



RELEASE OF
STUDENT RECORDS

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BOARD ADOPTED
PROCEDURE

Introduction

The basic requirements of the Family Educational Rights and Privacy Act of 1974 is that schools or school districts must obtain the consent of parents or adult students to release student records or personally identifiable information to any party, with exceptions as noted elsewhere in this procedure.

Identification

1. Definitions

- A. Student Records/Educational Records – Individual student records or personally identifiable information regarding students that is/are recorded in any medium, including but not limited to computerized records and files, handwriting, print, tape, film, microfilm, or microfiche.

All references to student records encompass all the forms of data retention described above.

- B. Computerized or Electronic Data – Those records or personally identifiable information regarding students that have been collected and stored in a computer storage device or are directly accessible via a computer terminal.
- C. Custodian of Records – A staff member who has been appointed by a principal, program manager, or other administrator, as the person responsible for the maintenance and security of the records (See H 38.06, Maintenance and Location of Student Records).

2. Conditions for Release – Student records or personally identifiable information may only be released by:

- A. Notification to Parent(s) or Guardian(s) of Student – If the notice explaining the rights of students and parents as defined by the Family Educational Rights and Privacy Act of 1974 has been sent to the home, then parents will not be notified that student records have been sent to another school upon either, a) parental



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or student request, or b) the request of a school in which the student seeks or intends to enroll (see Part 5, Contents of Notification Statement).

B. Release with Written Consent – Written consent must be dated and signed by the person giving the consent (see Part 4, Contents of Consent Statement):

(1) Parent(s) or guardian(s) – (See Basic Definition H 38.01)

- a. Where parents are separated or divorced, written parental consent may be obtained from either parent, subject to any agreement between parents or a court order governing the rights of the parents.
- b. If a student's legal guardian is an institution, a party independent of the institution shall be appointed, pursuant to state and local statute, to give written parental consent.

(2) Student

- a. Students 18 years of age and older may authorize the release of their own records.
- b. High school students are authorized to give consent for the release of information required for entrance to postsecondary education institutions or for entry into employment

C. Release Without Written Consent or Notification of Parent(s), Guardian(s) or Student – Directory information may be released, under certain conditions as specified in H 38.11, Use of Directory Information, without consent and without notification except in the case of a parent or adult student who formally requests that such information not be released.

3. To Whom Student Records or Personally Identifiable Information may be Released

A. Written Consent Required – Written consent of parents or adult students is required for the release of student records and personally identifiable information to all groups, agencies, and persons listed below:

- (1) Relatives other than parents.
- (2) Guardians other than legal guardians.
- (3) Group homes.



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- (4) Minor students. (Although minor students have limited access to their own records, the records may not be released to the student without parental consent. See D23.00, Access to Student Records.)

A parent, who wishes to retain access to records of his or her student who has attained age 18 or who will attain age 18 during the school year, should submit to the school a statement certifying that the student will be claimed as a dependent on the parent's Income Tax return for that year.

- (5) Government agencies including police department and courts (without subpoena or court order or in the absence of legal requirements requiring, prior to November 19, 1974, the reporting of such information).
- (6) Caseworkers (Juvenile Court, Department of Social and Health Services, and private social agencies).
- (7) Employers and prospective employers.
- (8) Colleges.
- (9) Commercial agencies.
- (10) Outside researchers who do not qualify for access to records without parental consent and/or notification

B. Without Written Consent, But Requiring Notification – In the absence of the notice to the home, parent or adult student notification is required, but written consent is not required for the release of student records and personally identifiable information to the following institutions:

- (1) To other public school districts in which the student has enrolled or intends to enroll.
- (2) To private schools in which the student has enrolled or intends to enroll.
- (3) In response to a subpoena or a court order. Notification must be prior to compliance. (In all cases, school personnel should consult with the Seattle School District General Counsel prior to compliance).



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- C. Without Written Consent or Notification – Records may be released to the following institutions or agencies:
- (1) School officials of Seattle School District, including teachers, who have a legitimate educational interest.
 - (2) School officials of Seattle School District to whose school a student transfers or will transfer.
 - (3) Agencies or officials to whom student's applications for financial aid are submitted.
 - (4) Authorized representatives of the Comptroller General of the United States, the Secretary of Health, Education, and Welfare; the United States Commissioner of Education; the Director of the National Institute of Education; or the Assistant Secretary for Education
 - (5) Authorized representatives of state educational authorities.
 - (6) Organizations conducting studies for or on behalf of Seattle School District or other educational agencies or institutions. Access may be granted only for the information needed and only with the recommendation of the Evaluation Services Department, and the approval of the appropriate assistant superintendent(s), or the superintendent.
 - (7) 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. (Example: Referral of truant students to juvenile court; reporting cases of child abuse to proper authorities, see D23.00, Access to Student Records).
 - (8) Accrediting organizations, in order to carry out their accrediting functions.
 - (9) Parents of dependent, adult students as defined by section 152 of the Internal Revenue Code of 1954 (the student qualifies and is reported as a dependent student on Federal Income Tax Returns).



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- (10) Appropriate persons, in connection with an emergency, if knowledge of the information to be released is necessary to protect the health and safety of the student or other persons. In determining the necessity of release, the following factors are to be considered:
- a. The seriousness of the threat to the health or safety of the student or other persons.
 - b. The need for such records to meet the emergency.
 - c. Whether the persons to whom records are released are in a position to meet the emergency.
 - d. The extent to which time is of the essence in meeting the emergency.

NOTE: Also see procedure D28.00, Use of Director Information

D. By Subpoena or Court Order – See 1. B 4 of this procedure on page 9.

4. Contents of Consent Statement – The consent statement shall include:

- A. Titles of the specific records or specific information to be released.
- B. The reason(s) for the release of information.
- C. The name(s) of the party(ies) to who records will be released.
- D. A statement indicating that the parent or adult student may receive a copy of the released records.

NOTE: In each instance wherein parents or adult students consent to the release of information or are notified of the release of information, a copy of the released information is to be provided on request, at no cost to:

- (1) The parents or the adult student.
- (2) The minor student upon request of the parents.

5. Contents of Notification Statement – When student records or other information has been or will be released to other school districts, that information must be given to the parent or the student by a statement indicating that:



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- A. The student's records will be or have been released to a public or private school outside Seattle School District.
- B. The parent or adult student has a right to obtain a copy of the released record, at no cost, upon request.
- C. The parent has a right to challenge the content of the record through the established hearing process.

NOTE: Release of records or information in response to a subpoena or court order requires a notification indicating only that the record of information has been subpoenaed or ordered released by the court. (Official notification must occur prior to compliance.)

Procedures:

- 1. Records Maintained by a school or Program
 - A. The following three conditions must occur:
 - (1) Forms or letters accompanying the transmittal of student records or personally identifiable information must include a statement indicating that the enclosed records may not be shared with any other party without the consent of the parents or adult student.
 - (2) In each case of release of student records or personally identifiable information, a copy of the consent form, notification form, or other similar document is to be made a part of the student record. School personnel should also keep similar copies of the forms on file in connection with the transmittal of student records, subject to the requirements provided in the section title Disposition of Records (D30.00).
 - (3) A notation of the time of access and the name of the staff member present shall become part of the student record.
 - B. Records for Transmittal – Preparation and Release of Records for Transmittal:
 - (1) To another school within the Seattle School District – Determine the appropriate items for transmittal:



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- a. Do Not Forward – Remove the following items from the student’s folder before transmittal (see D30.00, Disposition of Student Records):
- [1] Data, forms, and documents having relevance only in the former school. (Examples: locator cards, duplicate attendance cards, old data processing forms.)
 - [2] Psychological or personality tests that are three years old or older.
 - [3] Letters and other forms of communication having no significance for the new school.
 - [4] Disciplinary referrals, suspension letters, and similar documents indicating disciplinary actions that are three years old or older.
- b. Items for Transmittal – These items may be forwarded to the requesting school:
- [1] The elementary permanent record.
 - [2] A copy of the secondary transcript.
 - [3] The health card.
 - [4] Any Student Placement documents indicating transfer history.
 - [5] Records of disciplinary actions during the past three years.
 - [6] A copy of the most recent attendance card.
 - [7] Legal documents including release, notification, and access forms.
 - [8] Other information and data deemed to be of benefit to students in the new school.
- c. If the student formally withdraws with the intention of enrolling in another Seattle Public School:
- [1] Do not send the records until a request for records is received from the school.
 - [2] When a request for records is received, use the existing procedures.

NOTE: No consent or notification is required.



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- (2) To a private school, a parochial school, or a school outside the Seattle School District – Determine the appropriate items for transmittal:
- a. The transmitted student records and personally identifiable information shall be limited to:
- [1] A copy of the elementary permanent record.
 - [2] A copy of the secondary transcript.
 - [3] Standardized test scores that continue to be valid and relevant.
 - [4] A copy of the health-card.
 - [5] Consent, notification, and access forms.
 - [6] Records of significant performance, awards, or honors.
 - [7] Other information and data – that will be necessary to preserve the educational welfare of the student in the new school.
 - [8] Immunization Form (original) for State of Washington. (Recommendation: Keep copy in student file). Send a copy if student is going out of state.
- b. If the student formally withdraws with the intention of enrolling in a public school outside Seattle School District or a private or parochial school:
- [1] Hold the student records until a request for records is received.
 - [2] At the time of withdrawal, issue the usual withdrawal form(s).
 - [3] When the request for records arrives:
 - [a] Delete extraneous material from the folder (See Content of Record, D22.00).
 - [b] Keep a copy of the request for records with the residual student records.
 - [c] Forward a copy of the record as requested, with Transmittal of Student Records Form (retain copy of the form).



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- (3) To Outside Agencies – Material to be released shall be strictly limited to meet the specific purposes of the release.

Student Information to the Military. The military may request, and is entitled to receive, the names, telephone numbers, and addresses of secondary school students under the No Child Left Behind Act of 2001 (“contact information”). A Seattle School District “opt-out” form will offer the choice to parents/guardians and students to not release contact information at all, or to release information to anyone, except the military. Parents/guardians and students may “opt-out” at any time for one or more years, and may change their opt-out status at any time. However, the military typically requests this information in October of each academic year, thus information may be released to the military if the opt-out takes place after October 1.

District high schools shall have opt-out forms available for students and families to review, including having a special military opt-out form in school career centers.

An annual report shall be produced to the Superintendent that indicates, by school and grade level how many students opted out under each available category.

- (4) Response to a Subpoena or a Court Order – Immediately call General Counsel to obtain advice. If you are advised by the General Counsel to respond as ordered:
- a. Assemble necessary information. (Do not include more than has been required.
 - b. Call a parent or verbally notify the student if he or she is 18 years of age:
 - [1] Inform the parent (or student, if age 18) that records will be released in response to a subpoena or court order.
 - [2] Insert a signed, dated statement in the student record indicating receipt of the subpoena or court order, the date of receipt, the call to the General Counsel and advice received, and the notification of the parent or adult student.
 - [3] Respond to the subpoena or court order as directed.



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- c. If a parent or the adult student cannot be reached by telephone, send a brief note to the parent or adult student indicating that records will be released in response to a subpoena or court order. This notification should be sent BEFORE responding to the subpoena or court order. A copy of the letter is to be placed in the student's record.

C. Request to Other Schools for Records

- (1) Within the Seattle School District – Contact the former school to request records.

NOTE: Neither consent nor notification is required.

- (2) From a Private School, a Parochial School, or a Public School outside the Seattle School District:
 - a. Determine the name and address of the last school attended.
 - b. Give parents (or 18 year old student) a copy of the Student Records – Right to Privacy explanation page.

D. Release of Student Records and Personally Identifiable Information To and Upon the Request of Non-school Persons or Agencies

- (1) If a Consent for Release of Information form is received:
 - a. Assemble only the specific information requested.
 - b. File consent form in the student record.
 - c. Send information accompanied by the form, Transmittal of Student Records.
 - d. A notation of the time of access and the name of the staff member present shall become part of the student record.
- (2) If a Consent for Release of Information form is not received, notify the person or agency requesting information that a Consent for Release of Information form will be required before records can be released.
- (3) If request comes from School District personnel:



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- a. Request that parents sign in triplicate a Consent to Release Information from Student Records form or a Consent for the Mutual Exchange of Information form, depending upon the particular needs and circumstances.
- b. One copy is retained by the parents, one copy is kept in the student folder, and one copy is sent with the necessary information to the recipient.
- c. A notation of the time of access and the name of the staff member present shall become part of the student record.

NOTE: For more information or answers to questions about this procedure, contact the Student Placement Office.

2. Records Filed by the Student Records Office

A. Categories

- (1) Transcripts that have been placed on microfilm.
- (2) Student records that have been sent to the Student Records Office to be microfilmed. After the transcript has been microfilmed, the records are disposed of as identified in Procedure D30.00, Disposition of Student Records.
- (3) Student records that are from closed schools. The records are:
 - a. Kept for the prescribed retention periods.
 - b. Microfilmed after the completion of the retention period.
 - c. Disposed of as Identified in Procedure D30.00, Disposition of Student Records.

B. Release of Transcripts from Student Records Office.

- (1) Parent(s) or guardian(s) of former students and adult former students will submit a release form (which has been provided by the Student Records Office, an outside agency, or an educational institution) to the Student Records Office. These release forms will be retained according to the state approved retention schedule to provide a record-of-access. A fee is charged for a copy(ies) of student transcripts.



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In addition to receipt of a release form, a notation of the time of access and the name of the staff member present shall become part of the student record. If the student's folder is present, the notation shall be made on the folder. If the records are on microfilm, the notation is made on the release form.

- (2) A request for a deceased adult student's transcript must be accompanied by a copy of the death certificate, as well as a release from the next of kin. In this case, copies are provided at the requestor's expense.

As in the case of other access requests, a notation of the time of access and the name of the staff member present shall become part of the student record (see 1 immediately above).

- (3) Administrative Offices – Occasionally, the District administrative offices that are custodians of written printed, or computerized records containing personally identifiable information regarding students are asked for data from these files. All requests for information are referred to the Evaluation Services Department.
 - a. Summary Information – Non-personally identifiable student information.
 - [1] All student information, except test scores, requests for summary information that do not require unreasonable demands on the Evaluation Services Department will be released to any individual or group making a request.
 - [2] Test Scores:
 - [a] Usually available in District published reports.
 - [b] If unavailable in published reports, summary information requests by any individual or group that does not require unreasonable demands on the Evaluation Services Department will be processed by that department.
 - [3] Individuals or groups will be charged for copies of reports. If special computer reports are created the cost of preparing the report shall be charged. SISO will maintain a schedule of fees for services.



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C. Individual Student Information – Personally identifiable information

- (1) All requests for student information, except test scores, will be referred to the Student Placement Office or Student Information Systems Office (SISO).
- (2) Test scores will not be released without written parental permission provided to the Testing Office unless guardian release is provided for in D24.00 3.C.
- (3) If individual student information is released, the appointed custodian of record of that District Administrative Office must record that action in a file established and maintained for that purpose.

NOTE: The Custodian of Records for an administrative office will be appointed by the administrator of that office.

References: Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)

Former Code(s): H38.04, H15.04