

Student Educational Records

The Family Education Rights and Privacy Act (FERPA) defines an education record as any record that directly relates to a student and is maintained by the district or by a party acting for the district. A record means any information about a student that is maintained in school and recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. These definitions generally exclude personal notes made by a teacher and other school official as an individual observation or recollection of a student that are not shared with others. Law enforcement records created and maintained by a school or district's law enforcement unit and records in the sole possession of the maker used only as a memory aid are also excluded.

Examples of documents that may be kept in a student's education record include:

- Student's name, address, phone number, record of grades, years enrolled, courses taken, and grades completed. This information is part of a student's permanent record and is typically retained in PowerSchool indefinitely.
- Date and place of birth, parent(s) and/or guardian addresses, and where parents can be contacted in emergencies.
- Personal information such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student.
- Test scores, academic specializations and activities, and official letters regarding a student's status in school.
- Special education records.
- Disciplinary records.
- Medical and health records that the school creates or collects and maintains.
- Documentation of schools attended, including courses taken, awards conferred, and degrees earned.

Schools are not generally required by federal law to keep student education records for any set period and North Dakota Century Code is not specific on the retention of these records. However, FERPA does state that educational records may not be destroyed if there is an outstanding request to inspect the records by the parent or eligible student. It is recommended that school districts establish their own policy and procedures on the retention of these records. A standard is five to seven years after the student exits the educational program. North Dakota School Board Association (NDSBA) does have a

recommended policy ABCD, Records Retention, and a sample records retention schedule (ABCD-E1) available to its members upon request.

The Individuals with Disabilities Education Act (IDEA) regulations on student records go beyond the requirements of FERPA in some respects. IDEA Part B regulations require that a school must inform parents when personally identifiable information that is collected, maintained, or used by the district is no longer needed to provide educational services to the child. Additionally, personally identifiable information must be destroyed at the request of the parents once it is no longer needed. However, a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Per NDSBA policy FGA, Student Education Records and Privacy, NDSBA recommends that student education records be reviewed annually and any records unnecessary for progression to the next grade level, not needed for college entrance purposes, not needed for extracurricular participation, not needed for disciplinary purposes, and records that are not part of the permanent record be shredded or destroyed. Exceptions apply for any content that may reasonably be related to litigation or anticipated litigation (retain for six years after a student turns eighteen), bullying reports (retain in accordance with Bullying Policy ACEA), concussion documentation (retain in accordance with policy FCAF), executive session tapes (retain for at least six months), PowerSchool records, and special education records (retain in accordance with the Individuals with Disabilities Education Act).

If your district has questions or would like to request any of the templates mentioned please contact NDSBA at 800-932-8791.

[This article was pulled from the NDSBA bulletin; August 2019, Vol XLVIII issue 8](#)