




**GWINNETT  
COUNTY  
PUBLIC  
SCHOOLS**

## Gwinnett County Board of Education

Level:  Procedure J-Students	Accompanying Policy: JR 	Descriptor Code: <b>P.JR</b>	Rescinds February 8, 2016
Descriptor Term: <b>Student Records</b>		Effective Date: <b>September 2, 2016</b>	

Keywords:  
Student Discipline:  
Policy References:

**I. Notification to Parents and Students shall include:**

- A. Notice of the right of the parent or eligible student to review and inspect educational records and the procedure for exercising the right of access.
- B. Notice of the right to seek amendment of educational records alleged to be inaccurate, misleading, or otherwise in violation of the student's privacy rights and the procedure for requesting amendment of educational records.
- C. Notice of the right to consent to disclosures of personally identifiable information contained in educational records, subject to exceptions authorized by Federal law.
- D. Notice of the right to file a complaint with the Department of Education alleging failures by the District in complying with FERPA.
- E. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest for purposes of determining to whom disclosures may be made without parental consent.
- F. The types of information designated as directory information, the right to refuse to allow the disclosure of any or all types of directory information, and the period in which the District must receive notice of a parent or eligible student's election to opt out of the disclosure of directory information.
- G. Notice that the District forwards education records to other educational agencies or institutions that have requested records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
- H. Notice of the right to inspect, upon request, a survey created by a third party before the survey is administered or distributed to by a school to a student and information on obtaining the procedure for exercising the right to inspect and review the survey.
- I. Notice of the right of parents and eligible students to file a complaint with the District regarding possible violations of rights under the Georgia Student Data Privacy, Accessibility, and Transparency Act (O.C.G.A. 20-2-667) or under other federal or state student data

privacy and security laws. Notice of the right to file a complaint should identify the District official to whom complaints should be addressed and provide parents with the mailing address, phone number, facsimile address and electronic mail address to which complaints may be addressed.

- J. Notice of the anticipated dates during which any survey revealing Protected Categories of Information will be administered, the right to inspect any survey revealing Protected Categories of Information, the right to opt-out of any survey revealing Protected Categories of Information and information on obtaining the procedure for exercising these rights.
- K. Notice of the anticipated dates of the administration of any Invasive Physical Examination, the right to opt out of any such examination, and information on obtaining the District's procedures regarding physical examinations.
- L. Notification should be provided to parents and eligible students at least annually for items A through I. The annual notification should be pursuant to means that are reasonably likely to inform parents or eligible students of their rights, should effectively notify parents or eligible students who are disabled of their rights, and should effectively notify parents who have a home language other than English of their rights.

## **II. Types of Records:**

In accordance with Board Policy and Procedure BE and P.BE respectively, a Records Management Program will be established and maintained to control all records created by the Gwinnett County Public School District. The Records Management Program will help to ensure that all records created meet the requirements and commitments to laws, codes, regulations, standards, and policies. Records Management encompasses the creation, maintenance, use and disposition of records regardless of media; paper, electronic, microfilm, audio, video, etc. Records management seeks to manage and control records through the entirety of their life cycle, from their creation and distribution, through their filing, use, and ultimately to their final disposition or permanent retention.

The Department of Records Management in the Business and Finance Division is responsible for the Gwinnett County Public Schools Record Management Program which includes the administration of Student and School Records.

### **A. Standard Educational Records (PERM):**

1. A standard educational record will be established for all students enrolling in the District.

For clarification on the documents to be included in the standard educational record (hard copy), by level (ES, MS, HS), please see the following forms located in the Business and Finance forms directory. The Department of Records Management is responsible for the creation and maintenance of the following forms. It is the responsibility of the Department of Records Management to solicit annual guidance and input from appropriate GCPS Department heads regarding newly implemented initiatives, forms, and records resulting in documents that may be added or deleted from the standard educational records make-up.

Elementary - P.JR-1  
Middle - P.JR-2  
High - P.JR-3  
Graduates - P.JR-4  
Withdrawals (Any level) - P.JR-5

### **Notes:**

- a. The annual ESOL AKS Modification and Intervention Plan, maintained on the Lotus Notes database, is considered a part of the standard educational record.
  - b. Portions of the official student record are maintained on the School Administrative Student Information (SASI) system.
2. Maintenance and Retention of Standard Educational Records:
- a. All Standard Educational Records will be kept in a central location in a fireproof vault or fireproof file cabinets.
  - b. All Standard Educational Records will be managed by an appropriate designee(s) under the supervision of the principal. No record will be removed from the file without the approval of the designee(s.)
  - c. Records will be available to local School Officials only on a checkout basis. Unless a child transfers to another GCPs location, a standard educational record should under no circumstance be removed from the school in which a student was enrolled.
  - d. Records will be reviewed and purged at the end of fifth, eighth, and twelfth grades to eliminate all irrelevant material. The Department of Records Management will facilitate this process by holding annual meetings and by sending periodic informational e-mails regarding proper records transfer procedures. The Department of Records Management is responsible for the development and administration of the processes associated with the creation, organization, maintenance and retention related issues. The Department of Records Management works collectively with various GCPs Central Office Department representatives and/or an appropriate committee to ensure proper records keeping practices are followed.
  - e. A charge will be incurred for any copy of records and transcripts housed in the student records repository and/or at the local school. For specific guidance on requesting copies of student transcripts or records please see Section III, Access To Student Records, below.
3. Organization of Standard Educational Record:

Upon enrollment in a Gwinnett County Public School, a new standard educational record should be established. The appropriate standard educational records file jacket may be obtained through stock control number C-17-0202-001. Specific information regarding enrollment and admissions may be found in the Enrollment and Admissions handbook maintained by the Department of Health and Social Services.

Beginning school year 2011/2012, the Department of Records Management implemented checklist forms P.JR-1, P.JR-2, P.JR-3, P.JR-4, and P.JR-5. These forms contain specific information regarding the appropriate contents and make-up of the standard educational record by level. A copy of the appropriate checklist form should remain part of the standard educational record. The Department of Records Management will perform an annual review of the forms to ensure accurate records keeping practices.

**Note(s):**

- a. When a student is enrolling in a Gwinnett County Public School and brings with them an original standard educational record from a previously attended school, please make copies of the appropriate and necessary forms from the original file and return that file to the student or the originating school district.

4. Transferring Inactive Student Records:

The Department of Records Management is responsible for the administration, maintenance, transfer processes, and inventory control of inactive student records including the standard educational record as well as supplemental, discipline, and SST files. Beginning school year 2012-2013 local schools will house only one (1) year of

inactive records.

Each local school should assign the responsibility of student records administration to an appropriate designee.

B. Supplemental Files:

1. A supplemental file is established for an individual student when a need arises for maintaining additional information, separate from the standard educational record. This file is to be used for storage of all documents related to educational programming or planning for students with disabilities or suspected disabilities.
2. This file should be maintained separate from the Standard Educational Record but in the same general location (i.e., a central location accessible to staff). If any file is kept in an alternate place (i.e., special education room) a place holder card must be inserted in the supplemental file location. All other instructions on maintaining supplemental files will apply.
3. Due to the confidential nature of supplemental files, such files must be maintained in a locked cabinet with access provided only to authorized personnel.
4. Each access to a record must be recorded with specific reason given, date, and signature.
5. The file will be open ONLY to professional school personnel with a legitimate educational interest who are directly involved with the child or other authorized agencies who have written approval from the Superintendent or his designee.
6. Educational records may be sent to other schools or school districts upon request, based upon a statement from the other school or parent that the child will be attending the other school. Records should not be released to any other individuals without a signed records release. (Contact the Department of Special Education for specific questions regarding the necessity of a signed release.)
7. Records for students moving from one educational level to another i.e., elementary to middle or middle to high school are to be hand carried by the designated staff member with an alphabetized list in duplicate using the Supplemental Record Transfer Form (C17-0489-090) of folders being transferred. A copy of this list is to be signed by the designated staff member of the receiving school.
8. The contents of a supplemental file for Special Education students should be organized in accordance with the form entitled Contents and Organization of a Supplemental Folder which is located in the Special Education Handbook. For specific questions or guidance to supplemental file set-up, organization, and maintenance contact the Department of Special Education.
9. If a supplemental file has been started at the SST level and the student is not placed in special education, the following data are to be maintained in the supplemental file:

- SST referral form
- SST documentation form
- Permission for screening/evaluation
- Any psychological reports
- Vision and hearing results
- Eligibility team report
- Records release form
- Student referral form

ILP documentation for transition program students  
Other test data (achievement/ability)

C. Discipline Records:

STUDENT DISCIPLINARY RECORDS (FILES) ARE NOT DISCLOSABLE TO OUTSIDE PEOPLE/AGENCIES (OTHER THAN THE PARENT) ABSENT SUBPOENA OR COURT ORDER--FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA). Parents have a right to be notified if records are subpoenaed so that they can object to production.

The local school is responsible for Maintenance/Assessment/Distribution of student disciplinary records. The Information Management Division is responsible for computerized file copies and storage of electronic student disciplinary records.

1. Written/Hard Copies:

- a. Elementary School -Year-to-year management is at local school administration discretion. Upon withdrawal from school, a copy of student disciplinary records is forwarded to the receiving school. Original discipline files for the entire fifth grade class are forwarded upon promotion to a GCPS Middle School.
- b. Middle School -Year-to-year management is at local school administration discretion. Upon withdrawal from school, a copy of student disciplinary records is forwarded to the receiving school. Original discipline files for the entire eighth grade class are forwarded upon promotion to a GCPS High School.
- c. High School -Year-to-year management is at local school administration discretion. Upon withdrawal from school, a copy of student disciplinary records is forwarded to the receiving school. Student disciplinary files (hard copies) are required to be retained for seven years. At the close of the school year, the student disciplinary files for all graduating seniors will be sent to the student records depository where they will be held until they can be shredded according to the records retention schedule.

2. Computer Disciplinary Files:

- a. Elementary School - Local school administration discretion may be used to analyze/assess student disciplinary data. All in-school and out-of-school violations and disciplinary hearing data are maintained on-line on the School Administrative Student Information (SASI) system. Student disciplinary files are archived upon withdrawal or promotion to Middle School.
- b. Middle School - Local school administration discretion may be used to analyze/assess student disciplinary data. All in-school and out-of-school violations and disciplinary hearing data remain active (on-line) on SASI. Student disciplinary files are archived upon withdrawal from school or promotion to High School. Specific retrieval requests may be made to Information Management Division (IMD) on individual students after files are stored.
- c. High School - Local school administration discretion may be used to analyze/assess student disciplinary data. All in-school and out-of-school suspension violations and disciplinary hearing data remain active (on-line) on SASI. Other student disciplinary files are archived upon withdrawal from school or graduation. Specific retrieval requests may be made to IMD on individual students after files are stored.

D. Working Papers:

1. Any personal notes, conference notes, etc. may remain as part of the individual working papers of a teacher, counselor, administrator, or other professional school employee.
2. These papers are not to be used by another person, are to be kept informally, and are to be shredded by the end of the school year at the latest.

### III. **Active and Inactive Records File Management :**

#### A. ACTIVE RECORDS

##### 1. Transfer to another Gwinnett County Public School

All Standard Educational Record folders for students moving to another educational level in the county; i.e., elementary to middle or middle to high school or graduates and withdrawals to the Department of Records Management (student records repository) are to be:

- a. Purged and sorted in accordance with the appropriate Checklist form
- b. Boxed and labeled appropriately
- c. Accompanied by an approved Records Transmittal form (available from the Department of Records Management.)
- d. Delivered to the receiving school or to the Department of Records Management for graduates or withdrawals at a mutually arranged time by an appropriate personnel from each location.

#### **Note(s):**

- a. Each location has the right to refuse to accept records/files until such time that the records are prepared and boxed properly.

##### 2. Transfer to another out-of-district location

When a Gwinnett County Public Schools student withdraws to go to another non-GCPS school, the original standard educational record, as well as any other record type(s) (supplemental, discipline, or SST) should be marked as inactive and copies should be maintained in the appropriate inactive file repository. Upon receipt of a request for records from another school system for a child who is enrolling in that school system, a copy of the official record should be made and sent to the requesting school. Under no circumstance should an original record be removed from a Gwinnett County Public Schools location.

#### B. INACTIVE RECORDS

1. Each school year the Department of Records Management accepts specific inactive student records (standard educational record, supplemental, discipline, and SST.) Specific instructions regarding the preparation and transferring of student records will be provided during annual informational meetings, training sessions and/or by periodic e-mails.
2. As stated throughout this document, the appropriate form P.JR-4 for Graduates or P.JR-5 for Withdrawals should be followed when purging files for submission to the Department of Records Management.

#### **Note(s):**

- a. Supplemental, discipline, and SST files are to be submitted to the Department of Records Management as is, and no documents are to be removed from those file types.

### IV. **Access to Student Records :**

#### A. Access rights shall consist of the following:

1. The right to inspect and review the content of records within a reasonable period of time, not to exceed forty-five days of the request. A Parent or Eligible Student seeking to inspect and review educational records should submit a written request to the Principal of the school in which the student is enrolled or last attended. Parents and eligible students are entitled to inspect and review educational records prior to an IEP meeting, a due process hearing, or a resolution session pursuant to the IDEA.
2. The right to obtain an electronic copy of all education records to which a parent or eligible student are entitled, unless the education record is not maintained in electronic format and reproducing the record in an electronic format would be unduly burdensome or violate the privacy rights of other students.
3. The right to obtain copies of educational records, if the failure to provide copies would effectively prevent the parent or eligible student from exercising access rights (ex. parent lives out of state). A parent or eligible student may be charged for copies if such a charge does not effectively prevent the parent from accessing the records.
4. The right to a response to reasonable requests for explanations and interpretations of those records.
5. The right to an opportunity for a hearing, conducted pursuant to paragraph VI, to challenge the content of those records.

B. Persons having access rights to student records:

1. The Family Educational Rights and Privacy Act (FERPA) guarantees that parents, custodial and non-custodial, have the right to inspect and review the educational records of their children. The only exception to this is if a court order specifically revoked the right of the parent to review educational records. If this happens, the court order would be placed in the student's file. The rights afforded to parents under FERPA transfer to students at the age of 18 unless the student has been declared mentally incompetent by a court of competent jurisdiction, in which case the parents or other authorized legal guardian retain all rights. The parents continue to have the right of access to education records for so long as the student remains a dependent student as defined by the Internal Revenue Service.
  - a. Parents have the right to review any official record. Disclosure must be made within a reasonable period of time, not to exceed 45 days of a parental request for such review. If parents challenge any information contained in a student record, the hearing procedure set forth in paragraph VI should be followed. Parents should be informed of their right to have any part of the record explained by trained personnel. Appointments will be made as needed and requested by parents.
  - b. A natural or adoptive parent, or the legal guardian of a student, or such parent or guardian of a former student, unless that student is eligible because of age or attendance at a post-secondary institution, has rights of access and challenge. The applicant for admission is not granted rights under this legislation, but obtains rights once admitted unless voluntary waivers have been granted as against certain records.
  - c. A student who has attained the age of 18 years or has become a student in a post-secondary institution is an eligible student within the meaning of the law and has right of access and challenge to his education records. A former student has the same rights. "Post-secondary institution" is defined as an institution offering courses or learning experience beyond grade 12. "Education records" are those records, files, documents, and other materials containing information in any medium related directly to a student, but do not include records of instructional, supervisory and administrative personnel which are in the sole possession of the maker thereof and

which are not accessible or revealed to any other person except a substitute; further provided that, rights of access and challenge apply to records on a student who is 18 years of age or older, or who is attending a post-secondary institution, which are created or maintained by a physician, psychiatrist, or psychologist, or other recognized professional or paraprofessional action in his professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing said treatment; provided, however, that said records can be personally reviewed by an appropriate professional representing the student.

C. To request student records or transcripts:

1. Specific instructions and the form to request inactive student records or transcripts may be found on the Gwinnett County Public Schools website ([www.gwinnett.k12.ga.us](http://www.gwinnett.k12.ga.us).) To request copies of active student records, requestors must complete and submit a Records Release Request form. When requesting active or inactive records, requestors must present a photo ID. Copies of the Standard Educational Record and/or transcripts will be provided at a cost of \$5.00 per file copy/ transcript. If additional records are requested (Supplemental, Discipline, SST, etc.), the District may charge \$.10 per page for copies of records. Education/Graduation verifications are also provided at a cost of \$5.00 per verification.
  - a. Active Records - For records requests pertaining to students actively enrolled in a Gwinnett County Public School please contact the appropriate local school. Beginning the 2012-2013 school year, local schools will house only one year of inactive records. All other inactive records will be the responsibility of the Department of Records Management.
  - b. Inactive Records - The Department of Records Management maintains all student records (standard educational record, supplemental, discipline and SST) for students who have graduated or withdrawn from a Gwinnett County Public School. As stated above, beginning the 2012-2013 school year, local schools will house only one year of inactive records. All other requests for inactive records should be made to the Department of Records Management.

**Note(s):**

- a. Student transcripts and records shall not be faxed or emailed.

**V. Release of Records:**

- A. As a general rule, student records should not be disclosed without the consent of the parent or eligible student to whom the record pertains. Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record. The consent of parents or eligible student for the release of student records shall be in writing, be signed and dated by person granting consent, and shall include specification of the records to be released, reasons for such release, and the names of the parties to whom such records will be released.
- B. Generally, except for "Directory Information" as designated below which may be released for legitimate purposes as determined by the school system, the school (system) shall not permit access to or release of educational records or personally identifiable information to parties other than:



1. School officials, including teachers who have been determined by the school (system) to have legitimate education interests. A school official is any school employee or any contractor, consultant, volunteer, or other party to whom school system services or functions that would otherwise be performed by school employees has been outsourced or assigned. A legitimate educational interest is a need that arises out of a school officials role in providing educational services, including instruction, evaluation, therapy, etc., to a student, or out of the performance of administrative, supervisory, clerical, or other responsibilities prescribed by the school system;
  2. Officials of other schools or school systems in which the student seeks to enroll, upon condition that the student's parents or eligible student be notified of the transfer, receive a copy of the record at actual cost of reproduction, if requested, and have an opportunity to challenge the content of the record;
  3. Authorized officials of federal and state governmental agencies;
  4. Organizations or educational institutions conducting research to improve education, provided that such studies are conducted in such manner as will not permit identity of students or parents by person other than representatives of such organizations or institutions, and provided further that such information will be destroyed when no longer needed for the purpose for which the information was used;
  5. Accrediting organizations to carry out their functions;
  6. Parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986;
  7. In compliance with judicial order or pursuant to lawfully issued subpoena. In the absence of a court order to the contrary, the parents or eligible student will be notified in advance of all such orders and subpoenas and of compliance therewith; or
  8. As otherwise authorized by law.
- C. In case of emergency, information contained in a student's educational records may be released without the consent of the parent or eligible student to any person whose knowledge of the information is judged to be necessary to protect the health and safety of a student or other persons. A decision to release information pursuant to the Emergency Exception should be supported by an articulable and significant threat to the health or safety of a student or other individuals based on the totality of the circumstances. Once information is disclosed pursuant to the Emergency Exception a record of access shall be documented pursuant to paragraph V(B). If possible, the principal or his/her designee will determine whether information may be released on a case by case basis.
- D. When transferring records to other schools within the county, forward the folder and inserts to the receiving school. A courier transfer ticket is to be used. When transferring records outside the county, items to be copied and forwarded are: current report card or high school standard records, standardized test record card, attendance, standardized test results and immunization certificate. In no instance are original records to be released to anyone outside the school system, including parents and guardians, only copies of original records.
- E. Original records for students who leave the district are maintained at the local school until requested by the student records repository office. The Standard Educational Record should be stored in an area of the main file vault or in fireproof file cabinets. Supplemental and Discipline files should be stored in secured areas. Until sent to the student records repository, these files are marked "inactive" and access is consistent with that described in "Access to Student Records" section above.

- F. The records release form is to be completed any time records are sent to other agencies and/or professionals. A properly completed and signed college application form will be considered to be an official records release form for a transcript to be mailed with it.

**VI. Record of Access:**

- A. The school (system) shall maintain a record of access which will indicate all parties which have requested or obtained access to a student's education records maintained by the institution. Such records of access shall be available only to parents or eligible students, to the school official or his assistants who are responsible for custody of such records and to such persons otherwise identified under these regulations to have access to such records. A record of access is not required where the request was from, or the disclosure was to a parent or eligible student, a school official, a party with written consent from the parent or eligible student, or a party seeking directory information.
- B. Where a student's personally identifiable information is disclosed pursuant to a health or safety emergency, the following must be recorded: (i) The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; (ii) the parties to whom the agency or institution disclosed the information.

**VII. Requests for Amendment of Records :**

- A. The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g., provides parents and eligible students with the right to ask for an amendment of any records relating to the student containing information that they believe is inaccurate, misleading, or in violation of the student's rights of privacy. Student records created by Gwinnett County School District personnel shall be maintained in a manner that accurately reflects the student's period of enrollment in the Gwinnett County School District. Requests by a parent or eligible student to amend a record created by the Gwinnett County School District alleged to be inaccurate, misleading, or in violation of the student's privacy rights should be addressed within a reasonable time not to exceed forty-five (45) days. When a parent or eligible student asserts that a student education record is inaccurate, misleading, or in violation of the student's privacy rights and asks that the record be amended, personnel responsible for the creation of the record shall review the accuracy of the record. If personnel responsible for the creation of the record determine that the record is inaccurate, misleading, or in violation of the student's privacy rights, the record shall be amended to eliminate any inaccuracies, misleading information, or other violations of the student's privacy rights. In the event that a parent or eligible student's allegation that the student's records are inaccurate, misleading, or in violation of a student's rights is found to be without merit, the staff member making such determination shall notify the parent or eligible student in writing of that determination and provide the parent or eligible student with notice of the right to request a hearing to challenge the record. The procedures for challenging educational records shall be as follows:
1. **Request for Hearing.** After a parent or eligible student's request for the amendment of a student record alleged to be inaccurate, misleading, or in violation of the student's rights of privacy has been denied, the parent or eligible student may request a hearing before a hearing officer. The Request for Hearing shall be filed with the Superintendent's office and shall include the following information:
    - a. A list of all records alleged to contain information that is inaccurate, misleading, and/or in violation of the student's rights, along with a list of any additional records which may contain information that is inaccurate, misleading, and/or in violation of the student's rights.
    - b. A statement of why information contained in the records is alleged to be inaccurate, misleading, or in violation of the student's rights.
    - c. All documentary evidence and a list of any witnesses who may provide information in support of the allegation that the student's record(s) are

- inaccurate, misleading, or in violation of the student's rights.
- d. The amendment requested by the parent or eligible student necessary to correct any alleged inaccuracy, misleading information, or violation of the student's rights.
  - e. Contact information for the parent or eligible student making the request.
2. **Hearing Officer.** Upon receipt of a Request for Amendment, the Superintendent or designee shall appoint a hearing officer to conduct a hearing on the parent or eligible student's Request for Amendment. The appointed hearing officer shall be an administrator who is not familiar with the student and who does not have a direct interest in the outcome of the parent or eligible student's request for amendment.
  3. **Initial Review.** The appointed hearing officer shall review the parent or eligible student's request and contact the appropriate district personnel responsible for creating the student record(s) challenged by the student. The hearing officer shall be authorized to request additional information or clarification of the parent or eligible student's request if necessary to put the appropriate district personnel on notice of the specific nature of the challenged record or requested amendment.
  4. **Hearing.** Upon receipt of any and all additional information or clarifications requested by the hearing officer, the hearing officer shall set a hearing. The hearing shall be set within twenty (20) days of the receipt of the appeal, or any additional information or clarifications requested by the hearing officer, whichever is later. The hearing shall be set at a time and place determined by the hearing officer. The hearing shall be confined to the issues raised in the Request for Hearing. The parent or eligible student seeking the amendment shall have the burden of proof at the hearing. After the parent or eligible student's presentation of evidence, district personnel responsible for creating the student record(s) challenged by the student shall have an opportunity to present evidence. The strict rules of evidence applying in courts of law shall not apply to the hearing on this matter. The hearing officer shall issue a decision in writing within five (5) days of the hearing. The hearing officer's decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision. The hearing officer's decision shall be based on a preponderance of the evidence. In the event the hearing officer determines that the information is inaccurate, misleading, or otherwise in violation of the privacy right of the student the student's record shall be amended accordingly.
  5. **Explanatory Statement.** In the event the hearing officer denies the parent or eligible student's Requested Amendment, the parent or eligible student shall receive notice of the right to place a statement in the student's record commenting on the contested information or stating why the parent or eligible student disagrees with the hearing officer's decision. Any such statement shall be provided to the Superintendent's Office within ten (10) days of the hearing officer's decision. Any such statement shall be limited to factual comment on the dispute. The Superintendent's office shall have the authority to redact any profane or derogatory personal comments contained in any such statement.
  6. **Dismissal.** This appeal process can only be used to challenge student records created by the Gwinnett County School District. The Gwinnett County School District does not have the authority to amend student records created by another educational agency. Consequently, any challenge to a record created by another educational agency should be addressed to the educational agency responsible for the creation of the challenged record. Further, this appeal process is only available to challenge student records alleged to be inaccurate, misleading, or in violation of the student's privacy rights and is not intended, nor may it be used, to challenge substantive decisions made by District personnel. Examples of inappropriate substantive challenges to student records include challenges to a staff member's decision to assign a particular grade to a student or a staff member's decision to discipline a student. If at any time the hearing officer determines

that a Request for Amendment constitutes a challenge to a record created by another educational agency or a substantive challenge to a staff member's decision, the hearing officer may dismiss the parent or eligible student's Request for Amendment.

### VIII. Complaints:

1. The Georgia Student Data Privacy, Accessibility, and Transparency Act (O.C.G.A. 20-2-660 through O.C.G.A. 20-2-668) provides parents and eligible students with the right to file a complaint with the District regarding a possible violation of rights under the Student Data Privacy, Accessibility, and Transparency Act, or under other federal or state student data privacy and security laws. Complaints filed by a parent or eligible student regarding a possible violation of rights under the Student Data Privacy, Accessibility, and Transparency Act, or under other federal or state student data privacy and security laws will be addressed by the District's Executive Director of Administration and Policy.
2. Parent or eligible students should address complaints regarding a possible violation of rights under the Student Data Privacy, Accessibility, and Transparency Act, or under other federal or state student data privacy and security laws to the District's Executive Director of Administration and Policy. The District's Executive Director of Administration and Policy may be contacted as follows: Gwinnett County School District, Executive Director of Administration and Policy, 437 Old Peachtree Road, NW, Suwanee, Georgia 30024, Facsimile 678-301-6007, email [jorge\\_gomez@gwinnett.k12.ga.us](mailto:jorge_gomez@gwinnett.k12.ga.us).
3. The District's Executive Director of Administration and Policy should promulgate a Complaint Form. The Complaint Form should be available on the District's website. The District's Executive Director of Administration and Policy should make the Complaint Form available to parents and eligible students within three (3) business days of receipt of a request for the Complaint Form.
4. The District's Executive Director of Administration and Policy, or designee, should promptly investigate and respond to complaints submitted by parents or eligible students regarding the Student Data Privacy, Accessibility, and Transparency Act, or under other federal or state student data privacy and security laws. The District's Executive Director of Administration and Policy should respond in writing to a complaint within ten (10) days of receipt of the complaint. If the District's Executive Director of Administration and Policy determines that a student's rights under the Student Data Privacy, Accessibility, and Transparency Act, or under other federal or state student data privacy and security laws have been violated, the District's Executive Director of Administration and Policy should seek to resolve the issue and take appropriate steps to prevent future violations.
5. A parent or eligible student may file an appeal to the CEO/Superintendent, challenging the factual or legal conclusions made by the District's Executive Director of Administration and Policy or the District's Executive Director of Administration and Policy's proposed resolution. The parent or eligible student's appeal must be filed within ten (10) business days of receipt of the decision issued by the Executive Director of Administration and Policy.
6. Parents or eligible students appealing to the CEO/Superintendent may not present new evidence or issues on appeal that were not raised or presented to the Executive Director of Administration and Policy. The CEO/Superintendent should review the appeal, investigate the allegations raised in the appeal and render a written decision within a reasonable period of time.
7. A parent or eligible student may file an appeal to the Gwinnett County Board of Education, challenging the factual or legal conclusions made by the CEO/Superintendent or the CEO/Superintendent's proposed resolution. The parent or eligible student's appeal to the Gwinnett County Board of Education must be filed within ten (10) business days of

receipt of the decision issued by the CEO/Superintendent.

8. Parents or eligible students appealing to the Gwinnett County Board of Education may not present new evidence or issues on appeal that were not raised or presented to the Executive Director of Administration and Policy. The Gwinnett County Board of Education should review the appeal, the results of the investigations performed below, the allegations raised in the appeal and render a written decision no later than the next regularly scheduled Board meeting which is at least ten (10) business days from the Gwinnett County Board of Education's receipt of the appeal, unless the parent or eligible student agrees otherwise.

#### **IX. Waiver of Rights:**

Waivers of rights of privacy and access cannot be required by institutions; however, a student applying for admission may waive his right of access to confidential statements or recommendations made in relation to the admission of the student to a post-secondary institution, receipt of financial aid, respecting the receipt of an honor or honorary recognition, or employment; provided that waivers cannot be required as a condition of admission to, financial aid from, or receipt of other services or benefits from such agency or institution. Letters of recommendation or statements supplied under waivers must be used solely for the purposes for which they were specifically intended.

#### **X. Directory Information:**

Gwinnett County Public Schools has designated the student's name, address, telephone number, date of birth, electronic mail address, photograph, audio recordings, video recordings, grade level, years of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, and honors and awards received as "Directory Information." Parents, guardians, or students (age 18 years or older) have the right to refuse to allow disclosure of such information. This right may be exercised by notification to the principal of the school in which the student is enrolled. A parent, guardian, or student's notification to refuse to allow disclosure of directory information shall be effective for the current school year and will need to be renewed on an annual basis should you wish to continue to opt out of the release of directory information.

#### **XI. Review of Instructional Materials:**

##### **A. Request for Review of Instructional Materials**

The parent or guardian of a student has the right to review and inspect Board adopted instructional materials employed as part of the student's educational curriculum. Instructional Materials are defined as instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). This does not include academic tests or assessments. The parent or guardian of a student shall only have the right to inspect Board adopted instructional materials for courses in which the student is currently enrolled or is considering enrollment in the upcoming school semester.

All requests by a parent or guardian to review Board adopted instructional materials should be referred to the Director of Instructional Materials Office at (678) 301-6828. The request shall identify the name of the student on whose behalf the request is being made, the course for which the inspection of Board adopted instructional materials is requested, the semester in which the student is enrolled or anticipated to enroll, and contact information for the parent or guardian. The Director of Instructional Materials, or designee, shall contact the requesting parent or guardian within twenty (20) days of the initial request to confirm that the request has been received, to request any additional information needed to process the request, and to discuss any special arrangements necessary to process the request.

Once all information necessary to process a request has been received, the Director of Instructional Materials, or designee, shall provide the parent or guardian with an opportunity to inspect and review the materials at a time that is mutually convenient to the District and the parent or guardian. The opportunity to inspect and review the requested Board adopted instructional materials shall be made within a reasonable time not to exceed forty-five (45) days from the date of receipt of a request containing all required information.

To accommodate requests made by working parents, on a monthly basis the Director of Instructional Materials shall, upon request, make Board adopted instructional materials available for inspection for two hours after 5 pm on a weeknight or on a Saturday designated by the Director of Instructional Materials. In the event the Director of Instructional Materials determines that a request is unreasonable, the parent or guardian shall be notified of such a determination and asked to modify the request. Examples of unreasonable requests may include, but are not limited to, weekday hours prior to 7:00 am or after 8:00 pm or Saturday hours prior to 8:00 am or after 4:00 pm.

The Director of Instructional Materials shall refer any requests to review or inspect instructional materials approved by local schools or other departments to the local school or department for processing consistent with this procedure. All requests to review or inspect discontinued instructional materials or instructional materials for courses in which a parent's or guardian's student is not currently enrolled or considering enrollment for the upcoming semester will not be honored.

The instructional materials must remain in the Instructional Materials Office or designated location in the Instructional Support Center during the review, therefore check-out of the materials for review off-site is not permissible.

#### B. Pilot Materials Being Considered for Board Adoption

Materials currently being reviewed for Board adoption will not be made available through the process outlined above, but rather the Instructional Materials Office holds an annual public review of instructional materials being considered for adoption. Information on dates, times and locations of the public review can be found by contacting the Director of Instructional Materials Office at (678) 301-6828.

## XII. Student Surveys:

### A. Third Party Surveys

1. Minimum Requirements. Any third party agency seeking to administer or distribute a survey to students shall submit the proposed survey to the Director of Research and Evaluation for review pursuant to Procedure ICC regarding educational research. In addition to review by the Director of Research and Evaluation and the Research Committee, any such survey shall also meet the following minimum requirements for protecting student privacy:
  - a. A survey may not reveal the name, or other sensitive personal information of the student (social security number, parent or guardian names, addresses, etc.) unless authorized by the student's parent or guardian.
  - b. Prior to the administration of any survey or release of any survey responses to a third party, the third party shall execute an agreement to maintain the confidentiality of all individual survey responses that contain personally identifiable information.
2. Right to Inspect. Prior to the administration or distribution of any survey created by a third

party, the parent or guardian of a student shall have the right to inspect and review the survey, analysis, or evaluation. The following procedures shall be adhered to in response to a request to inspect or review a survey:

- a. The parent or guardian of a student shall be provided with written notice two weeks prior to the administration of a survey created by a third party. The written notice shall include a brief description of the nature of the survey and the date of administration of the survey.
- b. Any parent or guardian of a student who wishes to inspect or review a survey, analysis, or evaluation, created by a third party, prior to the administration of the survey shall contact the Office of Research and Evaluation at least one week prior to the scheduled administration of the survey, analysis, or evaluation.
- c. The Director of Research and Evaluation shall provide the parent or guardian with a reasonable opportunity to inspect the survey prior to its administration.
- d. The opportunity to review and inspect the survey should be in a format convenient to the parents under the circumstances, as determined by the Director of Research and Evaluation responding to the request. Depending upon the circumstances, the survey may be made available for inspection and review at a school facility during school hours, or provided to the parent via mail, electronic mail, or other appropriate means.
- e. The parent or guardian may elect to have the student opt-out of the survey after their review of the survey.

#### B. Surveys Revealing Protected Information

1. The following are deemed Protected Categories of Information:
  - a. political affiliations or beliefs of the student or the student's family;
  - b. mental or psychological problems of the student or the student's family;
  - c. sex behavior or attitudes;
  - d. illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. critical appraisals of other individuals with whom respondents have close family relationships;
  - f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - g. religious practices, affiliations, or beliefs of the student or the student's parents;
  - h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
2. The Director of Research and Evaluation, or designee, shall evaluate any survey to be administered to students to determine whether the survey is likely to reveal any of the eight Protected Categories of Information. In the event the Director of Research and Evaluation, or designee, determines that the survey is likely to reveal any of the eight Protected Categories of Information the following requirements apply:
  - a. A student shall not be required to submit to a survey revealing any of the eight Protected Categories of Information without the prior written consent of the student's parent or guardian.
  - b. A student shall not be asked to volunteer to submit to a survey revealing any of the eight Protected Categories of Information without providing the parent or guardian of the student with prior written notice of the administration of the survey and an opportunity to opt out of the survey.

Whenever students are asked to volunteer to submit to a survey revealing any of the eight protected Categories of Information the student shall be informed that participation is voluntary.

- c. The following minimum requirements shall apply to any survey that reveals Protected Categories of Information:
  - 1) Survey participants shall not be required to provide their name or any other personally identifiable information;
  - 2) The Research Committee shall review the survey and eliminate any questions they determine are likely to produce personally identifiable information;
  - 3) Prior to release of the raw data produced by the survey, responses shall be reviewed by School Officials and all personally identifiable information shall be redacted from the response;
  - 4) Any individual or entity, other than a School Official, to whom individual survey responses are provided, shall be required to execute an agreement to maintain the confidentiality of individual survey responses.

C. IDEA. The requirements of this section do not apply to any survey administered to a student in accordance with the Individuals with Disabilities in Education Act, 20 U.S.C. 1401 et seq.

### **XIII. Physical Examinations or Screenings :**

#### **A. Routine Physical Examinations**

1. The written consent of the parent, guardian, or eligible student will be obtained prior to the administration of any routine physical examination or screening conducted by the District, where circumstances permit. The following exceptions apply:
  - a. Emergencies: In the case of an emergency staff should evaluate the student's emergent needs, and take appropriate action to stabilize the student's condition. In addition, staff should contact the school nurse, the parent or guardian, or emergency medical services as appropriate.
  - b. School Nurse: The School Nurse may conduct physical examinations as authorized by the procedures adopted pursuant to Policy JGC.
  - c. Passive Examinations: Parental consent shall not be required for passive examinations. Passive examinations are non-invasive observations of students conducted by school staff for readily apparent conditions (i.e. bumps, bruises, cuts, etc.). Passive examinations do not include examinations that require removal of clothing or the use of medical instruments.

#### **B. Physical Examinations and Screenings for the Student Population as a Whole**

1. The Director of the Office of Health and Social Services is charged with coordinating all physical examinations and screenings to be administered to the student body as a whole as required by Federal and State Law.
2. Parents, or guardians shall be provided with written notice of any physical examination or screenings to be administered to the student body as a whole. The written notice shall include a description of the physical examination or screening to be administered; the purpose of the physical examination or screening; any authority requiring the administration of the physical examination or screening; and a written form to opt out of the screening. In the absence of a determination by the Superintendent that a physical examination or screening is immediately necessary to protect the health of the student body, parents shall have a minimum of one week to notify the District that their child will opt out of the physical examination or screening.
3. The Director of the Office of Health and Social Services shall evaluate and consider all



proposals, and recommendations for physical examinations or screenings to be administered to the student body as a whole, beyond those mandated by Federal or State Law. Where, in his discretion, the Director of the Office of Health and Social Services determines that a physical examination or screening should be administered; a recommendation shall be submitted to the Superintendent for approval. In evaluating any proposed physical examination or screening to be administered to the student body as a whole the Director of the Office of Health and Social Services and Superintendent shall on a case by case basis consider the following factors:

- a. The invasiveness of the physical examination or screening.
  - b. The anticipated benefit to the health of the student body to be realized by conducting the physical examination or screening.
  - c. The cost of conducting the physical examination or screening.
  - d. Any other relevant factors.
4. An Invasive Physical Examination is any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening. The following procedures shall be adhered to during the administration of Invasive Physical Examinations administered to the student body as a whole:
- a. Where the invasive physical examination involves the exposure of private body parts, the examination shall be conducted by licensed medical personnel (doctor, physicians assistant, or nurse) or in the presence of two staff members of the same sex of the student being examined. In addition, to the extent possible, the examination shall be conducted in a manner that maintains the privacy of the student.
  - b. Where the invasive physical examination includes any incision, insertion, or injection into the body, the examination shall be conducted by licensed medical personnel.