conduct research and/or joint projects with the school system.
6. To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State department of education. Disclosures under this provision may be made, subject to the requirements of the Code of Federal Regulations (CFR)⁶, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation.
7. In connection with financial aid for which the student has applied or for which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
8. To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to the CFR.⁷
9. To accrediting organizations to carry out their accrediting functions.
10. To parents of a student if the student is a dependent for IRS tax purposes.
11. To comply with a judicial order or lawfully issued subpoena.
12. To appropriate officials in connection with a health or safety emergency, subject to the CFR⁸. The Knox County Schools district may disclose personally identifiable information (PII) from education records without consent to threat assessment team members who are not employees of the school or school district if they qualify as "school officials" with "legitimate educational interests."
13. To requests for directory information.

CORRECTION OF EDUCATION RECORDS

Parents or eligible students have the right to request that records be corrected that they believe are in error, misleading or in violation of their privacy rights.⁹ The following are the procedures for requesting that a record be modified.

1. The parent(s) or eligible student(s) must make a written request to the school Principal or other appropriate custodian of the record to amend the record. The request must identify specifically the part of the record that they want changed, and they must specify why they believe it is inaccurate, misleading or a violation of the student's rights.

2. In the event that the custodian of the record determines not to amend the record, the parent(s) or eligible student shall be notified of the decision and advised of their right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's privacy rights. The hearing shall address only those issues specifically listed in the original request for amendment.
3. Upon written request to the Superintendent for a hearing, the parent or eligible student shall be informed of the date, time, and place for a hearing. This notice shall be within a reasonable time of the written request to the Superintendent.
4. The hearing shall be conducted by the designee of the Superintendent and the parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request letter to amend the record. The parent(s) or eligible student(s) may be assisted by representation including legal counsel if they choose.
5. The person in charge of the hearing shall make a determination solely on the basis of information presented at the hearing and shall issue a decision that includes a summary of evidence and the basis for the decision. The hearing shall take place only on the specifics raised in the original written request to amend the education record. Other issues will not be addressed by the hearing officer.
6. If the Knox County School System determines that the record is inaccurate, misleading or in violation of the student's privacy rights, then the parent or eligible student shall receive notice that the record has been amended.
7. If the Knox County School System determines that the challenged information is not inaccurate, misleading or in violation of the student's rights, then the system will not modify the record. The parent(s) or eligible student(s) may attach to the record a statement commenting on the challenged material and/or a statement setting forth their reasons for disagreeing with the decision.
8. The statement shall remain as a portion of the child's record as long as the challenged portion of the record is maintained by the school system.

Legal References:

1. 20 U.S.C.A. § 1232g and 34 C.F.R. § 99.1, et seq.
2. T.C.A. §§ 10-7-504 and 49-1-701, et seq.
3. 20 U.S.C.A. § 1232g.
4. 20 U.S.C.A. § 1232g; TCA 10-7-506.
5. 34 C.F.R. § 99.31 (a)(9).
6. 34 C.F.R. § 99.35.
7. 34 C.F.R. § 99.38.
8. 34 C.F.R. § 99.36.
9. 20 U.S.C.A. § 1232g(a)(2).

Approved as to Legal Form
 By Knox County Law Director 11/17/2021
 /Gary T. Dupler/Deputy Law Director