

# **The Center for Creativity, Innovation and Discovery Records Management Policy**

## **Purpose**

The Governing Board recognizes that complete and accurate records are essential to student education. Therefore, the Board delegates to the administration the responsibility for establishing guidelines that assure accuracy, completeness, appropriate access, and efficiency in the preparation and management of student records. The Board also delegates to the Administration the responsibility for maintaining, classifying, preserving, accessing, and destroying school records.

This policy is to be administered in compliance with the Government Records Access and Management Act (GRAMA), the Family Educational Rights and Privacy Act (FERPA), and Utah Code §63-2-701. The Board authorizes the Administration to establish administrative regulations consistent with this policy.

## **Guidelines**

### **Records Management**

- The Center for Creativity, Innovation and Discovery, (CCID)'s Executive Director shall be designated as the Privacy Officer for the school.
- CCID Board records shall be managed under the direction of the Governing Board Secretary and designated staff.
- The Business Manager shall be the records officer for any documents related to fiscal matters such as property, budgets, payroll, accounts, contracts, employment documents, etc.
- CCID's Executive Director shall be the records officer for all records related to students and school.
- The Executive Director's Assistant shall be the records officer for all records related to employee applications until such a time as the applicant is hired.

### **Records Classification**

All CCID records shall be classified as public, private, controlled, protected, or exempt.

### **Public Records**

- Public records shall include:
  - Official minutes, actions and decisions of the Governing Board and School Administration, unless these records involve information that is classified as private, controlled, or protected.
  - Official school policies, contracts, minutes, and accounts.

- Names, gender, job titles, job descriptions, business addresses, business telephone numbers, gross salaries, working hours, and dates of employment of all current and former employees.
- Documents showing formal criminal charges against an employee, unless, in the judgment of the Executive Director and Governing Board Chairperson, the charges are groundless or the charges are not sustained.
- Public records shall be open for public inspection during regular office hours as defined in the section entitled "Access to School Records."

### **Private Records**

- Private records shall include:
  - Personnel files including applications, nominations, recommendations, evaluations, and proposals for advancements or appointments.
  - Documents related to eligibility for unemployment benefits, social services, welfare benefits, personal finances, individual medical condition, and military status.
  - Individual student records.
- Private records shall be open only to the subject of the recorder and other authorized individuals or agencies. Access to student records shall be provided in accordance with the Family Educational Rights and Protection Act (FERPA).

### **Controlled Records**

- Controlled records shall include records containing medical, psychiatric, or physiological data on an individual, which if disclosed may be detrimental to the individual's mental health or safety.
- Controlled records shall be open only to authorized persons or agencies, but will not be open to the subject of the record.

### **Protected Records**

- Protected records shall include:
  - Any information that, if disclosed, would jeopardize the life or safety of an individual or security of school property or programs.
  - Documents that, if disclosed, would place the school at a disadvantage in contract negotiations, property transactions, or bargaining positions, or could enable circumvention of an audit.
  - Records related to potential litigation or personnel hearings.
  - Records generated in meetings which are closed in accordance with the Utah Open and Public Meetings law.
  - Test questions.
  - Protected records shall be open only to authorized individuals and agencies or in response to court order.

## **Exempt Records**

Exempt records shall include student records that are protected by the Family Educational Rights and Protection Act (FERPA).

## **Access to School Records**

### **Access Rights**

- All documents in the Student Cumulative/Permanent Record File, which includes directory information, ethnic origin, schools and years attended, subjects completed, grades and credits earned, competency evaluations, certain health records, and other documents related to the educational program, shall be classified as private with the exception of certain directory information identified by CCID at registration.
- Student records shall be open to:
  - Authorized school personnel having responsibility for the student's educational program and to individuals conducting school, state, or federal audits of educational programs.
  - Parents or guardians. In the event that parents are divorced or separated, both parents shall be entitled to access their child's student records unless prohibited by court order. Information on access rights shall be distributed to parents as part of the school registration packet.
  - Eligible students who are 18 years of age or older or who are married or enrolled in postsecondary education programs.
- Access to student records shall not be given to individuals other than those listed under item above without written permission of the parent/guardian or eligible student or in response to a court order.
- Current or future employers, police officers, and public or private agencies have no access rights to student records.
- Information from student records classified as private shall not be released by telephone even though the caller may be authorized to access the record.

### **Access Procedures**

- Requests to access student records should be addressed to the Executive Director.
- Requests must be submitted in writing.
- The requester must prove his/her access rights through personal identification, written release from the subject of the record, power of attorney, court order, or other appropriate means.
- The Executive Director shall either grant or deny the request as soon as possible. In no event shall the requester be required to wait more than 15 days for a response.
- All requests for records other than student records must also be submitted in writing by using the GRAMA Request Form found on the CCID website or in the Front Office. Requests to view school records should be addressed to the Executive Director during regular business hours.

- The Executive Director shall determine whether access to the requested record(s) through a GRAMA Request Form is to be granted or denied.
- If the request is approved, the records shall be provided as soon as possible and not more than ten (10) working days from the date the request was received.
- If the request is denied, the Executive Director must specify the reason, and the requester shall be informed of the right to appeal.

## **Appeals Process**

### **Appeals to the Governing Board**

- The requester shall file a written request for a hearing with the Board Secretary at least ten days before the requested hearing date.
- Upon receiving the request, the Board Secretary shall schedule a mutually convenient date, time, and location for the hearing, notify all parties, and post the meeting as required under open meetings law.
- The requester has the right to be represented by legal counsel at the hearing.
  - If the requester is to be represented by legal counsel, the Administration must be notified at least 10 working days in advance of the hearing.
  - If the requester has legal counsel present at the hearing, the Administration may also be represented by legal counsel.
  - Within ten (10) working days of the hearing, the Board Secretary shall notify the requester in writing of the Board's decision.
  - If the requester is not satisfied with the action recommended, an appeal may be filed with the Board of Education.
  - If the Board upholds the action of the School Administration, the requester has the right to take any legal action open to the requester.

### **Copying School Records**

- CCID may charge a fee for duplicating school records that is equal to the actual duplication cost plus any employee time involved.
- CCID shall refuse to allow duplication of copyrighted materials (except in accordance with educational copyright laws and with respect to educational materials).
- CCID shall charge 10 cents per page for duplicating records, plus the cost of labor involved at the rate of \$25 per hour.

### **Retention of School Records**

- CCID shall adhere to the general schedule for records retention approved by the State Records Committee.
- Records that are not covered by the general schedule shall be submitted to the State Records Committee for scheduling.
- Only those confidential records required for retention at the school as per state guidelines shall be retained. The school will not retain other confidential records.

### **Administrative Regulation**

The Executive Director shall ensure that all student records are classified and maintained according to CCID's retention schedule. The Executive Director shall serve as the Students Records Officer for the school.

- The Executive Director shall be responsible to see that teachers, secretaries, and aides are appropriately trained in record keeping and follow CCID's internal classification and retention schedule.
- The Executive Director shall be responsible to see that records are appropriately maintained in safe, secure files which will protect documents and assure privacy.
- The Executive Director shall be responsible to see that records are retained, transferred, archived, and destroyed in a timely, efficient, appropriate manner.
- Teachers and other school personnel as designated by the Executive Director shall be responsible to see that attendance rolls, student progress reports, grades, health information, and other necessary student records are prepared and maintained.

### **Publication of Directory Information**

- The Executive Director may authorize the release of certain student directory information for the purpose of publishing school directories, yearbooks, team rosters, honor roll lists, graduation lists, and other school purposes which would not normally be considered an invasion of student privacy.
- The Executive Director may authorize the release of certain student directory information for use by U.S. Military Forces and other authorized agencies.
- Parents who object to publication of their child's directory information may block publication by submitting a written notification to the Executive Director at any time.
- **Note:** Parent's permission or objection to the publication of their child's directory information is specifically sought at registration.

### **Use of Student Records for Research Purposes**

- Individual student information may not be released for research purposes without first giving parents an opportunity to grant or deny the release.
- Information which does not reveal the individual identity of a student or infringe upon privacy rights; i.e., group test results, enrollment statistics, etc., may be released by the Executive Director for approved research projects.
- Information involving students which is not generated by the school, such as U.S. census data, may be released to outside individuals or agencies in accordance with state and federal law.

### **Transferring Student Records**

#### **Timeframe for Transfer of Records**

- Within 14 days after enrolling a transfer student, a school shall request, directly from the student's previous school, a certified copy of his/her record.
- Any school requested to forward a copy of a transferring student's record to the new school shall comply within 30 school days of the request unless the record has been

flagged as a "Missing Child," in which case the copy may not be forwarded and the requested school shall notify the police department.

### **Procedures for Transferring Records**

- **Note:** A parental release is not required when transferring student records from one school to another.
- The cumulative record folder, which includes all of the records created as part of the student's instructional program, shall be purged of all outdated or irrelevant materials and of documents containing confidential medical information, social history, teachers' notes, reports from outside agencies, or other sensitive information included as an insert in the file but not part of the cumulative/permanent record.
- The cumulative/permanent records, including directory information, schools and years attended, grades and credits earned, health records (Utah School Immunization Record), and test scores, shall be forwarded to the receiving school as follows:
  - The original records of students in grades K-8 shall be transferred. Copies of the original records may be provided to the parent(s)/legal guardian(s), if a request is received prior to the time the original records are transferred.
  - The date the record transfer request was received and the date and school where the record was sent shall be entered on each archived file.
  - The Executive Director shall not transfer the record of any student whose file is flagged as a "Missing Child" pursuant to Utah Code Annotated. The Executive Director shall immediately notify the police department of the transfer request. The flag restricting transfer shall be removed from the student's file and the transfer facilitated only upon official police notification that the child has been located.

### **Requests to Correct or Expunge Records**

- Parent(s)/legal guardian(s) and eligible students may request a conference with the Executive Director and ask for a correction or expungement if they feel information entered on their student's record is inaccurate or inappropriate.
- If the requested record change or expungement is denied, the parent, guardian, or eligible student has a right to enter a statement of disagreement into the record.

### **Retention of Records**

- Student enrollment records shall be retained permanently at CCID.
- Cumulative/permanent record folders of students in grades K-8, including records created as part of the instructional program and student history, shall be maintained at the local school so long as the student is enrolled.
- Documents which are not part of the grade transcript shall be destroyed within three (3) years of the date the student transfers, is promoted, graduates, or withdraws from school.
- Teacher files on students in resource or other special programs shall be destroyed within three (3) years of the date the student leaves the program.

**Limitations of GRAMA Requests:**

In response to a request, CCID is **not** required to:

- Create a record;
- Compile, format, manipulate, package, summarize, or tailor information;
- Provide a record in a particular format, medium, or program not currently maintained by the school;
- Fulfill a person's records request if the request unreasonably duplicates prior records requests from that person; or,
- Fill a person's records request if:
  - The record requested is accessible in the identical physical form and content in a publication or product produced by the governmental entity receiving the request;
  - The government entity provides the person requesting the record with the public publication or product; and,
  - The government entity specifies where the record can be found in the public publication or product.