

STUDENT RECORDS

Code **JRA** Issued **9/04**

Purpose: To establish the basic structure for maintenance of and access to student records.

The director is the legal custodian of all student records for the center.

Students and parents/legal guardians will have access to their center records. The center will notify parents/legal guardians and adult students of the following.

- type of records kept
- procedure for inspecting and copying these records
- right for interpretation
- right to challenge data thought to be erroneous, the procedures for expunging such data or inserting a rebuttal statement
- right to lodge a complaint with the U.S. Department of Education if mandates are not adequately implemented

Cumulative record folders for all students will be kept in the center office. The educational records or center records include all materials directly related to a student that the center maintains. Records and notes maintained by an instructor, administrator, center physician or center psychologist for his/her own use, and which are not available to others, are exempted from this definition.

The center will require prior written consent before information may be divulged to third parties. Exceptions to this rule exist for center employees who have legitimate interests in viewing the records, officials in other schools in which the student seeks to enroll, and military recruiters who seek student contact information. At the time of transfer, parents/legal guardians may review the material.

State and national educational organizations that require student data for confidential research and statistical purposes are also exempted from the parental consent prerequisite. An exemption also exists for material under court order, although parents/legal guardians must be notified of the order.

The center, with certain exceptions, may disclose directory information, which may include names, addresses, telephone listings and dates of birth, without first obtaining written parental permission. However, the center must define directory information to the public before disclosures.

The director will establish administrative regulations for compliance with the Family Educational Rights and Privacy Act and other applicable acts and regulations.

The director will maintain juvenile criminal records and information provided by the department of youth services in accordance with this policy and applicable procedures.

The director will destroy such juvenile criminal records upon the juvenile's completion of secondary school, or when the juvenile reaches 21 years of age, whichever occurs earlier.

Adopted 3/18/85; Revised 9/14/04

Legal references:

A. United States Code, Annotated:

1. Section 438 of the General Education Provisions Act, as amended - The Family Education Rights and Privacy Act [20 U.S.C. 1232 (g)].

PAGE 2 - JRA - STUDENT RECORDS

2. 10 USC § 503 - National Defense Authorization Act of 1999, as amended by the Hutchinson Act.
 3. P.L. 107.56 - The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act.
- B. State law:
1. South Carolina School Safety Act of 1997 - Sections 16-3-612, 20-7-7210, 22-3-560, 59-63-370 through 390.
- C. South Carolina Code of Laws, 1976, as amended:
1. Section 44-29-135 - Confidentiality of sexually transmitted disease records.
 2. Section 63-19-2020 - Confidentiality.
 3. Section 63-19-2030 - Law enforcement.
 4. Section 59-63-50 - Provides for students to be fingerprinted.
 5. South Carolina School Safety Act of 1997 - Sections 16-3-612, 63-19-820, 22-3-560, 59-63-370 through 390.
 6. Section 63-5-30 - Rights and duties of parents regarding minor children.
 7. Section 59-38-10 - South Carolina Education Bill of Rights for Children in Foster Care.
- D. Court order:
1. Alexander S. by and through Bowers v Flora Brooks Boyd 876 F.Supp 773 (1995).